

**SANTA FE COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**REGULAR MEETING**  
**January 14, 2025**

Hank Hughes, Chair - District 5  
Camilla Bustamante, Vice Chair - District 3  
Lisa Cacari-Stone - District 2  
Justin Greene - District 1  
Adam Johnson - District 4

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

**January 14, 2025**

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

**B. Roll Call**

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

**Members Present:**

Commissioner Hank Hughes, Chair  
Commissioner Camilla Bustamante, Vice Chair  
Commissioner Justin Greene  
Commissioner Adam Johnson  
Commissioner Lisa Cacari-Stone

**Members Excused:**

None

**C. Pledge of Allegiance**

**D. State Pledge**

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

**F. Moment of Reflection**

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

Commissioner Greene requested a moment of silence for Evelyn Lifchez Siegel.

**G. Approval of Agenda**

CHAIR HUGHES: Manager Shaffer, are there any changes to the agenda?  
GREG SHAFFER (County Manager): Thank you, Mr. Chair and Commissioners. There are no recommended changes to the agenda as presented. I would just note that the initial agenda for today's meeting was posted last Tuesday, and the final

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amended agenda for this meeting was posted on Friday at approximately 2:50 p.m., which is more than 72 hours in advance of the meeting as required by the Open Meetings Act. The changes related to the agenda were primarily to update caption items that had appeared on the initial agenda. So we would recommend that it be approved as presented. Thank you.

CHAIR HUGHES: Okay. Thank you.

COMMISSIONER GREENE: I'll make a motion to approve as presented.

COMMISSIONER BUSTAMANTE: Second.

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

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

**2. Approval of Meeting Minutes**

**A. Request Approval of November 26, 2024 Board of County Commissioners Meeting Minutes**

COMMISSIONER BUSTAMANTE: Mr. Chair, I motion to approve the November 26, 2024 Commission meeting minutes.

COMMISSIONER GREENE: And I'll second.

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

**The motion passed by unanimous [3-0] voice vote with Commissioners Johnson and Cacari-Stone abstaining.**

**B. Request Approval of December 9, 2024 Board of County Commissioners Meeting Minutes**

COMMISSIONER BUSTAMANTE: Mr. Chair, motion to approve.

COMMISSIONER GREENE: And I'll second.

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

**The motion passed by unanimous [3-0] voice vote with Commissioners Johnson and Cacari-Stone abstaining.**

CHAIR HUGHES: Commissioner Johnson and Commissioner Cacari-Stone abstained, presumably because they weren't at the meeting.

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

**A. Request Approval of a Proclamation Proclaiming January 14, 2025, as "Office of the Santa Fe County Assessor's Day" in Celebration, Recognition and Honor of its Receipt of the "2024 ACE Award for Excellence in Community Service"**

CHAIR HUGHES: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Thank you, Mr. Chair. As you know, last year we put Community Service high on our priority for our strategic planning and there has been an office that has really shined now for a number of years in the front-facing, action-oriented work with and for our constituents. And this past year they were awarded recognition for that work. I would like to read a very short proclamation, but we're recognizing that during the 2024 Amplify Conference in San Antonio, Texas, an announcement was made that the Office of the Santa Fe County Assessor was the recipient of the 2024 ACE Award for Excellence in Community Service. For any of you who have had to go online to look at what your tax bill will be or look for any tools for property values, etc. it's all there. So it is well earned.

Whereas, the ACE Awards reflects the OSFCA's commitment to innovation and community engagement during the years of 23 and 24, which significantly enhanced public services and outreach efforts; and

Whereas, the OSFCA conducted a complete overhaul of its website, aligning it seamlessly with modern design and use experience of the Santa Fe County platform; and

Whereas, in addition to online improvements, the OFSCA has prioritized building stronger relationships with Santa Fe County, the Board of Santa Fe County Commissioners, fellow elected officials, and the New Mexico County Assessors Affiliate, and the State of New Mexico Property Tax Division; and

Whereas, collaborative educational discussions were held on various platforms from radio shows to office gatherings, including meetings with Santa Fe Realtors Association and the local title companies as well as participation in Santa Fe County's podcast, "Beyond County Lines"; and

Whereas the ACE Award for excellence in community service adds to a distinguished list of previous awards received by the OSFCA, including the 2016 IAAO Public Information Program Award, the 2017 Thompson Reuters Public Sector Champion Jurisdiction of the Year Award, the 2019 IAAO Certificate of Excellence in Administration, awarded to the office for adhering to the best practice standards and for meeting all statutory requirements, and the 2022 IAAO Distinguished Assessment Jurisdiction Award.

Now, therefore be it resolved that we, the Board of County Commissioners of Santa Fe County do hereby proclaim the 14<sup>th</sup> day of January as Office of the State County Assessors Day.

I ask for the Commission's approval and any statements that you would want to provide in recognition of this award.

CHAIR HUGHES: Any other statements on this? Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair. Thank you, Commissioner Bustamante, and thank you to the Assessor's Office. I've only been here for two years which gives me at least enough time to understand that you guys are doing a great job. And every interaction I've had myself as a Commissioner or as a member of the public has been super-pro, always super helpful. You're always taking part in all sorts of activities and making sure that the community has that level of connection to the Assessor. And you easily could be beat up for what you do and yet you are smiling and laughing and you make us feel as comfortable as possible there. And so the customer service commitment that we have all embarked on, you guys do a great job and are way ahead of lots of parts of the County and I think this recognition is definitely warranted. So thank you to the whole team – not just you, Mr. Assessor. You do a great job and you

lead from above but deputies and well and the whole team that is here, thank you for coming out and thank you for what you do.

CHAIR HUGHES: Thank you for expressing that so well. Are there other comments? You do a great job. Can I have a motion to approve?

COMMISSIONER JOHNSON: Move to approve.

COMMISSIONER BUSTAMANTE: Second.

CHAIR HUGHES: Motion by Commissioner Johnson to approve, seconded by Commissioner Bustamante.

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

COMMISSIONER BUSTAMANTE: Mr. Chair, I would very much just like to hear very briefly really the vision for community service. Every tool is there. It's front-facing. Deeply, what is the vision? How is it that people – what moves you?

ISAIAH ROMERO (County Assessor): So Chair, Commissioners, yes, maybe I speak too long and oh, we want to give him a mike. So the Assessor's Office has been an office that has been quite successful for many years so I'm the new guy that is leading. These individuals are the players. They're the individuals that have been there for so many years that have made this office successful and have served the public well. Commissioner Greene is correct in stating it's not just me. No. These are the – I can't do everything. I can't even do half of what they do or one-third, one-tenth. Let's break this down into percentages as appraisers do.

But I believe the key to our success is the fact that everyone in this office, they care about their community. We are a family. Our office is a family. Is our office perfect? No. Do we continue to strive to be better every day? We do. And as we do that we see a community. We serve a community that's not always perfect, right? We're not going to walk around with blinders, but we continue to serve a community the best we can and with passion. If something's seen online, if someone wants a meeting, we're willing to be available. We're all willing to be available, and I just want to hear a round of applause for the group that I work with, with being my family, being the Assessor's Office.

[Photographs were taken.]

**B. Request Approval of a Letter from Santa Fe County Board of County Commissioners to the US Department of Transportation in Support of the North Central Regional Transit District's RAISE Funding Request to Implement its Rural Rapid Transit Network**

CHAIR HUGHES: And this is a grant to basically build up their facility in Santa Fe County so they have a place to park their buses going forward. Anybody have any questions?

COMMISSIONER GREENE: Mr. Chair.

CHAIR HUGHES: Commissioner Greene.

COMMISSIONER GREENE: Is there a plan for where this is going to go or is this a grant just for looking for a place?

CHAIR HUGHES: I believe they're still looking for a place. I believe they're considering near the 599 rail station.

COMMISSIONER GREENE: Okay.

CHAIR HUGHES: I don't think that's final yet.

COMMISSIONER GREENE: Wonderful. Thank you. I'm in support of this so thank you very much.

CHAIR HUGHES: Commissioner Johnson.

COMMISSIONER JOHNSON: I'm also in support of this. I wanted to note that the *New Mexican* gave great coverage to the blue bus January 4<sup>th</sup> and it highlighted for our community the resources that are available for it but also it's sort of vision for the future and I think that this letter moves in support of that. I tell people about the blue bus. Often they don't yet know what it is but I think that we have laid the groundwork for something great.

CHAIR HUGHES: Yes. Part of our response to climate change is going to be promoting public transit, especially if they buy electric buses, which will be part of the site that they choose will be to charge their electric buses. Can I have a motion?

COMMISSIONER BUSTAMANTE: I'd like to motion to approve the support for the letter to the NCRD requesting Rebuilding American Infrastructure with sustainability and equity RAISE funding.

COMMISSIONER GREENE: And I'll second that.

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

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

**4. Consent Agenda**

- A. Request (1) Approval of Amendment No. 2 to Agreement No. 2023-0138-PW Between Santa Fe County and OTAK Engineering, Inc., Increasing the Compensation by \$93,676 for a Total Contract Sum of \$291,958.47, Exclusive of NM GRT, and Expanding the Scope of Services for the Santa Fe Rail Trail, Segment No. 6; and (2) Delegation of Authority to the County Manager to Sign the Purchase Order(s) (Public Works Department/Dan Anderson and Purchasing Division/Bill Taylor)**
- B. Request (1) Approval of Amendment No. 1 to Agreement No. 2024-0270-PW with Souder Miller & Associates to Provide Engineering Design and Construction Services for the Arroyo Hondo SR-14 Sewer Interceptor Project, Increasing the Compensation by \$63,947.45 for a Total Contract Amount of \$495,898.60, Exclusive of NM GRT; and (2) Delegation of Authority to the County Manager to Sign the Purchase Order (Public Works Department/Mike Hart and Purchasing Division/ Bill Taylor)**
- C. Request (1) Approval of Amendment No. 2 to Agreement No. 2023-0055-AO/KE with New Mexico Local Government Law, LLC, Increasing the Compensation by \$276,750, for a Total Contract Sum of \$426,750, Exclusive of NM GRT, and Extending the Term to January 30, 2027; and (2) Delegation of Authority to the County Manager to Sign the Purchase Order(s) (County Assessor's Office/Isaiah F. Romero and Purchasing Division/Bill Taylor)**

- (Caption Updated)
- D. Request Approval of Amendment No. 3 to Collective Bargaining Agreement Between Santa Fe County and the American Federation of State, County, and Municipal Employees (AFSCME), New Mexico Council 18, Local 1413 (Human Resources and Risk Management Division/Valerie Aghaei Park and County Attorney's Office/Rachel Brown)**
  - E. Request Approval of Amendment No. 5 to Collective Bargaining Agreement Between Santa Fe County, New Mexico and the American Federation of State, County, and Municipal Employees; New Mexico Council 18 (Local 1413-M) (Human Resources and Risk Management Division/Valerie Aghaei Park and County Attorney's Office/Rachel Brown)**
  - F. Request Approval of Amendment No. 6 to Collective Bargaining Agreement Between Santa Fe County and the New Mexico Coalition of Public Safety Officers (Regional Emergency Communication Center – RECC) (Human Resources and Risk Management Division/Valerie Aghaei Park and County Attorney's Office/Rachel Brown)**
  - G. Request Approval of Amendment No. 1 to Collective Bargaining Agreement Between Santa Fe County and the American Federation of State, County, and Municipal Employees; New Mexico Council 18, Local 1782, AFL-CIO (Human Resources and Risk Management Division/Valerie Aghaei Park and County Attorney's Office/Rachel Brown)**
  - H. Resolution No. 2025-001, a Resolution Requesting an Increase to the Economic Development Fund (224) in the Amount of \$500,000 (Finance Division/Yvonne S Herrera and Community Development Department/Paul Olafson)**
  - I. Resolution No. 2025-002, a Resolution Requesting a Net Budget Increase to the Emergency Medical Services (EMS) Fund (206) in the Amount of \$75,399 (Finance Division/Yvonne S. Herrera and Fire Department/Jacob Black)**
  - J. Resolution No. 2025-003, a Resolution Requesting a Budget Increase to the Fire Protection Fund (209) for Various Fire Districts in the Amount of \$5,342,505 (Finance Division/Yvonne S. Herrera and Fire Department/Jacob Black) (Caption Updated and Packet Material Updated)**
  - K. Resolution No. 2025-004, a Resolution Requesting an Increase to the General Fund (101) in the Amount of \$100,000 (Finance Division/Yvonne S. Herrera and County Clerk's Office/Katharine E. Clark)**
  - L. Request (1) Approval of Agreement No. 2025-0193-PW with Apic Solutions, Inc. for the Installation of an Updated Security System at the Judge Steven Herrera Judicial Complex in the Amount of \$1,262,815.90, Exclusive of NM GRT; and (2) Delegation of Authority to the County Manager to Sign the Purchase Order(s) (Public Works**

**Department/Laura Hernandez and Purchasing Division/Bill Taylor)**

CHAIR HUGHES: Does anyone want to remove an item from the Consent Agenda for further discussion? If not, can I have a motion?

COMMISSIONER GREENE: Motion to approve the Consent Agenda as presented.

COMMISSIONER CACARI-STONE: Second.

CHAIR HUGHES: All right. Motion by Commissioner Greene, seconded by Commissioner Cacari-Stone.

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

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

**5. Appointments/Reappointments**

None were brought forward

**6. Miscellaneous Action Items**

**A. Resolution No. 2025-005, a Resolution Acknowledging and Approving the FY2024 Audit**

YVONNE HERRERA (Finance Director): Good afternoon, Mr. Chair, Commissioners. The Finance Division and Moss Adams are here to present the results of the audit of the 2024 financial statements to the Board as required by the New Mexico Administrative Code under Section 2.2.2.10.M(4) and to obtain the Board's acknowledgement and approval of the 2024 audit.

I would like to thank the Audit Committee, the Board, Jessica Lucero Muniz, the Finance Division staff, County Manager's Office and all departments and their staff who worked pulling documents to help us get through the audit. And finally, Moss Adams for their patience and long hours helping us to complete the audit on time. I will turn it over to Kory Hoggan and Jeff Roybal of Moss Adams to present the results and then we'll stand for any questions.

CHAIR HUGHES: Go ahead and present the results to us.

KORY HOGGAN: Good afternoon, Mr. Chair, members of the Board. My name is Kory Hoggan. I'm a partner with Moss Adams in Albuquerque, joined today by Jeff Roybal as a manager. We were the leaders of an auditing team of about eight individuals who recently completed the audit of the County for the fiscal year ended June 30, 2024.

We have a very short presentation/power point presentation that I believe is in your packets. We completed most of the audit work during the August through November timeframe and the reports were issued on December 2, 2024. They were released by the State Auditor following their review, right before the holidays on December 23<sup>rd</sup>, and they were submitted to – as part of that package which is a 318 page annual report of the County's financial report for the year. It was submitted to the Government Finance Officers Association for their certificate in excellence program, which is something the County does every year and receives this award which is something to be proud of and



honored about. It's not something that every local government in New Mexico does. In fact you're one of a few that achieves this award every year.

So it does represent a lot of hard work by your Finance Office, your team, and then getting through this audit process, which like I say goes four or five months and takes them away from their regular jobs to answer all of our questions and requests.

Moving to our first slide here, looks like we got it up now. We're planning to issue or we did issue three separate audit reports as part of your financial statements. The first one is the standard report that's issued by your independent audit firm, CPA firm, on the financial statements themselves. They're presented completely and accurately in accordance with generally accepted accounting principles, or GAAP.

The second report that we issue is a report required under government auditing standards and it relates to the internal controls over financial reporting and compliance with those standards. So that's where if there were findings or deficiencies in your internal controls, required reporting, they would be reported as part of that report.

And then finally the third report that we issue is specific to your federal funding, the federal programs that you administer. This is the single audit report under the uniform guidance, and that's where we are required to test a certain number of the federal programs and federal funds that are administered by the County every year for compliance and controls over the administration of those programs. And we had no findings to report in that area.

Unmodified opinions, clean reports overall. A clean bill of health. As I mentioned, these were issued in December and prior to the deadlines from the State Auditor and were released prior to year-end.

Moving on to the next slide, we also are beginning two other special engagements that we performed for the County. These are called agreed upon procedures and [inaudible] One is specific to the lodgers' taxes collected within the county. The other is related to the Housing Authority, the real estate assessment, and we are planning to issue those reports by March.

I'll turn it over to Jeff. He'll talk a little bit about the audit itself.

JEFF ROYBAL: Thank you. If you'll go to the next slide please. I'm going to cover the summary of the audit process and kind of give you some context as to what work was performed by us. And so initially we receive a trial balance from the Finance team and then we scope the areas that are significant, and then we review you guys' internal controls surrounding how you guys record transactions for those balances, and then we identify whether we want to perform – what type of testing we want to perform on those, if we want to test the details or analytics.

If there are any questions that come up during that process we work with the Finance team to get those addressed and then issue the reports at the end of the audit process.

Going to the next slide, I'll cover some of the areas of audit emphasis. You guys have a landfill and there's some legal contingencies. There's also some recent GASB pronouncements that were released related to leases and IT subscriptions, both GASB 87 and GASB 96, and so we looked at how those were implemented to ensure that those were implemented correctly. We also look at other things like you guys' receivables, accounts payable, those types of very common things, as well as the valuations for the pension and retiree healthcare plan.

We have another team that works with us that covers some of the IT stuff. That

side of that we're a little bit less familiar with and so they work and look at your guys' IT policies, review the software you guys use and make sure that user access and things of that nature are handled appropriately.

On the next slide, regarding the federal compliance, Kory mentioned that a few minutes ago regarding the federal funds you guys received and the single audit compliance that's required there. There's some formulas that we use to determine which programs are required to be tested. You guys had two programs that were tested this prior audit, the first being the Corona Virus State and Local Fiscal Recovery Program, as well as the Community Development Block Grant. As Kory mentioned, we didn't identify any findings during our testing of both of those programs.

What I did want to cover on the next slide is some of the reported findings that are included in your guys' financials. As Kory mentioned, we didn't identify any material weaknesses in internal controls which were reported, or significant deficiencies. There were some New Mexico Audit Rule compliance findings that were noted. There were five findings that were noted during that process which are listed on this slide. I wanted to provide a little context as to which – the details of those findings.

The first finding is the 2024-001 related to cash receipts controls. We are required under the State Audit Rule to review your guys' cash receipt process under the Public Money Act. And so when we were reviewing that we did identify one deposit which totaled \$383, which was not deposited before the next succeeding business day. That's what's included as audit finding 2024-001.

The next finding, 002, relates to your guys' IT policies and needing to formally document those. There are five which need to be formalized of the 12 that we identified.

Finding 003 regarding user access reviews. There was some access reviews for financial systems that we identified that weren't being reviewed timely and those updates being made, and just having those controls in place to make sure that user access is correctly removed and no play is left.

The last finding, 2024-004, the collateralization of public funds, there was \$5,584 of a bank account that didn't have collateralized funds behind it. The finding is related to the Public Money Act as well, and that was a repeat finding from 2018.

And then the last finding I wanted to cover today was going to be a budget related funding where actual expenditures exceeded the budgeted expenditures for the self-insurance fund, and the budgeted expenditures were exceeded by \$60,778. So that's what that last finding related to. That's included in your guys' financial statements. Did you guys have any questions about those that we can provide additional context to?

CHAIR HUGHES: Any questions?

COMMISSIONER BUSTAMANTE: Mr. Chair, I have a question. So in these findings, do you have a deadline for the report for the closure of these findings, that they've been adequately addressed?

MS. HERRERA: Mr. Chair, Commissioner Bustamante, in our response to the findings we have to provide a date at which we expect to have those resolved and we believe that all of them – some of have been resolved. The collateralization, I believe, has been resolved during or shortly after the exit conference for the audit. And the others should be resolved by the end of this fiscal year.

COMMISSIONER BUSTAMANTE: Will we be, as a Commission, informed at that time, that everything has been completed?

MS. HERRERA: Mr. Chair, Commissioner Bustamante, we as

management will report to Moss Adams when we get ready to do the audit for 24, what our opinion is on those findings, and then they in turn will then during their test work prove that we are right or wrong, which hopefully we're right.

COMMISSIONER BUSTAMANTE: Thank you.

CHAIR HUGHES: Any other questions? Commissioner Greene.

COMMISSIONER GREENE: Less of a question but more of a thank you for both the Finance team and to Moss Adams. I was a member of the Audit Committee this year and considering we live in a community where there are lots of people that don't follow the audit rules so well, who will remain nameless, but you guys made it look easy. So there's something that you're doing right. So thank you for despite having five findings, when you look at all of these things, they're in my opinion very minor. And when you have one deposit that rolled over – I heard the explanation for this – how many thousands of transactions did we have and one of them was non-compliance.

So we did good. I understand somebody tried to help out and tried to – no good deed goes unpunished as it turns out in that case. So there's a whole bunch of these little very minor things and I know that we seem to be on it to address these as soon as possible and let's just try to clean up the five and keep any new ones from popping up. But thank you for getting us this far.

MS. HERRERA: Chair, Commissioner Greene, thank you.

CHAIR HUGHES: Yes. Thank you for the excellent condition our finances are in. It's really good. And I hope that the repeated findings related to the Treasurer's Office finally get resolved. They are minor but it would be nice to see them off the books next year. Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Mr. Chair, thank you. And I am grateful that they appear relatively minor. I do have some concerns with regard to assuring that certain procedures that are being developed are also trained to. I can't imagine that this is – given that this is the first that we've heard that there were issues with IT having procedures over the infrastructure and training and having those policies and procedures written, I would be most concerned with making sure that for all of these areas where something has been found that we know that staff has been trained according on these. In other words, we've made the mistakes, and I'm sorry. I don't really see that not having IT policies is a small issue, because it just takes the one time that somebody might – and I do believe that we're working within certain protections.

But I like to think of things when we have the turnover, if we were all gone tomorrow, who's going to pick up and make sure that we don't have someone who's getting into our IT infrastructure and getting information about our finances, or having access to our finances who shouldn't, etc., etc. We've all watched too much – I would call it NCIS. I don't know. But the bottom line is we've heard these stories. The news has them. The reality is I'd really like to see that when we do have the policies in place, a plan for assuring that staff is aware of what those policies are. It's one thing to draft them, have them developed because they needed to be available for the audit, and it's another thing to have them developed, available for the audit and having everyone on staff understanding what the requirements are. So respectfully, I would like to ask, as we follow up with the County Manager in time as these issues are addressed, that we have an understanding brought forth to the Commission that shows how staff will be aware of how we wouldn't be where we are again.

And again, these aren't – except for that one, that's a red flag for me. But the

others, and they are processes that we have in place but if they're not documented and they were findings, then we have findings on how our people are trained to close those gaps. I appreciate it.

CHAIR HUGHES: Yvonne, do you want to speak to that? Or Daniel?

DANIEL SANCHEZ (IT Director): Mr. Chair, yes, I agree. The good thing is we can work with the auditors. They understand that we have processes in place to secure our environment. Where we're lacking is the formalized documentation. So we've already submitted some of those to our Legal Department for review. Once that happens I'll sign off on them. The County Manager will look at them and sign off on them. And at that point we'll translate them into the rest of the team to document those and show that this is the process we follow.

Fortunately, we can work with the auditors. We're just having greater documentation now.

CHAIR HUGHES: Okay. We need a motion to approve the audit.

COMMISSIONER GREENE: I will make a motion to approve a resolution acknowledging and approving the fiscal year 2024 audit.

COMMISSIONER CACARI-STONE: I second that.

CHAIR HUGHES: Okay. Motion by Commissioner Greene, seconded by Commissioner Cacari-Stone.

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

**6. B. Request Approval of the Number of Vendors to Audit Under the Lodgers' Occupancy Tax Ordinance for Fiscal Year 2024 Reporting**

CHAIR HUGHES: That's you again, Yvonne.

MS. HERRERA: Commissioners, the County Treasurer and the Finance Division, we're here to request the approval of the sample size of lodging entities or vendors to audit for compliance to Ordinance 2023-02, which is also known as the Lodgers' Tax Ordinance. Based on historical practice, the County has selected a sample size of approximately 20 percent, and given the number of regularly reporting entities in fiscal year 2024 we are proposing a sample size of ten lodging entities.

If the Board approves, the County Treasurer will select at random the vendors to audit and the Finance Division will work with Moss Adams to complete those audits. I have myself, I think the County Treasurer online, maybe, and Lisa Katonak, Marketing Coordinator available for any questions the Board may have.

CHAIR HUGHES: Any questions on this? Commissioner Greene.

COMMISSIONER GREENE: Thank you. Thank you, Yvonne. We have – I can see a reason to expand this, mostly because we've had a massive expansion of people who are paying lodgers' tax, namely short-term rental folks. And I would hope that in this first go-round of these audits that we maybe not make it so random and make it more of a compliance and organized, like working with the platforms – Airbnb, Vrbo – these platforms that are collecting on behalf of the short-term rental licensees or permittees, that they're accurately able to document this so that we can sort of know who's paying what and what's going on there. Because I know in some communities it just goes into one big, giant bucket and you can't actually track things.

So being that we're relatively new with the Short-term Rental Ordinance I would

hope that we would focus on that so that we can go to better practices and make sure that we're getting everything that we're do.

MS. HERRERA: Chair, Commissioner Greene, that's what I intended was to try to be a little bit strategic in who we selected this year.

COMMISSIONER GREENE: Yes. I hope it's somewhat random but I also hope that these new, large players that are in here that are especially platform aggregators have some additional review. Maybe they're not chosen for audit per se, but that we go over how they are reporting. Thank you.

CHAIR HUGHES: Any other questions?

COMMISSIONER JOHNSON: Mr. Chair.

CHAIR HUGHES: Commissioner Johnson.

COMMISSIONER JOHNSON: Thank you, Mr. Chair. Yvonne, thank you. What goes into an audit?

MS. HERRERA: The audit for lodgers' tax is – Moss Adams will select the entities, will pull all of their reporting that they did to the County on lodgers' tax, and we will verify that information to their record. So tying out their revenue to make sure that their revenue that they've reported is what is being paid, that they're paying lodgers' tax on versus exempt revenue, and that that payment was made on time. And if payment wasn't made, then was penalty and interest also assessed.

COMMISSIONER JOHNSON: Thank you. And what accounts for the population of vendors being – the ceiling being 90 but the regular reporting 40 to 50. Could you just expand on that a little bit? What accounts for the 40 to 50 vendor gap?

MS. HERRERA: We're not exactly sure but part of it, we believe, is that the short-term rentals are being reported to like Airbnb, a third party. So they initially started to report and have stopped because the Airbnb or third party vendor told them that they were reporting. So I can't tell you right now. We see 40 to 50 monthly reporting. We have entities that report sporadically throughout the year. It could also be a cycle though they are required to report whether they have tax to pay or not. I also think it might be education, making sure that they understand that they do have to report. But I think the bulk of it is going to be that third party.

COMMISSIONER JOHNSON: Okay, to understand. Some are self-reporting. Others are using a platform to – relying on a platform to report and that platform may not be cooperating. Is that accurate?

MS. HERRERA: Chair Hughes, Commissioner Johnson, yes.

CHAIR HUGHES: Commissioner Greene.

COMMISSIONER GREENE: So to that end, I think a little bit of this is education and either working with the platforms, that if the platforms do want to take this over on behalf of their clients in our community that they have a process within the platform that we acknowledge and say that it's an acceptable thing for somebody as a short-term rental owner, goes on to the platform and says – they'll send us an email saying we are going to report on your behalf, right? So we should be able to – or a constituent who has a short-term license should have a very official documented process, or be told you have to do it on your own. Either let the platform do it if we say that that's okay, or tell each individual short-term rental owner, by the way, even if the platform is collecting on your behalf and remitting on your behalf, that you have to at least sign a document that says, look, they're doing it all for us. So I think there's a level of education that needs to go out there before we start getting people in trouble. It's a learning

experience. It's a new ordinance.

CHAIR HUGHES: Okay. Do we have a motion on this item?

COMMISSIONER GREENE: I will make the motion to approve item 6. B, request approval of the number of vendors to audit under the Lodgers' Occupancy Tax Ordinance for fiscal year 2024 reporting.

COMMISSIONER CACARI-STONE: I second that.

CHAIR HUGHES: Motion by Commissioner Greene, seconded by Commissioner Cacari-Stone.

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

6. C. **Request (1) Approval of Agreement No. 2024-0264-PW Between Santa Fe County and Horrocks, LLC in the Amount of \$526,443.35, Exclusive of NM GRT, to Provide Engineering Services for the Road Improvements to Encantado Road in the Eldorado Community in Santa Fe County; and (2) the Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s)**

CHAIR HUGHES: This is very important to me. Go ahead.

BILL TAYLOR (Purchasing Director): Good afternoon. Before the Board is a contract with Horrocks in the amount of \$526,443.35, exclusive of tax. It is for design services to do improvements to the Encantado Road. It's a number one high priority at Public Works and for the County. There's a lot of deterioration on the road. And we did an RFP, and selected Horrocks as the most qualified. And we'll stand for any questions. I have Mr. Lawrence Imprescia here with us from Public Works who is the project manager. Thank you.

CHAIR HUGHES: Okay. Any questions? Well, as I said, it's very important to me. I think it's an indication that it's going to cost us more to do all our paving going forward. The engineering is rather expensive but yet we have to do it. So I'll make a motion to approve item 6. C, approval of agreement 2024-0264-PW between Santa Fe County and Horrocks, LLC.

COMMISSIONER BUSTAMANTE: Second.

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

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

6. D. **Request (1) Approval of Agreement No. 2024-0219-PW Between Santa Fe County and Wilson & Company, Inc. to Provide Engineering Services for the Avenida Azul Multi-Use Trail Project in the Amount of \$260,221.42, Exclusive of NM GRT; and (2) Delegation of Authority to the County Manager to Sign the Purchase Order(s)**

MR. TAYLOR: Thank you, Mr. Chair. Again, we have a design contract before the Board with Wilson and Company to do the design services for improvements to the Avenida Azul. The amount is \$260,221.42, requiring Board approval for the contract. Mike Hart with Public Works is here to answer any questions specific to the

project, but I'll stand for questions on the procurement.

CHAIR HUGHES: Thank you. Any questions?

COMMISSIONER BUSTAMANTE: Mr. Chair, I don't have questions regarding this particular project but I do have thoughts regarding how new Commissioners and tying these to the priorities as they have come. And I just think for future meetings maybe identifying where each project is in its line of priorities is helpful for us to understand how things get introduced and are approved. So when something is brought forth we would say this has been number 10 on the ICIP agenda. It's not specific to this particular project. I think this is helpful as we continue to go.

MIKE HART (Public Works): Sure. So this is an ICIP project. It's ranked number four on our list. The design on this is going to take approximately six months, at which time it would be able to go out to bid early summer and start construction early summer, early fall.

COMMISSIONER BUSTAMANTE: Thank you.

CHAIR HUGHES: Commissioner Bustamante, would you like to make the motion?

COMMISSIONER BUSTAMANTE: Sure. I'd like to make the motion to approve –

CHAIR HUGHES: Well, okay. No, I thought you were asking did we hand out the list of ICIP projects?

COMMISSIONER BUSTAMANTE: I think in the future. I don't think we need to do that for this particular one but I think as we move forward, and even if it's just stated, this was ICIP number blank as far as where it stands in the list of priorities, it will be helpful. And I'm saying that, recognizing we have new people at the dais but I also can say that not remembering all the numbered – I know that this – I'm familiar with this project by name and I'm working through in my head where different things are on the list of priorities. And I think in the future it will be helpful to just see this is our movement on project number whatever on the list of ICIP. It'll just be helpful for future presentations. Thank you. That's all.

CHAIR HUGHES: Any other comments? Commissioner Cacari-Stone.

COMMISSIONER CACARI-STONE: Thank you, Mr. Chair. Yes, I just want to add how important that is because as a new Commissioner to District 2 my constituents want to know where they stand on the list of projects, where they all stand. I know you come and present to us, like the Agua Fria Village, but it is helpful. Thank you.

CHAIR HUGHES: Now do you want to make a motion, Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: I'm happy to make a motion because we like to get things done and that's the intent here. So I'd like to propose approval of Agreement No. 2024-0219-PW between Santa Fe County and Wilson & Company to continue the work on Avenida Azul Multi-Use Trail.

COMMISSIONER JOHNSON: Second.

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

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

COMMISSIONER GREENE: I don't know if as a matter of record can

you include a motion to delegate authority? There's two items. I don't know if we have to do that.

COMMISSIONER BUSTAMANTE: I make a motion to delegate the authority to the County Manager as part of that. Thank you.

COMMISSIONER GREENE: Thanks.

CHAIR HUGHES: I think that's okay. Some motions have been as simple as I move to approve item D. I think we can move on to item E.

**E. Request (1) Approval of Agreement No. 2025-0087-PW with JDR & Associates. LLC, for Construction Services for the Chimayo Fire Station-Apparatus Bay Expansion Project in the Amount of \$1,109,868, Exclusive of NM GRT; and (2) Delegation of Authority to the County Manager to Sign the Purchase Order(s)**

CHAIR HUGHES: Go ahead.

MR. TAYLOR: Thank you, Mr. Chair. So we have before you a construction contract for the construction of the apparatus bay at the Chimayo fire station. It's competitive. We received four bids that were relatively within close range of each other. The project will involve the addition of the bay, storage closets, ADA improvements, grading and drainage, asphalted parking lot and such. With that we have Ira Roybal with Public Works here for any questions from the Board and we'll stand for questions at this time.

CHAIR HUGHES: Any questions from the Board? Commissioner Greene.

COMMISSIONER GREENE: Just a quick thank you. This is a project that has been on the books for longer than I've been a Commissioner and so it's nice to see this come in I think on budget. Right? Did we negotiate it down to the price that we thought? We got it down there? Yes?

MR. TAYLOR: Yes. It's within budget, Mr. Chair, Commissioner Greene. Yes.

COMMISSIONER GREENE: The one little design request of it is that I know that there is in the area some of the ISPs, internet service providers, are looking potentially to co-locate on top of County facilities and this is one of those ideal facilities to put a broadband antenna on top of the building. So I don't know if one of those closets and some conduit can be made sure to be brought into the building so it's easier to string fiber to it when fiber gets there, so it's build-ready. Thank you.

CHAIR HUGHES: Okay. Any other comments?

COMMISSIONER GREENE: I will make a motion to request approval of item 6. E, an approval of an agreement #2025-0087-PW with JDR & Associates. LLC, for construction services for the Chimayo Fire Station-Apparatus Bay Expansion Project in the amount of \$1,109,868, exclusive of NM GRT; and two, delegation of authority to the County Manager.

COMMISSIONER BUSTAMANTE: I'd like to second that motion with a little bit of discussion.

CHAIR HUGHES: Go ahead. Discussion.

COMMISSIONER BUSTAMANTE: This is great, and there are conversations now about looking at regional hazmat structures and response. Is this bay going to be adequate for growth? For any kind of growth? I think we're all very hyper-



aware of what's happening in California right now. As we start to strategize and work with various parts within the county and then those entities outside of the county that present even hazardous material risk, this particular modification is going to provide enough room for any kind of expansion. Can we assume that? And I see that we might be getting an additional bit of input.

IRA ROYBAL (Public Works): Mr. Chair, Commissioner Bustamante, as of right now, the extension is specifically designed to hold additional apparatus vehicles. I'm not entirely sure what type of expansion is available, given what the design currently holds, but we can look into that and see what kind of options there are. I can reach out and see more specifically what you're referring to in terms of expansion. But as of right now, it doesn't seem like what you're asking would fit this particular design.

COMMISSIONER BUSTAMANTE: Thank you.

CHAIR HUGHES: Still a second to the motion? Is there any other discussion? Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair, and Commissioner Bustamante, one of the cool things about the Chimayo volunteers is a very large percentage of them are hazardous material experts from the Los Alamos labs and they are like the top of the game, right? They are not just me putting on a suit and trying to fight a fire. These are really unbelievably well trained people.

COMMISSIONER BUSTAMANTE: Excellent.

COMMISSIONER GREENE: And Chimayo is definitely well covered in that. I can't speak so knowledgeably about other districts but that district, I've met the chief and a bunch of the staff there and they literally are the best of the best.

COMMISSIONER BUSTAMANTE: I appreciate that. Thank you.

CHAIR HUGHES: Any other comments, concerns? Okay. We have a motion by Commissioner Greene, seconded by Commissioner Bustamante.

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

**6. F. Request (1) Approval of Five (5) Multiple Source, Multiple Term Agreements for the Provision of Office Supplies for Santa Fe County Departments and Divisions (Nos. 2025-0122-A-E-CMO-TJ); and (2) Delegation of Authority to the County Manager to Sign Purchase Orders**

CHAIR HUGHES: Go ahead, Bill.

MR. TAYLOR: Thank you, Mr. Chair. As presented by the Chair, these are multiple term, four-year contracts with five different firms that provide materials, cleaning supplies, office supplies, a multitude. It's a price agreement for our departments they can operate and utilize these on-call contracts, price agreements, to purchase their items. With that we would stand for questions.

CHAIR HUGHES: Any questions?

COMMISSIONER BUSTAMANTE: Mr. Chair and Bill, I can understand that these were all put out through the normal RFP and preference for local purchasing?

MR. TAYLOR: Actually, Mr. Chair, Commissioner Bustamante, this was done as an IFP. The local county preference is only for requests for proposals to give more points in selection. The intent was not to use our local preference but in-state

preference from the General Services Department. The state rules were applied to the IFP.

COMMISSIONER BUSTAMANTE: I appreciate that. Thank you.

CHAIR HUGHES: Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair. Thank you, Commissioner Bustamante. Thank you, Bill, because that was something that was related to my question. I see four out of six applied were out of state and four out of five end up being that we approve are from out of state. And I'm hoping that we can either from up here, give you some guidance as to when somebody makes a decision, that they try to buy as local as possible and whatever support you need to make that how you buy. It may not be you; it might be somebody else, whoever you're authorizing to do this, that whatever guidance that we can give you to give them to say, for instance, try Matthew's Office Supply first, because they're the ones that are most local out of this and if all things being equal, shop local.

MR. TAYLOR: And Mr. Chair, Commissioner, just by practice in my time here at the County, Matthew's Office Supply has always been the practice. The departments typically go there. New Mexico Office Supply and Matthew's. Typically, the out of state are used if there's a particular product or material that Matthew's doesn't carry. But the practice has been, through the years I've been here has always been local. But we review the requests that come in from the departments and we make sure that those items are identified and see if there are any options, if they're buying from out of state. Of course we have to look at best price, and so those are things we look at when it comes in but primarily the practice has been to use local, Matthew's Office Supply and Albuquerque Office Supply.

COMMISSIONER GREENE: Perfect. Great. You're way ahead of us.  
Thank you.

CHAIR HUGHES: Commissioner Johnson.

COMMISSIONER JOHNSON: Thank you, Mr. Chair. So I second the emphasis on local purchasing. I wonder, because I'm new here and I haven't been through this process before, if there's an eye to sustainability or the sort of use of – office products are used every day by every person and lessening our impact on the environment – is that something that goes into an IFP?

MR. TAYLOR: Mr. Chair, Commissioner Johnson, not specifically. It's lowest price on the IFP. We could do an RFP.

COMMISSIONER JOHNSON: Sorry to interrupt you. Price is the key target and not necessarily lessening plastic. Anyway, I think that's something that we should consider going forward.

MR. TAYLOR: And Mr. Chair and Commissioner, we do have those policies in the County and we could emphasize to our departments to go with those products, best value products.

COMMISSIONER JOHNSON: I think striking a balance is important, not going one way or the other entirely. Thank you.

MR. TAYLOR: Thank you.

CHAIR HUGHES: Okay. Is there a motion on this item?

COMMISSIONER GREENE: I will make the motion requesting approval of five multiple source, multiple term agreements for the provision of office supplies for Santa Fe County departments and divisions, Nos. 2025-0122-A-E-CMO-TJ); and two,

delegation of authority to the County Manager to sign purchase orders.

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

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

**6. G. Request Approval of a Permanent Easement Agreement No. 2024-0108-PW Between Santa Fe County and the United States of America, Acting by and through the Department of Energy National Nuclear Security Administration for the Los Alamos County NM-4 East Jemez Road Traffic Signal and Electric Line**

CHAIR HUGHES: This is a very interesting item if nothing else.

MICHELE CASKEY (Public Works): Thank you, Mr. Chair. We have installed a new traffic signal and intersection out right near the Los Alamos county line at New Mexico 4 and East Jemez Road. It's on land owned by Los Alamos County and operated by the labs, and in this case, we have an obligation to maintain the traffic signal, but it's not within an existing New Mexico DOT right-of-way like most of them are. So in this case the Department of Energy wants to grant us a permanent utility easement so we can maintain the traffic signal.

CHAIR HUGHES: Okay. Any questions?

COMMISSIONER GREENE: I'll make a motion. Making a motion to request approval of a permanent Easement Agreement No. 2024-0108-PW between Santa Fe County and the United States of America, acting by and through the Department of Energy National Nuclear Security Administration for the Los Alamos County New Mexico 4 East Jemez Road traffic signal and electric line.

COMMISSIONER CACARI-STONE: I second it.

CHAIR HUGHES: Okay. Motion by Commissioner Greene, seconded by Commissioner Cacari-Stone.

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

**6. H. Resolution No. 2025-006, a Resolution to Declare the Eligibility and Intent of Santa Fe County to Submit an Application to the New Mexico Department of Transportation for Federal Fiscal Years 2026+ Recreational Trails Program (RTP) Grant and to Delegate to the County Manager Authority to Execute all Related Documents and Agreements**

CHAIR HUGHES: Adeline Murthy.

ADELINE MURTHY (Growth Management): Hi. My name is Adeline Murthy. I'm the Open Space and Trails Planner with Santa Fe County in the Growth Management Department. And we are requesting the Board's approval of a resolution that directs staff to submit a recreational trails program, or RTP grant application in the amount of \$427,200, with a \$72,800 local match, for a total project amount of \$500,000, to the New Mexico Department of Transportation for the preliminary engineering of Segment 7 of the Rail Trail from US 285 to County Road 33, or Old Lamy Trail. This

project is ranked #10 in the fiscal year 27 ICIP.

This is an approximately one-mile segment of trail and it includes the study and selection of the preferred trail alignment, which includes a safe crossing over US 285, which makes it a pretty expensive project. It likely either be an underpass or overpass. And also voters approved bond funding for this segment in 2024 in the approximate amount of \$7.5 million.

The RTP is a reimbursable grant program with a 14.6 local match requirement, and the grant application requires a resolution that indicates that Santa Fe County has sufficient for the local match and sufficient funds to pay for all project costs up front, as this is a reimbursement program, that the County agrees to pay any costs that exceed the project grant amount if the grant is awarded, and that the County acknowledges responsibility to operate and maintain the trail for the usable life of the project.

So we are requesting approval of this resolution declaring eligibility and intent of Santa Fe County to submit an application to NMDOT for federal fiscal years 26+ recreational trails program in the amount of \$427,200, and delegating to the County Manager authority to execute all related documents and agreements. Thank you and I stand for any questions.

CHAIR HUGHES: Any questions?

COMMISSIONER BUSTAMANTE: Mr. Chair.

CHAIR HUGHES: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Thank you, Adeline. Question about the expected use of this particular trail. Is there a high demand for this? And I'll just say I've rode my bike up and down the 285 and it was problematic. It's the windiest part of the route. What kind of use is anticipated for this investment?

MS. MURTHY: I can't really speak to any hard data about the anticipated use but the Metropolitan Planning Organization did put a count on another section of the trail, and they found that there are 52,000 users per year on the Rail Trail.

COMMISSIONER BUSTAMANTE: Thank you.

CHAIR HUGHES: Any other questions or comments? Commissioner Johnson.

COMMISSIONER JOHNSON: Yes. Thank you, Mr. Chair, Adeline. What is the timeline for the study and will the overpass/underpass issue come before the Board or there be a recommendation from the study?

MS. MURTHY: That's a good question as to whether or not it will go before the Board. I presume it would because the cost of implementing the project will likely be at the threshold where the Board would have to approve it. Public Works will be managing this project so they could speak more to that question.

COMMISSIONER JOHNSON: Thank you.

MANAGER SHAFFER: Yes, is the short answer.

CHAIR HUGHES: Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair. Thank you, Adeline. The most important part of this is my favorite word in government services. It's a grant. So go for it. Win it. Let's put other people's money to use on behalf of our community and let's win it. Thank you.

MS. MURTHY: Thank you.

CHAIR HUGHES: Would someone care to make a motion.

COMMISSIONER JOHNSON: I'll try. This will be my first. Move to

approve a resolution declaring the eligibility and intent of Santa Fe County to submit an application to the New Mexico Department of Transportation for federal fiscal years 2026+ Recreational Trails Program, RTP Grant in the amount of \$427,200 and delegating to the County Manager authority to execute all related documents and agreements.

COMMISSIONER GREENE: And all second that. Good job.

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

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

6. I. **Resolution No. 2025-007, a Resolution Approving the Commitment and Provision of Awarded Federal Home Loan Bank (FHLB) of Dallas Funds and Santa Fe County Developer Assistance Program (DAP) Funds from Santa Fe County to Nueva Acequia 9, LLLP and the Nueva Acequia Nine Percent Project in a Manner that Meets the Requirements of Housing New Mexico's Qualified Allocation Plan (QAP) Requirements for Tax Credit Applications, the Development Partners and Eventual Low-Income Affordable Housing Tax Credit Investors for the Project**

CHAIR HUGHES: So same project we discussed during the Housing meeting. Go ahead, Paul Olafson.

PAUL OLAFSON (Community Development Director): Yes, this is the same project we were discussing at the Housing Authority meeting. I want to make one quick correction on the caption. It should say Resolution No. 2025, a resolution. That was a typo on my part. Because we're in 25.

So before you is a request to approve a resolution that would commit the funding from the Federal Home Loan Bank of Dallas that the County has already received. That's \$1,855,000, and also the developer assistance funds that the County has approved, and that's in the amount of – I want to say \$500,000. I'll find it. But both of these two funding sources to the Nueva Acequia Nine project become contingent upon the funding of the low-income tax credits at a future date. And this is part of the application process to Housing New Mexico and require a specific format and resolution. So that's what we are presenting before you.

For a little background, most of you are familiar, Nueva Acequia Four Percent is a 106-unit family project and Nueva Acequia Nine is a 53-unit seniors project. And this is for the 53-unit senior project we're speaking of today. And we did go out to RFP in 2023, selected our development partner, which is TWG. We've been working with them for about a year now. Or not even a year. We did get the four percent low income tax credit application in in November and now the nine percent application is due at the end of this month.

So the specifics on the agreement, it would provide for these funds to be applied for – if we get the tax credit funding, to be applied to the project for the term of the affordability period, and in this case we're trying to request from Housing New Mexico perpetual affordability, as they may determine that. It's a new category this year for their application process and so we're not quite sure exactly what that term would be but it would be more than the standard term of 15 or 30 years that we usually see.

So these funds will be in the project for quite some time, but they also provide for 100 percent affordability and they help the scoring of the project as it moves forward. So with that I would stand for any questions. Also, we have our housing consultant here in the audience, Jen Lopez with Project Moxie if there's any other questions.

CHAIR HUGHES: Okay. Any questions? Commissioner Cacari-Stone.

COMMISSIONER CACARI-STONE: Thank you, Mr. Olafson. Could you clarify the amount that is committed from the County currently, and the estimated amount moving forward? I think I could not hear the amount you were citing.

MR. OLAFSON: Yes. I'm looking for it right now.

COMMISSIONER CACARI-STONE: Okay. Thank you.

MR. OLAFSON: Okay, the amount from the Federal Home Loan Bank of Dallas is \$1,855,000, and the amount from the County's developer assistance program is \$530,000.

COMMISSIONER GREENE: And to clarify, on top of that is land. So that's the cash that we're giving but we're also donating land in this case.

MR. OLAFSON: There's also been some soft costs before we got TWG on. We did some design work, surveys, soil samples – a lot of other things have gone into it.

CHAIR HUGHES: Any other questions or discussion? Commissioner Cacari-Stone.

COMMISSIONER CACARI-STONE: Okay. I'd like to make a motion, approval of, as corrected, Resolution No. 2025. Is that correct, with the memo?

MR. OLAFSON: Yes. Resolution 2025.

COMMISSIONER CACARI-STONE: A resolution approving the commitment and provision of awarded Federal Home Loan Bank of Dallas funds and Santa Fe County Developer Assistance Program funds from Santa Fe County to Nueva Acequia 9, LLLP and the Nueva Acequia Nine Percent Project in a manner that meets the requirements of Housing New Mexico's Qualified Allocation Plan requirements for tax credit applications, the development partners and eventual low-income affordable housing tax credit investors for the project. As a clarification, the amount is the award of \$1.8 million and \$500,000.

COMMISSIONER GREENE: I'll second that.

MR. OLAFSON: It's \$1,855,000 plus \$530,000.

COMMISSIONER CACARI-STONE: Plus \$530,000. Thank you.

COMMISSIONER GREENE: And I'll second that.

CHAIR HUGHES: Okay. Motion by Commissioner Cacari-Stone, seconded by Commissioner Greene.

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

**6. J. Resolution No. 2025-008, a Resolution Accepting Offer of Dedication of Utilities System and Utility Easements for the Tierra Antigua Subdivision**

CHAIR HUGHES: Travis Soderquist.

TRAVIS SODERQUIST (Deputy Utilities Director): Good afternoon, Commissioners. My name is Travis Soderquist. I'm the Deputy Utilities Director out at

Public Works.

JORDAN YUTZY (Land Use Administrator): Jordan Yutzy. I'm the Land Use Administrator.

MR. SODERQUIST: So this resolution is simply to accept the dedication of the water delivery infrastructure at Tierra Antigua, as well as the utility easements, and then also the ten percent warranty bond that is a requirement of the ULEDA.

CHAIR HUGHES: Okay. Any questions?

COMMISSIONER GREENE: Just a quick one. This project is completed. I've seen work being done out there. Is it ready and inspected and this is just the last thing to get us to accept it?

MR. SODERQUIST: Yes. Correct. It's been inspected and ready to go.

COMMISSIONER GREENE: And we inspect it or we have a third party that comes in and inspects it?

MR. SODERQUIST: We inspected it.

COMMISSIONER GREENE: Great. I will make a motion to approve a resolution accepting offer of dedication of utilities system and utility easements for the Tierra Antigua Subdivision.

COMMISSIONER CACARI-STONE: I second that motion.

CHAIR HUGHES: Okay. Motion by Commissioner Greene, seconded by Commissioner Cacari-Stone.

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

**7. Presentations**

**A. Presentation on the Guaranteed Utilities Savings Facility Upgrade Project. (Community Development Department/Jacqueline Beam and Yearout Energy LLC, Energy Systems Group/Tara Trafton)**

CHAIR HUGHES: Maybe we can get one presentation in before our 3:30 break.

JACQUELINE BEAM (Sustainability Manager): Mr. Chair, Commissioners, I am accompanied by Tara Trafton who is our project manager and lead for the IGA with Yearout, and we also have Public Works available to answer any questions as well through Facilities.

This is a presentation regarding the completion of the County investment grade audit, or the IGA, and it's an analysis of – the memo states 23, because we weren't sure we had the formalized amendment but it's actually 24 of the County-owned facilities. And implementation of upgrade recommendations to include a guaranteed utilities savings return. That being said we have confirmed that there are 24 facilities in our agreement with Yearout.

In 2019, Santa Fe County contracted Yearout Energy, LLC, now Energy Systems Group. ESG, an Energy Service Company or an ESCO, to complete an Investment Grade Audit for 14 County-owned facilities in order to assess improvements needed for energy efficiency savings. The statewide price agreement with the vendor was awarded on August 27, 2019, and the IGA was completed in October of 2020. The County received a proposal from the vendor for proceeding toward the completion of upgrade recommendations for 13 of those facilities and a guaranteed utilities savings return.

Implementation and construction work for this project began at the end of 2021. The 100 percent walk-through of this project was completed in April 2023. The total project cost was approximately \$2 million. What we are presenting on tonight or this afternoon, I should say, is Phase II of the IGA project which includes select facilities from the original contract as well as additional facilities deemed appropriate for energy efficiency and water conservation upgrades due to high usage.

To complete the construction portion of the contract, a proposal is provided by Yearout Energy/ESG based upon the upgrade needs found in the Investment Grade Audit. Yearout has been selected as the SWA provider with the most advantageous offer considering that they are a qualified provider of energy performance services and served as the auditor for the IGA in Phase I, their qualifications as an ESCO provider, and statewide price agreement vendor standing.

This presentation serves as Yearout Energy or ESG's reporting on the completed analysis for 24 facilities described in the guaranteed utilities savings contract, and energy efficiency, water conservation upgrades, and PV installations are outlined in the County's BCC-approved Operational Greenhouse Gas Emissions Reduction Plan.

Funding for the next planned 24 facilities is budgeted for a little over \$2 million and the funding gap is listed as a request in the capital improvement database. Funding will also be sought through financing, state, and federal opportunities.

For this afternoon's presentation, this is a presentation only and there are no actions required. However, we will be presenting when we have a more formal proposal in the coming weeks. And with that I will turn it over to Tara.

TARA TRAFTON: Thanks, Jacqueline. Yes, we're all still getting a little bit used to the new transition from Yearout Energy to Energy Systems Group, which came to be at the beginning of this year. So you'll see that comingled a little bit, but going forward we will be known as Energy Systems Group.

So thank you, Commissioners, for having me here today. I'm pleased to sort of revisit some of the success we had on the first phase of the project and introduce those of you who are new to how this process works generally, and then introduce you all to what we've been working on with County staff as far as the Phase II project.

So we're going to cover a little bit of the background. Again, the Phase I and Phase II, how we arrived here today. Generally speaking, how energy performance contracting works, and then what we're looking at as far as moving forward.

So a little background. Energy performance contracting is a budget-neutral approach to reducing your energy and water use, to increase operational efficiency. It's also a design-build approach, meaning that the engineers and the construction team work hand in hand to have a seamless execution of the project, and with performance contracting we have guaranteed outcomes. So if for some reason we fail to meet the targets we've set, we're on the hook and we have to write a check for you all for the difference between what we've said we would meet as far as our saving guarantee and what's actually achieved.

So here's just a little bit of background of EPC in New Mexico. We have enabling legislation going all the way back to 1978. The Public Facility and Energy Efficiency and Water Conservation Act, and as Jacqueline mentioned, this can be procured via statewide price agreement overseen by GSD and with oversight from State Minerals and Natural Resources who provide a third party reviewer service to the County to ensure that all of our calculations and our scopes are accurate and reasonable.



Basically, what we're trying to do is capture waste in your facilities which the EPA estimates can be as high as 30 percent, and we're trying to funnel that back into improvements into the facilities today. So we're using those future savings to pay for the upgrades now.

This is just revisiting what we did in the first phase of the project. It was fully substantially complete in July of 2023. As Jacqueline mentioned it was about a \$2 million project with 14 facilities. We reduced your utility costs by around 19 percent, your energy use by about 16 percent, cut nearly a million pounds of greenhouse gas emissions annually. And you can see there the different measures that were implemented, which maybe you've noticed around some of your libraries and other facilities, some of these upgrades. So LED lighting, building weatherization, thermostats, transformers, water conservation, and some solar arrays. There I believe that's the one on the State Health Facility building.

When we started Phase II, looking again at those high consuming facilities that the Sustainability team had identified, we wanted to create a vision that would really help the County make another big step forward in your sustainability goals. So the vision that we developed with the staff was in developing resource efficient and resilient community facilities through electrification in support of the County's 2050 net zero emissions goal. You're not going to be able to achieve net zero unless you take that electrification step which is why that's highlighted as a piece of the vision, and you're going to see that in this phase of the project we're actually able to address some of those HVAC equipment replacements.

So for the Phase II it's 24 facilities. We're expecting to deliver our investment grate audit report at the end of February. The measures that we're looking at again are LED lighting, building weatherization, this HVAC electrification which again, is a critical step, wireless thermostats, high efficiency transformers, water conservation, and solar PV. The net project costs right now – again, these numbers are 90 percent. We're still finalizing. We still have that third party review to go through. But it's at \$4.75 million. We're asking for \$2.25 in capital contribution. I'll show you later all the capital stacking and how that comes together. And it's going to reduce your energy by 11 percent and your energy costs by about 15 percent.

So generally speaking, how EPC works is there are four main activities split into three different phases. So the four main activities are assess, design, build and improve. And then there's these three phases, which is project development, project implementation, and performance assurance. So we're approaching the tail end of our project development phase with this. You can see that that includes all of assess, where we've gone through and we've assessed all of the opportunities for these types of savings and optimizations in your facilities, and a little bit of design when we're going through and we're going to be electrifying some of your heating and cooling systems. There is going to be some design required so we're doing those preliminary designs, and then when we move into implementation we're looking at actually building out the project, commissioning and doing our first verification of our performance at the very end of the project.

And then we move into the annual reporting where again, if for whatever reason we identify that we've missed our targets we're on the hook and we write you a check for the difference, but on an annual basis we provide reporting that we're hitting those targets. The state reviews them. Your third party reviewer reviews them. So you just have

all of the risk of this type of large capital project that gets transferred from the County onto us.

The way that we bring these projects together and the way that they make sense is by bundling measures. So you're going to have certain things in your project that have high cost and not as much savings. And so what we do is we look at what are the things that are capital intensive that don't have as much savings generated and how do we start to bring those into balance with some of the more quick payback, quick return measures to bring it into balance over the finance term.

And here you can see that if you have something like HVAC and roofing we can balance it out with lighting, solar, capital, those types of things.

And then this is how the stack is coming together on this specific project. So with \$2.25 million in capital, and then leveraging the guaranteed savings to add another \$2.25 million, looking at grants and IRA benefits we can add another \$500,000, and then we're going to be seeking rebates from all of your utility providers. So you can see how starting from \$2.25 million it gets leveraged into more than \$5 million worth of benefit for the community.

So moving forward with the second phase of this project, this is the schedule that we have. You can see we've already gone past a lot of our milestones. We've been working closely with the County team. We're anticipating delivering the IGA report in February. Then we'll move into that project implementation phase where the EPC contract is executed and the funding is secured. And then implementation, which we anticipate to take about a year, and then we go into that performance period where we're reporting on an annual basis whether or not we're hitting those targets.

With that, if there are any questions, that's everything that I have for you today.

CHAIR HUGHES: Thank you very much. Any questions? Commissioner Cacari-Stone.

COMMISSIONER CACARI-STONE: Thank you for your presentation. I might have missed it but for Phase I, do you have any bundling savings that you were able to get out of that phase of it?

MS. TRAFTON: So for the first phase of the projects the County elected to pay for it so unfortunately, we're not. It's just a choice, the savings weren't leveraged. But you do still have the benefit of the guaranteed savings for that project. And there were bundled measures.

COMMISSIONER CACARI-STONE: I think I'm still missing it. What's your anticipated bundling savings for the second phase of the project? Or say a little bit more how you determine that. That should be helpful. Thank you.

MS. TRAFTON: Sure. So if we look at, for example, with this particular project. So we are going to be electrifying some of your HVAC. That is something that will never pay for itself. You don't do that necessarily because you're like, oh, we're going to be so efficient. It's going to be great. That's why we're replacing our heating and cooling. You do that because it's failing and the spaces aren't at the appropriate temperature. So that's something that will never pay for itself. The payback on those are typically 80 to 100 years and by that point you've already had to replace it four times. Right?

So what we do is we look at other measures, like LED lighting, solar, water conservation. This is actually a good representation minus roofing of how the bundle is coming together on this project. So we're just trying to offset those costs with the long-

term savings of the project. Another characteristic of these types of projects, which I think is important because now I've probably maybe raised another question is the life of the project has to exceed any finance terms. So you never end up upside down where now you're replacing equipment that you're still paying for many years later. If that's helpful.

COMMISSIONER CACARI-STONE: Because I always try to think like my constituents do is I think in numbers, and maybe the next time we learn a little bit more about this to actually give some examples.

MS. TRAFTON: Okay.

COMMISSIONER CACARI-STONE: And this would be this if we save this on this number, and this would be that with the cost savings, and then maybe putting together examples for us. That would be very helpful. It seems very abstract still.

MS. TRAFTON: Okay.

MS. BEAM: Mr. Chair and Commissioner, if I can address that. So in the first year of that first phase I believe it was \$100,000 in savings, but I can get you the exact figures. And it does feel very abstract because the savings are bundled into the payments throughout the life of the project. So we may have a graph in front of us that shows us now much we're savings, but until we do the measurement and verification we don't know those exact numbers. And yet we're getting a guarantee from the vendor that we will meet those savings. And I can get you those exact figures for Phase I.

CHAIR HUGHES: Other questions? Commissioner Johnson.

COMMISSIONER JOHNSON: Yes. Thank you, Mr. Chair. Thank you for your presentation. Although I agree it was abstract it was very helpful and I think that understanding what is actually cost saving in a large way versus the sunken costs is really important. I would, and I don't expect you to rattle off them now but I'd appreciate knowing the first 14 facilities and then the second 24, and if there is overlap between them. If we need to go back to one of those. Just in the future for the next presentation I think that'd be helpful for Commissioner Cacari-Stone and I who are new here and – I don't know all the buildings. So I think that's a good start. And thanks. I appreciate your comments, Commissioner.

MS. TRAFTON: Of course. Thank you both for your comments, and thank you, Commissioner. I'm happy to do that. There is in the supplementary – I do have backup slides which include some of the list for this phase. So that's Phase II. This is what we're looking at, as far as the –

COMMISSIONER JOHNSON: I didn't see that in the packet.

MS. TRAFTON: No problem. I'm happy to put together the Phase I facilities. I think Jacqueline may be able to speak to it more specifically, but working with your team I think we're putting a big dent in getting through the list for the County.

COMMISSIONER JOHNSON: Great. Thank you. And thanks for your work.

MS. BEAM: Mr. Chair, Commissioner, there are three buildings that we're looking at to electrify that there is an overlap in this next phase.

CHAIR HUGHES: What are those three buildings?

MS. BEAM: Those three buildings, at this point in time, and one of them could change. We're looking at Bennie Chavez, and we're also looking at the Agua Fria fire station, and we were looking at Edgewood and we're reconsidering that. So that's part of the formal presentation that we'll be presenting in February.

CHAIR HUGHES: Commissioner Greene.

COMMISSIONER GREENE: In the case of Bennie Chavez, is that part of the current remodel work that is going to be done at the same time? Sorry. I opened a can of worms there.

MS. BEAM: No, and thank you, Mr. Chair, Commissioners. And that's exactly as we have been going through this process, we've been working with Public Works and finding out their projects and the need to coordinate a little bit better around all of this. So decisions – we're tweaking how we're approaching this right now. So those three buildings might change, and it will be dependent upon what the grid can handle as well as what makes the most sense regarding savings.

COMMISSIONER GREENE: I don't know the numbers but that's on Jemez and Jemez is expensive. So maybe it needs some solar behind there or whatever it is, so we're not just robbing Peter to pay Paul or whatever it is. Thank you. I appreciate this and just as a word of sort of coordination, I really hope that every project as soon as there's a project manager assigned to something, gets kicked over to you to say, do you, Jacqueline, does Sustainability have any recommendations so that they can incorporate it into the project scope as opposed to coming to it way too late and going, man, I wish we should have done that earlier.

We have a dig once policy. Well, we should have a sustainability first policy. When it actually becomes a stand-alone project, send it to Jacqueline to make sure that she knows that this is something that they can add value to. So thank you. Good luck.

CHAIR HUGHES: Any other comments? Commissioner Cacari-Stone.

COMMISSIONER CACARI-STONE: Thank you for your patience with my questions. I am new as we've established. And one question I have is leafing through our County projects and looking at facilities, is there a way to stack and overlay these types of projects with accessibility assessments? How accessible are our buildings? You're already out there, already looking at the facility to make sure that we're modernized and inclusive and people can actually access them.

MS. BEAM: Mr. Chair, Commissioner, I believe Public Works can speak to that. They did just recently do an assessment of all of the facilities in a less energy efficiency lens focus. So definitely, coordination is key and I want to say a huge thank you to Public Works staff for helping us with this particular project. And we will be working hand in hand going forward because it is essential. It saves a lot of money when we don't have to open buildings back up or we can make some of these decisions while we already have something open and ready to go.

COMMISSIONER CACARI-STONE: Thank you.

CHAIR HUGHES: Yes. Thank you. I appreciate the work and let's keep making project towards sustainability. It's great. Anybody else? Okay. Thank you very much.

MS. TRAFTON: Thank you very much.

CHAIR HUGHES: We will now take a break at 3:30 and come back as close to 3:45 as we can for Matters of Public Concern. But right now there's a break.

[The Commission recessed from 3:38 to 3:57.]

## 8. Matters of Public Concern

CHAIR HUGHES: Matters of Public Concern, to be heard at 3:45,

roughly. Everyone gets three minutes who wants to speak. And I think we'll first take people in the chambers. Is there someone in the chambers who wishes to speak. Yes, come up to the microphone. Daniel, are you going to do a timer? You'll see your time up there.

DEBBIE BRYANT: Thank you, Commissioner Hughes and thank you to all the Commissioners for your work to make Santa Fe a great county to live in. My name is Debbie Bryant and I live off Spur Ranch Road in Lamy. Forty-five years ago I visited Santa Fe for the first time and I fell in love. And ever since then I've been trying to get back. In 2013 the Georgia O'Keefe Museum hired me and moved me here and I'm living the dream.

Eight years ago I bought my dream home in Rancho San Lucas, which is just off Spur Ranch Road. It was built by E. J. Jennings, my hero. But one week ago my doctor said if she were me she'd move in town away from the dust cloud that we live in by being near Spur Ranch Road. And I did bring – my printer would not print color photographs, but I did bring photographs. May I pass these? [*Exhibit 1*]

CHAIR HUGHES: Sure.

MS. BRYANT: By the way, I'm accompanied by several good neighbors of mine. So when you see these photos you'll realize why I believe my asthma is caused at least in part by where I live. I'm currently taking inhalers, steroids and oxygen to counteract the asthma. Spur Ranch Road has approximately 150 homes that use it as a connector to Highway 285. If you think there's an average of two cars per household, that means 600 cars are going back and forth on Spur Ranch Road every day. Sometimes more than once a day.

This is in addition to school buses, Fedex trucks, UPS trucks, waste management trucks, newspaper delivery people, Eldorado Water District serving tanks off Spur Ranch Road, construction workers, [inaudible] workers and others. I've heard that over 50 percent of the roads in Santa Fe County are not paved, but I wonder how many roads in our county are used as much as our road is. Last year I led a fundraising effort with the president of the Spur Ranch Road Association and others and our neighbors contributed \$115,000 to improve the road by adding six inches of basecourse, so that the road was simply safe.

We now need you, our County representatives to expedite taking over the maintenance of the road and ultimately we hope paving the road. That's because we want to live safely where we do in this extraordinary place. Thank you.

CHAIR HUGHES: Thank you very much. Is there anybody else in the chamber who wishes to speak?

MS. BRYANT: I'm accompanied – oh, I think I said that, by my neighbors.

CHAIR HUGHES: Is there anyone online?

DANIEL FRESQUEZ (Media Specialist): Mr. Chair, Chris Mechels would like to speak.

CHAIR HUGHES: Okay. Mr. Mechels, unmute yourself, etc.

CHRIS MECHELS: Yes. We're a bit out of sequence here. I had hoped – I expected to speak after the presentation concerning the Ethics Board and it seems I'm going before them. The issue of the Ethics Board is very much demanding of your attention because the board to this point has been – when the Ethics Board speaks I hope that you listen very carefully and look at the material that they've provided because they

provided it very late and you may not have read it, because the material that they're speaking of was provided late Friday and you may well not have seen it.

What they're proposing to put before you is the question of how they should proceed and they're basically suggesting that their role be expanded, where I think in fact if you look at the history of the board they should be eliminated. The current issue that's coming up and why they're referred to you is because the County Manager threatened one of the Commissioners, Mr. Greene with an ethics complaint back in July which caused Mr. Greene to apparently raise the issue of what the function of the Ethics Board is, which is a good question. Because the Ethics Board should not be able to be threatened by the County Manager who is their employee.

This all led – the actual role of the Ethics Board goes back to 2010 when the Ethics Board was established by the County Manager and was really taking power from the BCC to herself. That was very unfortunate and it leads to such oddities as having the County Manager with more power than the Board has and the only way to remedy this is I just suggest is to remove the power of the Ethics Board by eliminating it. The only purpose for creating it in the first place in 2010 was to attack the power of the BCC and their legal responsibility and take it upon the County Manager and the County Attorney.

This has been very unfortunate, hasn't worked at all. It has been useless for processing any complaints because of the way it's defined. Again, the reason it's useless is because the only purpose for creating it was for the County Manager to take power from the BCC. So please address this. Put it on your agenda. Treat it seriously. Thank you very much.

CHAIR HUGHES: Thank you. Thank you very much. And even though we hear comments we're not allowed to discuss it during the meeting so we move on to the next agenda item. It's not on the agenda what you brought up but I appreciate the comments. Is there someone else who wants to comment? Not the same person. That's correct. Because it's not on the agenda we're not allowed to. Well, talk to me afterwards. Call me on the phone.

#### **7. B. Presentation and Update from the Santa Fe County Ethics Board**

CLIFFORD REES: Mr. Chair and members of the Commission, good afternoon. My name is Clifford Rees. I am the vice chair of the Ethics Board. The chair, Jonelle Maison is a veteran drafter for legislation at the Legislative Council Service and needless to say she is very busy right now. And so she asked me if I would step in and pinch-hit for her.

We did meet. The board met last week and we discussed this presentation and I'm going to present what we discussed very briefly, and I'm also going to make one suggestion of my own, which I'm going to identify as my personal point of view.

So I'm a retired public health attorney. I had the privilege of having as one of my clients one of your new members back in the 1980s and have served mostly at the state level 25 years as an attorney in the executive branch, 23 years with the Department of Health, and for the last 20 legislative sessions I have served seasonally, just during the session, mostly with the State Senate.

With me today is one other member of the board, Mr. Tom Quaid is here. One other of our members, Jesse Guillen, is also working today at the Roundhouse in preparation for the session and a fifth member is not here for personal reasons that she

needed to attend to, a family emergency.

I wanted to thank, before I get into the issues, two of your staff members who have been providing wonderful support for our meetings. Usually they take place monthly. Gabe Bustos, who is our liaison right here, and Peter Valencia from the County Attorney's Office. He's just joined us recently. Both have been excellent and I want to publicly acknowledge them and thank them for the great work that they've done on our behalf. Also we want to thank Debbie Doyle at Wordswork who does a great job of transcribing our meetings.

So we're here today at the request of one of your members, Commissioner Greene, who asked me probably about a year ago at this point, Commissioner, if the Ethics Board would come before you and provide an update on our activities and ask if there's anything that we're missing that you'd like us to do or if you simply have questions about where we are now. Now, I need to tell you that I am a new member of the board. Three of us joined the board a year ago and we have one year left in our term. We have two longer-term members, Mr. Quaid and Ms. Maison. So if you have questions about what happened before a year ago I don't have that information. I just have hearsay and you know, as lawyers, we don't particularly rely on hearsay. So I'm not going to address the deep past, distant past, but I do want to give a little bit of background on how the Ethics Board was created and for your consideration and particularly for the new members that are here.

By the way, all five of us, our terms end in September so you can anticipate a future agenda item for appointments and reappointments to the board, depending on who wishes to be on the board, who the current members if they wish to stay and so forth. So you'll be hearing from us again.

So the Ethics Board was created in 2010. It was created by ordinance. It's been amended twice and has been replaced in its entirety and it's now, for the new members, it's Ordinance 2023-03, which enacted as part of that ordinance, the County's current Code of Conduct. And also in that ordinance, related to it of course, is the Ethics Board and its functioning, how it works.

Particularly, the most focus on want to put on today is to give you an update on our 2024 activities since we took office or were reappointed as of September of 2023. So we've reviewed two power point presentations that the County Human Resources Department uses for County employees and volunteers to the County as part of the County's ethics training so we could get an idea of what you all are being taught and how that's been going. And I personally thought that the ethics trainings were quite good.

I have been involved with the ethics issue, both as an attorney in the executive branch, advising clients and as legislative staff in the creation of the state ethics board, going back to 2006. And I also want to acknowledge the excellent, I think, choice, for your new County Attorney, Mr. Walker Boyd who is here today. I think this is his first meeting. He comes to you from being general counsel of the State Ethics Commission when it was approved by the voters as a constitutional amendment in 2018, and the enabling legislation was enacted in 2019 and has been functioning since July 1, 2019. And full disclosure, I have done some paid consulting as a retiree attorney for that commission.

So in addition to the two power points, and we gave our feedback on that, we've also had the County Attorney, Assistant County Attorney – we had a couple in the last year – make presentations on the applicable law. It's kind of a complicated area of law as

it's evolved where some state statutes that only apply to state agencies. There are some state statutes like the Governmental Conduct Act, and that applies to both state agencies and local public bodies like counties. And that happened around the time that this ordinance was created, was enacted by your predecessors to create the State Ethics Commission. Not a coincidence, probably, that your Ethics Board that we're part of, was created around the time that the Governmental Conduct Act was enacted and expanded.

So Chair Maison asked me to present some information that we discussed and this is her part. Between 2017 and 2023 the County Attorney's Office reports to us that only five complaints have been filed against employees of the County, and another two complaints were received but not acted upon because the complaints weren't sworn as required by the ordinance. Only one complaint was referred to the "County Contract Ethics Official." That's a term of art that's in the ordinance and that was a mechanism that was created when the ordinance was enacted to screen the cases, basically, complaints that were filed and presented. And the complaints go to the County Attorney's Office.

Let's see. During the existence of the Ethics Board – something that I find interesting – no complaints have ever reached the board since it was created. And we could talk about that if you'd like. I have a personal opinion about that but I'll express it simply as my personal opinion. I'm not here to present the board's view on that. The board, including myself, has also reviewed local government ethics boards in New Mexico – who has them, what they're called, what their jurisdiction is. I can give you a list. It's not here on the information that you've been provided.

The City of Santa Fe has an ethics board and it hears campaign complaints, campaign contribution complaints. Bernalillo County has a board, City of Albuquerque has a board. Rio Rancho has a board. I have a list and I'm doing it from memory now and I've forgotten a few. Other counties, as my research indicates and the State Ethics Commission did a study on it a couple years ago as well. Mr. Boyd may have been involved with that study – treat this strictly as a human resources matter and deal with it strictly through their personnel policies and don't have an appointed board like you have here. That's just a point of information, that there are different ways that these ethics boards at the local government level can be created, depending on what, of course, the Board of County Commissioners wants.

Finally, Chair Maison asked me to report to you that she believes the Ethics Board, after what she calls the heavy lifting of drafting the Code of Conduct Ordinance is in a quiescent period, as she calls it, and our meeting schedule can be adjusted accordingly if necessary, if we don't have business that needs to be attended on a timely basis. However, we're here today to ask you if there are any specific projects that you'd like us to undertake related to ethics. We'd be glad to do so within the confines of our resources.

My personal suggestion, not the board's, is that the County staff be directed by you to make a data report at each of our meetings, a report that would be available to you that would consist of de-identified information – we don't want to invade anyone's privacy, particularly people that may have been accused of unethical conduct but it has not been established. And that information would include the types of ethical violations that are alleged to have occurred, the current status of the complaints, how many complaints are currently pending, and the disposition or resolution of the complaint if that has taken place.



As I said, I would guess – I don't want to speak for you that you might be interested in that information as well, to get a sense of what the status is of ethics compliance and enforcement here in Santa Fe County. So I'd be glad to answer any questions that you may have or refer them to others who may have the information that I don't have. And I also want to thank you for your attention today and appreciate the support that we've gotten, particular from Chairman Hughes who as attended some of our meetings and we've been able to talk to him directly. That's all I have, Mr. Chair. I'd be glad to stand for questions.

CHAIR HUGHES: Okay. Any questions?

COMMISSIONER BUSTAMANTE: Mr. Chair, I have a question. Do you have standing meetings? I apologize that I haven't been there but I also have not been aware of the schedule for these meetings; is it a standing meeting or are they scheduled as needed?

MR. REES: So the meetings are scheduled as we see a need for them. They are done in compliance with the Open Meetings Act so there is public notice on your website. And of course we announce the next meeting when we agree to the date during the previous meeting. I don't know what kind of information you receive from staff. I know you get a packet of information. We don't see that. I don't see that, so I don't know, and I apologize if I've given you information today that you may have already known, but I don't have that information available to me although I suspect it could be if you wished it to be. So it is a public meeting. There is the same kind of public notice that you give for your meetings under the Open Meetings Act and you're welcome to come and join us. We will probably schedule our next meeting for after the legislative session which adjourns on March 22<sup>nd</sup> because of what I've already described to you that several of us will be heavily involved at the Roundhouse during the session.

COMMISSIONER BUSTAMANTE: Understood. Thank you.

CHAIR HUGHES: Thank you. Are there other questions or comments?  
Commissioner Cacari-Stone.

COMMISSIONER CACARI-STONE: Thank you, Mr. Rees. It's always been a pleasure to work with you. I've just one question from your expertise and vantage point. How do you avoid – how do you prevent complaints that really should be handled – you mentioned in an HR process and protocol. And you said the training is two power points. It seems like we're in a time of litigious and I-got-you and pointing the finger type of social environment, especially through social media. How do we manage and prevent and be more pro-active so that HR processes, communications, protocols, policies, are managed first, and people just don't start making complaints. You said only five came, but I can see in larger organizations this happens in state government and other institutions as well.

MR. REES: Yes, thank you, Commissioner Cacari-Stone. Mr. Chair, I'm not sure. I can only speculate about why the ordinance has been working the way it has been working since it was adopted in 2012, and I understand that was a fairly contentious process, although I was not personally involved in it so I have no opinion on it. Here's my personal opinion, as an attorney in the public sector and someone who has been involved with ethics issues. I think your ordinance is excellent. In fact it may be too good. I've gone through it in great detail and I've pulled out where the Ethics Board has authority to be involved, and it's never actually been used after the initial screening process. There is a contract attorney who does the initial screening for the County

Attorney's Office and they screen for those that are covered by the Code of Conduct and those that are not.

Unlike my experience with state government, it appears there's been an effort for the people that are under – for the employees particularly who are under the collective bargaining agreement of the County – to remain under the collective bargaining agreement of the County, and the Human Resources disciplinary process that is used for those employees. One possible option that we have discussed could be to increase the Ethics Board's jurisdiction to include both campaign financing, as I mentioned, although I'm not necessarily advocating for it. I'm offering it as a thought. And also to expand to whom the board has jurisdiction over.

Of course, not to be in conflict with any collective bargaining agreement which has the force of law in contract law, but that there may be ways to maybe loosen some of the restrictions that might allow more cases to be processed and perhaps even some come to the Ethics Board itself. I think one of the attractive aspects of being on a board like this is the opportunity to do what we call in the law, adjudicate, as you have that power, to be a trial-type body, to actually be independent and neutral of course but to hear cases and make decisions that are outside of any decision that may be made by a County employee or an appointed official who's not on this board. That would interest me, but if it doesn't happen it doesn't happen and I'm willing to do the work that comes to the board. I hope that answers your question, Commissioner.

CHAIR HUGHES: Thank you. Any other comments or concerns?

Commissioner Greene.

COMMISSIONER GREENE: Cliff, thank you very much. And to the whole board, thank you personally to you for coming forward and presenting this. Open door. This was – we discussed this probably a year ago, exactly. Maybe even more. And just for the idea of always understanding that this is a work in progress, both from the five of us up here and for your all at the Ethics Board. I don't know if I would say that we want to make more work for you, right? The idea is not to say, oh, let's open the doors just to give you guys something to investigate. In my opinion you're a backstop and a third party, albeit internal, but it's a third party to sort of look at some of the issues when a line is crossed or gets close to.

And so having that ongoing review of things and understanding that if something is triggered that doesn't rise to this, that there's an assessment as to why. Right? So before we say, oh, let's make these things more – make more work for you and make more things rise to that level. Maybe the first one is why they didn't rise to that level. Oh, these were absolutely false allegations – easy. Boom. That's an easy one. Or b) there was something that needs to change in the ordinance. It didn't rise to this but we see a problem with this behavior. Can you either come back to us and give us recommendations, either to change something so that there would be a mechanism to address these things?

And so I appreciate it. The door is always open. I look forward to seeing you at the Roundhouse and good luck.

MR. REES: Thank you very much. The last point I think I'd want to make – let me reiterate. We're very data-driven, as you know, in government, at all levels. I think perhaps more data collection – I don't want to make busy work for already busy staff, but I think more data to really get a sense of what is happening, or maybe what's not happening and why it's not happening. I think that the trainings are good, but the

trainings may be part of why there aren't more complaints. Or I hope it's because we have incredibly ethical people that are involved with the County and we don't need, say, a statewide type place where ethics complaints can be filed that kept Mr. Boyd busy for the last five years.

So I would hope that that would be something that would be – something that you would think that we can be asking and have your support to ask staff to provide us with – at every meeting for instance, a data report. Where we stand now. Has there been a drop off? Has there been an increase? Why? Those kinds of things so that we can collectively make informed decisions based on the most recent data.

COMMISSIONER GREENE: I think that's great. And then in terms of the expansion of your role, that would mean probably tweaking the ordinance. Do you see a need for this? Is this something that other counties, other jurisdictions have seen, campaign finance as a major issue, and then if not you, who? And is there an independent or some group that is able to do this that's keeping an eye on that for us, if not you?

MR. REES: It's a great question. I don't have a strong opinion one way or the other. I am looking forward to hopefully working with Mr. Boyd and his successors at the State Ethics Commission to have this training, this summit, this conference, whatever you want to call it, with other local government ethics boards, and get a sense from them how they're doing, basically, and see whether their experience is applicable to ours. So at this point I don't have an opinion one way or the other. Again, I'm open to more data so that whatever decisions we make, where we come to you and ask you to make because it's in your jurisdiction and it's based on some solid information, not speculation. At this point I can only speculate why things are happening the way they are.

COMMISSIONER GREENE: Wonderful. Please invite me to your next meeting.

MR. REES: We will. Thank you.

CHAIR HUGHES: Any other comments? I think the Ethics Board and the Code of Conduct is very important. I like to tell the story how I moved to Santa Fe some 30 years ago or so and the first notion that we had a County Commission was seeing them on the front page of the paper going to jail for violating the Code of Conduct even then by self-dealing, giving themselves large contracts. And so we've come quite a long way. I do think we have basically ethical elected officials all across the board and perhaps the role you play – you're scaring us not to misbehave. I don't know.

So your idea of giving us a report on, I guess Countywide violations or complaints, I think that's maybe useful. We could see if there's a pattern of sexual harassment or something going on. That doesn't seem very difficult. I don't know. I think you should propose to us other options you want to consider. If you want to oversee the campaign, I think that's worth us giving some thought to. Whether that's worthwhile or not, but I certainly – if you want us to consider it I'll bring it forward.

Are there other ideas that you had, or those are the two, right?

MR. REES: Those are the two that come to mind for me. Again, I'm speaking for the board and I'm also speaking independently based on – not every member of the board agrees with everything – all of my opinions and that's fine. That's perfectly fine. But I think you should hear at least some of the discussion that we've had and know that when we come back to you with specific recommendations it will be a unanimous recommendation from the board.

CHAIR HUGHES: Okay. Come back to us and present those.

MR. REES: Thank you all very much.

CHAIR HUGHES: Thank you very much.

**C. Presentation on Potential Proposed Ordinance Providing Procedures and Fees for Use of County Right-of-Way and County Property for Telecommunication Services, and Amending Ordinance No. 2003-01**

CHAIR HUGHES: Community Development Director Paul Olafson.

MR. OLAFSON: Mr. Chair, Commissioners, we do have a power point that really outlines the memo quite well. This is a presentation; there's no action being requested. We simply wanted to walk through some of the major elements of the proposed telecommunication ordinance as well as get some input on how we might consider looking at fees.

So this all started, we've been reached out to lately with different providers asking for either co-location or use of right-of-way and so we started to look into options or opportunities, and we looked at the current ordinance which is from 2003 and we determined that there was a need for some updates and some upgrades based on the evolution of technology since 2003.

So I am going to go through the power point presentation and then I would stand for any questions as well. So why change Ordinance 2003-1? And it's because, as I said, the County's recently received requests related to right-of-way and co-location on County property. The current ordinance does not reflect current telecommunications conditions, such as fiber-optic and wireless, and telecommunication laws and regulations have also changed quite a bit in the state and federally since 2003.

What the proposed changes will accomplish, the County will have the ability to permit competitively neutral and non-discriminatory access to County right-of-way and County property; it will manage the County right-of-way and County property to minimize impacting costs to county residents for the use of the right-of-way or facilities for telecommunication purposes; it will promote competition among telecommunication service providers and encourage universal availability; it will obtain fair and reasonable compensation for the rental and use of County right-of-way and County property; and to the extent permitted by state and federal law, it will exercise such other powers as the County may have to protect the public health, safety and welfare and ensure continued quality of telecommunication services and safeguard the rights of consumers.

What will be subject to the ordinance? It will be the placement of telecommunications infrastructure within right-of-way and on facilities. Right-of-way includes roads, streets, alleys, highways, waters, as well as on public facilities owned and maintained by the County. That includes County buildings and towers and telecommunications infrastructure includes pipes, poles, wires, cables, conduits, towers, piers, stations and other necessary fixtures, appliances and structures. I'm sorry. That's kind of boring. I just want to make sure we're explaining what we're talking about.

How will the telecommunications access County right-of-way? An applicant would ask for a use agreement. The use agreement will require all permitting is completed by either the County and/or any other entity that is required; required information about the proposed facility and all due diligence; make sure any work is done in an unobtrusive manner and done safely. It will require facilities be maintained by the applicant and/or provider; require insurance and indemnification to the County; require

notice of installation to adjacent property owners. It will allow for a dig-once policy to continue to be implemented and used; and it will recognize that a provider's use of County property or right-of-way is and shall remain a non-exclusive right, meaning it would be open to others as well.

The next section is fees. We're currently researching best methods and standards for a fee structure. We anticipate a one-time application fee and then also the options for compensation could include an annual fee based on the property's gross revenue, or an annual fee based on linear foot of area utilized, or an additional option is annual fee based on percentage of County maintenance costs. Staff at the current moment, while we're still researching it, is recommending a combination of the above – a fee per linear foot for the first years of construction, and then a percentage of gross revenue for each year thereafter. And at least one county currently does that and that is Bernalillo County has that type of structure.

Staff is requesting BCC input on the fee structure and if we should charge would we aim for the high end of the low end? I think when we have more research done we can come back to you all with a clearer picture of fees but we would like to have a discussion tonight on how we should aim for fees.

Just to define small wireless facilities, those are small wireless facilities within public right-of-way regulated by state law. The Wireless Consumer Advanced Infrastructure Investment Act, and that requires an application, placement and fees.

Relocation: Failure of a provider or person using the right-of-way to formalize a use agreement would result in the removal of their facilities unless they are able to demonstrate they have an existing use agreement or similar instrument authorizing use. And if such a removal is not accomplished within the timeframe established by the County the County may remove and dispose of, or disable the facilities as allowed by law. And that would also be part of the proposed ordinance.

Also the ordinance envisions penalties that would be handled by Code Enforcement officers. Violations would be punishable by a fine up to but not more than \$300 or imprisonment for not more than 90 days, or both, per violation. Additionally, the County could pursue other legal and equitable remedies as allowed by law, including breach of contract, injunctive relief, and ejectment, monetary damages, particularly in cases of unauthorized use.

So the process for this ordinance change, staff will continue looking at fees and will draft a proposed ordinance including the draft that's attached with this presentation but more refined. And we'll provide more background on the ordinance evolution. We'll outline the new and changed elements of the proposed ordinance, and we will add at a future date an item for the BCC to consider publishing title and general summary of the proposed ordinance, and it will have one or more public hearings to allow for comments and input from the public, and we do intend to try to make this move at a timely pace.

And with that I would stand for any questions. I'll also ask – I've worked very closely with Jeff Young on this and Michael Nuñez who I think is here. And if I've missed anything please help me. With that I'd stand for questions.

CHAIR HUGHES: any questions? I'll go last. Commissioner Johnson, go first.

COMMISSIONER JOHNSON: Thank you. Thank you, Mr. Chair, Thank you, Mr. Olafson. I am having a little bit of trouble hearing you so if you could speak up. Thankfully we have the presentation for that, so it may be a microphone issue. Just FYI.

As a new Commissioner I think when we see this as a more fleshed out proposal it would be helpful to me to see examples using – you could anonymize streets, but what is happening in the 2003 ordinance and what would be happening in 2025. So how does that change the fee structure? I don't even have a sense of the increment, so if there's a fee per linear foot, is that in pennies or is it in dollars? I just don't understand the scope of it. So I think that would be helpful because that would help me understand just the big picture of that. So that's just a request for the future presentation. Thank you.

And then just I guess a question about types of facilities. What are small wireless facilities and why are they spotlighted beyond the others? Thank you.

MR. OLAFSON: They are regulated under a different statute, I believe, and I defer to Attorney Young or Michael to help explain that. It's a different set of regulations, is my understanding.

JEFF YOUNG (County Attorney): Chair Hughes and Commissioner Johnson, so the small wireless facility is defined under state statute and there's kind of a long definition but it's essentially the antennas could fit inside an enclosure with a volume of six or fewer cubic feet, and other ground- or pole-mounted wireless equipment. And there's some other things like electric meters and [inaudible] elements, all those things. But in a nutshell what we're talking about is wireless internet communication facilities.

COMMISSIONER JOHNSON: And smaller refers to the size of the antenna and physical equipment?

MR. YOUNG: Right. I think Commissioner Greene also had something to add to that.

COMMISSIONER GREENE: So to clarify, like some things are federally regulated by the FCC and then some things are deferred to by the state. And then we come in with a more nuanced version at the County level. If that sort of – some things are way our hands at a federal level, and then some things are just skipped over but they still are solutions out there.

COMMISSIONER JOHNSON: Thank you, Commissioner. That answers the question about why it's spotlighted specifically.

MR. YOUNG: And if I could add one more thing, Chair Hughes and Commissioner Johnson, So there is a quite lengthy discussion about small wireless facilities within the statutes, maybe more so than other types of utilities, but there are restrictions on what one can charge as an entity for use of right-of-way for those particular facilities. The approval process as Paul highlighted, the denial process and those types of things. So we wanted to pay special attention to those. There is a County ordinance regarding wireless facilities that was adopted by the Board early 2000s prior to the new updates and statutes, so we wanted to at least address the fees and issues associated with the small wireless facilities with this update but there's no question that we also need to do another update to the wireless.

So it's complicated I think in terms of all the moving parts with these things and as Commissioner Greene mentioned, there is a federal – there's the federal telecommunications laws and there's the state laws that layer on. And the PRC at the state level does a lot of regulation. It really has a domain as to a lot of the telecommunications side under the Telecommunications Act. But having said that, the counties are given abilities to control the right-of-way and receive compensation and those types of regulations at least.

CHAIR HUGHES: Commissioner Greene.

COMMISSIONER GREENE: Thank you, Mr. Chair. Thank you, Paul and Michael and Legal all for digging into this. This is – any technology ordinance that's 22 years old is probably out of date, right? So this is probably one that should have a trigger that says that it probably needs to be at least reviewed in ten years, even I we pass one in 2025. Let's probably look at 2035 to make sure that – maybe it's perfect, but it probably won't be.

So my first comment on this is let's make it easy. Let's make it quick for people to be able to apply for something, but also let's make it targeted. And by targeted I mean I'm not against having relatively high fees, but if they have a social goal that is aligned with our social goal, whether it's affordability, or reaching underserved communities that we put a map together that says these are the communities that need service, that we would make it easier, faster and cheaper for those folks to go apply in those areas. So not to pick on one or to give examples but a lot of these companies will go into communities where they know everybody can pay a high price and a high bill. Right?

So to use a great example with District 2 – sorry to do this, but the difference between wanting to serve Las Campanas or to serve the Agua Fria Village. Right? And the Agua Fria Village actually might be better build in terms of density and easier to build, but the people that might be willing to pay expensive fiber bills and stuff might be in Las Campanas. So I would hope that we would have incentives to get people to serve these communities that are, based on an assessment, are targeted as underserved or financially strapped and so if they can serve that in that way.

Another idea in that space is if a provider comes into town, as I spoke to a provider yesterday or the day before yesterday, they were insanely expensive. I couldn't believe it. Don't you have a package for affordability? He said we're not interested in that. I said, man, you shouldn't be playing in this sandbox with us. Now, they have the right to do that but we should not incentivize people to only go, cherry-pick the high value customers. We should make sure that we're providing an accessible, affordable program for other people there.

So again, to get the underserved and get the folks that might be financially constrained.

Another question is is that Santa Fe is typically not the bleeding edge of technology, and so we have 5G technically in town but it's not 5G. We have really 4 ½ G right now. Some of our cell phone companies call it 5G but it's not. So I'm wondering if we're looking a year or two or three ahead and to understand the types of equipment that are being adopted in other communities because they're more technically ahead of us, but we're not. Right? And so 5G essentially means that almost on every light post is a small antenna. We don't have any of those here. I think actually that may not be true. We may have a few of them but we don't have very many. But that's a whole other ballgame compared to big cell phone towers.

And so I would hope, looking ahead at other communities who are ahead of us that we would start to know that and also to sort of maybe encourage people to upgrade our system, right? Because we have constituents all the time that complain about a lack of cell phone coverage. And so that comes to maybe we need to upgrade that. Lack of cell phone coverage, when we talk about public safety, the first phone call that somebody calls the cops or the Fire Department is with a cell phone. Nobody uses a land line anymore. We need to be really focusing on cellular and making sure that we hit those

areas.

Another area that I've heard complaints from and you all in the room have probably experienced this, but it's not necessarily considered part of telecom but it is a major part is customer service. And we talk about this here at the County to have good customer service, but when we enter a contract with somebody that's going to be serving our area that we should have some way of saying, look, you're great at this; good for you. Or you're terrible at this; you need to up your game. And so if a wireless or a cell phone company or whoever is applying for this, there should be some level of customer service requirements in this to make sure that there's a 24/7 access or whatever the appropriate thing is.

So another aspect is that I know that in some communities, when somebody gets a franchise agreement they kind of live it in perpetuity. And I think that that has a risk to us, that there needs to be some sort of review and renewal. Maybe it's every five years. Maybe it's every ten years or whatever it is, so that we can make sure that they're upgrading the equipment. So an example there is that our cable company, whether it's Comcast, Xfinity, whatever they're called now, that they periodically – they've got a blanket deal with us but sometimes they don't upgrade their system. They're like, we're here. We don't have a requirement to upgrade our system.

And so whether it's a mandatory review after every ten years or it is a regular review of their upgrading plans. Comcast has actually done a very good job at upgrading their system, but some of our friends over at Century Link are the exact opposite. So they've been around forever. They're a legacy carrier. They have a lot of our fiber in the area, but they don't make it easy to work with them. And so that monopoly sort of aspect needs to be addressed in this ordinance so that if somebody has the only fiber to Albuquerque and everybody is forced to use them that they have some amount reserved for community, or some amount reserved for third party operators. Because currently right now if you try to work with Lumen they don't care. They won't build. They won't license. They won't do these things, but they have a blanket legacy project here.

Thank you for getting on this. I know, as you mentioned, there are a bunch of fiber – there's three fiber companies looking to come into Santa Fe. There's a lot of wireless ISP companies that are dancing around here. We need to make it easy, fast and make it where people want to invest in our community because we live and die by our cell phones.

So I thank you for this. I'm an open door for this and if there's anything I can do to help please tell me.

MR. OLAFSON: Mr. Chair, Commissioner. Thank you.

CHAIR HUGHES: Any other comments? Yes, thank you for bringing this forward. We look forward to seeing the ordinance and I'm sure there'll be more discussion at that time.

MR. OLAFSON: Thank you very much.

**9. Matters from the County Manager**

**A. Miscellaneous Updates**

CHAIR HUGHES: Manager Shaffer.

MANAGER SHAFFER: Thank you, Chair Hughes and Commissioners. I just had two updates. First, I wanted to remind the Board that the New Mexico Counties



legislative conference will be held next week at the Santa Fe Community Convention Center. There are New Mexico EDGE classes beginning on Monday as well as the NMCIA membership meeting, and EDGE courses that begin on Tuesday with the event proper thereafter beginning Wednesday morning. So looking forward to hopefully seeing many of you there.

Secondly, I did want to acknowledge that we are in the midst of a transition in the Office of the County Attorney. I wanted to welcome Walker Boyd to the County team. As was mentioned previously, Walker is coming to us from the State Ethics Commission where he served as general counsel, I think since its inception. We're excited to have Walker be part of the team.

I also wanted to acknowledge and thank Jeff Young for his years of service to the County as County Attorney. It's hard to believe it's been 2 ½ years. I'm sure it feels like dog years to a certain extent. But it's been a great pleasure to work with Jeff. So again, it's bitter-sweet news but I ask you to join me in welcoming Walker and thanking Jeff for all the hard work that he's done for the County as an organization and for our community. Thank you.

CHAIR HUGHES: Thank you. And again, Welcome, Walker to the team.

**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: We'll start with Commissioner Greene and then go to Commissioner Cacari-Stone, and then we'll go this way. I'll let you start since you familiar with this.

COMMISSIONER GREENE: Thank you very much. I'm at one end and familiar with this. Okay. Great. Thank you, Mr. Chair. Thank you, everybody. First off, just keeping with the same subject, Jeff, thank you for your service. It's been great working with you. We missed your presence greatly but we knew you were keeping an eye on us from afar and from the zoomland. And thank you very much. And Walker, welcome to the building. We look forward to growing with you and being a part of a great County, so good luck and feel free to reach out and we're here to help and probably not be a pain in your ass. Maybe not me, but yes. But thank you very much.

Then welcome, guys. Commissioner Cacari-Stone and Commissioner Johnson, thank you for taking the time, energy to go get elected and to serve with us on the Board here. It's an honor to be here and it's great to have you on the Board with us. I'm super-excited for new ideas, new energy and the passing of the torch, and so if there's anything I can do to help, please feel free to ask. Anyway, welcome.

Besides that, legislature, as we mentioned, starts next Tuesday. I want to reiterate the fact that it is three minutes from this building by car, six minutes walking. We should own that building. And I really encourage us to live in that building more than we have in the past. And so I think that there is an initiative to do a tour with our lobbyist and with Hvtce and our team in an effort to familiarize all of us at the Commission level, but also the key staff that might be called on to help us advocate for a project or advocate for a law change or whatever it is that we need to be in that building. We should not feel like strangers in that building. We have an unfair home field advantage and we should take

advantage of that.

I do kind of live in that building, so if there's anything I can do to help with during the session feel free to call, text, or whatever, and I will find a way to meet whoever, whether it's Commissioners or staff. I know my way around the building pretty well. I know where to find people, and I'm happy to help coordinate that. We have lobbyists and we have staff but the lobbyists work for a lot of different people.

Anyway, thank you and congratulations, everybody. Happy New Year. I look forward to serving with you all.

CHAIR HUGHES: Thank you, Commissioner. Commissioner Cacari-Stone.

COMMISSIONER CACARI-STONE: Yes. I just wanted to thank the County staff and everyone who made the first week of onboarding and orientation, do-able, exciting, especially Kimberly Vigil, Sara, the County Manager and many others who have been orientating us. People have been extremely welcoming. I think it speaks to a commitment of public service, and on that note I just wanted to recognize this moment. Monday is Reverend Dr. Martin Luther King Day. I think at this moment in time this is really important to reflect on his life, his legacy, but the movement of civil rights, and what it means, prior to inauguration at the federal level.

We always have a change or leadership, and regardless, we have the legacy of the shoulders we stand on to show leadership, to reflect on what service is, what non-violence is, and to be a critical force. We always call on each other in Santa Fe County to volunteer and to come forth. It's a day of service, and I just want to give a reflection of one of his quotes. "We must use this time creatively in the knowledge that the time's always right to do right." May we all carry those with us and keep the flame of fire of civil rights going. Thank you.

CHAIR HUGHES: Thank you. Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Thank you. A few updates for the priorities of District 3 and work that I've been doing. You all have been very familiar with the work that was being done with the other Commission members for the Caja, but before I go there, I too want to welcome our new Commissioners, and I'm so grateful to be working with you all and I'm going to miss Jeff. I'm grateful to meet Walker and I know that you'll do excellent work right where you are. It will be hard to see Jeff go, but we're in good hands and I feel very grateful for everyone who's here with us.

The Caja del Rio, there are still last minute pushes but we've been assured that it will not be a national monument in this particular administration. Working with and given recent approval, and it may require – I'll find out more on Friday – sponsorship of a proclamation or resolution, whatever the case may be, because with the energy and environment group with NACo, the National Association of Counties, we are going to co-sponsor the intentional addition of PFAS into products and preclude county governments from being vulnerable for that type of contamination that would result in that. So we're working both at the national level and at the county level via NACo. But to that end, also working with the legislature, specifically Representative Ferrary – and I hope I'm pronouncing it correctly but I have to tell you I like saying Ferrary because it just reminds me of something I love and I like cars.

But as well as the Environment Department and Energy and Minerals to work on what we can to eliminate PFAS from our environmental hazard scenarios. So Ferrary at the state level, every chance I may be able to get to be at the Roundhouse to make sure

that those constituents in District 3, specifically as we know right now have been affected, but all of us have those constituents – not the constituents that we represent but those constituents in our products, and what we’re trying to do is say, not here, not anymore. So that is underway.

As well as legislation that we – when I say we, there is a large scale and we’ve heard and with no information, honestly, I have followed the guidance of our County Manager to not apprise myself of any of the information or the processes or the details with what’s happening with the AES. We receive emails all the time with regard to utility scale battery energy storage. But we do have another project, much larger than that that I is proposed within Santa Fe County. It’s larger and it’s in Sandoval County butted up against District 3. That particular project has every opportunity and it was stated in public forum that if there was any type of breach to that system, that – and the question was where would the smoke and the trail of those impacts go? And the answer was: to Santa Fe. And that made everybody in Sandoval County feel a lot better.

So in a meeting today with the State Land Office and in the interests of addressing this at the state level, as we are all going to, because what I’ve learned is these projects, and I think I was aware of it back in the day, because alternative energy is critical for our livelihoods on this planet. But when we talk about the risks to human health and the environment, we’re not doing anything better if we’re going to continue to pursue things in a manner that will affect human life and the environment.

That being said, between Representative McQueen, Senator Stefanics, and another representative who is in Sandoval County who I’m not recalling at this moment, they will be sponsoring legislation to address the bigger picture in containing, if you will, and identifying those locations that are best used for large-scale battery, utility scale battery or energy storage. And it would be something that the Environment Department, the Energy and Minerals, the SLO, the Land Office, would all work together to identify and make recommendations for. These are ideal locations; these are less ideal, as well as changing the current law that says if it is privately owned land all deals are off. They get to do what they want and we’ll see how far it gets to go. Because there are no regulatory elements to alternative energy if it’s on your own private property, which is the current status. And right now, in these larger conversations of what is the state going to do, because otherwise, as counties, each one of us – and this is why there will be statewide support for this – we will constantly go up against any large-scale entity within our area that wants to put something without any consideration of maybe a better place for it or this being a good place for it. So that is underway.

So I appreciate that, all your work, to everyone who has supported the Caja endeavors in the past. That is stated to continue through this next administration though the next conversation was to have a trip to Mar-a-Lago, and I don’t think I’ll be on that plane. I’m pretty sure I haven’t got a ticket and I hope not but we’re not going to go there. I just don’t really feel like I’m going to Florida. I understand there’s a question, Commissioner Greene.

COMMISSIONER GREENE: Thank you, if I may.

CHAIR HUGHES: I don’t think it’s appropriate at this time.

COMMISSIONER GREENE: Okay.

COMMISSIONER BUSTAMANTE: Thank you.

COMMISSIONER JOHNSON: Thank you, Mr. Chair. Thank you to my fellow Commissioners for being very welcoming and to my colleague freshman

Commissioner for a race well run. And I'm very pleased to be here. I want to thank the County staff, Manager Shaffer, Sara Smith, the Deputy Managers and any of the departments that we've met with to date. We will meet with the rest of you soon and I look forward to that. Thank you for providing us that flood of information. We are digesting it and thanks to Attorney Young. Nice to meet you in person. And welcome to Attorney Boyd.

I guess I wanted to just bounce a little bit off of Commissioner Greene's mention of the legislature. Thank you for the reminder. Commissioner Hughes and I had the opportunity to hear from some of our legislators at an event south of Santa Fe City this last weekend and they have some good things in the works. One thing that I wanted to flag in light of the devastating fire in Los Angeles is that the legislature is taking up a couple of bills considering increasing the amount of pooled insurance for those individuals or property owners who lose their insurance, and I think that's something we should put a little extra effort around because it's a sobering reminder of what happens when fire is out of control.

It's also something that has led me to reaffirm commitment. Santa Fe, northern New Mexico, we have had experience with devastating fires but we have an opportunity to work on prevention, work on coordination and work on strategies of containment if unfortunately fire does come about. And I think the insurance piece fits into that so that's something I think we should all be looking to, not just in District 4 but in all of our districts to come. Thank you all for welcoming me and I look forward to a productive four years.

CHAIR HUGHES: Thank you, Commissioner Johnson. In District 5 I want to point out that obviously there are concerns about the roads. This was brought forward, so I think perhaps we should make a slight change to our strategic plan and really make improvement of roads an issue that we look at. Welcome to Lisa Cacari-Stone and Adam Fulton Johnson. I'm really pleased to serve with you. I think we can accomplish a lot in the next four years that's going to be good for the County and good for the Board. So welcome.

Now that Commissioner Hansen is retired I think we have to take up the environmental aspect, and the next thing is we need to review the Los Alamos National Laboratories draft EIS. I think we should review that and make some comments on it. It is above our water supply and so it directly affects us, what they do.

The Martin Luther King Day on Monday is appropriate and I wanted to point out there is an event at the capitol this year. They had an annual event. They quit doing it because of the pandemic but they're going to start up again, and so if you want to go on Monday you'll be most welcome.

And then finally, I think to give the Mar-a-Lago aspect of federal politics, I think we should take the opposite stance and protect immigrants, protect people who are LGBTQ and anything we can do to say that everybody is welcome in Santa Fe County. Everybody is important. Everybody has something to contribute. And so we all, I'm sure are familiar with that very well. And so we may need to – and I don't know what form that takes but we may need to take that. And that is it for me.

COMMISSIONER GREENE: Mr. Chair.

CHAIR HUGHES: To the point of fire that Commissioner Fulton Johnson brought up, one of the requests that I put to the County Manager's Office is to really get ahead of the communications and our preparedness and our land use code, basically look

at all of fire comprehensively. We talk about fire but we talk about the Fire Marshal and that's it. But it's more than that. And it is everything from our utilities companies. It is everything from how the Sheriff is going to direct traffic, how we evacuate, how we do all these different things.

And so I hope in the next few weeks or months before our active fire season comes up that we have a way to communicate this. Maybe update our website so there's easy access to more of the resources. Even looking at our Affordable Housing Ordinance and the ability, if we're able to upgrade somebody's water filtration in their house, maybe those same people would benefit from a couple thousand dollars because they're needier people to help fire-safe their home from the outside.

And so there's a lot of different aspects to this that are either through our land use code, through our Community Development Department, through our Public Safety Department. There's so many different ways that we can approach this. Our communications, you name it.

And so to hopefully have a summit that talks comprehensively countywide, but then also gets granular into different neighborhoods, whether it's Eldorado, whether it's La Cienega, whether it's Rio en Medio, that talks to the specifics of each community to make them as aware as possible to this.

And then to the point that you brought up about LANL, they are going to be presenting their new site-wide thing conveniently opposite our next County Commission meeting. And so the meeting that is going to be in Santa Fe is going to be two weeks from today at the convention center, two blocks from here, but it's going to be against our County Commission meeting. And so I think, if they're going to restrict our ability to be part of that presentation, I think we should invite them to give us a presentation directly to us here, and just say, sorry, guys. You know our meeting is long scheduled ahead of this, so let's make them work and give it here to us where we can answer questions directly.

COMMISSIONER BUSTAMANTE: Mr. Chair, if I may address.

CHAIR HUGHES: One more comment.

COMMISSIONER BUSTAMANTE: I appreciate everything that Commissioner Greene has said, but we do have the LEPC, of which I sit, everything with no exception that you have stated is underway, including a large-scale meetings to work down to the aggregate in various communities with each of fire district entities. We had a very good meeting with Chief Black. We are working the LEPC documents so our emergency response plans, our hazmat plans, all of those identify all of the communications, the strategies, the entities that would have to be informed and who would be engaged during any type of emergency.

So all of that is in the works and will be communicated in the next several months. It is the perfect timing because fire is top of mind for everyone right now. So it's on a quick, short calendar. We have a lot to do in a short amount of time because fire season is already here and we do have sustained burns even as cold as it is.

So I appreciate that but I wanted to make sure that everyone knew that we are working on this.

CHAIR HUGHES: That's good to hear.

COMMISSIONER BUSTAMANTE: Thank you.

**B. Other Elected Officials Issues and Comments, Including but not**

### **Limited to Constituent Concerns, Recognitions, and Requests for Updates or Future Presentations**

CHAIR HUGHES: And let's move on to other Elected Officials' issues and concerns. Clerk Clark.

KATHARINE CLARK (County Clerk): Thank you, Mr. Chair. Commissioner Cacari-Stone, I appreciate you talking about Dr. King. He was the poster that was hanging in my college dorm and I often took with me to my first campaign events when I was running a campaign, so thank you.

This last week I was in DC for the Joint Election Officials Liaison Conference. It's where we meet with NASED, which is the National Association of State Election Directors, and the National Association of Secretaries of State, National Legislative NCSL, and actually we do some meetings on the Hill. So I was with NACo, our Elections Subcommittee representatives who are working for NACo and they and I traipsed around the capital talking to new incoming majority leadership for Senate Rules, as well as Mike Johnson's staff to discuss some of the proposed legislation that would affect voting rights as well as voting procedures around the country, to encourage them to not necessarily pass rules that would make it more difficult for us as local election officials and counties to run elections.

We also did some Hill visits to our new minority to discuss some of our priorities in terms of the National Association of Counties, what our bipartisan priorities are in terms of consistent, reliable election funding to make sure, particularly our small counties can run elections, fair and secure elections.

I am working on several bills at the state legislature, so you will see me hopefully in several committees, trying to get some different reform bills through the state legislature and hopefully you'll see those bills drop soon.

We also, I wanted to announce that the organization that I helped found, Partnership for Larger Election Jurisdictions, just passed 100 jurisdictions across the country. So we are quickly turning into a very large organization that has some sway, particularly on the Hill.

We also are going to be in Arkansas in February because our Guardian Award was chosen as a People's Choice Award, and so we've been invited to give a best practice presentation at the National Association of Election Officials.

I this week had my first EI-ISAC meeting, so I was appointed, one of 12 officials throughout the country to represent local election officials on a cybersecurity, national security, election security committee. I serve with several Secretaries of State so it is quite an honor to be a local election official serving in that capacity, and we are working on an annual report that we're hoping to sort of have as a debrief from the 2024 election and use as a tool for funding gaps, particularly for local election officials.

And I will say that while I was in DC I had the unhappy coincidence of being able to visit President Carter who was lying in state. So waited until the long lines were done, and I got up at 4:00 in the morning because he was there until 7:00 am. It was extremely cold but it was a nice, quiet, snowy morning in DC and I was able to visit our former president and write some words, particularly around elections. I think President Carter was someone who really embodied that idea that we can have democracy through peace and peace in action, and he has done incredible work in terms of the Carter Center for protecting elections and it was really nice to see so many people giving their respects, and

I did write something on our behalf and I wanted to say that since he did pass since we had our last meeting, I wanted to say that he will be missed. Thank you.

CHAIR HUGHES: Thank you. Thank you for saying that about Jimmy Carter. He was a great man. Any other? Okay. I would like to suggest a short break. It's been an hour and a half since our last break, and then we'll come back and finish up.

[The Commission recessed from 5:12 to 5:20.]

**C. Election of Board of County Commissioners Chair for 2025**

CHAIR HUGHES: We are back in session to do a few final things. Next is the election of the Board of County Commission Chair for 2025. Are there nominations? I nominate Commissioner Camilla Bustamante to be Chair.

COMMISSIONER BUSTAMANTE: I accept.

CHAIR HUGHES: Is there a second?

COMMISSIONER JOHNSON: Second.

COMMISSIONER GREENE: May we have some discussion. I would like to hear a speech from the candidate.

COMMISSIONER BUSTAMANTE: I am grateful for the nomination and the opportunity to lead this distinguished Board of Commissioners who have proven their worth in standing up for our community and all that we do. And as much as I sound like I'm talking tongue in cheek I actually sincerely wholeheartedly mean it, because I know and I know that I am committed as well as everyone who sits here that we are committed to working for our communities and for serving those entrusted us to these positions. So it's an honor, I accept it, and I'm grateful. And I'm grateful for the opportunity to lead a meeting, not get to look at the Assessor's tools when they give me an address and I can go see what's around it. I have to keep my eyes on the agenda now the entire time and I'm so grateful for that opportunity.

But in all sincerity, I am truly grateful for the opportunity to lead this distinguished group. Thank you. If I'm voted in.

Cm Yes. Any other comments? I made the motion and Commissioner Johnson seconded.

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

**D. Election of Board of County Commissioners Vice Chair for 2025**

CHAIR HUGHES: Congratulations, Commissioner Bustamante, and would you like to nominate someone for Vice Chair?

COMMISSIONER BUSTAMANTE: If I may, I would like to nominate Commissioner Lisa Cacari-Stone as our Vice Chair.

CHAIR HUGHES: And I will second that. Any – do you want to make a speech, Lisa?

COMMISSIONER CACARI-STONE: No, I just want to thank – this is an exciting co-leadership opportunity and I'm really honored to be amongst those of you who have been serving our communities in Santa Fe and those of us who are new, Commissioner Johnson and I, and I think I'm happy to also learn from the current Chair and the incoming Chair, and make sure we run meetings that we balance time with

inclusion and efficiency and action, that also creates space for communities to speak. So thank you.

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

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

CHAIR HUGHES: Okay, so we have at our next meeting a new Chair and a new Vice Chair. Congratulations.

**E. Appointment of County Commissioners and Staff to Boards and Committees for 2025**

CHAIR HUGHES: And now the appointment of Commissioners and staff to boards and committees. Exhibit B under that is I think my suggestion of the committees, and I think we should probably go through them one at a time and just quickly decide because we haven't looked at this all together at any time.

So for example, start with the first one, Buckman Direct Diversion has Justin Greene and me as primary, and Adam Fulton Johnson as alternate. Is that okay with everybody?

COMMISSIONER JOHNSON: Yes.

Okay, Coalition of Sustainable Communities. Lisa Cacari-Stone is alternate; I am primary. Is that okay.

COMMISSIONER CACARI-STONE: Yes.

CHAIR HUGHES: Estancia Valley Economic Development Association. Camilla Bustamante is primary. You're okay with that?

COMMISSIONER BUSTAMANTE: Yes. It is in my district.

CHAIR HUGHES: It's in your district. Extraterritorial Land Use Authority, everybody's a primary except Camilla Bustamante is alternate. Is that okay? All right.

Local Emergency Planning Committee, Camilla Bustamante is primary; Lisa Cacari-Stone is alternate. No objections?

COMMISSIONER BUSTAMANTE: Does that work for everyone?

COMMISSIONER JOHNSON: Is there something we should know?

COMMISSIONER BUSTAMANTE: I don't know. I'm thinking that works for everyone, doesn't it. I only ask because Commissioner Greene has just recently – if that works for Commissioner Cacari-Stone. But that one, there was an interest and I don't know. I do know that Commissioner Cacari-Stone has understanding and experience in emergency response as well. So maybe this has been worked out.

COMMISSIONER JOHNSON: Is this – I think we all have an interest in emergency planning because we represent constituents. Are these open meetings? Is there a need for more than one applicant. I would be interested in attending but I don't need to be listed on it as an alternate.

CHAIR HUGHES: Yes. You can attend.

COMMISSIONER GREENE: Without being listed.

COMMISSIONER BUSTAMANTE: All open meetings, yes.

COMMISSIONER JOHNSON: Is it easy to know when it's happening?



CHAIR HUGHES: If we're going to all attend or three of us attend we should –

COMMISSIONER JOHNSON: Yes. What is the – can I request that we are notified of this meeting well in advance so that if multiple of us want to attend that the CMO can notice it?

SARA SMITH (Operations Manager): Absolutely. Yes.

COMMISSIONER GREENE: To that point.

CHAIR HUGHES: Commissioner Greene.

COMMISSIONER GREENE: There are a number of meetings that sneak up on us that we don't hear about that we do have interest. And these boards that we don't sit on, necessarily but they are County boards. I would love it if we can have a sort of triggering, sort of inquiry to all of us: By the way, this meeting is coming; do you plan on attending so that we can notice. So something that is so routine that whether I'm on the board and it's just a reminder or whether I'm not on the board and it's just an oh, yeah. I did want to actually pay attention to this this time. It would be useful for us to be able to have some – everything. Not just – every meeting should be put out there.

CHAIR HUGHES: Okay, well, let's move along. Santa Fe Metropolitan Planning Organization. Primary are Commissioner Greene, Commissioner Cacari-Stone and Commissioner Johnson, with Commissioner Bustamante as alternate, and I am fine with that.

Mid-Region Regional Transportation Planning Organization. Brett Clavio and Adeline Murthy as transportation planner. Do we need to state a name in there, Greg Shaffer?

MANAGER SHAFFER: Chair Hughes, I think it's by position and title, and that should be adequate once the position is filled to have that person serve as an alternate.

CHAIR HUGHES: Okay, so that's by title. That's fine. New Mexico County Insurance Authority Board, Manager Shaffer, you're the primary. You're still okay being the primary?

MANAGER SHAFFER: Yes, Chair Hughes.

CHAIR HUGHES: Next is North Central New Mexico Economic Development Department, we have Commissioner Greene as the primary and Lisa Cacari-Stone and Commissioner Johnson –

COMMISSIONER JOHNSON: Chair Hughes, you are the alternate.

CHAIR HUGHES: I'm alternate. Okay. Is that okay?

Next is North Central Regional Transit District. We have Commissioner Johnson as primary and me as alternate. Is that okay?

COMMISSIONER JOHNSON: Yes.

CHAIR HUGHES: All right. Northern Area Local Workforce Development Board. We have Commissioner Bustamante as primary and Commissioner Greene as alternate.

Northern Pueblos Regional Transportation Planning Organization, same thing by – I think that's by office. The transportation planner is on that.

Northern Rio Grand Heritage Area. We have the primary, Commissioner Cacari-Stone and alternate as Commissioner Johnson. Good with that?

REDI-Net, Commissioner Greene as primary, Commissioner Johnson as alternate. Santa Fe Audit Committee, Commissioner Greene as primary and me as primary

too.

COMMISSIONER JOHNSON: A question actually, to Commissioner Greene. Noting the primary assignments is seven with one alternate, I'm willing to switch from alternate to primary if you are – on the last item. But I'm not asking – I'm not champing at the bit for it but I am noting that you have three more primary assignments than us.

COMMISSIONER GREENE: So specifically for REDI-Net or –

COMMISSIONER JOHNSON: That's actually the one that sort of works for us to swap but in any other case I would be open to that if I were the alternate.

COMMISSIONER GREENE: I'm pretty knee-deep in a whole bunch of big REDI-Net things these days, so – and have served as vice chair for the last two years. I would argue welcome aboard and let's get you up to speed and attend those meetings. I've been a member of REDI-Net – I was a member for Tesuque Pueblo before I was a County Commissioner and I've been involved with REDI-Net for eight years at this point.

COMMISSIONER JOHNSON: So it's apropos. Got it.

COMMISSIONER GREENE: Yes. I'd love to get you up to speed and get you on there as much as possible.

COMMISSIONER JOHNSON: Thank you.

CHAIR HUGHES: Okay. I think we were on Audit Committee and maybe we approved that but that was Justin Greene and Hank Hughes as primaries.

Next is the Santa Fe County Investment Committee. My understanding is that the Chair and Vice Chair are primaries. How many alternates do we appoint?

MS. SMITH: Chair Hughes, you would appoint two alternates.

CHAIR HUGHES: Okay. Who would like to be an alternate? I would like to be an alternate.

COMMISSIONER JOHNSON: I would too.

COMMISSIONER GREENE: I would like to be on there, but –

CHAIR HUGHES: You can be an alternate then.

COMMISSIONER GREENE: We can rock, paper, scissors because he also wanted to be –

CHAIR HUGHES: I'll give up being alternate. I can still attend.

COMMISSIONER JOHNSON: Easy enough .

CHAIR HUGHES: Investment Committee, so primaries are Commissioner Cacari-Stone and Commissioner Bustamante, and the alternates are Commissioner Johnson and Green.

Solid Waste Management Agency, also known as SWMA. As primaries we have Justin Green, Commissioner Cacari-Stone, Commissioner Johnson, and alternate, Commissioner Hughes. Any problem with that?

Okay, and last but not least, Water Policy Advisory Committee. Primary is Commissioner Bustamante, are you still willing to take that? Do we need to appoint an alternate? We don't have an alternate.

MS. SMITH: Chair Hughes, the Water Policy Advisory Committee asked for one member of the Commission to sit as a non-voting member. So right now it's just a primary.

CHAIR HUGHES: Okay.

MS. SMITH: According to the resolution.

CHAIR HUGHES: Okay, well, that's the boards. I guess we should approve it. If anybody has any changes, last minute looking at it.

COMMISSIONER JOHNSON: Move to approve.

COMMISSIONER GREENE: Second.

CHAIR HUGHES: Commissioner Johnson moves to approve; Commissioner Greene seconds. Any discussion?

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

**11. Matters from the County Attorney**

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

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

CHAIR HUGHES: Attorney Young.

MR. YOUNG: Thank you, Commissioner Hughes and Commissioners. It was over last summer that I announced that I'd be moving for family reasons but it was important for me to stay on as County Attorney until we identified a replacement and after a lengthy search the County identified Walker as that attorney. I've know Walker for several years now and I've been impressed by his professionalism, problem-solving and legal acumen. So I'm excited to see what Walker is able to do and move the County forward as County Attorney. It's very exciting.

I wanted to thank the Board and County Manager for allowing me to serve. It's been an honor and a privilege. While in New Mexico I've been general counsel at two state agencies and counsel for the Chief Justice of the Supreme Court and I think this is my favorite job out of all of those. So it was really a great, great experience and I appreciate it. It's complicated which Walker will soon find out, but it's a good type of complicated,

I'd also like to thank the staff in the County Attorney's Office for their hard work and dedication and it's just been great working with them as well as elected officials and department heads. A real pleasure to support them.

So I guess for my last executive session we have one item to do and I would ask that we go into executive session to discuss the purchase, acquisition or disposal of real

property or water rights as allowed by Section 10-15-1(H)(8), specifically including acquisition of real property interest for the Pojoaque Basin Regional Water System, and I think we may have an action item coming out of this executive session but that's yet to be determined.

CHAIR HUGHES: All right. Can we have a motion to go into executive session?

COMMISSIONER GREENE: I will move to go into executive session to cover the items that Jeff Young, our esteemed County Attorney has set forth and promise not to talk about anything else.

COMMISSIONER CACARI-STONE: Second.

CHAIR HUGHES: Okay, we have a motion and a second. Can we have a roll call?

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

Commissioner Bustamante	Aye
Commissioner Cacari-Stone	Aye
Commissioner Greene	Aye
Commissioner Johnson	Aye
Commissioner Hughes	Aye

[The Commission met in closed session from 5:36 to 6:12.]

CHAIR HUGHES: All right. Back in session. I think we need a motion to come out of executive session.

COMMISSIONER GREENE: I will move to come out of executive session stating that we only discussed the item that the County Attorney and that we said that we were going to discuss, and no decisions were made.

CHAIR HUGHES: I'll second that.

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

CHAIR HUGHES: Okay, we're out of executive session.

**11. B. Resolution No. 2025-009, a Resolution Authorizing the County Attorney to Initiate and Prosecute Condemnation Proceedings to Acquire Specified Real Property Interests for the Pojoaque Basin Regional Water System**

CHAIR HUGHES: Do you have a little presentation for us, ma'am?

MS. CASKEY : We have been working on obtaining permanent utility easements in Nambe as part of our Pojoaque Regional Water System project, and we've been working on this since July. We are here in front of you this evening to ask to proceed with pursuing condemnation action towards seven property owners on this project where we have kind of come to an impasse in moving forward towards obtaining these permanent utility easements.

It is the County responsibility to obtain these easements for the Board of Reclamation project and the federal government as part of the larger scheme of things and in some of the cases for these properties, this is just the next step necessary to move forward with the project and not experience any delays in construction. Not all of the owners are uncooperative but there's some different things in place that just make this the necessary next step.

The easements that we're pursuing are in those cases very, very small, the size of a dining room table or an area rug and it's really just places where we are – the roadway and the existing right-of-way is not wide enough to accommodate construction, and in some places locations where we're going to be putting in fire hydrants.

So it is our belief that this project is going to benefit the community and the neighborhood, even as it's drug on and some of the property owners have become bored with us in this project. So that is what we're here for and I stand for your questions.

MANAGER SHAFFER: And Chair Hughes, I would just add to what Michele mentioned that we are talking about exceedingly small areas. In the first group for which Michele and our consultants have been pursuing permanent utility easements, there's 20 in total, of which seven are on the resolution in front of the Board. In total those 20 permanent utility easements sum to approximately 13,000 square feet of land. So again, we are talking about exceedingly small areas adjacent to roadways.

We are offering to the property owners through any consensual sales as well as through the condemnation proceedings if necessary the fair market value as we've estimated it for those small easement areas, and in addition, as Michele mentioned, we think that on balance, having a public utility waterline and fire hydrant adjacent to your property won't harm property values and we'd suspect it would actually push in the opposite direction.

Finally I would just note that the fact that you provide a permanent utility easement to the County, as I understand it does not impact any development rights that you would have under the Sustainable Land Development Code, based upon acreage, as we do not deduct out from the lot size the permanent utility easements. So I did want to make sure that those things were clear. I wanted to thank Michele for her hard work in this area as this has been quite a process to manage and will continue to be so moving forward. Thank you, Chair Hughes, Commissioners.

CHAIR HUGHES: Thank you, Manager Shaffer, and thank you, Michele. So what's the pleasure of the Board?

COMMISSIONER GREENE: I'll make the motion in a second but just to be clear, before I do so I want to thank the Board and staff for pursuing this and giving staff as much time as possible to get to this point. This topic had come before us in the previous Board in months before us, and due to the sensitive nature of this and the holiday season and a variety of factors, the Board actually requested as much time as possible to negotiate on behalf of the County and this water system for these easements. We took every – we tried to look at this from every angle including the ones that County Manager Shaffer mentioned such as the development rights, the value, whether this damages any fixed improvements to the properties – a variety of things that tried to be as comprehensive and to make sure that we were looking out for the property owners' rights, but balancing it with the community-wide benefit of a regional water system here.

So we did not take this lightly. This was not a knee-jerk reaction. This has actually been before us for months and this process has been discussed and the real

property folks at SelectROW and Michele have been knocking on doors and doing our best to do this amicably with a handshake as opposed to a court order. But we do think that this is in the best benefit of all of the folks in the neighborhood. We do think that the amount of money that we're offering these folks is fair and more than the minimum for sure, and that we hope that by taking this action that maybe a few people or all of them will actually take the action and reach out to us to do this with a handshake instead of a court order.

So if there's any other discussion that somebody wants to make, that's fine. If not, I will make the motion. Wonderful. So I will make a motion to approve a resolution authorizing the County Attorney to initiate and prosecute condemnation proceedings to acquire specified real property interests for the Pojoaque Basin Regional Water System.

CHAIR HUGHES: I'll second it. Any more discussion? All right. Motion by Commissioner Greene, seconded by Commissioner Hughes.

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

**12. Public Hearings**

A. Case No. 23-5151. D.R. Horton, Applicant **TABLED**

**12. Concluding Business**

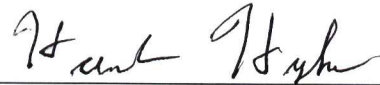
A. **Announcements**

The Commission thanked Attorney Jeff Young for his service to the County.

**B. Adjournment**

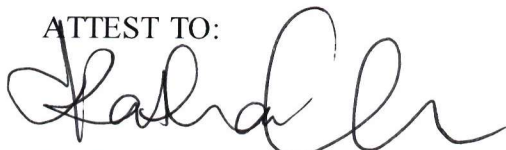
Commissioner Greene moved to adjourn and Commissioner Bustamante seconded. With no further business to come before this body, Chair Hughes declared this meeting adjourned at 6:21 p.m.

Approved by:

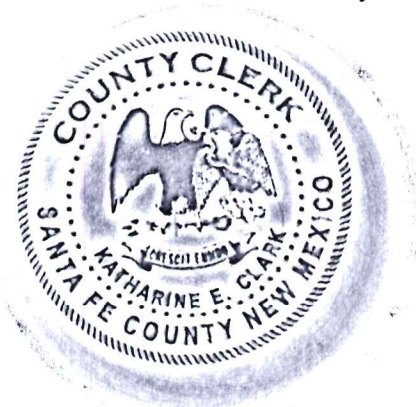


Hank Hughes, Chair  
Board of County Commissioners

ATTEST TO:



KATHARINE E. CLARK  
SANTA FE COUNTY CLERK





EXHIBIT

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SFC CLERK RECORDED 02/06/2025