

**SANTA FE COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**REGULAR MEETING**  
**January 28, 2025**

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

**SANTA FE COUNTY**

**BOARD OF COUNTY COMMISSIONERS**

**MEETING**

**January 28, 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 Camilla Bustamante in the County Commission Chambers, 102 Grant Avenue, Santa Fe, New Mexico.

**B. Roll Call**

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

**Members Present:**

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

**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 Bustamante. She 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 was led by Alexandra Ladd of the Growth Management Department.

Commissioner Greene requested a moment of silence for his father-in-law, Francisco Higaskino and civic leader of Santa Fe, Marg VeneKlasen.

**G. Approval of Agenda**

CHAIR BUSTAMANTE: Manager Shaffer, do we have any changes to the agenda that was submitted?

GREG SHAFFER (County Manager): Chair Bustamante, Commissioners,

no, there are no recommended changes to the agenda as presented. I would note that the initial agenda for today's meeting was posted last Wednesday and the amended agenda was posted on Friday at approximately 4:15 pm, which is in excess of the 72 hours required by the Open Meeting Act. Thank you.

CHAIR BUSTAMANTE: Thank you. Do we have a motion to approve the agenda?

COMMISSIONER GREENE: I will move to approve the agenda as presented.

CHAIR BUSTAMANTE: Motion by Commissioner Bustamante. Who is the second?

COMMISSIONER JOHNSON: Second.

CHAIR BUSTAMANTE: Second by Commissioner Johnson.

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

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

CHAIR BUSTAMANTE: Manager Shaffer.

MANAGER SHAFFER: Thank you, Chair Bustamante and Commissioners. I'm actually going to begin with new hires for the month of November and then work backwards toward recognizing those County employees who have observed significant milestones with the County recently, namely their 20- and 25-year anniversaries with the County.

Starting with new hires, in the months of December and November, we are pleased to welcome in the Corrections Department, William Abers, Zachary Duran-Sanchez. In the County Clerk's Department, Lynette Martinez joined the County Clerk's Office as a recording Clerk. And we have two new deputy sheriffs who joined the team in December, Rashniv Ramos and Sean Riley.

Looking back to the month of November, I'm pleased to welcome many team members throughout the County including Nina Martinez in the County Treasurer's Department, Megan Sandoval in the Fire Department, another deputy sheriff, Amanda Esquibel. In the Utilities Department, a utility maintenance worker, Dominick Acevedo. In the Corrections Department we welcome both detention officers, case managers as well as an LPN. They are Daniel Boone, Idalee Lopez, Gabriel Martinez. And in the County Manager's Office, we had several folks join us. In the Finance Division as well as in IT and HR. They include Nadia Martinez, Slerica Pierce, Salim Shaker, Elena Tercero. And in the Community Services Department, Coy Maienza. And in the Public Works Department we have several equipment operators – Tanner Bowman, Isaac Quintana and James Vargas. So we continue to make steady progress in terms of reducing the County's vacancy rate and we'll welcome all of those team members who joined us in the months of November and December.

We have several employees who have recognized five-year anniversaries with the County in November and December. They are Athena Martinez in the Sheriff's Department, Daniel Solis in the Corrections Department, and Samantha Talamante, also in the Sheriff's Department at five years. In addition, Matthew Hyde recognized the

anniversary with the County in the IT Department and we had several individuals in our Solid Waste Division, James Anaya and Justin Martinez. And finally Rachael Sandoval in the County Treasurer's Office.

At ten years I'm pleased to recognize Norbu Francis, Connor Lino, Clarence Romero and Gregory Sower with our Fire Department. And in our Senior Services program, James Martinez and Matthew Hernandez in our IT Department.

Recognizing 15 years with the County, Emilio Mendoza in the Public Works Department, our own Ambra Baca in the County Manager's Office, and with the Fire Department, Nestor Garcia and Eutimio Ortiz. And finally also in the County Manager's Office, Brittney Montoya.

And then finally all of the 20- and 25-year anniversary individuals and employees were asked to be present today. If they are in fact in the audience I would welcome them to come forward as their significant contribution to our community is recognized. They are as follows: at 20 years, Michael Martinez in the Sheriff's Department and Diana Lovato in the Sheriff's Department. Also in the County Manager's Office is Tina Salazar. At the 25-year mark, in the County Manager's Office, the Finance Division, Samuel Montoya. And in the Sheriff's Department we have at 25 years of continuous service, Gabriel Gonzales and Yvonne Gonzales.

So if they're present, I'd ask them to come forward so that we can give them a token of our appreciation and also perhaps have a photo taken with the Board to recognize their significant contribution to our organization and our community.

CHAIR BUSTAMANTE: Let's take a picture first. We'll definitely have some comments for you. We'd love for you to meet with us right in front of the dais here and we'll take a photo.

[Photographs were taken.]

CHAIR BUSTAMANTE: Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. This is an amazing team we have at Santa Fe County and to see people in this day and age work five, ten, fifty, twenty, twenty-five years is amazing and you all deserve a lot of credit for the perseverance and persistence. It sometimes isn't easy. We try to make it as easy and supporting as possible but I really appreciate the hard work, diligence you do on behalf of Santa Fe County and our community. So everybody that was cited here today deserves a large amount of recognition and thanks.

Specifically I want to give the shout-out to our liaisons, three of which are on this list today with Tina and Brittney doing just an amazing amount of time with us in support of the Commission and up here we appreciate that, and then especially for Ambra, who's my liaison who strategically slipped out on a personal day or two so she didn't have to be here so we couldn't pick on her personally but she's going to hear it on this and I want to thank her for being as supportive as she can be to District 1 and to my seat here as a County Commissioner for District 1. So thank you, Ambra, thank you, Tina and thank you, Brittney and thank you all of you all for being a part of Santa Fe County and all you do for us. Thank you.

CHAIR BUSTAMANTE: Thank you. Commissioner Johnson.

COMMISSIONER JOHNSON: Yes, thank you, Madam Chair. I want to thank all employees for coming out today and those who have long tenured records.

Thank you for your service. I just wanted to echo Commissioner Greene's appreciation for our liaisons. My liaison, my teammate, Tina Salazar, has worked for the County for 20 years. I'm the third Commissioner that she has worked for, so I'm really the freshman on campus and I appreciate her work greatly. Thank you.

CHAIR BUSTAMANTE: Thank you. Anything else from anyone? I want to thank all of you all for all the work that you've done in the years that you've put in really speaks to your dedication to working for people in the County and working for the County and with the County. So thank you all. Congratulations and for those new hires, I hope that we all get to see you 25 years from now. Some of us might not be around at that point. I'm sorry. I just realized what the calendar looked like. But we're definitely grateful for your service.

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

CHAIR BUSTAMANTE: Manager Shaffer.

MANAGER SHAFFER: Thank you, Chair Bustamante and Commissioners. There are two awards and recognitions that we wanted to bring forth to the Board and public today. First, we wanted to acknowledge and congratulate our Finance Division for receiving a certificate of achievement for excellence in financial reporting for the fiscal year 2023 annual comprehensive financial report and an award for financial reporting achievement for fiscal year 2023 from the Government Finance Officers Association. This marks the 13<sup>th</sup> consecutive year that the County's Finance Division has achieved this award. We participate annually in the voluntary review of our ACFR and a review of financial reporting through the GFOA and the review of the certificate of achievement Special Review Committee assures that the standards and procedures adopted by the County are consistent with the accurate, timely, and transparent financial reporting standards of the GFOA. The certificate of achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment for Santa Fe County.

I just want to note a bit about the timing. You did hear me correctly; this is for fiscal year 2023. The award was actually announced last fall but Yvonne and her team were busily preparing for and implementing the fiscal year 24 audit, and so they asked if we could defer recognition of their significant achievement until they had finished the task at hand in terms of getting our 2024 ACFR in place. So I'd like to ask Yvonne and her team to come up to have a picture taken with you and congratulate them on their significant accomplishment. And again, this was the 13<sup>th</sup> consecutive year that the Finance Division achieved this award.

CHAIR BUSTAMANTE: Thirteen years, that's exception. Congratulations all of us. Let's take a photo.

YVONNE HERRERA (Finance Director): I'd like to thank this whole team behind me. Come on up, guys. Don't be shy. Anyway, without them, it couldn't be done. So with them, with you all, the support with the County Manager's Office, as well as the departments in the back that don't get to come up and take this awesome picture with you guys. Thank you.

CHAIR BUSTAMANTE: Thank you.

[Photographs were taken.]

MANAGER SHAFFER: So Chair Bustamante and Commissioners, also under this item, our Community Services Department has asked that we acknowledge Josie Atalano for support that she provided relative to a senior home repair program. Josie is the activity coordinator for the Santa Cruz Senior Center. She has been serving area seniors for almost 30 years. She was recognized by the Non-Metro Area New Mexico Agency on Aging for her advocacy of their senior home repair program.

The program targets at-risk rural seniors through its parent organization, the North Center New Mexico Economic Development District. AAA's housing coordinator, Sandra Sosa submitted a missive about Josie's work entitled a year of change, how Josie Atalano transformed our senior home repair program. The document went on to reflect the deep dedication and clear commitment that she has, both as an advocate for seniors and as an ambassador for Santa Fe County.

Sosa writes: Josie became a passionate advocate sharing program information with seniors in Santa Cruz. With her trusted presence by our side we were able to address their concerns. Her endorsement was critical in building trust. Through this program we've completed numerous life-changing repairs and the impact has been profound. None of this would have been possible without here and the staff at the Santa Cruz Senior Center.

Hopefully this also provides a forward-looking model that we can use through our relative to rehabilitation and repairs pursuant to our affordable housing programs, but I wanted to take this opportunity to recognize those accolades and the work that Josie performed in supporting this program.

ANNE RYAN (Community Services Director): Madam Chair, Commissioners, colleagues, County Manager Shaffer, we know you have a full agenda. We promise not to take a lot of time, but we love a good surprise. She had no idea that her family is here.

CHAIR BUSTAMANTE: Thank you, I think we can all say that we're very grateful for the work that you do. I'm very curious. Besides being incredibly appreciative, what drives you? You've been doing this for such a long time, and you have changed lives. It's evident. So what is it that makes you want to show up and take care of your community this way?

JOSIE ATALANO (Senior Services): I've always cared for seniors, as a little girl. So to help them is a reward for me so I felt like I've been rewarded throughout the years. I feel very honored to be able to do that. I just do it from my heart, because I love them.

CHAIR BUSTAMANTE: Thank you sincerely. Do we have any other comments from the Commission? Commissioner Greene.

COMMISSIONER GREENE: Josie, thank you. The community up in Santa Cruz loves you. The north appreciates your work. It's amazing. At all of our senior – all of the staff up there. You've built an amazing staff. It's really one of the shining points of Santa Fe County. We give accolades across the board, but seniors really seem to be the most appreciative. It makes life a lot easier, right? People with a smile who've received the services so the motivation is seeing that reflection back. But thank you. It's



not an easy thing. All of this work that we do is not easy and I really appreciate what you've done for Santa Cruz, and we're going to have a nice, new facility for you soon. So let's get excited and get that thing built and moving and have lots of happy seniors and thank you. Great job.

MS. ATALANO: Thank you.

CHAIR BUSTAMANTE: Thank you. Anyone else? Okay, I would love for us to get a picture, first with the recipient, so with Josie, and I think it would be wonderful to one of each. If we could get one with you alone and then with your family.

CHAIR BUSTAMANTE: Thank you.

[Photographs were taken.]

#### **J. Employee of the Quarter, 4<sup>th</sup> Quarter 2024 Award**

CHAIR BUSTAMANTE: Manager Shaffer.

MANAGER SHAFFER: Chair Bustamante, Commissioners, the last item under opening business is recognition of the Employee of the Quarter, as well as all of the individuals who were nominated for the Employee of the Quarter award, as well as the actual recipient of that award. I'm going to read a brief description of why the different employees were nominated and then we'll announce who this quarter's award is going to, and at that moment I'd ask that we take a picture with all of those recipients with the Board.

From the Support Services Group, Melissa L. Martinez, our labor relations administrator, was nominated as the Employee of the Quarter for that group. Melissa has continually mentored all Human Resources staff, not just her direct reports, and has continued to help others with their professional development and growth. She has continued to be an upstanding member of the Human Resources team and ensures all of Human Resources continues to have anything they require to succeed. She has been willing to continue to lead trainings for the County staff and collaborate on new and enhanced presentations. She has offered to be the secondary contact for training and employee development to assist the staff. So congratulations, Melissa. Please come forward if you're present.

In the Public Safety Group, Battalion Chief Nestor Garcia was nominated as the Employee of the Quarter. BC Garcia has served as a mentor and leader in the Fire Department to not only his fellow firefighters but to all Santa Fe County staff. Until the September 2024 Fire Academy BC Garcia has maintained the EMS and Training Division and helped produce excellent firefighters for Santa Fe County. He has continually gone above and beyond by teaching his fellow firefighters responding to 911 calls, attending recruitment events, and ensuring all operational necessities are completed. BC Garcia makes himself easily accessible to any County employee and takes pride in all that he does for Santa Fe County. Congratulations, BC Garcia.

We have two individuals from the Public Works Group. First is Darren Chavez in the Utilities Division. Darren has consistently demonstrated exceptional leadership and dedication during his time with Public Works. This quarter, he went above and beyond by helping his teammates with their workload after completing his own tasks. Notably, he took the initiative to clean a clogged sewer line, a task many avoid, showcasing his

willingness to tackle difficult jobs. While meter reading, Darren also assisted a customer concerned about a high bill by inspecting their meter and arranging a follow-up, earning the customer's gratitude. His hard work and initiative, even on challenging projects, have left a strong impression on his colleagues. Congratulations, Darren.

Also from the Public Works Group, we have Bo Romero, program specialist. Bo is a key member of Santa Fe County and Public Works, known for his outstanding work ethic, approachable attitude, and deep understanding of the Lucity Program. Whether working at his desk or out in the field, Bo always makes himself available to help others, often pausing his own tasks to prioritize the needs of his team. He has significantly improved the Lucity Program, refined field maps, and provided valuable training to staff, ensuring everyone feels confident and supported. Bo's ability to simplify complex processes, like Utility Work Orders, showcases his dedication to empowering his colleagues. His reliability, hard work, and problem-solving skills have made him an invaluable resource to the team.

So let's recognize all of those nominees from the different groups.

And so the Santa Fe County Employee of the Quarter award for the 4<sup>th</sup> quarter of 2024 is awarded to Darren Chavez. If all employees could please come forward who were nominated for their group, and Darren as well to be recognized and take a picture with the Board. I just pause to say that I greatly appreciate the Board allowing us the opportunity to recognize County employees at the beginning of our meetings. We can't do anything as an organization without our colleagues taking this opportunity to reflect upon the good work that they do day in and day out on behalf of the County is significant to their morale and hopefully is significant to remind the community of what we're doing on a daily basis to serve their interest. So I want to thank the Board for being so generous with your time as we recognize the yeoman's work of so many of our colleagues throughout the County. Thank you.

CHAIR BUSTAMANTE: Thank you, Manager Shaffer. Are there any comments from the Board? I want to just thank you for your commitment and your good work, and for making a difference in Santa Fe County, because it's not just felt by those of us who work within the County but it's also for our constituents out there. So thank you all sincerely for your good work and your dedication. Let's get a picture on.

[Photographs were taken.]

## 2. Approval of Meeting Minutes

### A. **Request Approval of January 14, 2024 Board of County Commissioners Meeting Minutes**

CHAIR BUSTAMANTE: Thank you very much Manager Shaffer. Do we have a motion to approve?

COMMISSIONER CACARI-STONE: I'll make a motion to approve the minutes.

CHAIR BUSTAMANTE: We have a motion by Commissioner Cacari-Stone. Do we have a second?

COMMISSIONER GREENE: And I'll second.

CHAIR BUSTAMANTE: Second by Commissioner Greene.



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

3. Consideration Proclamations, Resolutions, and/or Recognitions

None were brought forward.

4. Consent Agenda

- A. **Resolution No. 2025- 010, a Resolution Requesting a Budget Increase to the Housing Capital Improvement Fund (301) in the Amount of \$628,983. (Finance Division/Yvonne S. Herrera and Housing Authority/Adrianna Velasquez)**
- B. **Resolution No. 2025-011, a Resolution Requesting a Budget Increase to the Housing Operations Fund (517) in the Amount of \$1,044,172 (Finance Division/Yvonne S. Herrera and Housing Authority/Adrianna Velasquez)**
- C. **Resolution No. 2025-012, a Resolution Authorizing the Disposition of Fixed Assets Worth Less Than \$5,000 in Accordance with State Statute (Finance Division/Yvonne S. Herrera and Sheriff's Office/Adan Mendoza)**
- D. Request (1) Approval of Amendment No. 4 to Agreement No. 2022-0086-GM/KE with GeoCivix Increasing the Compensation by \$135,855.74, for a Total Contract Sum of \$383,935.74, Inclusive of NM GRT; and (2) Delegation of Authority to the County Manager to Sign the Purchase Order (Growth Management Department/Jordan Yutzy and Purchasing Division/Bill Taylor) **ISOLATED FOR DISCUSSION**
- E. **Request (1) Approval of Agreement No. 2025-0206-IT with IT Connect for a Total Compensation Amount of \$270,000, Exclusive of NM GRT to Provide Network Monitoring and Infrastructure Support; and (2) Delegation of Authority to the County Manager to Sign the Purchase Orders (IT Division/Daniel P. Sanchez and Purchasing Division/Bill Taylor)**

CHAIR BUSTAMANTE: Do we have anything that the Commission would like pulled off for further discussion? Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. I'd like to remove item D and discuss for a quick minute please.

CHAIR BUSTAMANTE: Okay. Item D, we will address that one outside of the Consent Agenda. Otherwise do we have a motion?

COMMISSIONER GREENE: I will move to approve the Consent Agenda with item D removed, and approving A, B, C, and E.

COMMISSIONER HUGHES: Second.

CHAIR BUSTAMANTE: Okay. Motion by Commissioner Greene to approve the Consent Agenda with a second from Commissioner Hughes.

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

- 4. D. Request (1) Approval of Amendment No. 4 to Agreement No. 2022-0086-GM/KE with GeoCivix Increasing the Compensation by \$135,855.74, for a Total Contract Sum of \$383,935.74, Inclusive of NM GRT; and (2) Delegation of Authority to the County Manager to Sign the Purchase Order (Growth Management Department/Jordan Yutzy and Purchasing Division/Bill Taylor)**

CHAIR BUSTAMANTE: Could we hear a report on item D? Jordan Yutzy and Bill Taylor.

BILL TAYLOR (Purchasing Director): Thank you, Chair Bustamante. So this is an amendment to increase the compensation to the contract. This is for entering online permitting and internal/external flow system at the Growth Management Department. We'll stand for questions.

CHAIR BUSTAMANTE: Commissioner Greene.

COMMISSIONER GREENE: Thank you, Bill, and thank you, Jordan. So I work closely with architects around town so one of the goals of this contract was to get online submissions and integration with the state, and I just want to sort of get a status of where that is and either understand when or where or how far we've gotten into this implementation.

JORDAN YUTZY (Land Use Administrator): Madam Chair, Commissioners, we have actually gone a long way in the about six, eight months. We've really been pushing on this. Currently we have residential solar completely online. That's been since May. The solar companies love it. They no longer have to come in. They can pay online. They don't have to step foot into the building. They can submit the permits and go. For about the past two or three months we've been with accessory structures online. The contractors and homeowners seem to really enjoy the system. It makes it easier for them.

This contract amendment gives us that last piece that we need to push forward with single-family residences. When the original contract was done it wasn't looked at as all the licensing needed for Bluebeam and for the software. So this contract amendment gives us a licensing that we're really going to push by the middle of February. We'll move all single-family residences on. And then by the end of February we'll have the top five permits in the county which would remain modular, home placement, and then I believe utility authorizations, and those top five permits account for 90 percent of the permits that come through Growth Management.

COMMISSIONER GREENE: Amazing. Thank you for providing a little bit of clarity into that. So with this will commercial still be – is that one of the last things that will happen or is that way out in the future?

MR. YUTZY: So what we're looking at with this is after we get the top five in there we're going to move into variances, CUPs, site development plans, putting those on line, and then, after we get those situated we'll go back to the permits because currently the County has 26 different development permits and a majority of them are

one-offs. They get maybe one a year, two a year. And so we will go back and eventually get those in there but the goal is to get the 90 percent taken care of online and then move to the CUPs, the variances, to make it easier for them to submit and get those online and then we'll bounce back to the permits and get the remaining 21 put online.

COMMISSIONER GREENE: And so this will eliminate the need to submit and print hard copies?

MR. YUTZY: Madam Chair, Commissioner Greene, that is correct. I sat here last May and told you that by the time I came to you next May we'd be paperless and we're still on track to do that.

COMMISSIONER GREENE: Wonderful. Thank you. And then lastly, does this system integrate with State CID? Will we be able to shoot things over to them without having to print or carry things over?

MR. YUTZY: So the way it's working right now is we digitally are stamping the plans. They go to the applicant. If the applicant chooses to submit for the CID permit online they're able to. We're working with CID. We've kind of hit a little hiccup that developed last week with we had an elderly customer that came in. We handed them a flash drive with their digital plans. They took it to CID and CID says we don't take flash drives.

And so we're meeting with CID next week to come up with a solution to that and one solution would be in that case they could take it to a print shop and have the plans printed off with the County stamp on it.

COMMISSIONER GREENE: Okay. If there's ways to facilitate that and to find a way to authorize people to sign here and we'll ship it over to CID because it's our process and to have that inefficiency and complications. A great example of how that isn't working and there's definitely an easier way of doing it that doesn't include printing it.

MR. YUTZY: And we are looking for that and we're hoping that the meeting with CID, one of the hopes is that they can give us direction on how other jurisdictions are doing it. A lot of them are digital. How are they moving through this so that we don't have to reinvent the wheel.

COMMISSIONER GREENE: Great. And then lastly, just more for the record than anything I think. One of the most difficult positions to train up into is plan check review, and a lot of that is done at the state for the County, but there's still some folks here at the County that I think it's been told to me that it takes about a year before we feel confident that somebody is able to adequately review plans on their own without us having to check their math.

When I was at NACo last summer I was part of an AI forum. There were like 12 or 15 different solutions that were considered, reviewed by a working group over at NACo and the number one area that they thought was the most beneficial to counties was at plan check and plan review using AI, where digital submissions can be scanned in and within minutes go over the checklist of things that a plan check reviewer has to go search a drawing to go find something that is esoteric and very small and tiny print. And AI can actually do it and sort of give back, spit out a checklist of: is it compliant? It can check the math. It does a lot of things that that training, finding somebody to do it and feeling confident that they're doing it. AI can do it for us.

Nobody wants to lose a job in this but when we're replacing people and it takes us a year to get them up to speed, that's a great place to implement AI for this. So I hope that this contract and this provider has that potential to integrate into that and I hope you can look into that, maybe for the next amendment. Or maybe even in this amendment. But thank you.

MR. YUTZY: Madam Chair, Commissioner, we will definitely look into that.

CHAIR BUSTAMANTE: Thank you. Any other questions?

COMMISSIONER GREENE: With that I will move to approve item D, and this fourth amendment to this contract.

CHAIR BUSTAMANTE: Motion to approve by Commissioner Greene. Do we have a second?

COMMISSIONER JOHNSON: Second.

CHAIR BUSTAMANTE: Second by Commissioner Johnson.

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

[The Clerk's Office provided the resolution numbers throughout the meeting.]

**5. Appointments/Reappointments**

**A. Request Reappointment of District 2 Member to the County Open Lands, Trails and Parks Advisory Committee (COLTPAC)**

CHAIR BUSTAMANTE: Here comes Adeline Murthy. Thank you.

ADELINE MURTHY (Open Space and Trails Planner): Today I am requesting consideration of the reappointment of Christopher Mann as the District 2 representative to the County Open Land, Trails, and Parks Advisory Committee or COLTPAC, which is a nine-member committee that advises the Board of County Commissioners on matters related to open space, trails, and parks.

Committee members serve a three-year term subject to reappointment of one additional term thereafter. Mr. Mann has represented District 2 on COLTPAC since February 2022, and he has expressed interest in continuing to serve as a member of COLTPAC. The reappointment of Mr. Mann would allow him to continue serving on COLTPAC including at the committee's next regularly scheduled meeting on February 5<sup>th</sup>. This reappointment would be for a second and final three-year term. Mr. Mann has actively engaged with the committee and currently serves as the COLTPAC chair. Thank you, and I stand for any questions.

CHAIR BUSTAMANTE: Do we have any questions for Ms. Murthy? If we don't have any questions, do we have a motion to approve?

COMMISSIONER CACARI-STONE: I make a motion to approve.

COMMISSIONER GREENE: I'll second.

CHAIR BUSTAMANTE: Motion to approve by Commissioner Cacari-Stone of District 2, a second by Commissioner Greene.

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

**5. B. Request Appointment of Members to the Arts, Culture, and Creative Economy (ACCE) Council**

CHAIR BUSTAMANTE: Ms. Shadabi.

LEILA SHADABI (Economic Development): Good afternoon, Madam Chair and Commissioners. I'm Leila Shadabi, Economic Development Specialist, Santa Fe County, the Community Development Department. We are here today to request appointment of members to the Arts, Culture, and Creative Economy, ACCE Council, as you mentioned. This item is being presented to the Board of County Commissioners to request appointment of members to the Arts, Culture, and Creative Economy, ACCE Council. Members will serve for 18 months and advise Santa Fe County staff and contracted consultants on strengthening the arts, culture, and creative economy in Santa Fe County. Primarily, the ACCE Council will develop a comprehensive five-year plan for arts and culture in the County.

At its December 9, 2024, meeting, the Board adopted Resolution No. 2024-167, which is provided as Exhibit A, establishing the purpose and activities of the Santa Fe County Arts, Culture, and Creative Economy Advisory Council. The ACCE Council will work on the creation of a five-year arts and culture plan and provide quarterly reports of its activities and recommendations to the Board to establish a sustainable arts and creative economy strategy for the future.

Pursuant to Resolution No. 2024-167, the ACCE Council shall consist of 11 members, two members from each Commission district, and one at-large member. The members will be selected based on their expertise in arts, culture, and creative economy, including areas such as visual arts, performance arts, and arts promotion. The ACCE Council will be uncompensated and meet monthly or more often if necessary, to discuss and advise on arts initiatives within the county. These meetings must comply with public notice, open meeting laws, and other County policies, and decisions by the ACCE Council will be made by a majority vote of the members present at a meeting.

The Economic Development Division, County Manager's Office, and Public Works staff will support the ACCE Council, and the ACCE Council will work closely with these departments to provide expertise and input in developing the scope of work to strengthen arts and culture in the County. Staff solicited letters of interest from the general public in a press release on January 3, 2025, and as a short report I can see we received plus 40 applicant, and all of them are highly qualified. The applicants represent various interests in arts based on the resolution, 27 were qualified for going forward.

A list of individuals determined to be qualified, as outlined in Resolution No. 2024-167, is included in Exhibit B. These candidates are aware of the three conditions, which are they will sign the conflict-of-interest form; they will abide by the Code of Conduct, and they agree to the terms for in-person attendance, as outlined in the exhibit.

The list of qualified applicants have been provided for all Commissioners. Also, each Commissioner has received the résumé and letter of interest of their district applicants.

In summary, District 1 has six qualified applicants. District 2 has two. District 3 has four, and I should mention that for District 3, I just received two who declined, one



gentleman and one lady. District 4 has nine applicants and District 5 has six.

We contacted Commissioners and Commissioner Hughes selected Mariah Burns and Jennie Cooley for District 5. Commissioner Johnson has selected Carla Sanders and Brian McPartlon for District 4. Commissioner Cacari-Stone has selected Nancy Sutor for District 2, and one vacancy still needs to be filled. Any future applicants residing in District 2 can apply and bring their proposal back in the future meeting as the Commissioners' time allows. We would like to ask Commissioner Greene if you would please like to introduce the committee members for District 1.

COMMISSIONER GREENE: Thank you. I was very impressed. I went over the résumés of everybody and it was pretty impressive what we got. In general, I started to look at trying to find what I would call a diversity of the arts, not diversity of who they are in terms of people or demographics or things like that, but to make sure that we had people from the fine arts, from music, from theater and performing arts, from literature, poetry and storytelling, film and new media, traditional Spanish and New Mexican arts, Native American representation, arts education, and arts administration.

And I don't quite know how this is all going to play out with the nine members but I did see that there was a bunch of representation from most of these areas. I wished that there was a little more representation of Native American artists and so I think I'm going to select one, and similar to District 2 where we might solicit some more in the next few weeks to sort of maybe solicit some of the gaps. I sort of put it to us here to sort of fill out a well-rounded group as opposed to us in a vacuum. And so the discussion, while we pre-selected – maybe some of us pre-selected. I actually wanted to hear what other people had before we went forward with this.

I think we should be looking for well-rounded, and then additionally, really making sure that we have some folks that are a little younger as well, because it seemed like a good percentage of the folks were retired and well past retirement age. So I want to make sure that we address some folks that are under 40, maybe even under 35, as rare as it might be in Santa Fe, but that we find a way to be as diverse in the arts and at least in the age groups so that we can have the representation for some of the new modern media up there.

So I know you all have chosen your two and I'm just wondering if we want to pull some of that back and choose your first and then that we go with a discussion for our second in an effort to sort of address the gaps in our first, after our first round of folks so that we can say, oh, wow, we don't have a painter or a fine artist. If we don't have somebody from all these aspects of the arts that think – that at least I think should be represented on an arts board here.

So to that end, my first choice was Mr. Anthony Moore who had a performing and musical arts background and so he sort of checked two boxes for me in this area, and I would be – that would be my one for today. And I'd be willing to choose a second based on the folks that we have in this space. I do actually – I left it in my office but I do have what I would call my analysis of what strength each individual person brings to this, so we can sort of check these boxes off, if that is part of the debate that we want to have here. Thank you.

CHAIR BUSTAMANTE: Thank you, Commissioner Greene.  
Commissioner Johnson.



COMMISSIONER JOHNSON: Thank you, Madam Chair. I suppose, because our choices were listed, I would want to know if you've already notified those individuals that they were under consideration. I know it's public record now because it's been announced in this meeting but I do sort of want to know it before I pull one person back.

MS. SHADABI: All of these applicants are specifically in your district. All of them are highly qualified and it was really difficult to eliminate, but we needed to have two people and use their services. And your first choice, Carla Sanders, is educated in arts, has a master's degree in arts. Also, she actually has lots of work. She's worked in fine arts, fine crafts, filmmaking and she's worked on anthropology. She knows fundraising and she was [inaudible] in some other places. She's has experience.

COMMISSIONER JOHNSON: Let me stop you. I know who my second choice was. I guess I'm just wondering if you had notified them that they had already been selected.

MS. SHADABI: No.

COMMISSIONER JOHNSON: Okay.

MS. SHADABI: We informed everyone can be in this meeting. We informed them of today's meeting. And we informed the qualified people that are being considered by the County, and no.

COMMISSIONER JOHNSON: I guess I want to hear from Commissioner Hughes who also chose two people. What do you think, Commissioner Hughes?

COMMISSIONER HUGHES: I can't remember which area of arts my second person represented. The first one was in film. What was the second person in?

MS. SHADABI: The first person, yes, as you mentioned, she's a specialist in motion graphic field, TV, and lots of work like that. And the second one is working in sculpture making. She was reported also, she's also a journalist, and she's also educated in arts. Also she was awarded two Emmy awards, I guess, if I'm not mistaken. Oh, no. It's your first choice that has two Emmy awards.

COMMISSIONER HUGHES: Yes. So I felt these were the two best qualified and they do represent different areas. I suppose that doesn't indicate whether all the areas are covered though.

CHAIR BUSTAMANTE: Thank you, Commissioner Hughes. Any other questions or discussion? So we have a request to hold off on our appointments to look for some diversity and I'm going to say the list in itself wasn't very diverse and I do agree with you. But I would like to have our appointments done now and to keep it moving, and as we find, or maybe there's additional interest, then we can maybe recruit – identify people who could bring that diversity to the table, but in the interest of making sure that this continues to move forward on a timeline that we have – and I agree with you. I don't see the diversity that we'd like to have. There are very few women. Very few Hispano or Chicano artists, etc. Native American – it's just not there, but we have a good list before us and I think we need to get a start wherever we are. Does that give you another opportunity to want to appoint someone from your district, Commissioner Greene?

COMMISSIONER GREENE: Thank you, Madam Chair. Seeing that District 2 is probably going to have to solicit some more people, I'm willing to hold off one additional. I've received a few résumés in the last few days of folks that wanted to

include that and we're building a board from scratch and it's going to be the same board with no staggered terms and so we're going to be putting these folks on this board for years. And I think we should be a little – I hope we're more holistic in this to attract a little more youth, maybe a little more Hispanic/Chicano, maybe a little more Native American, and definitely try to check all the boxes. Arts education, and this wasn't written in the resolution so in theory this was our own sort of – we didn't realize what we were getting ourselves into and –

CHAIR BUSTAMANTE: I apologize. I do believe that there was quite a bit of thought that was put into this.

COMMISSIONER GREENE: I'm sure it was. But once you get to –

CHAIR BUSTAMANTE: It isn't a terminal – once you're appointed you're on this forever. If we look at the resolution there is room for – they're making some recommendations for us to get a start. So this isn't once you're appointed to this board it's a forever type of thing. And if that needs to be clarified we can always bring something back by way of clarifying resolution. But it was established to get this group formed to look at all of the opportunities before us within a finite amount of time, which if it needs again to be clarified we can do that.

Any other discussion? Does that change your perspective? Anything else? I too have two appointments but I do want to work this conversation out and see that that would be – is that something you're amenable with. There will be, and we just do need the diversity on here. It's a given. But I'd like to see us move forward with those who jumped on it, if you will. Because there is a lot of opportunity. And I hope that the first day this group sits down they look at each other and say, we need some diversity on this group. So that's a place that we can go from there. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. What would that mechanism be? So they would meet and they would say, Dear County Commission, could you either expand the board or include – fill these gaps based on their first meeting and get to know each other and understand what is – what their recommendations, based on a little bit of what we mentioned here, whether it's youth or cultural background, that they might do that or we would just open it up.

Since we have the need to address a District 2 person I will just hold off and hope my second choice – just to address those gaps in an effort to address those gaps as much as possible. I don't want this to be a committee of 20 just to hit everybody. We've chosen nine or ten, or eleven or whatever it is. But I think I'm going to hold off in my second and thank everybody and hope that they're still interested in two weeks when we come back to hopefully fill that last spot. Or in a month, because we probably want to advertise and give people another shot officially and properly to do that.

CHAIR BUSTAMANTE: I appreciate that and I think staff understands. We can work with our County Manager to assure that as staff looks at the group and working with those who have been appointed to get some diversity. I think you're hearing that as a priority. Any other conversation? Commissioner Cacari-Stone.

COMMISSIONER CACARI-STONE: Thank you, Chair Bustamante. We did look at Nancy Sutor and she's a great choice for District 2. She's an educator, a teacher, has published. She serves on the Agua Fria Arts and Culture Center. She's been a very active member of the Agua Fria Village. I'm not familiar with Spider Kedelsky.

Certainly she has quite a long history in dance and choreography and brings a robust portfolio. So if we needed to move forward tonight for the year and a half appointment, I'm comfortable for District 2 to move forward with these two folks who showed a great commitment and interest.

However, I do want to mention, being new, I know that this council was developed and the provisions of it excluded folks – did not exclude people who are here part time. So as we think about the next steps – not tonight – that we think about full-time residents, which might bring more diversity. So I just want to mention that.

Also, we have a lot of local people with more cultural background in Santa Fe that overlap the city and the county, and we excluded folks who work in the city. We had a really good candidate interested but this person also lives in the city so I think for the future maybe we might want to think about tweaking this to bring that diversity. Thank you.

CHAIR BUSTAMANTE: Thank you. Are you ready for those from District 3?

MS. SHADABI: Yes, please.

CHAIR BUSTAMANTE: So from District 3 I would like to appoint Chase Morrison, pointing out that he was one of the few that is music, specifically music and does work with youth in music. And then Kevin Box. Kevin Box has experience in one of those areas that was very much a driver for we established this group at all, and frankly why former Commissioner Anna Hansen and I had attended the Travis County South by Southwest county meeting with NACo. And the conversations about how South by Southwest – I'm going to just do a – raise your hand if you've never heard of South by Southwest. Never heard about it. Never. It's just one person. Yvonne, you've got to get out more. I'm just saying.

Otherwise, for the most part we've all heard of South by Southwest. South by Southwest blew it out of the park and it had a lot to do with their collaboration with Travis County and I think it can go unsaid what that partnership has meant to Travis County and specifically the City of Austin, but Austin is in Travis County and it has been a huge boon. After that conversation Commissioner and I brought that back to this is a ball we can roll because we are known for the arts. Santa Fe, New Mexico has long been known for the arts. And yes, we need the diversity. But our Kevin Box actually worked on the committee that was able to get South by Southwest and Travis County in a collaborative. So that is a strong individual on that one. And those are the reasonings between the two that I'll recommend.

Again, I think you hear that we have a desire for more diversity. Is there any other conversation, discussion before we –

MS. SHADABI: Excuse me, Madam Chair. Chase Morrison, she just sent me an email and said decline for application. And also Bernard Frank called. These two people declined their application. They said that they can't serve as a committee member.

CHAIR BUSTAMANTE: Okay. So they would not be able to participate.

MS. SHADABI: For this year. Actually, exactly Ms. Morrison said for this year I'm not able to do that.

CHAIR BUSTAMANTE: I'd like to leave that vacant at this time and let's continue to move forward.

MS. SHADABI: So we'll have Kevin Box.

CHAIR BUSTAMANTE: We would definitely have Kevin Box. Yes.

MS. SHADABI: As your first.

CHAIR BUSTAMANTE: Anything else?

COMMISSIONER JOHNSON: Should I move to approve –

CHAIR BUSTAMANTE: Do we need a motion on this? Is it an action item? Yes. Motion to approve.

COMMISSIONER JOHNSON: Manager Shaffer, should I have specific language for vacancies in districts 1, 2, and 3?

CHAIR BUSTAMANTE: I believe you can just make the motion.

COMMISSIONER JOHNSON: Okay. Move to approve the appointments.

CHAIR BUSTAMANTE: Approve those who have been appointed.

JUAN TORRES (Economic Development Director): Madam Chair, Commissioners, so just to make sure I'm understanding here. We're appointing one individual from each district at this meeting. And what I have – so I've kind of lost track; I want to catch up. So what we have for District 1 is Anthony Moore. And for District 2 we have Nancy Sutor. For District 3 we have Kevin Box. And I'm sorry, I've lost track of District 4.

COMMISSIONER JOHNSON: So I'd actually like to appoint both of my recommendations. And my recommendations are Carla Sanders and Brian McPartlon.

MR. TORRES: Okay. And then District 5, just to clarify, Commissioner Hughes, are you going to appoint both your appointees at this time?

COMMISSIONER HUGHES: Yes.

MR. TORRES: And there is an at-large entity that is staff recommendation. So at this time staff would like to recommend Michael Lancaster at the at-large member. So those are the members that would be appointed at this time. And then the last point of clarification is to make sure – so we would bring the next opportunity for appointments at the last meeting in February. Is that correct? We would, if we can, convene the council to begin their work. Thank you.

CHAIR BUSTAMANTE: Thank you. So motion to approve those who were stated, by Commissioner Johnson. The second by Commissioner Greene.

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

**C. Request Appointment and Reappointments of Members to the Planning Commission**

CHAIR BUSTAMANTE: Jordan.

MR. YUTZY: Madam Chair, Commissioners, staff is requesting appointment of three members to serve on the Santa Fe County Planning Commission. These members will serve two-year terms through January 2027 and will represent Commission Districts 1, 3, 4, and 5 respectively. In December of 2024 the Growth Management Department sent out two press releases seeking letters of interest and résumés to interested county constituents residing in Commission districts 1, 3, 4 and 5 to serve on the Planning Commission. Staff received a total of 11 letters of interest and

résumés. We have two from Commission District 1, five from District 4, and three from District 5. Staff did not receive any letters of interest or résumés from District 3 constituents, therefore J.J. Gonzales, the current member will extend his term until a replacement is found as allowed by Chapter 3.3.3.2 of the SLDC. Staff will continue to advertise the vacant District 3 position. We have another press release that will go out next week after the AES hearing.

We had one applicant in District 1 who withdrew his application. Staff's recommendation, after sending these to the Commissioners for review is to reappoint Carl Trujillo for District 1, Erik Aaboe for District 4, and Steve Brugger for District 5.

CHAIR BUSTAMANTE: Thank you, Jordan. Did we get any additional applicants for District 3 later?

MR. YUTZY: We have not. I have contacted a couple people and I have not heard back from them.

CHAIR BUSTAMANTE: Not heard back. Okay. Any other discussion?

COMMISSIONER CACARI-STONE: I just want to know the status of District 2 in terms of representation.

MR. YUTZY: District 2 will come up next January 2026.

COMMISSIONER CACARI-STONE: Thank you. We'll be ready.

CHAIR BUSTAMANTE: Any other questions for Jordan?

COMMISSIONER GREENE: No, but thank you very much. Just in general I spoke with Carl about his service and he seems to be a pretty engaged person. As a recommendation I really – given the fact that we are looking at potentially revising the SLDC and some of our land use, I hope that we get people that know how to read plans. Right? There's very little – lot barrier to being on the Planning Commission and I hope we raise our level and our understanding of development with all of our appointments here. And so Carl fits the bill for me and I was happy to reappoint him as my selection for District 1.

CHAIR BUSTAMANTE: Anyone else?

COMMISSIONER JOHNSON: Just briefly, Madam Chair. I want to just signal my appreciation for those who did apply. Experience on a Planning Commission is essential and it's true that we need people who know how to read plans and know how to read codes. So I found it a largely very qualified pool and I appreciate that. Thank you.

COMMISSIONER HUGHES: Commissioner Bustamante.

CHAIR BUSTAMANTE: Yes, Commissioner Hughes.

COMMISSIONER HUGHES: I just wanted to state that Steve Brugger is very well qualified to be a Planning Commissioner. He used to work for the County. He's very familiar with codes and such as that so I'm happy to appoint him.

CHAIR BUSTAMANTE: Thank you, Commissioner Hughes. We're really grateful that J. J. Gonzales is willing to stay on. I understand that he's probably been the longest – he's been a long-running member. We are putting it out there. I think that it is a vote of confidence that the person who'd been doing it is doing a great job but we've got to find someone new for that seat. So we will get someone to apply and I'm grateful to Mr. Gonzales for staying on as long as he has. Do we have a motion to approve those that have been presented?

COMMISSIONER CACARI-STONE: I'll make a motion.



COMMISSIONER GREENE: And I'll second.

CHAIR BUSTAMANTE: Motion by Commissioner Cacari-Stone, second by Commissioner Greene.

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

**6. Presentations**

**A. Accounting of Physical Water, Water Rights, Allocations, and Water Deliveries Pursuant to Resolution No. 2006-057**

CHAIR BUSTAMANTE: Thank you, Travis.

TRAVIS SODERQUIST (Deputy Utilities Director): I'm here to present a review of 2024 in our water right accounting and delivery. I'm also going to go over some different aspects of our water right portfolio, our system capacity, the demand and the schedule of work that we're looking forward to for the Utilities Division for 2025.

So part our accounting, you have to take into account a few things. You have to make sure that there's physical water that we can divert. You also have to have the legal right to divert that water and you have to have the infrastructure to distribute that water throughout your system. So our current supply system, we have two supplies. Our main source is the Buckman Direct Diversion and of that, the County has native rights and the County also has San Juan-Chama project water. The San Juan-Chama project water is what I'd like to classify as the storage rights that we have and then the native rights are the natural flow water rights that we have, which is just what you see in the river. The storage permits are held in reservoirs.

So in addition to the supplies that the Buckman Direct Diversion for the County, the County also has a supply through the City of Santa Fe, through two different agreements, one being the 2016 water resources agreement, and then the 2024 shared pool agreement. And the water that is diverted through the system, since it's both County and City is intermingled and there are some agreements about how that water should be delivered and who it's delivered to, how much it costs and what not. So in any given year there's going to be some strategy as to what water we utilize and which water we want to save for upcoming years.

For instance, the San Juan-Chama rights. The City of Santa Fe and Santa Fe County are intermingled with our system and so we have to plan strategically about which water supplies we want to use on any given day, any given year, based on what the forecast for the season and the weather, the runoff supply – all sort of things when we go into how we want to actually deliver water throughout our systems.

So for the City of Santa Fe, their water supplies are the Buckman wellfield, the BDD, the City wellfield and then the Nichols and McClure reservoirs off of the Santa Fe River. And then like I was alluding to, we do share supplies, depending on when we want to actually be utilizing those certain supplies.

So when you look at Table 1 in the packet – do you guys have your packets in front of you? So Table 1 is displaying exactly what the County has that's approved to be diverted at the Buckman Direct Diversion. So you see that the original County rights is for up to 1700 acre-feet. We have purchased some water rights from Las Campanas



known as the Arizona rights. So that's 541 more, and then the rest is tied to Las Campanas but through agreements with Las Campanas it's at the Buckman Direct Diversion and delivered under the County's name, bringing us to a total of 3,500 acre-feet per year.

Table 2 is a table showing the current capacity that we're seeing of treated water at the Buckman Direct Diversion compared to the capacity that we're allowed to treat, and this is the average daily demand over the course of a month. So if you look at the County current, we get up to a maximum of 1.3, and this is what we saw in 2024 versus our County capacity set at 3.7, and this is in million gallons per day. And then the City capacity is much larger, but you can also see that they're not even going over 50 percent of their capacity limits. And I want to make a note that the facility operations and procedures agreement that the County and the City entered into allows for either partner within the Buckman Direct Diversion to utilize the unused capacity, but it will increase the price that the entity has to pay for the operations.

But another thing that I want to point out with this table is even though it looks like we're not using a lot of our capacity there are still limiting factors that need to be taken into consideration with our distribution system and whether we actually have the capacity on any given day to get the water from point A to point B, which is our final customer.

So in the next section, in Table 3, this is showing what our current water rights and contracts are for the Buckman Direct Diversion. So it has 367 acre-feet of the San Juan-Chama project water, which is the storage water that I was talking about. That water can be carried over into another year so if we don't utilize it, say, in 2024, you can carry it over and use it in 2025. Now, there are some reductions due to evaporation and then some other reductions based on when you actually transport the water from the reservoirs down to the actual point of diversion.

You have the County-acquired water rights at 1146, and then you have the developer-acquired water rights. So the reason this is broken up is because developers are allowed to bring water rights when they want to submit for a development instead of paying the fee in lieu of. So the County does offer to provide water rights if there is a fee pay to compensate the County for going and purchasing and acquiring those water rights and making them available for these developments, but there is the opportunity for developers to bring their own and you'll see that in a ULEDA that is coming up later in this agenda where they are bringing their own water rights instead of going down the pathway of paying the fee in lieu of.

Here is one of the agreements that I talked about a little bit earlier with the water resources agreement with the City that entitles us up to 1350 acre-feet per year. We have not utilized that to my knowledge and that is going to be a backup supply probably when we are in dire straits in that situation. We primarily rely on our native rights. We hardly use our San Juan-Chama project water unless we over-divert our native rights.

And then on the bottom of this table you see in the transfer purchase process. These are two different water rights. The first one is the Suerte water rights, and that was another developer purchased water rights that they're transferring into the BDD into the County's name to cover the water use for their development, and then the Platte Land and Water. Is the County back-filling some of our water rights that we have allocated to some

of these developers that have come in and paid the fee in lieu of.

And then in addition to all of the acre-feet in this table we have the shared pool agreement, which is another agreement that we have with the City, and the foundation of that agreement is we will use the native rights instead of the San Juan-Chama rights and that's a strategic approach because of the carryover option with our San Juan-Chama project water where we'll get to keep it for next year if we don't utilize our native rights to the fullest. It's either use it or lose it. And so we might as well use it and keep our San Juan-Chama water.

So in Table 4 it shows -- we're going into current demand and future contingent allocations. Table 4 is showing what we experienced last year in 2024 with our water deliveries. You see that we delivered 1365 acre-feet of potable water, and then a total of 272 acre-feet of non-potable water. So the non-potable water goes to Las Campanas, their golf course, and then all the potable water is delivered to our customers and so last year we delivered 1637 acre-feet of County water rights.

In Table 5, this is what our current allocations are and this is water that we have tied to developments and our planning on earmarking for future development. And so you see that we have 4,097 acre-feet of water. It is a lot of water compared to what we are currently diverting and what we currently have in our water rights. Some of these developments might never come to fruition. Some of these developments might not happen for years. It's not like they're all going to come and be on our system immediately and then we'll have to scramble to find water rights. We are paying attention closely and keeping track of water rights as we proceed.

So we're keeping a close eye on that as to whether we need to purchase more water rights or implement for an agreement, look into future planning and what not, but right now we're looking pretty good and that's shown on Exhibit A which I will touch on later.

So now we're moving into the projected supply and demand through 2040. We have currently underway the massive project in the Pojoaque Basin Regional Water System where we are going to interconnect that basin with the Santa Fe Basin. So that will provide us with a little more water that's available in our basin and it provides us with a little more cushion for a different supply of water in case we enter into a year where the Buckman Direct Diversion can't operate because of sediment loading or actual physical water in the Rio Grande is too low for us to get full capacity. It's just another supply for the County to rely upon to make sure that we are delivering water to our customers efficiently.

And then in addition to the Pojoaque Basin Regional Water System, we're doing a lot of planning as a County trying to strategically determine where we want to head as a utility and what projects we want to focus on, where we want to dedicate staffing efforts and focus. So we recently just entered into a planning agreement with the City of Santa Fe called Santa Fe 2100, which is going to help us develop a plan using modeling and forecasting to help us try to project what we're going to experience in the next 40 and 80 years and plan out kind of how we want to approach things going forward to the year 2100.

So what this is looking at is it's introducing different scenarios into the data that we currently have, and then trying to forecast that out based off incorporating future

population growth, temperature changes, water supply issues, and then incorporating strategies of how both the City and the County could maybe approach this in an effective manner to try to mitigate as much of the harmful outcomes of, say, forest fires, prolonged drought. Maybe one of our water supplies going down, say the Buckman wellfield is no longer viable. We need to rely on all of our other sources of water, so that's a big planning project that we just had a kickoff meeting, at least the City and the County did last week where we're going to start incorporating the County's data and trying to get our model to both represent the City and the County so that we can plan for future years and try to maybe get ahead of some of these – catastrophic events might be too harsh, but they could be catastrophic events that we have to respond to.

In addition to Santa Fe 2100 we are also looking into how to most effectively reuse our effluent at the Santa Fe County water reclamation facility. So there's mentions of the return flow pipeline through the City of Santa Fe where we get credit for the San Juan-Chama project water that is returned to the Rio Grande. We get up to 70 percent of that but we also want to utilize what's occurring at our own reclamation facility as best as possible, and so what's being looked into there is an aquifer storage and recovery project. We're also looking into modifying our discharge permit to provide treated effluent water for like a bulk water station so that companies can use that for construction or dust abatement as opposed to using potable water.

That would be just another demand on our water rights that we have at the Buckman Direct Diversion, so if we can reuse our treated effluent then we'll reduce our demand and it will just be better. We won't have to pay for treatment. Our transmission lines will have less demand on them. It would be beneficial if we could do that.

And then another thing that I'm looking forward to doing soon is revisiting our accounting and going through the previous agreements that we've had where we've allocated water to some of these developments and looking back at the – 4,069 I think is the number it was, and seeing how many of those came to fruition – how many of them are still in the ether, how many have just collapsed or pulled out or decided not to pursue development, going through that and actually seeing what our true allocated amount of water is.

For the upcoming work in 2025, Utilities is going to be focusing on lots of different things but one of them is going to be a cost of service and rate study for the Utilities Division. Recently – I want to say it was back in October or November, we just signed another agreement with the City of Santa Fe which changed our wheeling rate for the wheeling of the water from the BDD through the City's infrastructure to the County's infrastructure. That went up from \$1.54 per thousand gallons to two dollars and some change for per thousand gallons. So roughly 47 cents per thousand gallons. So a significant increase. And what the County has been doing has just been doing some basic cost adjustments based off of CPI calculations since the last official rate study that we've done. But it's time for us to go through and actually do a full, comprehensive rate study to do an analysis on both water and wastewater deliveries and the cost of that.

Part of the Santa Fe 2100 is going to introduce a 40-year water plan that's required by the State Engineer's Office, and it's a condition of our water rights to basically address how we're planning for the future and how we're going to make sure that we're utilizing our water rights in the most beneficial way possible.

The wastewater reuse plan I mentioned, we're going to be looking into some lower Santa Fe River planning. We are going to be focusing on the Pojoaque Basin Regional Water System, and then we're going to be doing the audit of old water delivery agreements that we've agreed to in the past but maybe didn't come to fruition. That's what's on the docket for me this year. I stand for any questions.

CHAIR BUSTAMANTE: Thank you, Travis. Any questions?  
Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you, Travis. A couple questions. We have storage for our San Juan-Chama water. Do we have other storage opportunities that we can bank some water?

MR. SODERQUIST: So currently we have our 367 – we have our San Juan-Chama project water and we have a lease with the Albuquerque Bernalillo Water Authority where they have extra storage space in Abiqui that we can move our water into, and I think that they're exploring the possibility of expanding the total space allocations that some of the shareholders have, and that would be another source, avenue for us to go down. The reason I bring up Albuquerque and Bernalillo is because we would need to lease their storage space in order to hold our storage over in Abiqui.

COMMISSIONER GREENE: So specifically for that project I understand that that's at Abiqui and Abiqui has some structural issues there that might limit its capacity or viability. And I would like to know whether that has the length and long-term viability for us just to continue to bank in that system. So to have an assessment and to be a part – for them to report to us the condition of the dam and to know that it's got a 50-year lifetime. If we're talking about 2100, we've got 75 years to plan. Is the functional life of that dam in that scope or is it going to need hundreds of millions of dollars to strengthen it and to make sure that it has a lifespan that works for our lifespans.

MR. SODERQUIST: Thank you for that question. Unfortunately, I've only hear rumors and whispers about –

COMMISSIONER GREENE: Right. So rumors and whispers. Right.  
Thanks.

MR. SODERQUIST: But fortunately, they kind of tie both Abiqui and Lake Heron together, and so you can store on paper, your water will be in Abiqui but it will actually be in the upstream reservoir physically. So there is a little bit of leeway, some accounting tricks that you can get with it but I don't know about the viability of –

COMMISSIONER GREENE: It would be interesting to know those capacities and the lifespan and the health of those structures. And the reason I bring that up is because without partnerships with the City of Santa Fe they have Upper Canyon Road storage capacity, and I wonder if that's something that we should explore to start to look at trading some of our rights to San Juan-Chama or to whatever – water rights that we have that's coming from the Rio Grande and seeing if we can start to store up in Upper Canyon, so that we again have diversity of storage and diversity of source for future water needs. And I don't know if that's been discussed or can come back to us in a couple weeks, months or whatever, but I think that all storage opportunities should be put out on the table.

MR. SODERQUIST: We haven't officially discussed that but unofficially we've kind of discussed that by going through the shared pool agreement and the water



resources agreement, where that gives us entitlement to some of the City supplies. And the City prefers to use their surface water reservoirs over their wellfields. So indirectly.

COMMISSIONER GREENE: Indirectly. Well, that's great. And one of the concerns I've had, my district has – all of our districts this year look like they're going to have a high fire risk. Elevated fire risk, and we see in California that some of the reservoirs were lowered for maintenance at a pretty inopportune time. And I reached out to some of our City Councilors here in Santa Fe to ask is Two-Mile Pond, is there a way to either start storing more water in McClure or re-establishing Two-Mile Pond for the purposes of fire issues, potentially – god forbid – this spring and this summer, to make sure that we have good sources for aerial use and for just more capacity at the upper levels of our system here for hydrants or for aerial combat of fires.

And so I hope you're looking at water not only for drinking and for utility purposes but also recognizing that having a pool of water that we have rights to or that we have some muscle to sort of say please store some water because Santa Fe County is recognizing the fire risk and that this water could be used as dual use for our community up there. So I don't know if we could have that reported back to us as to McClure and Two-Mile but it'd be great to look at that.

Second, I don't know if we have rights to the Upper Canyon system but it would be great to find out how we might be able to negotiate that.

Secondly, I liked that the Pojoaque Basin System is incorporated somewhere in text here, but in a report to us, I think – I follow this pretty closely, but I think that that should start to become part of our story now, right? Because in the next three to five years that water should come on line and be a resource for us, and so as part of the story that this talks about that data isn't in this story yet and it's mentioned in there, and there's people in this room that know what that is. I'm sure you do. And I would love to see that reported and educating all of us up here to know what that is and for transparency sake making sure that we are reporting what the pueblos have and what might be available and how that can be transferred, what the County has that we control from that system, to make sure that we understand how that can be used in that basin and beyond.

So anyway, for future reports and maybe something we talk about, just you and me, like when we have a report about, hey, there's something there. But I think my fellow Commissioners would learn something from that as they understand what that system is. We have two new Commissioners and Commissioner Hansen was very well educated about the Pojoaque Basin System, but we don't have her on the Board anymore. So I think our other Commissioners would learn something about that in the future and the County Manager and I have spoken about trying to get a briefing on that in a future meeting. So that would be great.

And then last, on those allocations, do they have a sunset? Do those allocations, are they unlimited? If somebody gets an entitlement with water tied to it, would the entitlement sunset or even you've got to build or we're going to move on and your water – how do we get people to build instead of just sort of squatting water rights. Or land banking or water banking these rights, and how do we find a way to make sure that we're encouraging people to build and using water is one of those things, or taking it away and saying come back and buy your water rights again at the new rate.

MR. SODERQUIST: So that's been one of my concerns too. I don't want

these developments to just be sitting on this volume of water and then 30 years down the line be like, oh, here's an agreement from a long time ago, and it's like, oh, I gave that water away. So yes, I don't like that but the current ULEDA does not have anything like a time limit or anything like that but if you look at growth like Platte, I believe they have some constraints through the SLDC. I could be speaking out of line on this one because I haven't done enough research. But I believe that there are requirements for a percentage of the project that needs to be completed by certain timeframes.

And so if that's not adhered to then I imagine it wouldn't be too much of a stretch to say that the ULEDA is nullified if their final plat is rescinded.

MANAGER SHAFFER: Chair Bustamante and Commissioner Greene, if I could just interject for one second. What Travis said is accurate. The research reflects the fact that the form of agreements have varied over time but the most recent standard form ULEDA agreement does in fact incorporate the timeframes in the SLDC and otherwise. And so if, for a subdivision, for example and the ULEDA that is on the agenda later tonight, if the Board were to deny the application for final plat approval, the agreement automatically terminates. If the developer were to fail to record the final plat within the timeframes allowed by law, the agreement automatically terminates. So the most recent vintage of our ULEDA agreements are as Travis referenced, tied specifically to the entitlement process. So there is no more hoarding of water for potential future development. It's development-specific and if it doesn't occur then they terminate automatically.

COMMISSIONER GREENE: That's great. That's good to note. The question then leading to that is that we have this deliveries chart as Table 4 and we have the allocations chart as Table 5, and we've got allocations more than double what we're using. So have we pledged more water than we have? Or we have a total bank of water that – 1637 acre-feet in deliveries and 4,097 acre-feet in pledges and allocations. That's 5,700, 5,800 acre-feet of water somewhere in here. What is our total allocation? Even including Pojoaque Basin. But Pojoaque Basin is what? A thousand acre-feet or something like that? Or 1,700? I forget the number right now.

MR. SODERQUIST: So the first part of your question, that's kind of what I want to go back and review to see if there are some relics that remain in this number where the development is no longer going to happen so we can remove that water from being earmarked. And then the second part is a thing I forgot to mention. Exhibit A, coming back in. So that's a pretty thorough Excel spreadsheet that we put together to kind of look at our current uses and project out for – it's supposed to go through 2040 but it cut off and it's on the back page.

But if you go through that it shows that we're sitting pretty healthy based off of projected developments coming on line, as opposed to just having to bring on all 4,000 acre-feet. So we kind of have a rough idea of when those developments are going to finish up. So in this table we've gone through the next three years as kind of what we've actually incorporated these developments and then from then on we have a rough number that we've put in based on what we've seen historically about what volume of water should we expect from new developments.

So we've taken that into account, how many developments we're expecting to see. And then we're also incorporating in this spreadsheet, you can see the Pojoaque



interconnect comes on line in 2030 with 1,000 acre-feet. And then in 2031 we have reuse at 561 acre-feet. But if you look at just 2024, we have a total excess including our WRA of 2,075 acre-feet of water rights. So if we really needed to use a lot of water we've got 2,000 acre-feet just sitting there, just this year alone.

COMMISSIONER GREENE: So we're delivering about 1,730 –

MR. SODERQUIST: 1,641.

COMMISSIONER GREENE: Sixteen hundred, and we have about double about that in bank, and then once Pojoaque Basin comes on line we will get an extra thousand. I think we need to check our math a little closer but I think it would be good to know.

MR. SODERQUIST: And that's why the County is also purchasing water rights occasionally to try to backfill some of the water rights that they've allocated out to some of these developments that paid the fee in lieu.

COMMISSIONER GREENE: So along those lines I would love to hear some recommendations of scope because of where there's climate change or diversity of source to say what would a good plan to come to us and say here's our plan for acquisition of water rights for the next five, ten, twenty years, based on growth, and match up those two converging lines and make sure that they never cross, right? Make sure that the water line stays above the development and the use line. But thank you very much. It's enlightening.

CHAIR BUSTAMANTE: Thank you, Commissioner Greene.  
Commissioner Johnson.

COMMISSIONER JOHNSON: Thank you, Madam Chair. A couple questions for you Travis. So help me understand the San Juan-Chama a little bit. If – so that is physical water that is stored. It's not paper water that we're owed?

MR. SODERQUIST: It is physical water that is stored.

COMMISSIONER JOHNSON: And the uses we can keep in other situations where it's use it or lose it. Can we keep it at that capacity? Does it accumulate over time? I guess I don't quite understand how it remains at 367.

MR. SODERQUIST: We have 367 acre-feet of storage space in the reservoirs if it's at full allocation. So 367, the only hit that we'll see to that is evaporation if we don't use it. So in the next year when those storage rights reset, that space that was evacuated for evaporation can refill under that, and it will, just because of the runoff.

COMMISSIONER JOHNSON: So if we were to acquire additional storage that number could increase? Just hypothetically. Because that's based on the capacity for storage.

MR. SODERQUIST: Yes. So if we did purchase somebody's storage contract then our total space in the reservoir would just increase by whatever that volume was that we purchased. The evaporation would still – it's proportional to the volume that you have in the reservoir.

COMMISSIONER JOHNSON: That's helpful. Another thing I have a question on is allocations. So since – actually this is more of a request than a question I suppose. I think as a new Commissioner it would be helpful for me to understand that water picture since 2018 in terms of allocation. So as I understand it there are approvals of development plans, right? Plats are approved but never go under development. I would

love to know if we have data on that and if there were some understanding of where those developments are housed, especially as far as in tandem with a future growth map. How we understand where there are sort of pending developments. That would be helpful to see on a map or in a future presentation, if that's something that you guys are able to pull together.

And I think that would also help us understand better this question that Commissioner Greene asked about sunsetting. If that needs to be changed I think one of the first things we would want to see, if there is no sunsetting provision in final plat approval for a development project how do we change that and how can we understand, I guess the water picture through that? Because as you pointed out in your own example, we don't, 30 years down the line have someone come claiming that we don't actually have accounted for.

So I think helping us think through that a little bit more would be really useful for me. And that in that line, and these don't have to be all at once, but I would love to see a future presentation on the water deliveries, the agreements that were made and the dates of those agreements with the Las Campanas Club and with Eldorado, since those are the two major customers. I think that would help us understand the distribution of water across the County. I am curious about those.

CHAIR BUSTAMANTE: Thank you, Commissioner Johnson. Commissioner Hughes, anything? I have a question, and it's more of a statement than it is a question, and it's something that I've struggled with for years on how to answer a question. When we have development and people say I just want to know where we're getting the water? And I think what becomes apparent is we're really not communicating well enough to our constituents on how water rights work and what's available. As I say, I've been around long enough to balk at paper water rights being our access when we know that wet water matters. I have been in conversations, and frankly, early on, I live in a community with wells, and my experience as a kid, and I told this story when I was out working with my constituents, is I had raised a chicken in the 11<sup>th</sup> grade, and I dug a hole for that chicken. And my dad said you've got to bury your chicken so I went and I dug a hole and I hit water, right there on the same piece of dirt that I live on in La Cienega. And I hit water, so I had to go up the hill a little bit so I could bury my chicken.

To this day in that same arroyo, I can take a back hoe and dig for a while before I'd hit water. Frankly, I've never hit water again, and I could put two goats – no longer chickens – on top of each other in this hole.

The point is our water table is going down and when we have the questions for our constituents, I just want to know where they're getting their water from, I would like to be in a position where we could have something that says this development, this many acre-feet, this is where it's coming from. For me. Something that communicates better to our constituents and helps those who have had similar situations. I had a constituent just last week let me know that at one point there was no water left at all at La Bajada.

So how do we address these questions by sort of taking this information that you've provided and putting it into a – let's say a palatable, a consumer way that people will understand this is how it's working.

So I'm really grateful for your good work. We've been really in great shape since you've been on and if there are no further questions I want to just thank you for your

presentation. Thank you.

COMMISSIONER HUGHES: No questions from me.

CHAIR BUSTAMANTE: Thank you, Commissioner Hughes.

## 8. Matters of Public Concern

CHAIR BUSTAMANTE: Let's go ahead and go to Matters of Public Concern, then we're going to take a quick break and then come back to our action items. So do we have anyone in the chambers who wants to speak under Matters of Public Concern? Do we have someone online? Okay, let's go ahead and set the time for three minutes. Thank you.

DANIEL FRESQUEZ (Media Specialist): Our first speaker is Chris Mechels.

CHAIR BUSTAMANTE: I think we're not hearing you.

MR. FRESQUEZ: Mr. Mechels, if you could unmute.

CHRIS MECHELS (via Webex): How's that?

CHAIR BUSTAMANTE: Thank you.

MR. MECHELS: I'm pleased to address you at your first meeting with this new BCC, because I'm hoping to get some traction on some problems. The first issue I'd like to raise is the issue of the rule of law. You don't talk about this but you really need to. You're all sworn, and the new members especially should be aware of this. You are all sworn to the constitution and to the laws of the State of New Mexico, and yet that seems to have no effect on your behavior. Think about that. You are sworn to the laws of the State of New Mexico. If you violate that oath you're guilty of malfeasance. But yet the effect it has on your behavior in the past is zero. Like none.

The laws that are being broken by the BCC this Thursday and as recent as last year is constant violations of the law. You're violating the Open Meetings Act. You're in violation of the IPRA Act even on its face. You're in violation of the Sunshine Resolution. You're in violation of the budget laws that require that you post your budget, and you don't do that.

So the question is how can you square this as the BCC if you don't enforce the laws, if you don't stay responsible to the laws of this state and this County, who do you think does? Because the County Manager works for you. The County Attorney doesn't work for you. He works for the County Manager. It's you, the Commission, does not see fit to follow the law, what makes you think the laws will be followed? And the answer is, they aren't. I just pointed out four or five areas where you are chronically violating the law and you are aware of it. Your existing members are aware of it. Mr. Greene, Mr. Hughes, they know this. I've been raising this issue. Why do you think the laws will be followed, and if they're not going to be followed, what is the sense of passing more laws?

The laws that you pass probably won't be followed either if you don't follow the laws then you shouldn't expect anyone to follow the laws that you pass in turn. This is serious. If you don't address this up front then your private interests are of no consequence. Your first duty has to be, your sworn duty to the citizens of this state, and to the constitution and to the laws of this state, and I suggest that you need to spend some really serious time thinking about that and your County Attorney needs to spend some

time on that also and get straight. Be legal. Thank you.

CHAIR BUSTAMANTE: Thank you. Anyone else?

MR. FRESQUEZ: Chair Bustamante, there are no more users wishing to speak.

CHAIR BUSTAMANTE: Let's go ahead and take a ten minute break. We'll be reconvened at 4:10.

[The Commission recessed from 4:00 to 4:12.]

7. **Miscellaneous Action Items**

A. **Resolution No. 2025-013, a Resolution Requesting a Budget Adjustment to Various Funds in Net Amount of \$7,333,276**

CHAIR BUSTAMANTE: Yvonne Herrera.

MS. HERRERA: I'm here before you to request a resolution for a budget adjustment to various funds in the net amount of \$7,333,276. A few weeks ago the Finance Division held mid-year budget review meetings with departments and elected officials concerning the fiscal year 2025 budget. Prior to those meetings County Management provided the following budgetary guidelines: No increases to recurring budget beyond the budgetary constraints, recurring budget requests are appropriately considered all at once, so we will be reviewing those with departments during the fiscal year 2026 budget process.

And then as far as recurring needs that may not have been included in the fiscal year 2025 budget, these requests were generally to be funded with some kind of offsetting to the a recurring budget reduction elsewhere. For example, the Assessor's Office volunteered to eliminate a GIS technician position and to utilize that savings to upgrade an administrative assistant to department administrator.

Non-recurring requests were to be funded with the existing budget if possible. If not, then all the requests would be assessed based upon – or just seen in relation to the strategic plan and mission-critical needs.

And then finally, restricted resources would always be prioritized. It is currently the County's policy to use restricted resources. The general fund is our most valuable resource given its ability to fund any County needs. So where it was available and allowable restricted resources were used first.

In addition to budget increases, several budgetary cleanup items were identified to implement some budgetary decisions that were made during fiscal year 2024 and the preparation of the FY2025 budget. These were inadvertently left out of the budget due to the extensive manual process and human error. As good as we are at getting the GFOA award we work extremely too hard given our manual processes, not utilizing the system, the system capabilities due to either we don't know how the system works or we've done something to not let it do what it's supposed to do.

The resources that we looked at to fund these budget adjustments will be coming from the general fund and any restricted funds in our special revenue funds or capital project funds. In addition to those resources, during the 2024 budget process the Board of County Commissioners made several additional decisions that allowed the County to

respond to the anticipated budgetary needs. The first one was to continue to consciously choose not to fund all available capital and maintenance resources so that any unidentified needs could be addressed. The Board also chose not to budget all non-recurring revenue. These factors and projected revenue that exceeded budgetary revenue has positioned the Board to be able to respond favorably to the mid-year budget requests.

With regard to the general fund, it appears that fiscal year 2025 gross receipts tax will outperform budgeted revenues. In preparation for the fiscal year 2026 budget cycle, the County contracted again with Erebor, LLC, to help estimate County revenues – property taxes, gross receipts tax and lodgers' tax. The revised estimate for fiscal year 25 is \$106,715,414. So \$106.7 million. This is actually just about \$3.7 million greater than what was used for the budget to support the 2025 budget requests.

The increase in gross receipts tax revenue is a combination of general revenue, which is housed in the general fund, and other gross receipts tax that is earmarked for specific County areas of operation such as the Fire Department and the Sheriff's Office, which are also reliant upon general fund for support. Increased gross receipts tax revenue dedicated to those areas reduces the amount of general fund needed for the fiscal year to support their budgeted requests.

In terms of the major funds used in the proposed BAR the fund balances accumulated over recent fiscal years for a variety of reasons. Coming out of COVID we had unanticipated uncertain increases in gross receipts tax in addition to significant vacancies during the 25 budget process. As previously mentioned, the Board chose not to use all available resources to be able to respond to unanticipated needs. And in terms of our enterprise water fund, it accumulates resources for water rights acquisitions and maintenance requirements as opportunity or needs arise.

With that, Madam Chair, Commissioners, I'll hit the highlights of the budget adjustments and then myself as well as department directors that are available can answer any questions that the Board may have.

Item one, County Finance, general fund net increase of \$2.8 million. \$2.7 million of this is going to go to the enterprise resource fund requirements system selection services consultation services. This is in addition to the \$100,000 that the Board already appropriated during fiscal year 2025. The County issued an RFP to select a vendor to help the County select, implement, and integrate a new ERP system. The County has selected Avero Advisers. The next item on the agenda will be that contract. This funding will allow the County to move forward with the transformative strategic plan initiative. We've talked for a long time now about the need for a new ERP system to not only address our antiquated process but also have a system that integrates everything financially – financial aspects together instead of having to manually upload a file into our current ERP system to get the data from a different system, which will transform how we do the reporting. Hopefully, the goal is to become more efficient and be able to focus on the data because I know data has been a big issue for the Board that you all want to see more of.

In order to fund the \$2.7 million we looked at again – we looked at what we had internally within the County budget. With the revised gross receipts tax revenue, we also had a couple other areas where we found savings or additional revenue to help support other parts of the County that would then free general fund resources.



The first adjustment is to the Corrections operations fund. This is an increase in revenue projections for care of prisoners. During fiscal year 25 the County uniformly increases its daily rate to house and care for inmates of other entities. The Corrections Department has estimated an increase in projected revenue through June 30, 2025 to be just under a million dollars.

In addition to that, the COLA approved by the Board – I believe it was in December of 2024 – resulted in savings of \$237,837. The budget that was set aside for the COLA, we used for the COLA as well as elected official pay increases, leaving the additional funding to be able to add to the ERP budget. The increase of the \$3.7 million in gross receipts tax – a caveat to that, part of that increase is attributable to NCRTD, which is the North Central Transit District.

The remaining increase that's coming to the County is hitting several funds. Of this we were able to find \$874,000 in the general fund and \$615,000 within the special revenue restricted funds. The general fund increase is \$821,785, the environmental fund. That increment specifically supports the Solid Waste operations, which is within the general fund, and that's \$52,890.

Then we have the Corrections fund. That increment supports the Corrections Department. That increase is \$308,423. And then finally, our second one-eighth hold harmless fund increase of \$307,510, that increment supports our Fire Department, Corrections Department, Sheriff, and Community Services.

Item #11 is Public Safety and Corrections fund, an increase of \$1,255,215. We've got a million dollars to construct additional recreational yards, upgrade the surveillance cameras for monitoring repairs to the fire suppression system, and an increase in our contractual services with San Juan County for care of juveniles.

And then we have an increase to our capital outlay GRT fund of \$1,365,083. We've got Public Safety additional as we continue to remodel our Public Safety Complex. Additional funding is needed over there. Growth Management, we're looking at capital infrastructure contractual services for Rio en Medio floodplain restoration, Little Tesuque Creek open space trail re-route. We have also broadband infrastructure to the Clerk's new warehouse on Dinosaur Trail at \$350,000.

And then finally, item 15, our enterprise water fund, an increase of \$1,375,000. The pond at the water reclamation facility needs to be lined in order to be in compliance with the New Mexico Environment Department requirements, as well as to purchase additional water rights as part of the County's efforts to ensure long-term water supply.

In addition to Exhibit A, which is the actual budget adjustment, we've provided the Board with Exhibit B. This summarizes the potential impact of fund balances from the requested budget adjustments that are being presented today. The information provides what is available by the funds impacted by this budget adjustment. The beginning balances of 2024 audited fund balance, the second column represents the amounts that are available by those particular funds, and then the third column are amounts obligated, assigned, or whatever I wrote down as a dibs already in terms of the 2025 budget.

And then the next column are amounts that we've already asked the Board to obligate in previous budget adjustments, and then the second to last column represents those adjustments that are being presented to the Board today in this budget adjustment,

leaving us a final column of what is still available in those funds as of today, if the Board were to approve the BAR. With that, Madam Chair, I stand, as well as other department directors, for any questions the Board may have.

CHAIR BUSTAMANTE: Do we have any questions? Thank you, Yvonne. Any questions for Ms. Herrera? Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you, Yvonne. So when is this due to DFA or to the state for these mid-year things?

MS. HERRERA: If the Board approves the BAR today the Clerk will record it and then we'll submit it to DFA systems. There's no actually deadline, just whenever we actually submit that budget adjustment to DFA.

COMMISSIONER GREENE: This is sort of a BAR, not a mid-year set date that we need to hit.

MS. HERRERA: Yes.

COMMISSIONER GREENE: Okay. Great. So there's less pressure on us to act on this right now than annual budget cycle.

MS. HERRERA: Madam Chair, Commissioner Greene, yes.

COMMISSIONER GREENE: Thank you. I bring that up because this process has probably been going on internally outside of our purview for probably months, and one of the things I brought up last year was the consultation with us, the five of us up here, or one of us virtually, didn't happen until today. Right? Maybe we went over it with our standing and so on. Maybe somebody asked outside of this, but when we go do budget hearings for the annual budget we have days and days of review of these things. And this is some pretty significant money adjustments here, and I wish we had more input and review time for this.

And so the input is – I think we should have, and I brought this up last year with the budget. Hey, there, Commissioners, are there any little priorities that you think that you need included in the budget that can jump-start or address issues in your community? And so last year, as a part of this year's budget, I advocated for some spay and neuter and animal welfare issues. That's great. That got in there. But you didn't as the other four Commissioners for that input. I had to go fight for that from the dais to get that included in here. And we should have a conversation with each of us individually to say, hey, we've got a little capacity. Is there anything that is important to your community that you as representatives can make happen for the community? It all has to go through due process. It has to be reviewed, and so on. But we're the representatives for this community. We're not just a rubber stamp.

So there were a bunch of things in there. There was the amphitheater feasibility study that was put into the budget. Thank you very much. I appreciate that I got that in there. But there have to be things that us as Commissioners have heard about, and there should be some solicitation of the public that says are there small, little things that your organization or your project in your area – a road improvement, a small, little project, that can be done this fiscal year that we have an opportunity to advocate for before it's too late. And today, it's too late. Probably. Maybe we can add something in here now.

So an example of that – I've advocated for this in the past and I wonder if this is something that we have the now capacity, but up in the north, my district has a lot of acequias and in the past we had the capacity – maybe it wasn't a specific budget line, but

I think it should be a specific budget line, for helping the acequias with very small – call it maintenance projects to clean out the acequias. Right? These acequias sometimes don't have the capacity to do it themselves and they can't contract with a – it's too small a project to go through capital outlay or to go get a contractor to come in and do it, but it's perfectly easy for Public Works to assign somebody for the month of March to help them do that.

Now, it has a money associated with it and we should have that as a part of our review here to say, we support the acequias in the north and I think District 4 and even District – I think all of our districts have acequias, actually. And I would love to be able to see what that number is and have that conversation here between us. Maybe it's one on one. It doesn't have to be – but then incorporated into the budget so that today, when we approve it, we feel like we were able to advocate for our community.

It's an example. I hope we do this more for our next budget. Today it's probably too late but I would love to see some money and something to address the acequias there. So that was more rhetorical than anything, but if you have a response, feel free.

CHAIR BUSTAMANTE: Commissioner Greene, I'm not sure if we're going down the same path here. This is the budget adjustment request, and you're talking about new projects that would otherwise be a part of our overall budgeting process that includes things that are put on our ICIP, etc. So I don't think this would be the place where we would identify projects for acequias and talk to our neighbors or our constituents. We do that all the time. So I'm not sure this is the place looking for a budget adjustment request, given things that were already in the pipeline, or funding, with the exception of a couple of things that had been discussed but not funded. For example, the additional cameras in the Corrections facility. We do see that there is more potential for fire.

But I think that the recommendations that you're making, if we're following, are otherwise traditional methods for establishing a budget would be covered in that process.

MANAGER SHAFFER: If I could, Chair Bustamante, Commissioner Greene. We heard the feedback from the last budget cycle and we'll be developing ways to make sure we're soliciting potential ideas to be evaluated as part of the fiscal year 26 budget process directly from Commissioners. Budget adjustments can be done throughout the year. This was our systematic process to try and address things internally in terms of departments and elected officials.

As Chair Bustamante referenced, we weren't trying to fund new initiatives through this process. These were things, I believe – I can't think of any examples other than the investment services related to the County's investment portfolio that deviated from that process. So I just wanted to emphasize those points. We did appreciate and hear that feedback and we'll be making sure that we solicit budgetary ideas as we begin the fiscal year 26 budget process. And again, this isn't a one-time thing with statutory deadlines.

We can and do respond to urgent needs that come up over the course of the year to include, as was mentioned in the memo from Yvonne, potentially looking at how we would fund a fire mitigation public outreach campaign. So again, we are listening and this is not set in stone, making sure that we're also focused on those previously established priorities. Thank you, Chair. Thank you, Commissioner Greene.

COMMISSIONER GREENE: Thank you, and if I could continue. And then when we – I'm all for the ERP system and I'm wondering about how something that could be \$100,000 turn into \$2.8 million, except for the fact that, oh, we're way ahead of schedule and so we need to budget something that we thought was going to be in fiscal year 26 and we're going to push it into fiscal year 25, of such a huge magnitude. And it's okay. It would be great to say yes, we're way ahead of schedule and we need that money now, but if it's just an unforeseen cost of this project, that's a big difference in money. If it was \$100,000 to \$500,000, I'd still look at it as a big number, but if it's \$100,000 to \$2.8 million, that's a really big number. Is that project ahead of schedule? What is the – or is that an unforeseen cost that that project has now increased in cost that this consultant hadn't really envisioned?

MANAGER SHAFFER: Chair Bustamante, Commissioner Greene, the \$100,000 was simply a placeholder to get started. I'd have to look back at the budget figures. I believe that we estimated that the overall project costs to include consultants was going to be in the \$10 million range. So I think we're within what we ballpark estimated it would cost, and are coming back to request funding as the project develops and the specific needs per contract are refined.

So again, the \$100,000 was simply an amount as a placeholder to get started, but as I look back over my note my recollection was we were ballparking around \$10 million all in to include these consultation services.

COMMISSIONER GREENE: And do we think that these consultation services are taking from the \$10 million, or this is now a \$12.7 million project because this is a new expense that we didn't see?

MANAGER SHAFFER: Chair Bustamante, Commissioner Greene, that estimate, and again it was just an estimate, was all in to include the system requirements, system selection and implementation services as well as the system itself. I don't know what the final cost will be of that. That was our estimate based upon what other governmental entities had spent, but as it sits now, that would be within the estimated number.

COMMISSIONER GREENE: Great. Let's see when things get further down the line. Thank you.

CHAIR BUSTAMANTE: Thank you. Any other questions?  
Commissioner Cacari-Stone.

COMMISSIONER CACARI-STONE: Thank you, Chair Bustamante. Yvonne, thanks for your presentation. As I look through the spreadsheets and maybe because I'm a newbie, could you tell me, it says that there's \$7.4 million unobligated or uncommitted at this time. What this proposal would do would be to dedicate \$7.3 of that million. I guess my question is at the mid-year review, what would we love to consider extra projects at this point? Thank you.

MS. HERRERA: Madam Chair, Commissioner, within the memo we make notes that after today, if the BAR were to be approved, this budget adjustment, after today within the general fund, which again is the unrestricted resources the County has, there would be \$7.4 million available for future needs. The budget adjustment being presented is \$7.3 but that's an accumulation of various adjustments throughout numerous funds. So we are only requesting \$200,000 from the general fund to be used in today's

budget adjustment. The \$2.7 million that we're asking for the ERP we were able with the revised estimates to the revenue, we were able to find existing resources being used to support department operations to pull that back because of those revised revenues without impacting the available resources within the general fund.

COMMISSIONER CACARI-STONE: Okay. Just to clarify. So there would be \$7.4 million left for mid-year adjustments or potential other priorities in the County.

MS. HERRERA: Madam Chair, Commissioner, yes. For any additional adjustments that we bring to the Board between now and June 30<sup>th</sup>, any needs as we start to prepare the fiscal year 2026 budget. That's what is available right now that isn't – we've got, within that fund we have that's unassigned, that's not tied to anything else.

COMMISSIONER CACARI-STONE: All right. Thank you.

CHAIR BUSTAMANTE: Yvonne, Commissioner Hughes, any questions, comments?

COMMISSIONER HUGHES: No questions.

CHAIR BUSTAMANTE: Do we have a motion either way? Motion to approve? Motion to deny? Anyone?

COMMISSIONER HUGHES: I make a motion to approve.

COMMISSIONER JOHNSON: Second.

CHAIR BUSTAMANTE: Motion by Commissioner Johnson, second by Commissioner Hughes.

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

**B. Request (1) Approval of Agreement No. 2025-0069-PSD/BT with Avero Advisors for Enterprise Resource Planning System, Including Jail Management System, Consultation Services, for a Total Contract Sum of \$2,574,049, Exclusive of NM GRT; and (2) Delegation of Authority to the County Manager to Sign the Purchase Order(s)**

CHAIR BUSTAMANTE: Thank you, Bill.

MR. TAYLOR: Thank you, Chair Bustamante, Commissioners. The County Board actually wanted to reference this as part of its strategic plan, Point 3-2, we would implement a new cloud-based ERP, Enterprise Resource Planning System for the County. We initiated an RFP to solicit consultation services for a consultant to help the County through the process of identifying the state of conditions within the County as far as its operations and need for future implementation of a cloud-based ERP system.

The RFP resulted in receiving nine proposals. The evaluation committee's short-listed three. We went to oral presentations. The committee selected unanimously Avero Advisors as the most qualified. We have been negotiating the schedule and services for this project endeavor. It is then mentioned in the memo and we have Deputy County Manager Bernardino present for any questions and I'll stand for any questions regarding procurement and services to be provided by the consultant. This is to compile all the information and assistance with the RFP in selection of a new ERP system, and also be on board with us for the implementation of that new ERP system and jail management



services system, which is scheduled to be timed out at the end of this calendar year.

With that I'll stand for any questions.

CHAIR BUSTAMANTE: Commissioner Johnson.

COMMISSIONER JOHNSON: Thank you, Madam Chair. So like Commissioner Greene on the last item I was struck by the increase in the contract sum total, \$2.574 million. And there's not a ton of details in the packet about what is included in that sum. So I just would love to hear a little bit more about what is included in that \$2.5 million in this contract, first of all. And then also is that a quote that you received from Averro, and were there other – was this sort of an estimate for services provided by the other respondents to the RFP?

MR. TAYLOR: Chair Bustamante, Commissioner Johnson, the RFP process is one that we select the most qualified proponent or offeror and we enter into negotiations and we talk through all the services they're going to provide, and they compile the proposal. We do not enter into negotiations with all the proposers in case we feel there's not an agreement in their proposal and the delivery. Then we would have to terminate negotiations and then go to the next ranked offeror. So that's how the process works.

We felt that the negotiations were successful and the fee that was proposed by Averro was reasonable and consistent with the services they're going to provide throughout this project.

COMMISSIONER JOHNSON: And those are consulting services. In other words they will be helping the County identify the ERP system? They won't be implementing it for us? They will just help us understand what our needs are?

MR. TAYLOR: So Chair Bustamante, Commissioner Johnson, they will be – as part of their services they're going to identify the best ERP system and jail management system for the County, train, help us with the selection, the RFP to procure that ERP system, and then be on board with us to help implement the system throughout.

COMMISSIONER JOHNSON: So they do sort of coordinating among the different divisions, because they have a good understanding of what our needs are in an entity as diverse as our jail system and the financial system in the Community Services Department. So back to the RFP process, I'm wondering, and this is – I'm new here so I don't understand how the contracts are awarded and the initial negotiations that are entered into. I'm curious as to I guess how you make competitive proposals when the selection criteria is the most qualified. So I would want to avoid something like knowing I'm the most qualified candidate being able to sort of set my own price after that. I'm sure it's not quite as dark as that. But I just would like a little bit of that information about how competitiveness is established in the RFP.

MR. TAYLOR: Chair Bustamante and Commissioner Johnson, a competitive sealed proposal is pursuant to the state procurement code for a value-based procurement. You have your invitation for bid, which is based on the lowest price, and a competitive sealed proposal or RFP is best value. So we feel that has to be where cost is not the determining factor. An invitation for bid, you have to go with the lowest price, regardless. As stated, in the competitive RFP process, there's qualifications and there's cost, and it allows you to negotiate those costs, which we did for quite some time until we were getting the best price from this firm.

So that's – there's a best price and then best value. So that's the difference in the Procurement Code requirements.

COMMISSIONER JOHNSON: Okay. That's helpful. Thank you.

CHAIR BUSTAMANTE: Thank you, Commissioner Johnson.  
Commissioner Greene.

COMMISSIONER GREENE: Thank you. How long does this – this takes it through implementation?

MR. TAYLOR: Madam Chair, Commissioner, I didn't quite –

COMMISSIONER GREENE: This contract goes from selection or scoping, and it goes to scope and understands our processes, incorporated them into some best practices and how an ERP can facilitate these things, and then it extends all the way into training our staff to feel confident and comfortable using the system, turning the keys over to us and complete end to end.

MR. TAYLOR: Chair Bustamante and Commissioner Greene, that's correct. Along with that will be the requirement when we go out for RFP for the ERP system as well. So the ERP firm or jail management firm that we procure later down this path will be working with Averro along with that implementation phase all the way through where they turn the keys over to the County to operate.

COMMISSIONER GREENE: This contract has a sunset time? Is it only a year? Two? Three? Does it – do we see this happening, finishing out in two or three years or –

MR. TAYLOR: Chair Bustamante, Commissioner Greene, it's a four-year contract. It's professional services so we are limited to a four-year term. Their schedule shows for approximately seven months to – they're going to parallel. They have to look at the jail management system at the same time looking at the entire County's state of operations and what they do in each department. So there's some cost savings in that phase of it and for the jail management I believe it was four months and for the rest of the County seven months, but they're going to work in parallel at the same time, not bill us for one or the other. It's going to be some savings there with joint efforts, evaluating the County's processes in those two systems.

COMMISSIONER GREENE: Will we have progress reports, maybe quarterly? So that we can sort of see, both in terms of expenditures and what they bill to us, as well as like a list of milestones. Hey, we've done our assessment. Hey, we've done the jail management. Hey, we've gotten this. Hey, this is a long, big, expensive contract. It would be great to see both a timeline of expectations, right? That you're selling us right now, as well as that you're able to manage to stay on tract.

ELIAS BERNARDINO (Deputy County Manager): Chair Bustamante, Commissioner Greene, you are correct. There's going to be a project management kickoff between the project steering committee, which I'll describe momentarily, in a group, and Averro, if this is approved, and we're going to come up with refining the project charter, which is how we're organized and how we make decisions within the steering committee. In addition to that we're going to be working on the communication plan, involve different tiers in the cadence of such milestones.

I'm sure that we will have some tweaks as we go along with it. In any event, that's going to be the first meeting we will have with Averro if this is approved is how

we're going to approach this and they can start making timelines. It's my understanding they're going to have boots on the ground as well so when they come in, how do we get ourselves organized? Who's going to communicate and so forth. So the short answer is yes.

Once we have that communication plan we'll deliver that to the County Manager. I'm sure he will forward that to you with the expectations and communications about the project.

COMMISSIONER GREENE: Fantastic. Given that we're going from probably the 1980s to the 2010s and maybe the 2020s, this is a big leap in technology and there can be resistance within the organization. People just don't like change. I get it. Our friends over at the City of Santa Fe did this a decade ago, but it took them a lot longer and they had a lot of internal resistance. I'm wondering, as a part of this, did this contractor give us a level of assurances that they've dealt with changing and organization and that this is their – that they've got plans to deal with all of those things?

MR. BERNARDINO: Chair Bustamante, Commissioner Greene, I'm going to address that question in a little bit of a more unconventional. The way we are structured and with the County for this project, it's a project charter which indicates on how we made decisions and the steering committee is comprised of the HR Director, the Finance Director, IT Director, the Assessor's Office representative, the Treasurer's Office, and the two Deputy County Managers. And we are structured to make policy decisions on resources as we go through this project.

In terms of this ERP concept, we understand that it is mountains to move. And we'll also address Commissioner Johnson's concerns of what are the services they provide and the way I would describe it is a two-phase approach. Phase 1 and Phase 2, Phase 1 encompasses the project management kickoff, discovery and envisioning, which is documenting the current and future state, and then solicitation, which is the RFP development, and then the vendor selection. Once that's been selected, they're going to help us with Phase 2, which is implementation of planning and implementation of management. Within that we also asked to approve the scope for this vendor to focus heavily in the change in management piece, and Commissioner Greene, as you mentioned, we have some individuals who may be not wanting to move into that direction because they might not know. That's where the changed management process comes into play.

We had various discussions on how that's going to be approached and that's where the steering committee comes into play, and how do we allocate resources, and how do we make sure that this project is successful. We also recognize it's not going to be as smooth. There is going to be a lot of bumps. However, there's definitely going to be resources to support to be able to have this implementation as successful – it won't take us ten years. It will definitely takes anywhere between two to three years.

COMMISSIONER GREENE: Lastly, as we go to hire and replace people in different divisions, one of the things I hope our HR starts to ask candidates that are going to touch the new ERP system is familiarization with change and ERPs. So we're not hiring people that don't know this. That we're hiring people that are anticipating and are excited to have a new ERP system as a tool for them, and then we hire into this project because it is a specific commitment that we're putting into and that we start

asking people to buy into it from day one. But thank you.

CHAIR BUSTAMANTE: Commissioner Cacari-Stone.

COMMISSIONER CACARI-STONE: Thank you, Chair Bustamante. I'm just curious and educate me on how the County receives invoices. So when you have this \$2.5 million contract with the scope of work in four years, I see they have hourly rates up to \$325 an hour. Are they billing as a draw-down by phase, or are they billing via an invoice by hours contributed to each phase? Just curious. Thanks.

MR. BERNARDINO: Chair Bustamante, Commissioner Cacari-Stone, I think this is a good segue to introduce the CEO of Avero, here to my right. His name is Abhijit Verekar.

ABHIJIT VEREKAR: Madam Chair, Commissioners, my name is Abhijit Verekar. I go by A.V. I'm the founder and CEO at Avero. I founded the company in 2016 after many years in consulting for governments across the country for projects like this. So to answer your question, Commissioner, we charge by the hour but it is per phase. That's all laid out in our proposal. So it is a ban material not to exceed contract.

COMMISSIONER CACARI-STONE: Thank you. And I think the nature of my question was just checks and balances with the County working with you. It's a pleasure to meet you. That they have some levers. So is it you're only billing by hour in an invoice, or is it just a draw-down by each phase, based on the estimated hours? So the County just would have some levers to ask for more or if they're not satisfied. I'm just curious because I'm new. Thank you..

MR. VEREKAR: So the way this works is we will send – first of all, we have weekly meetings with your steering committee where we provide updates on what we've done, what we plan for the next week, and when an invoice is presented it has great detail on what those hours mean and what was delivered. And then your team has the ultimate authority to approve or deny the invoice and negotiate if needed. So there's lots of levers and we don't take that lightly.

COMMISSIONER CACARI-STONE: Thank you.

CHAIR BUSTAMANTE: Thank you. Commissioner Hughes.

COMMISSIONER HUGHES: No questions.

CHAIR BUSTAMANTE: Then I will ask a question of Manager Shaffer. For future presentations such as these, especially with such a high dollar amount, some of the earliest questions when we got started have to do with process and how we got to the decision for this particular. When we're making an approval and it's a recommendation, usually we would have some input on the process. We have a little bit of input on the process since there was a committee. They reviewed things though we don't have the specifics on how specific determinations were made to get past the first group, and how they were vetted, what was looked at at that point. And then when we got down to the last four, what criteria was used?

We're about to make a decision and pass something based on this is what they're going to do. And if we're approving it, essentially we'd have insight to the process that got us to where we are today. I think or I do believe that the questions that were asked helped fill in a bit of those blanks, but I think in the interest, one, of complete disclosure to the public, and for our purposes in making an approval such as this that we would have insight into the process of what put one particular vendor in front of us. I'm not saying

anything against this vendor. This all looks very good. But I have absolutely no information on these did and these didn't, and this is how this rose to the top.

So for future evaluations such as these I think we would greatly – more than appreciate, I think we would expect more information before the BCC approved this, therefore, because I think blindly and making assumptions that we can just trust any recommendation that comes before us wouldn't be doing our due diligence. So I appreciate that for future presentations.

If there are no additional questions or issues, I'd like to hear whether or not there is a motion to support or deny or conversations. Commissioner Cacari-Stone.

COMMISSIONER CACARI-STONE: Because I'm new I just want to support because obviously there's going to be other RFPs going out. So Chair Bustamante, you're asking for metrics in the RFP ranking and rating, right? Is that – and that way, just to understand what those metrics were in the review? Is that it?

CHAIR BUSTAMANTE: Basically, yes.

COMMISSIONER CACARI-STONE: Okay.

CHAIR BUSTAMANTE: Any other questions? Formalities? Motion?  
Commissioner Greene.

COMMISSIONER GREENE: Just as a follow-on. We've set aside in our mind in budgeting \$10 million or whatever the number was – around \$10 million for this project. And \$100,000 was for this thing told to us, and this is dramatically different. And I would like to see in this sort of space, these are the services that were quantified into this and they're no longer going to be necessary in future contracts. Right? And I get it. A consultant and change and all of this, an assessment is expensive. \$100,000 certainly wasn't enough for that, but we weren't looking at the itemized sort of project at that time. But somewhere internally here at the County, they had \$100,000 for this. Right? So to be able to say that it's \$100,000 and now it's \$2.7 or \$2.8 million, we should be saying, well, there's \$100,000 here. There was a million dollars of this service that is now in this contract and there's another million dollars of this part of the project that is now in this, and here's \$500,000 and this is how we got to \$2.8 million or whatever the number that we're talking about here

That's the sort of thing that I want to see, especially when it's such a dramatic change. The scope of the project, \$10 million, if it's still going to be \$10 million as the County Manager said, great. We're on schedule. We're doing it all. That's fabulous. But I have some concern about something that was given to us as information that doesn't match up right now.

And so nobody wants to say, hey, we're going to have to keep an eye on this more now. But now we have to keep an eye on this more, right? Because this is a dramatic change from what we were expecting, at least at this early stage. At some point we may come out of this saying, yes, it cost \$10 million. We're done. We're on schedule. This is perfect. Great job, guys. But now understand that please don't come back for more money on this contract and also find areas that were in this whole scope of this project if this were put into this part of the budget.

I'm in support of the ERP project but I certainly don't want to see this thing is now a \$12.8 million project, just because this consultant – this part of the project wasn't foreseen. So again, supportive. We need it. But –



CHAIR BUSTAMANTE: Is that a motion? I'd like to hear a motion to move forward and approve or deny.

COMMISSIONER GREENE: A cautionary motion. I think we need to move forward with this. I think that this project is needed. I agree that this is probably a consultant contract that is necessary as a part of the scope of this. But I would like to see more understanding and more information about the milestones and how this thing is going to move forward, and reports of yes, this was foreseen and we just didn't communicate it properly. So, yes, this is a motion to move forward with this.

CHAIR BUSTAMANTE: So we have a motion by Commissioner Greene to approve the consultant with the request that we have the metrics identified or the time or the issues in the agreement between the County and Avero Advisors for updates on each of the contractor service areas. Does that cover it? Those items that are listed in 1.1 through 1.5 are what we would like to ensure that there are updates on as we go.

COMMISSIONER GREENE: Yes. Metrics and milestones. Yes, ma'am.

CHAIR BUSTAMANTE: Okay. Do we have a second?

COMMISSIONER JOHNSON: I'll second.

CHAIR BUSTAMANTE: Second by Commissioner Johnson.

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

**C. Request Approval of County Utility Line Extension and Delivery Agreement Between Santa Fe County and D.R. Horton, Inc.**

CHAIR BUSTAMANTE: Mr. Soderquist.

MR. SODERQUIST: Hello again. I am here to present ULEDA between Santa Fe County and D.R. Horton. A little bit of background on this development. It's just over 32 acres with 137 lots. The developer is going to build out in two phases and the water budget for this development is 34.87 acre-feet per year, and the developer will be bringing their own water rights for this development. Are there any questions?

CHAIR BUSTAMANTE: Do we have any questions for Travis?  
Commissioner Greene.

COMMISSIONER GREENE: Thank you. Do you know where these water rights are coming from?

MR. SODERQUIST: One of the water rights I saw came from Platte Land and Water, which is another – that's where we got some of our water rights too. I don't know about the other one.

COMMISSIONER GREENE: And so they did not do fee in lieu in this case. They are actually bringing water rights in.

MR. SODERQUIST: Correct.

COMMISSIONER GREENE: And is there a sunset? As the County Manager mentioned earlier, we know have sunsets in these things. I expect that this is a project that's going to be built, but just in case.

MR. SODERQUIST: It will be tied to the development through the SLDC.

COMMISSIONER GREENE: Okay. And are there any internal to the development water reuse or harvesting techniques that are going to be used, either from

rooftops, gray water, black water systems on site?

MR. SODERQUIST: Not that I know of.

COMMISSIONER GREENE: Thanks.

COMMISSIONER HUGHES: Madam Chair.

CHAIR BUSTAMANTE: Yes, Commissioner Hughes.

COMMISSIONER HUGHES: Yes, I think it's obviously very important that we approve this, so I make a motion to approve.

CHAIR BUSTAMANTE: Motion to approve by Commissioner Hughes.

Do we have a second?

COMMISSIONER CACARI-STONE: I second it.

CHAIR BUSTAMANTE: Second by Commissioner Cacari-Stone.

COMMISSIONER GREENE: Under discussion. May I?

CHAIR BUSTAMANTE: Discussion.

COMMISSIONER GREENE: Thank you very much. Commissioner Hughes, the obviousness – I'd love to hear what the obviousness is just so I can understand your perspective from this.

COMMISSIONER HUGHES: Without the water rights they can't build the development. That's all.

COMMISSIONER GREENE: Thank you.

CHAIR BUSTAMANTE: Any further discussion about that? I think as we discussed earlier in Travis' presentation it's the question of the day of okay, we have the water rights and the water's going to be physically available for this particular development, and we understand where that physical water's coming from. So we have a motion by Commissioner Hughes, a second by Commissioner Cacari-Stone.

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

**7. D. Resolution No. 2025-014, a Resolution to Approve the Water Policy Advisory Committee 2025 Work Plan and Meeting Schedule**

CHAIR BUSTAMANTE: Sara Smith. First, as they prepare to present their information, I want to commend this group for their efforts in going in on a challenging and admirable effort to follow very specific guidelines as to how to identify the priorities to address water in our communities, and to do it through a results-based accountability model. So we have a really – impressive is an understatement team of experts, really, who really understand the issues before us and the work that's been done with staff has been, again, not to overuse the word, but impressive is the one that comes to mind. So let's go ahead and hear your presentation and I'm understanding this is Mr. Harnden.

ANDREW HARN DEN (Growth Management): Thank you, Sara and Madam Chair Bustamante and the Commission. We are here to request adoption of a resolution approving the Water Policy Advisory Committee's 2025 work plan and meeting schedule. The Board updated the WPAC's purpose, activities and membership in March of last year via Resolution No. 2024-038. This is Exhibit C in the packet material. The Board appointed ten voting members and one non-voting County Commissioner to

serve on the WPAC at its May 14, 2024 regular meeting.

The newly formed committee convened in eight regular and special meetings from May to December 2024 and received trainings on results-based accountability framework and briefings from County staff on policies, procedures, and programs. WPAC applied the results-based accountability framework to carefully craft its 2025 work plan as Exhibit B in the packet material. The work plan focuses on twelve strategically identified priorities within three categories: 1) stormwater management, drinking and wastewater management, and outreach. The WPAC established three working groups and assigned members and leadership from each of the three County departments who support WPAC to the working groups.

Moving forward as per Resolution No. 2024-038, the WPAC will present reports of its activities to the Board on a quarterly basis with the next report in April 2025. Thank you very much and we stand for questions.

CHAIR BUSTAMANTE: Questions for our WPAC? Commissioner Greene.

COMMISSIONER GREENE: Thank you. So in a conversation with the County Manager I had brought up some of the things that I wanted to be included, at least in the scope and the vision of the WPAC, because I would consider the WPAC as kind of an advisory committee and a first look to deal with some of the details that we may not have time to look at all the little details out from here. So as much for the record I want to put things onto, maybe not per se the work plan, but on the perspective of the WPAC. And these are things that are on our strategic plan, our major capital projects within Santa Fe County, but did not appear on the work plan.

So just so that you know, I hope that you guys are paying attention to this. Maybe there isn't a project in a results-based sort of orientation but it is something that you should be paying attention to and be consulted, because you're all water experts at some level or another.

So the first one was up in the north. We've started – we have money set aside to do a Tesuque Valley and Pojoaque Valley wastewater system. That is going into a preliminary engineering report and a collaborative agreement between the tribes in the north and anyone – those tribes that want to join us. And so I hope that your expertise and oversight can allow a place for some sort of reporting into so that you have your two cents and then maybe guide our internal team up there.

Second, the Pojoaque Basin Regional Water System is a massive \$700 million project up in the north and it is well underway. Some understanding of monitoring of that, including in-basin, out-of-basin flows and all of the aspects of this, a operating agreement, how it comes on line, making sure our Utilities Department is trained and ready to do it and making sure that we don't have some of the problems that the Buckman Direct Diversion had when they were built.

And then third, really looking at the City's Paseo Real facility and how we can make sure that the City, if we're not directly partnered with them, are not just sort of leaving these behind. Right? And that they are affectively addressing the contamination that they continue to be allowing and making sure that they are planning for an upgrade of that system in whatever form it takes, but that we have some level if not a seat at the table, which I wish we had, that we at least have some report and your expertise and

oversight helping us make sure that we're getting – we're protecting the people that are downstream.

CHAIR BUSTAMANTE: Thank you, Commissioner Greene. Is there anyone who wants to address as they have been discussed within the WPAC or are we good to continue to move on, since those issues have been discussed. Okay. If you'd like to.

MR. SODERQUIST: I just want to say one thing. So part of the Santa Fe 2100 does have a wastewater portion, a financial wastewater portion tied to it and the purpose behind that is to have the County provide some input into the City's wastewater treatment and reclamation facility. So it's not necessarily a seat at the table but it's in the same room.

COMMISSIONER GREENE: I appreciate being in the room. That's where it starts. If there's a way to report on all of those three things' progress from your expertise, right? I'm learning a lot more about water than I thought I ever would, but you guys are real experts, and so I really depend on the WPAC and our staff to report to us all of these three projects because right there there's close to a billion dollars worth of water projects, well over a billion dollars worth of water projects that affect Santa Fe County between an \$800 million, \$700 million project in the north, the Paseo Real project is probably going to be north of \$300 million at the rate things are going, and then the Tesuque Valley project is going to be in the tens of millions of dollars. So please provide us that oversight and a way for transparency for people to go to your meetings and hear the details and the nitty-gritty of how these things are progressing.

CHAIR BUSTAMANTE: So Commissioner Greene, if you look at outreach working group, the initiation for the JPA between the City of Santa Fe, the six-month timeline, so many of these things are captured in their exhibit. If there's anything that you would like to see refined. I hear that you want to hear back. This one has a six-month timeline. I don't know of any of the issues that you brought up that hadn't been discussed at some level. They may just be reflected in this differently and I think this is the opportunity.

I have to say I look at this – I see the folks in the room and this is ambitious. But I have no doubt with staff and the teams that are working together that there will be success in these areas. If you see a point of clarification that would be helpful, but those issues and working and having the conversation over the wastewater treatment facility and drinking water, etc., are definitely top of mind, as well as the Tesuque water situation, which was probably one of the first conversations that was had when this group was pulled together. Are there any other comments for the WPAC? Manager Shaffer.

MANAGER SHAFFER: Chair Bustamante and Commissioner Greene, as we discussed and staff agrees that it's due, given the state of the project to provide more regular updates concerning the Pojoaque Basin Regional Water System to the Board of County Commissioners. We will certainly provide that information to the WPAC as well so that there is a level setting relative to any future specific task that may be assigned to the WPAC related to that, but I think that hopefully addresses that concern rather than a work plan that has a broader concept of general oversight. I think that the goal of this work plan was to be very focused and task-oriented, and so again, we'll provide that information related to the Pojoaque Basin Regional Water System so the WPAC is well

informed, and if there is a particular task that fits within the results-based accountability framework that the Board wants to task the WPAC with in the future relative to that they'll be ready to go.

COMMISSIONER GREENE: Thank you. And to that point, I wasn't necessary asking for a task and when you put it in the scope of everything's got to be task-based, it doesn't make sense but it is sort of an advisory committee and you guys are knowledgeable so I hope that it can be a platform for transparency for all of the water projects in Santa Fe County. And a sounding board for all of our districts.

CHAIR BUSTAMANTE: The direction that the group received, Commissioner Greene, is that it is task-based because they make policy advisory recommendations. So it would be the conversations around the initiatives that they have identified that would come before us as policies to actually see success in the metrics that they've identified for each of those areas. So that is the reasoning behind that. Do we have any other discussion regarding the WPAC? Commissioner Johnson.

COMMISSIONER JOHNSON: Just briefly. Thank you, Madam Chair. And this is a very simple request. I just would like to see the members of the WPAC, if that information could be provided to me. I don't see them listed online and I didn't see them in any of the materials, so I'm curious about that.

CHAIR BUSTAMANTE: Thank you. Maybe a website or a page with our membership.

COMMISSIONER JOHNSON: The website only lists sort of the criteria for selection but not the members, and the minutes and agendas don't have that information provided.

SARA SMITH (Operations Director): Chair Bustamante, Commissioner Johnson, we can absolutely update the WPAC committee page with the member list. We have three in attendance tonight. We have chair Shann Stringer, vice chair Emily Wolf, and a very active member, Peter Gowan in the audience. They've been waiting patiently for this item to be presented. So it's a very good, active committee. I'll make sure the website gets updated.

COMMISSIONER JOHNSON: Thank you, and thank you for your service.

MS. SMITH: And I just want to acknowledge, Chair Bustamante, you were integral to getting this committee together and guiding us to this point. So we really appreciate that and we have a lot of staff support. Jacqueline Beam, Michael Carr, Andrew Harnden, Travis Soderquist, and Brittney and Hvtce in the CMO's Office. So we really took a lot of good action between March when this was re-established and now it's really pleasing to see this get approved.

CHAIR BUSTAMANTE: Thank you. Thank you for your good work.

COMMISSIONER GREENE: Madam Chair, can those people in attendance that are a part of this stand so we can recognize them and when we see them in a crowd we can thank them..

CHAIR BUSTAMANTE: Thank you.

COMMISSIONER GREENE: Thank you guys.

COMMISSIONER JOHNSON: Thank you.

CHAIR BUSTAMANTE: It is an open meeting so anyone is welcome to



attend, and it's worth it. And you can also do it online and just observe. Thank you very much. Do we have a motion to approve? Anything else?

COMMISSIONER CACARI-STONE: I make a motion to approve the WPAC 2025 work plan and meeting schedule.

COMMISSIONER GREENE: And I'll second it.

CHAIR BUSTAMANTE: So we have a motion to approve by Commissioner Cacari-Stone, a second by Commissioner Greene.

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

- E. Request (1) Approval of Amendment No. 7 to Agreement No. 2018-0005-AT/MM with HUB International Insurance Services Inc. Expanding the Scope of Services to Include a Facility Security Risk Report on Certain Santa Fe County Facilities and Increasing the Compensation by \$311,192.41, for a Total Contract Sum of \$658,992.41, Exclusive of NM GRT; and (2) Delegation of Authority to the County Manager to Sign the Purchase Order(s)**

CHAIR BUSTAMANTE: This will be presented to us by Melinda Jagles-Moquino and Bill Taylor.

MR. TAYLOR: Thank you, Madam Chair and Commissioners. We're here before the Board for approval of amendment #7 with HUB. They are insurance broker services. They do evaluations of risk assessments at our facilities. They've identified some high priority facilities for their assessments. It's in their proposal in your packet. We can go into that detail if necessary, but the value of the increase to the compensation for those services and for the additional year required the Board's approval. We'll stand for any questions.

CHAIR BUSTAMANTE: Do we have any questions? Anyone? It makes sense to me. I have no questions either. Do we have a motion to approve the recommendation to amend number seven to the agreement 2018-00005?

COMMISSIONER GREENE: I will move to approve.

CHAIR BUSTAMANTE: Motion to approve by Commissioner Greene. A second?

COMMISSIONER CACARI-STONE: I second it.

CHAIR BUSTAMANTE: Second by Commissioner Cacari-Stone.

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

- 9. Matters from the County Manager**  
**A. Miscellaneous Updates**

MANAGER SHAFFER: Chair Bustamante, Commissioners, I don't have anything really in the way of miscellaneous updates. I do want to move on to that order of business of a general update relative to the ongoing legislative session, and then also a specific discussion if the Board would like it, relative to the one bill that had been

identified by number for consideration by the Board of potential support or opposition, which is House Bill 11, Paid Family and Medical Leave Act. So I believe Hvtce Miller is available to help guide the general update relative to the legislature. Mr. Walker Boyd, the County Attorney and myself provided the Board a general overview of the Paid Family and Medical Leave Act and specific recommendations relative to a County-run program that could potentially meet the objectives of the law, at least with regard to County employees.

And then our own County Clerk, wanted to speak to the Board relative to the New Mexico Counties board of directors consideration of that particular bill. I don't see Hvtce in the audience yet, so if it's okay with you, Chair Bustamante, we'll continue to the discussion of House Bill 11 while Mr. Miller makes his way to the chambers.

**B. The First Session of the 57<sup>th</sup> Legislature: Updates and Potential Action to Express Support for or Opposition to Legislation that Has Been or May be Introduced**

MANAGER SHAFFER: So Hvtce, I'll go ahead and let you spend a few minutes just providing a general update relative to the session and then we'll talk about House Bill 11.

HVTCE MILLER (County Manager's Office): Good afternoon, Madam Chair, Commissioners. Hvtce Miller, Intergovernmental Outreach Coordinator in the County Manager's Office. So today I won't be providing you a written report because what's going on right now is mostly introduction and orientation actually for the legislature, seeing that there are so many new members, both in the House and the Senate.

So this week there's been a few bills that have gone to committee but mostly it's orientation and overview for committee members as to how different committees operate, getting to know your bill drafters, your analysts in your committees, so that's what's going on right now. What we had provided to you earlier in the week was Greg had spoken to you Commissioners allowing you to provide us with any input, seeing if there are any pieces of legislation right now that you wanted to take a look at, which I think is a good way to start looking at everything in the early days of the legislature, whereas not to inundate you with all the bills that are coming out right now pre-filed and newly filed as the session is starting.

I don't think that it's very useful to just take a look at every single piece of legislation and be alarmist about things and have things start going through the process in the legislature through its introduction and through the committee process to see if pieces of legislation will actually materialize and move forward, or if they will become combined, or seeing how budget talks right now affect other pieces of legislation as well.

With that, I did want to thank Commissioner Greene for leading our tour yesterday. It was very helpful to the staff members and to our elected officials who attended and it was very helpful and we got a – let's say inside look at the actual operations and the workings of the legislature and the capitol while it's in process, and we had the opportunity to meet many legislators early on now in the session as they're

not busy. A lot of legislators came and talked to our group and that was very helpful and they were appreciative of us as well coming to the legislature to show ourselves and provide our openness and willingness to participate with any of our legislators for any of their questions and help during the legislative session.

With that, if you have any questions – and just one more thing. If you'd like to meet with me just go ahead and let me know and I can go through and look at analysis of specific pieces of legislation to just give you a more in-depth look at things. That's not a problem. You can just give me a call, email me. I'd be happy to meet with you.

CHAIR BUSTAMANTE: Thank you, Hvtce.

MR. MILLER: Thank you.

CHAIR BUSTAMANTE: Anyone have any questions? Commissioner Greene.

COMMISSIONER GREENE: Thank you, Hvtce, and thank you for helping organize and being there to be supportive of this work with staff. It's fun to get out of the office and to get into another part of government. And it was great to have the County Manager, the County Attorney there, the County Treasurer, Deputy County Treasurer, three of the liaisons and a bunch of Community Services there. It was great event. We had, just for other folks up here, we had a bunch of legislators do one-on-ones with us and introduce things that they're interested in, show that they're excited to talk to us about it, and show that they enable a lot of what we do here, whether it's through money or policy, but they respect us at the County level because we have to execute what they do. And so they were really happy to hear or to encourage us to show up and to inform them of the consequences of their decisions. And so I think that was a great empowerment opportunity for our staff to know that they could go there and as we said, the hardest thing in going to the legislature here is finding parking. Everything after that is pretty easy. So it's a really approachable thing.

So in terms of bills that I would hope that we could follow – I'm seeing that Senate Bill 21 and Senate Bill 22 appear to be water quality bills that are very important to a bunch of constituents of mine up in the Tesuque Valley and I'm sure they're going to be important to all of our constituents throughout Santa Fe County. These are water quality bills that would help the State of New Mexico, New Mexico Environment Department, make decisions about discharges that are currently only reviewed by the federal EPA. And now that we have an administration that probably doesn't care about water quality it is more important than ever that we have some state guidelines for this and review authority for this. And so if we can keep an eye on this I think you may have some information about it because I think one of the bills or both of the bills were heard the first time today at Senate Conservation. And Senator Peter Wirth is the sponsor of both of these bills and we should be prepared to endorse these bills and encourage them to be as comprehensive as possible, to include new emergent issues such as PFAS or pharmaceutical issues and give some teeth to the State of New Mexico to protect our waters. Do you have any information about those bills from today?

MR. MILLER: Chair Bustamante, Commissioner Greene, there was only one bill heard today in Senate Conservation so Chair Stefanics actually said that they were going to meet early on Thursday at 8:30 to hear those bills. So you haven't missed the opportunity, and those will still be coming forward on Thursday.

COMMISSIONER GREENE: Fantastic. If you can brief us as to how into detail the specifics of PFAS and pharmaceutical issues and other details of those bills I'd appreciate that. That'd be great.

CHAIR BUSTAMANTE: Commissioner Greene, what I'd like to do is to, as we're going and the bills are coming out, because we also have interests that you may not be aware of that we're working on already, is if we could all make sure that we're communicating anything that is high on our list so that they'll all get reported as you're going. So I appreciate you not wanting to inundate us with these are all the bills that are out and this is everything that's happening, and at the same time we have areas of water, PFAS, safety placement, ideal locations for alternative energy, etc., etc., etc. Behavioral health.

As soon as we know a bill number and it's dropped, and I'm running this by your Manager, our employee, is that appropriate that for a bill number, as soon as it's dropped, we inform Hvtce and we can be informed in these updates as to what's happening and where those things stand. I'm not saying that I have not asked my liaison and I will be monitoring some as well, but I think it's important to get this at all levels.

MANAGER SHAFFER: Absolutely, Chair Bustamante, and if it something that as you have a bill number, as there's some analysis done you would like us to bring back, for the Board, for a specific request for an adoption of a position on that bill we will accommodate both of those requests.

CHAIR BUSTAMANTE: Thank you. And specifically, with regard to House Bill 11, so is that all we have with regard to generalities, because we do have House Bill 11 before us, and I'll remind the Commission that last year we were not in support of this moving forward because it was going to affect specifically the employees with the County. I do see now that there are amendments that have been recommended or requested for House Bill 11 and we also have a presentation from our County Clerk with information as to what the New Mexico Counties is doing. Is that so? Okay. So would you like to provide that to us now?

COMMISSIONER JOHNSON: Chair Bustamante, clarification. Did the Commission take a position last year or did that body decide to not take a position.

CHAIR BUSTAMANTE: We opted not to, if I'm recalling correctly. We opted not to take a position at all at that point. We didn't vote to not support it, but we did recognize that it was going to create a hardship, if you will. It could be problematic for the employees of the County. And we understand that may not be the case. So now we have an opportunity to continue that conversation. Yes, ma'am.

MANAGER SHAFFER: If I could Chair Bustamante, I just want to make sure that Commissioner Hughes is able to rejoin us.

CHAIR BUSTAMANTE: Yes. I'm sorry. Did we lose him. Commissioner Hughes? Very good. You're back. Okay, Clerk Clark.

KATHARINE CLARK (County Clerk): So the board of directors met during the convention last week and there was a lot of bills that they are planning on tracking that affect county processes as well as specific industries around the state. I believe the first bill they took a position on was the green rights amendment, and that pretty much universally was strongly opposed by the New Mexico Association of Counties because it has such a strong effect on industry in the southern counties. I think it

was a universal no except for maybe two counties.

And then the SB 11 or House Bill 11, which is a retread of the previous paid family medical leave bill. The discussion was centered around the idea of a strategy around that bill, because there are important committee chairs who are sponsoring that bill, and so the Counties thought that they wanted to take a strong position. They were very concerned about the businesses being proposed as the limit was less than five employees, and they felt that that was quite burdensome. There was a lot of discussion around what about situations in which you're in an emergency, if you have firefighters and you're trying to run an election and you only have key people who can do those jobs, you can't train someone brand new, especially if they have to have certifications to do that work.

There was some discussion around employees who don't necessarily have 100 percent of their health insurance paid by the County or their PERA. Do we just hand them a bill when they come back and say you have to pay the whole thing because you haven't covered your portion, which is what many counties actually do right now when people take the unpaid leave for FMLA.

So there was some concern around the idea of the main statutory requirement of sort of better than the paid family medical leave being proposed. Mark Allen, who is the attorney felt that that was almost an impossible standard to meet. I know that that carve-out for many of the sponsors have said that's going to be the carve-out for the counties. As long as the counties provide really excellent paid family medical leave you won't be subject to this law. But the attorney felt this was going to be a very hard hurdle to meet.

And so there was a motion to oppose and the counties did overwhelmingly oppose it. I think only five counties opted not to oppose, based on my argument that we should perhaps use the withholding of making a decision so that we had more negotiating power with the current sponsor. I know that the Counties have met with the Senate side in an attempt to sort of negotiate at least that idea of what that high standard would be for a meeting, what would be considered paid family medical leave. Because I think the concern is that we would have a lot of costs to the County that would be locked in and we couldn't use for anything else, and that wouldn't necessarily go directly back to our employees. Some of our lower paid employees would definitely see it in their paycheck, in their payroll. And there's quite a lot of already PERA and payroll.

And just as a personal we notice that it's matching Social Security which means they don't tax – they only tax up to \$176,000 a year. Which means that people who are making quite a bit of money are not paying into the system. It's all based on people who are low income, supporting other low income. So I think there is a lot of sort of technical concerns of the bill, but because the Counties has officially opposed it, I think there's going to be a review. I think the Senate is very interested in getting the Counties to a yes. And so there's going to be – Mark Allen, I think has been invited to go line by line and see what the technical challenges of the bill are, and I think that if our County Manager has strong technical concerns about the bill that's the opportunity to meet with the Senate side and really flesh out what is the impact.

One of the FIRs around this bill was very interesting. It said they would look for solutions and would have to hire 218 people to manage this program and they already have 100 vacancies. And then it's supposed to start taxing on January 1, 2027 and in the



FIR they're very concerned about that because that would be the first day of the new Secretary. Even if – we don't even know if a Secretary would even be appointed at that point. So there's a lot of concerns about the moving parts of this bill. I think not just from the Counties, so we'll see how that develops but that is the history of why that bill was opposed. They wanted to take a strong stance and let the sponsors know that they have a lot of heartburn around the technical issues of this bill.

CHAIR BUSTAMANTE: Thank you. Okay. So we have a consideration of whether or not to take a position on House Bill 11. The recommendation from staff is if the decision is to support it in some form, County staff recommends that County staff and its contract lobbyist would be authorized to advocate for amendments that would allow the County as an employer to create and receive a waiver for an employer-run paid leave program that meets the substantive goals of the bill in a way that does not impose recurring expense on the County or its employees, and recognizing the significant value of our existing leave programs. Discussion.

COMMISSIONER HUGHES: Madam Chair.

CHAIR BUSTAMANTE: Yes, Commissioner Hughes.

COMMISSIONER HUGHES: Yes. I put this bill forward because I think the concept of family and medical leave is very important. It's a benefit that we don't really have in the federal law. It provides 12 weeks but it can be unpaid. I worked very hard in my previous job to give people paid medical leave but it was hard to do, given our vacation and sick leave policy and everything. Two women used it for having a baby and they used up all their vacation time doing it. More recently my son had to take two weeks off for family medical leave and he used all his vacation.

And so I see this as an important step. I'm perfectly fine with the staff recommendation that they negotiate all the technical details. Clerk Clark brought up some other details. But I think we want to encourage them to keep working on this because it's an important thing. So I want to support it with the ability to negotiate.

CHAIR BUSTAMANTE: Thank you. Further comments. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Last year I tried to discuss this with some of the champions of this bill and it was less than negotiable. And so I hope that there's much more negotiation available. I see a bunch of problems that were listed here, specifically for Santa Fe County, and some complications for small businesses around the state. And I just want to encourage that if these changes can be achieved that we would then support it. I think the Counties can do that, with or without us, and they do that with or without us in this thing.

The aspect where I think that they're turning a blind eye to is that we're regulating people to do the right thing, companies that actually hire employees. And we're leaving out a segment of society and a segment of the work force that is the gig economy and the contractor economy. We make lots of rules for people that employ people but we do not extend those rules to contractors and to folks that are sort of living in the margins of that.

And so I wish that the legislature was really looking at workforce benefits more comprehensively and realizing that a very large segment of the workforce is working as contractors now, whether it's for a minimum wage adjustment or whether it's for a paid

family medical leave, there's so many things that contractors are not eligible for and yet the burden of society can sometimes be put on businesses and on workers who pay into – an example is during COVID contractor received unemployment benefits. Never paid a penny into the system.

So our system went bankrupt and was only able to be reconstituted with a significant amount of money through federal funding and state funding to make sure that our unemployment system was adequately capitalized. And so when we talked about this at the legislature I just wish that they were looking at things more comprehensively and understanding the peculiarities. I also think that small businesses, this could be – when you lose one person in a five-person or six-person organization, that's a difficult position to fill.

If it's a woman having a baby you probably have an idea that she was pregnant and that is coming and you can prepare for that, but when you deal with seniors or other unforeseen circumstances, there's no succession planning or transition planning that is possible. If you're in a market like Santa Fe or a market like Albuquerque you can probably find a temp. But if you're in a market like Raton or even Las Vegas or Stanley, a small business in other parts of Santa Fe County that are much more rural it's a little more difficult to replace people.

And so I wish that they were addressing those and I encourage the legislature to negotiate and to have an open door policy to this which wasn't available last year.

CHAIR BUSTAMANTE: Thank you. Anyone else? Commissioner Cacari-Stone.

COMMISSIONER CACARI-STONE: Chair Bustamante, I just have a clarifying question. It seems bifurcated. We either support or oppose or stay neutral. Is it possible – what I hear is that we support the Paid Family Medical Leave Act, but the House Bill 11 has technical issues. And the New Mexico Strong Counties Association is not standing behind it for various reasons. You seem to have some points that you made around the technical. So what is our option tonight? Because I heard Commissioner Hughes say on face value, this is really important to have it paid, because people just bottom out any leave they have. And it can leave you with medical debt. Right? So what actions can we take?

COMMISSIONER HUGHES: Well, I think we can take the action of supporting the concept, supporting the bill even with technical changes. Not just technical changes; they're substantive changes, I think.

COMMISSIONER GREENE: I would like, if we could, to start to study those changes and be very specific so that we could guide the negotiators. Just to say technical changes could be one little thing, but to say we have concerns about the size of the company. Or we have concerns about this. And so that we go forward and go with a more specific set of requests. I won't say demands. But that say we are in theory in support of this, but please, please, please, listen to these four or five, eight, 25 – whatever it is – concerns that we have, and maybe we can get a few of them addressed.

CHAIR BUSTAMANTE: I'd like to make a recommendation then. Am I hearing, and I'm getting a sense that this isn't a vote, right? We're getting a sense that we understand and the only one we haven't heard from is Commissioner Johnson. A general sense that we would be in support of this. What are your thoughts?

COMMISSIONER JOHNSON: Yes. I am in support of this and I see the issues with it. I guess like Commissioner Cacari-Stone, I wonder what the path forward is. It sounds like Commissioner Greene is suggesting that we make a motion in support – and correct me if I’m wrong. Make a motion in support of this with five caveats that the lobbyist and the County Manager’s Office clarify with or negotiate with the – or express our concerns over issues of the size of business, a waiver for counties or entities that have good programs in the first place, and what else? What am I missing?

CHAIR BUSTAMANTE: You can just say comprehensively the recommendations that were made in the document that was provided to us.

COMMISSIONER JOHNSON: Yes. And I agree with the recommendations in this document. I do hear – I think that Commissioner Greene added a couple of points to that, so maybe he could help me remember those so that we are clear in not just, oh, it needs some work. How does it need work? Right? When we say – when we have our team say to those legislators, we do want to support this. Here’s what the Board of County Commissioners has decided. Or spotlight. It needs a little bit more work.

CHAIR BUSTAMANTE: Thank you, Commissioner Johnson. I think our opportunity is to move forward with what we’ve been provided, acknowledging that we’re in support of family medical leave, just not necessarily this bill as it’s been presented. And then as we move forward, if it comes to the point where we are in full support of that bill, then I would actually request that we either do a resolution or something that formalizes, because we have been asked by some of our – one particular Senator, that that does actually have some weight when it comes from the group.

So if we were to say in theory, without getting a full – I guess we could take it as a motion, and we say we will, as long as it’s working towards we’re in support of the initiative. But if it doesn’t come back looking or does not get to a place where we could actually support it fully we would take a different action. Is that something that the Commission would be amenable to considering?

COMMISSIONER GREENE: I think it’s something in play. Right? I don’t think we know enough and we don’t know if there are negotiations that are legit. Because I’ve had some folks say no. There’s no negotiation. And then I’ve heard people saying that there are. And I would like to see where those negotiations are based on, what our concerns are. And so we’ve got 45 days or more. Actually probably 53 days of a 60-day session still in front of us. It’s very early. Two weeks from now, between now and two weeks, we will know a lot more about this bill and we could probably quantify a specific set of concerns that address County concerns specific to our organization, and then ones that our constituents bring forward to us.

I speak to other organizations and many of them are adamant against this. And those are constituents. And I speak to a lot of people that are adamant for this. And I think we need to get a better bill out of this, and then come out in full support.

CHAIR BUSTAMANTE: Commissioner Greene, are you saying that we don’t move forward and we do nothing at this point, or we say, yes, we support family medical leave, but with a list of conditions that need to be acknowledge to get a better bill?

COMMISSIONER GREENE: More of the second, but I don’t know that

we have the list of things right now that we should be soliciting both internal – we have a list here that the County Manager did. I think we should solicit some things from, support from the business community, our other organizations that are around us, within the next two weeks. And so two weeks from now we will still be before the 60-day session is even half-way, and we will be able to chime in and know how this thing is progressing.

CHAIR BUSTAMANTE: Commissioner Cacari-Stone.

COMMISSIONER CACARI-STONE: Thank you, Chair Bustamante. I'm just going to try to simplify it. Although the County Commission supports paid family medical leave, but with regards to HB 11, we are asking and recommend that the County staff and the contract lobbyist be authorized to advocate for amendments. And so on and so forth.

COMMISSIONER HUGHES: Yes. I agree.

CHAIR BUSTAMANTE: Okay. We have agreement with Commissioner Hughes. Does everyone support this? Do we need to make a motion?

COMMISSIONER HUGHES: Yes. We should make a motion.

WALKER BOYD (County Attorney): Yes. It's listed as an action item on the agenda, potential action item.

CHAIR BUSTAMANTE: We have a motion. We have a second. Which one of you was the motion maker? Was it Commissioner Cacari-Stone as the motion. Commissioner Hughes, you're the second. Does that work for you?

COMMISSIONER HUGHES: I'm the second.

COMMISSIONER CACARI-STONE: Yes. And to clarify that the motion is that the Commission supports paid family medical leave, but with regards to HB 11 we are asking, recommending that the County staff and its contract lobbyist be authorized – with the language here on the recommended action.

CHAIR BUSTAMANTE: And any additional issues that will be revealed in the next weeks. Does that work?

COMMISSIONER JOHNSON: I guess my concern is – and thank you, Madam Chair. That if we are not specific why are we – I know that there is one specific recommended action. I think if there are additional concerns we should try to articulate them as far in advance as possible so the directive is to negotiate those. If it's vague then they just get dropped. Right?

CHAIR BUSTAMANTE: So Commissioner Johnson, what I'm making is a friendly amendment to Commissioner Cacari-Stone's and Commissioner Hughes's request for staff to follow up and address those issues but that we would have additional issues that would come forth with some type of timeline, deadline for, and any other additional concerns that we would provide. When do we hear from the Commission?

COMMISSIONER JOHNSON: I would accept that as friendly.

CHAIR BUSTAMANTE: Well, it's not your motion.

COMMISSIONER JOHNSON: Oh, you're right. But I would support it.

CHAIR BUSTAMANTE: What would you say, Commissioner Cacari-Stone.

COMMISSIONER CACARI-STONE: Could you just to reframe, what would be the statement to add here that you're proposing, out of respect for what you're offering?

COMMISSIONER JOHNSON: Actually, I would defer to Chair Bustamante because I think what she's proposing is that we have a set date whereby the Commission is able to express its concerns in regards to the negotiations where the advocacy of the Commission regarding HB 11.

CHAIR BUSTAMANTE: Thank you, Commissioner Johnson. My concern is if we don't put some type of timeline for the effort is that we'll get all the way to the end of the game and say, well, this just came up the other day. There was a businessman who said they couldn't do this and we never really got anything satisfactory. I think we should do some due diligence to identify what those other conditions would be that we would include in this particular statement of support and allow the legislators to take action accordingly. As long as we can get them sooner rather than later. Commissioner Greene, I look to you.

COMMISSIONER GREENE: I want to be active on this and I do like the idea of deadline. There's no better deadline than one week from today for a meeting two weeks from today. Right? And then if thing gets out before then, good for the bill. Maybe not so good for the County and so on. But we're not going to have our act together really for a few days anyway. So if it moves super fast, it's not being negotiated. If it's being negotiated this will be alive in two weeks and we will be able to sit at the table and say, we're in support of these things and we'll know whether negotiations were happening.

But for us to say, put forth our issue, your issue may not be mine, and your issues might not be mine, or your issues might be mine, or whatever it is. And so I think it's appropriate for us to give ourselves a timeline, put those forward to ourselves, and then we would vote on what priorities are our priorities at our next meeting.

CHAIR BUSTAMANTE: Will you accept that?

COMMISSIONER HUGHES: Madam Chair.

CHAIR BUSTAMANTE: Go ahead, Commissioner Hughes.

COMMISSIONER HUGHES: Yes, I feel like we're not leaving enough to the lobbyist to use common sense and we're one county out of 33, and the other counties. I don't know that we have that much influence on this bill, and so I would prefer with Commissioner Cacari-Stone I think that we just vote general support today subject to all these concerns that have been brought forward. And if we want to come back again in two weeks we can come back but we don't necessarily have to. I feel like we're spending a lot of time on this.

CHAIR BUSTAMANTE: Thank you, Commissioner Hughes. I hear you. I'm hearing them and it does not prohibit us from bringing back this conversation at the next meeting, but we would move forward with the existing conditions and discuss it again at our next meeting.

COMMISSIONER CACARI-STONE: I'm just going to add, Chair Bustamante. So the co-sponsors are pretty strong leaders in the legislature, between Chandler and Serrato and Stewart. So it will move through committees pretty quick at the legislature. But we're looking at mid-February where there'll be more details worked out. So rather than the next meeting, why don't we wait till a later February meeting that we revisit this, and we do recommend a note to our lobbyist and County staff to follow this, to also consider Clerk Clark's cautions regarding the technical issues that the other counties are considering, but we just make an overall statement: We support it and we'll



revisit this, and right now we're recommending our staff and lobbyist to follow it.

CHAIR BUSTAMANTE: Thank you, Commissioner Cacari-Stone. I do want to be sensitive to Commissioner Greene's concern and Commissioner Johnson's that there may be additional conditions that need to be part of that conversation. Either we do that officially as a body and allow the time for us to acknowledge the additional conditions, or we say staff moves forward with the conditions that have been identified and additional conditions – if we put it further out then, as you mentioned, we're talking about some leadership that will move these things along, and I know they're hot on it. I know that they want to see this happen. The concern that I'd have that if additional conditions were not integrated earlier then they might miss the conversation. But again, just looking for some clarity here.

COMMISSIONER GREENE: Madam Chair, if I may. So specifically to say we are generally in support of this, one. Two, that we encourage the leaders and sponsors of this bill to negotiate with the counties and industry to make this palatable for the economic development and benefit of the counties and the businesses and the public of the state. And this encourages negotiation on those three areas.

CHAIR BUSTAMANTE: I don't hear that as different.

COMMISSIONER GREENE: It is but it's trying to be specific of the three areas to say the counties have come up with something. Our County has come up with some concerns as well specifically, the industries that we support in our community of mom and pops have come up with some things, and the population is generally in favor of this but they might not know all the consequences.

CHAIR BUSTAMANTE: We're going to call the vote on the original motion to direct staff to follow up, and our lobbyist to follow up on the conditions that have been provided and give what you said that that would happen then naturally. A second by Commissioner Hughes.

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

## **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 BUSTAMANTE: Let's start with Commissioner Johnson. At this point, and I'm just going to put something out on the table. We want to do something that we haven't done in the past. We're not there yet because we haven't had any of the meetings that we've been assigned to. One thing that happens is that we learn that Buckman Direct is doing something, or the WPAC is doing something. And when we have this portion of our meeting we have an opportunity to fill in our other Commissioners. So when we've been on a committee, and I can honestly say I've not done this in the past, this is our opportunity today. So if I'm on a particular committee and it's time for issues from the Board then we can share – WPAC is working on this particular initiative, the conversation last week was X. Okay? And this is just an informal request. This is your time to say what you want. We've often talked about our last

meeting with our constituents but this is an opportunity. So I throw that out now. I will remind us at future meetings, but right now we're just – let us know what you've been up to and how it's going. Thank you. Anything else you want to share.

COMMISSIONER JOHNSON: Okay. Thank you, Madam Chair. I have been asked by a community member to sort of give an update on the new administration's policy for detention of people without documentation in Santa Fe County. And I had a meeting with Manager Shaffer to this effect to compile that information. We are in the process, if I understand it correctly, so I will immediately share that with the rest of the Commission. That is questions such as what should someone who is stopped for speeding say to an officer in Santa Fe County, or not say? Questions that start at that level of generality and then ready to go from there. So I don't have those answers yet and I would hesitate to speak on behalf of the County at this point, but I just want to let us all know that that information is coming so that we can share it with our constituents or even just friends and neighbors outside of our own Commission districts.

So that's the only update that I have for now and thank you, Madam Chair.

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

COMMISSIONER CACARI-STONE: Thank you, Chair Bustamante. Commissioner Johnson, I did want to let you know that I've been moving forward doing internal/external stakeholder meetings regarding what I'm calling public safety, public health and community wellbeing as a general statement. County Manager Shaffer has provided some background research, and I want to give kudos to Anne Ryan also based on Commissioner Bustamante's request back in December to start an informal group of the social service public health space of what's happening with immigrants. So I'm putting forward and I would really invite, welcome the collaboration with other Commissioners, of course one-on-one, in developing this resolution.

So today I met online with Derek Williams, Frankie Gonzales, Jeff Ricaro, Sheriff Mendoza, basically the Public Safety group to discuss caveats and what they consider. There's several resolutions already in place regarding the County Adult Detention Facility, not honoring administrative warrants or holding requests for ICE. The Adult Detention Facility not housing federal inmates generally, and the County Sheriff's Office not participating in ICE delegation of immigration authority programs. And the Community Services Department serves all residents.

So we're looking at internally there was good feedback. To be specific and to be protective but to also not be restrictive enough where regarding criminal activity in terms of drug or human trafficking that Sheriff Mendoza asked us to consider. But Santa Fe County has always been protective of immigrant rights and all rights. So I want to just let the Commission know that I'm looking at this resolution with also looking at best practices and resolutions from around the state – Bernalillo County, Doña Ana County – we've collected those. I think it's important and timely to get something out soon at our next Commission meeting making a statement because there's massive fear.

One part of the external stakeholder engagement, including the Mexican Consulate, the Dreamers, Somos un Pueblo Unido, and others last week recommended that we consider training within the County so that we minimize frontline discretion,

which actually happens in government some times, maybe intentionally or unintentionally, across all of our departments. So that was an update and I really want to work robustly with all of you because I know we share the same concerns, particularly for District 2 as well.

Just a couple other updates. I was able to testify to the Senate, to the Conservation Committee today on the Senate Bill 4, which is basically in short the Clean Air Act. This is in response to my position with the Coalition of Sustainable Communities and I want to recognize Commissioner Hughes who's the primary on this. But this basically addresses climate change and the regulation of gas emissions so it was a very, very crowded room. I think the best part of it was that there was about eight youth who testified and a group of at least 30 youth in the area.

The other piece is I just want to thank Ryan Ward, Isabel Ortiz, Chief Black and Brian Snyder. There is a lot happening with the San Ysidro Crossing in the Agua Fria Village this week, and our Public Safety folks were out there and the Public Works Department almost every day and over the weekend. Basically, some water is being run off, so people were getting stuck and it was a safety concern. So I just want to thank you on that. Thank you.

CHAIR BUSTAMANTE: Thank you, Commissioner. Commissioner Hughes.

COMMISSIONER HUGHES: Yes. So I really just want to state that with all the busyness that the Trump Administration is up to, we really have to be concerned about those most vulnerable in our community. I mean I saw a judge paused the freeze, so that maybe that's not an immediate effect, but I'm going to keep my eye on that this time. Thank you.

CHAIR BUSTAMANTE: Thank you, Commissioner Hughes. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. So just as a point, the Trump Administration makes a lot of noise, and luckily there's a judiciary that seems to be blocking a lot of this, so I think his success rate is going to be pretty low, but he's kind of a blow-hard so what are you going to do?

Anyway, the issues at hand, one of the things that I've taken on is trying to discuss public safety and really crime issues here in Santa Fe County. I've had a conversation with our DA, Mary Carmack-Altwies, as well as the Second District's DA, Sam Bregman, regarding some best practices that we might be able to do here in Santa Fe County. And I've spoken to two Supreme Court Justices. I've spoken to one of the District Judges and one of the Magistrate Judges as well regarding ways that we can support some of the issues that we see recurring here in Santa Fe where bill reform had some unintended consequences and we probably need to change some of the language in legislation at the legislature.

There is some capacity concerns at the DA's office and she specifically sent me a request for support for specific positions that she feels are necessary to deal with might be considered adjudication at the edges. And so this is misdemeanors. So currently, because of capacity issues misdemeanors are not being prosecuted. Right? They're prosecuted by police officers who are not trained prosecutors. So a lot of these cases are just being dismissed or not being properly adjudicated when somebody is potentially

guilty but just not – the state, the police officers, the Sheriff's Office, just don't have the support of the DAs to prosecute professionally.

Another area that was recognized by the DA was in District Court, when conditions of release are being set, when somebody's arrested and bail is being set, we're a no-bail state now, or no money bail set, and the Arnold Rule is being implemented and the DA's Office doesn't have staff capacity to be prepared on a Monday morning to prosecute properly folks that have been arrested and are here having their first hearing on a Monday morning.

And so the problem here is that this just becomes a revolving door of crime. And so one of the proposals is to find support from Santa Fe County and potentially the City of Santa Fe and Rio Arriba County and Española, and all the jurisdictions that are part of the First Judicial District and support a few additional positions for the DA's Office that would specifically address these issues here that's she's identified.

This is not unique. The City of Albuquerque and Bernalillo County do this on behalf of the Second Judicial District and DA Sam Bregman utilizes the money that's less strings attached down there but he agreed that it would be great if Santa Fe County and all of the people, all the jurisdictions in the First Judicial District were able to support the DA to deal with these things with specific targeted areas of that.

So the request was about \$450,000 a year. It was for two prosecutors, one investigator and one staff member. I would hope that we would put in our portion of that and that we would be able to go to Los Alamos County, Rio Arriba County, the City of Santa Fe, and the City of Española to seek some money supporting that in maybe the next budget cycle.

As I mentioned earlier, I would hope that we would – on another subject mentioned earlier – I hope we can find a way to support our acequias in the next – this spring as before the acequias open up. I hope that our Public Works Department can help with vacuuming out some of the culverts and moving a little bit of dirt to protect some of the folks that are around the acequias and to make our acequias work better and have a little maintenance program that we can help them with and create sort of a schedule that we can work with our acequias to support them.

Tomorrow was supposed to be – Sheriff's Office was going to unveil two EVs and a pilot project down at Eaves Movie Ranch and so for those of you that didn't know, that was going to happen tomorrow. And those of you that didn't know, that wanted to go, well, I've got bad news. That is going to be delayed. So don't get too excited. Hopefully that will be rescheduled in the next few weeks and I'm excited for that because that was something that I advocated for pretty strongly and am very happy to see the Sheriff's Office with two EVs in their fleet and testing them out to see if they can do more within their fleet. So it's great to see that we lead by example, that we try new ideas, and this is what our constituents want. And so the EV, it's great to see the Sheriff's Office adopting that.

One of the things I've spoken to a few City Councilors about is potentially having a joint City-County – Board of County Commissioners and City Council meeting. About eight or nine years ago the City and County did that in this very room here. This was prior to the current mayor. It was with Mayor Javier Gonzales. It was a one-off, and I don't think that's a great idea but you've got to start with one and I hope it continues in



building the relationship between the City and the County. But I've spoken to a few City Councilors and they were supportive of this, and I hope that we could bring together a joint resolution that the City and the County would adopt and that sometime this year, hopefully before summer, we could have a joint City-County meeting and I look to have a resolution to that effect in the next few weeks.

And then lastly we're sitting in a room. Two years ago when I started in this position we had the same comment about the acoustics in this room. We got a new microphone. That ain't the problem. The problem is acoustic panels and the echo in this room. I would hope that we can hire an acoustic consultant that can figure out how to make it easier for us to hear things. I've had people tell me that it's not even us that is the problem. We hear pretty well up here, but it's the folks that are actually testifying from the dais up there that they can't hear themselves and they can't hear us speaking to them. So in all fairness to everybody here I hope we can hire a consultant to do this, even as a pilot project. Put some acoustic temporary panels up and see if it helps. And then we can spend some real money to see what needs to be done more permanently.

I promise to bring forth what is going on in other committees. REDI-Net specifically I will do, and I have a board meeting for North Central New Mexico Economic Development District later this week and I will bring reports on that to our next meeting. Thank you.

CHAIR BUSTAMANTE: Thank you. So with regard to the number of things that we've been working on in District 3, I'm very grateful to Ignacio and to Captain Caputo and our Manager who visited the Las Golondrinas to talk about our wildland fire urban interface and efforts to work. This is clearly an issue in every part of the county. It is dry. We had snow in December that broke everything off. It's dry and we haven't picked up everything, and now we haven't seen any moisture for a while. So this is top of mind, grateful to Chief Black and everyone who's in these conversations with our community members. That has been underway.

We also had a big thank you to Ryan Ward and Seth, and I'm sorry, I didn't get Seth's last name, for the work that they're doing to – we have a flooding issue off of the Santa Fe River and Paseo Real, and the water literally goes – this is I would say spent effluent. In other words, it's been processed to a certain amount, but it's not complete, and it's going up into people's yards and they really went out and made a big difference this past week.

As well, we visited the Cyclone Center, which is another wonderful, amazing horse arena, but an underused community asset, and it's in Stanley. So we had a very good meeting there about what we can do to really make some use out of that location and build community using our – taking advantage or participating in those things that matter to those folks who like horses and agrarian lifestyle. So that was part of what we're doing.

With regard to the meetings – great minds think alike. We know this is going to happen. The meetings on various topics is that we will in the upcoming year absolutely have very specific meetings. We will invite – if you're in any position, and we have Councilors we will – and I'm running this by, but to have focused meetings about a specific topic. And when it's something that involves the City as well, they would be invited and expected to come. And you're absolutely right. So we have looked into this as



well in the last two weeks. And the last time it had happened was when Mayor Gonzales was a Mayor over there and that was the only time they were willing and amenable to meeting with the County.

There are too many issues that are all of ours that are both County and City, and this is the room and we'll invite community. We'll have an open meeting and it will meet all of the criteria and it will be around a specific topic. Good things can come from these, and a little bit of the homework I did even just looking at what can actually even happen with regard to community focus groups to getting people to work collectively together, knowing that we're all on the same page, City, County, and if it's something that's just County then so be it, but we start to work with maybe community action teams, whatever the case may be.

So I'm going to go with the great minds think alike kind of syndrome. I'm going to call it a syndrome.

So those are the issues at hand as well as bringing our specific items from our committees, which I think is going to also help us keep things on track and everybody knowing what they're working on. No other issues there.

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

CHAIR BUSTAMANTE: Do we have anyone online from any of the other elected officials online?

MR. FRESQUEZ: Chair Bustamante, it looks like the Treasurer is online but she's not indicating that she'd like to speak.

**11. Matters from the County Attorney**

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

- 1. Potential Breach of Contract and Related Actions Concerning Compensation.**

CHAIR BUSTAMANTE: What do we have?

MR. BOYD: Good evening, Commissioners. I'm seeking a motion to go into executive session to discuss threatened or pending litigation in which is or may become a participant, as allowed by Section 10-15-1(H)(7) NMSA 1978. Subject matter being potential breach of contract and related actions concerning compensation.

CHAIR BUSTAMANTE: Okay, do we have a motion?

COMMISSIONER JOHNSON: So moved.

CHAIR BUSTAMANTE: Motion by Commissioner Johnson. Second?

COMMISSIONER GREENE: I'll second.

CHAIR BUSTAMANTE: Second. Can we have a roll call please?

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

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

[The Commission met in closed session from 6:27 to 6:58.]

CHAIR BUSTAMANTE: Okay. This meeting is back in session. Do I hear a motion to reconvene the Board of County Commission meeting?

COMMISSIONER GREENE: Madam Chair, I would like to make a motion that we come out of executive session stating that no decisions were made and we only discussed items that were previously mentioned as the motivation go to into executive session as stated by the County Attorney.

CHAIR BUSTAMANTE: Do we have a second?

COMMISSIONER CACARI-STONE: I second the motion.

CHAIR BUSTAMANTE: Second by Commissioner Cacari-Stone.

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

## **12. Public Hearings**

- A. Case No. 24-5320 Fiasco Wine Spirits, Beer and Wine Wholesaler Liquor License. Fiasco Fine Wine, LLC, Applicant, Requests Approval of a Spirits, Beer and Wine Wholesaler Liquor License. The Property is Located at 20 Bisbee Court and is Zoned Employment Center Subdistrict (EC) within the Planned Development (PD-1) Community College District (CCD-EC), within Section 24, Township 16 North, Range 8 East (Commission District 5)**

MAGGIE VALDEZ (Case Manager): Madam Chair and Commission,

Today I bring before you Case # 24-5320, Fiasco Fine Wine, LLC. Fiasco Fine Wine, LLC, applicant, requests approval of a spirits, beer and wine wholesaler liquor license. The property is located at 20 Bisbee Court and is zoned Employment Center Subdistrict, EC, within the Planned Development, PD-1, Community College District, CCD-EC, within Section 24, Township 16 North, Range 8 East, Commission District 5.

Summary: The applicant is requesting a spirits, beer, and wine wholesaler liquor license. The current business has been operating for over 20 years at this location under several different owners. Barbara George Vanderman obtained Fiasco Fine Wine from Mr. George Vanderman who relinquished his interest in Fiasco Fine Wine. Since a New Mexico wholesaler liquor license is non-transferable per NMSA 60-6A-19, the applicant is requesting a wholesaler liquor license to operate Fiasco Fine Wine at this location. No alcohol will be served on premises, and the hours of operation will be Monday through Friday 8:00 a.m. to 5:00 pm. Fiasco Fine Wines, LLC, has a sales staff that promotes spirits, beer, and wine to local New Mexico businesses.

The applicant states that Fiasco Fine Wine, LLC, is a distribution company that opened in the summer of 2003 and represents some of the best wine, beer, and spirits from around the world. The property is zoned as Employment Center, EC, within the Planned Development, PD-1, Community College District, located at 20 Bisbee Court.

The zoning for this property is regulated by Ordinance No. 2016-9, the Sustainable Land Development Code, SLDC, Chapter 8, Section 8-10-3, Planned District Santa Fe, Community College District, CCD. The site is zoned as Employment Center in the PD-1 Community College District, CCD-EC. Table 8.44, CCD Use Table, illustrates the uses allowed within the above-mentioned zoning district, subject to all other applicable standards of the SLDC. The CCD Use Table allows for the wholesale trade of nondurable goods as a permitted use within the Employment Center Subdistrict.

The LBCS Table identifies nondurable goods as establishments in the nondurable goods category sell or arrange the purchase or sale of nondurable goods to other business. These establishments wholesale products, such as paper products, chemicals, drugs, textiles, apparel, footwear, groceries, farm products, petroleum products, alcoholic beverages, books, magazines, newspapers, flowers, and tobacco products. Nondurable goods generally have a life expectancy of less than three years.

The subject property is owned by Kemosabe, LLC, a New Mexico limited liability company that is currently under lease with the applicant.

The State Alcoholic Beverage Control Division granted preliminary approval of this request in accordance with Section 60-6B-4 NMSA of the Liquor Control Act. The Liquor Control Act requires the Local Option District Board of County Commissioners to conduct a public hearing on the request to grant a restaurant beer and wine liquor license at this location. In accordance with the Liquor Control Act, the Board of County Commissioners may disapprove the issuance of the license if the location is within 300 feet of any church or school; the issuance would be in violation of zoning or an ordinance; or the issuance would be detrimental to public health, safety or morals of the residents of the local option district.

Legal notice of this request has been published in accordance with the Liquor Control Act by publishing notice before the hearing twice in the *Santa Fe New Mexican* on December 27, 2024, and January 13, 2025. A complete application was submitted on

December 19, 2024.

The applicant has met the State of New Mexico requirements for noticing. The site is 0.2 miles, 1,056 feet, from the nearest church, and 3.8 miles, 20,064 feet from the nearest school.

Staff recommendation: approval of a wholesaler spirits & beer and wine liquor license to be located at 20 Bisbee Court, Santa Fe, New Mexico 87508. Madam Chair, Commission, I stand for questions.

CHAIR BUSTAMANTE: Before we go to questions from the Commission I'd like to just see if we have people speaking in favor or against this application? Okay we have one person who is prepared to speak. Do we have anyone on line to speak on that? Okay, let's go ahead and take the public hearing and then we can have our questions. And if you could please provide your name and address. Come up to the microphone.

[Duly sworn, Mark Rhodes testified as follows:]

MARK RHODES: My name is Mark Rhodes. My office is at 1053 Red Oaks Loop. I'm an attorney and I understand that whatever I say, whether or not I'm under oath is supposed to be truthful and will be.

Again, my name is Mark Rhodes. I've been doing this so long that frankly I'm older – I've been doing it longer than some of you are old. If I might backtrack a little because I've been asked over the years to sort of clarify some of this stuff. There are a class of license that are more expensive. Everyone knows about them. Those are quota licenses. There's a growing class that will swallow the quota licenses relatively soon and those are non-quota. Those include beer and wine, wine, wholesalers. In the case at hand, the trade-off that the legislature made many, many years ago was these non-quota licenses would be free, the idea being that they could allow mom and pop and smaller locations to be able to serve liquor when the price of quota licenses was going through the roof.

In the case at hand, what you have is a situation where a non-quote license, like a wholesale license, must be applied for new if there is a change or ownership. You can't transfer it. One of the trade-offs for saying, yes, we'll give you free licenses but you can't sell them; it has no value. So in the case at hand I've represented these folks since they had – Kemosabe is owned by Thomas Wolinski. He started this Fiasco Fine Wines many, many years ago. He then sold it to a national company. I wasn't involved in that sale but then I was involved when that national company sold it to George Vanderman.

George Vanderman did not transfer it; it's just that he died. And as a result his wife decided that she liked the idea of taking over this winery, so she is now required under state law to apply for a new wholesaler. It's not like we're bringing in another business, another wholesaler. This is nothing more than an estate planning thing. She has to apply. You can't transfer the license and it would cease to exist. I don't really want to repeat what Ms. Valdez says, but it's not an additional license; it's been here a long time. It doesn't sell by the drink. It has no ability to do so and it's not transferrable.

Before I end I'd like to thank Ms. Valdez and Mr. Sisneros, and unfortunately, I have sort of stepped away from doing this the way I used to, and I don't know all of the names and the faces that go with it. I tried to basically just step out of my controversial liquor licenses cases, which if I mention them you'd have a different attitude about me,

and I want to compliment them, because I've been doing this for 30+ years. They were both professional and friendly. When I say friendly that does not mean what I would have thought when I was a younger lawyer, which is that they'll let me get away with murder. Quite the contrary. They were just very friendly when they made sure that I complied with every single limit and regulation.

I would propose that you approve this. I will stand for any questions you have. I understand if you wish to not talk to me. The reason I brought Mr. Rose, the Jewish version of my name, was that he can talk about the business operations, and one of the things that I've been able to gather from doing this a long, long time is that contrary to City Councils and Commissions wanting to hear from me, they really want to hear from the operator, who oftentimes, lives in their community and can talk about service matters, and what are you going to do about trash, and what are they going to do about rowdiness, if that's the case. In a wholesaler, you don't have that. That's why Mr. Rose is here. Thank you very much. If you have any questions I'd be more than happy – and I'll go off topic. As I get older I'm much more focused on travel than I am on being a litigator anymore, so if you have questions on liquor control, because you say, well, we've been wanting to ask that question about this particular thing.

CHAIR BUSTAMANTE: I appreciate that, Mr. Rhodes. But are you representing the applicant?

MR RHODES: Yes, I am.

CHAIR BUSTAMANTE: Okay.

MR. RHODES: I'm sorry. I should have been much clearer on that. I represent Fiasco Fine Wines.

CHAIR BUSTAMANTE: All right. Thank you. Okay, any questions of Mr. Rhodes or Ms. Valdez at all? Commissioner Greene.

COMMISSIONER GREENE: Just a quick little hello. Good to see you outside of the Roundhouse. It's been years since we –

MR. RHODES: Clashed?

COMMISSIONER GREENE: Yes. Somewhere between a headlock and –

MR. RHODES: I was hoping that you had forgotten that.

COMMISSIONER GREENE: No. I remember that.

MR. RHODES: You are successful now.

COMMISSIONER GREENE: Not nearly as successful as you. But thank you very much for representing. Fiasco does a great job. So great. Better than Walmart.

MR. RHODES: Thank you. Thank you, thank you.

CHAIR BUSTAMANTE: Any other questions, comments, concerns?

COMMISSIONER JOHNSON: Move to approve.

CHAIR BUSTAMANTE: We have a motion to approve by Commissioner Johnson. Do I have a second?

COMMISSIONER GREENE: Sure. Second.

COMMISSIONER HUGHES: Second. It's in my district of course.

COMMISSIONER GREENE: Commissioner Hughes can have it.

COMMISSIONER GREENE: Commissioner Hughes seconds. It's in his district.



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

12. B. **Case No. 23-5151 D.R. Horton, Applicant, through NM Land Solutions LLC, Agent, Requests Preliminary Plat Phases 1 & 2 Approval and Final Plat Phase 1 Approval for a 138-Lot Mixed-Use Major Subdivision Known as Tierra Pintada, with a Total of 32.143+ Acres. The Applicant also Requests Approval of the Affordable Housing Agreement with 11 Affordable Lots in Phase 1 and 21 Affordable Lots in Phase 2. The Subject Property is Located at 4475 NM 14 (Parcel # 64256256), which is within the Mixed-Use Zoning District (MU)**

CHAIR BUSTAMANTE: We have Kenneth Quintana here. Hi, Kenneth.

KENNETH QUINTANA (Case Manager): Good afternoon.

CHAIR BUSTAMANTE: Good evening. How are you?

MR. QUINTANA: Good.

CHAIR BUSTAMANTE: Doing well. All right.

MR. QUINTANA: All right. Before you today we have D.R. Horton, the applicant, through NM Land Solutions LLC, the agent, requests Preliminary Plat Phases 1 & 2 approval and Final Plat Phase 1 approval for a 138-lot mixed-use major subdivision known as Tierra Pintada, with a total of 32.143 acres. The applicant also requests approval of the affordable housing agreement with 11 affordable lots in Phase 1 and 10 affordable lots in Phase 2. The subject property is located within the Mixed-Use Zoning District of Santa Fe County and consists of an existing 32.16 acres. The subject property is not part of the Santa Fe County Community College District .

The applicant proposes completing the project in two phases. This request to the Board of County Commissioners seeks approval of a Preliminary Plat for Phases 1 & 2 and a Final Plat for Phase 1. In addition to the 138-lot residential subdivision, the project includes 1.58 acres of non-residential uses, as per the mixed use zoning district use table. The Final Plat for Phase 2 will be submitted for the BCC's approval at a later date.

The allowable density in a mixed-use zone is one dwelling per acre; therefore, 30 residential lots are allowed under the standard density. The applicant will need to acquire transfers of development rights to increase density and accommodate the 138 lots approved in the Conceptual Plan. The TDRs also allow for reduction of non-residential uses from ten percent to five percent as per Section 8.9 of the SLDC. Once TDRs are applied, 30.58 acres will be dedicated to residential uses and 1.58 acres will be reserved for non-residential uses.

As per the Final Order for the Mixed-Use Conceptual Plan, 21 TDRs are required to reach the density needed for the 138 proposed homes, plus one TDR to reduce the non-residential area to five percent. Of the total, 21 homes will be sold at affordable prices to income-qualified buyers. The applicant is not proposing accessory dwellings, as studies and reports provided to staff only address one dwelling per lot.

This application was reviewed for the following applicable design standards as per Chapter 7 of the Sustainable Land Development Code: residential performance standards, access, fire protection, landscape and buffering, lighting, signs, road design

standards, utilities, water supply, wastewater and water conservation, open space, protection of historic and archaeological resources, terrain management, flood prevention and flood control, solid waste, operation and maintenance of common improvements, and affordable housing.

Staff's recommendation: Staff has determined that this application for Preliminary plat for phases 1 and 2 and Final Plat for phase 1 to allow a 138-lot subdivision and 1.58 acres of non-residential development known as Tierra Pintada to be developed in two phases is in compliance with the subdivision and design standards set forth in the SLDC and therefore recommends approval of the applicant's request, subject to the following conditions. Madam Chair, may I enter these conditions into the record?

CHAIR BUSTAMANTE: Yes, please.

The conditions are as follows:

1. The Applicant will be responsible for building out internal roads and connections to NM 14 in accordance with NMDOT standards and Santa Fe County.
2. Access from NM 14 and I-25 Frontage Road shall comply with NMDOT approval and permitting.
3. The Affordable Housing Plan shall be updated with the application for Subdivision Plat for each phase, reflecting the final lot count and affordable unit distribution for that phase.
5. Affordable housing requirements shall be in accordance with the Affordable Housing Agreement. The Applicant shall comply with Chapter 7, Section 7.17.6 grading and clearing and grubbing.
6. The 2 monument signs shall not exceed 32 sq. ft. per section 7.9.10.4.1 of the SLDC.
7. The boundaries of the development area shall be clearly marked on site with limits of disturbance (LOD) and fencing or construction barriers to be approved by Staff prior to any grading or clearing and before starting construction in accordance with the submitted engineered Grading & Drainage Plan.
8. The Applicant shall enter into a Subdivision Improvement Agreement with the County for completion of all subdivision improvements on-site and off-site, this agreement shall be signed by the Administrator, recorded and referenced on the plat. Water restrictions and conservation covenants shall be filed in the County Clerk's office and referenced on the plat.
9. Applicant must provide an approved Storm Water Pollution Prevention Plan (SWPPP) with the permit application for infrastructure construction.
10. The Applicant shall comply with all Santa Fe County and State Agency conditions of approval.
11. Applicant shall address all redline comments from Staff.
12. All roads/easements being created with the subdivision plat shall be named and rural addresses shall be obtained prior to plat recordation.
13. A final grading and drainage plan and report for each phase of the project and a revegetation and seeding plan shall be submitted with each phase of the development.

14. Roads shall not be gated.
15. All on-site drainage structures/ponds shall require bi-annual inspections by a New Mexico Professional Engineer. A bi-annual report on the findings shall be submitted to Santa Fe County to ensure adequate storage of stormwater.
16. This development requires 22 TDRs to be provided for both Phase 1 and Phase 2 combined. TDR certificates must be acquired and presented for each phase prior to the recordation of a final plat.

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

CHAIR BUSTAMANTE: This is a public hearing. Do we have anyone speaking in favor who is not representing the client? So in favor. And do we have anyone speaking opposed. Okay. Let's go ahead and do the public hearing.

MANAGER SHAFFER: Chair Bustamante, I believe you want to hear from the applicant first before going to public hearing.

CHAIR BUSTAMANTE: I'm sorry. The applicant is in the building.

Thank you.

[Duly sworn, Nathan Manzanares testified as follows:]

NATHAN MANZANARES: My name is Nathan Manzanares. I'm with New Mexico Land Solutions, representing D. R. Horton of Albuquerque. And I reside at 915 Mercer Street, Santa Fe, New Mexico, and I understand I'm under oath.

Madam Chair, Commissioners, thank you. I'd like to thank staff for all of their hard work on this project. A few of the Commissioners were here when this was approved for conceptual plan approval. I have a brief presentation to show the development to the new Commissioners.

As Kenneth Quintana mentioned, this is located off of Highway 14 in the Santa Fe County SDA-1 growth area. It is outside of the Community College District, but is zoned mixed use. You can see the 32 subject acres here. It's located directly north of the existing Valle Vista Subdivision and it's also close to the Rail Runner I-25 and 599 station.

As mentioned by staff, we are doing a two-phase development. The first phase will consist of 78 residential lots and one commercial lot located to the south of the site. We're also doing a total of 11 affordable units in Phase 1 that will be offered to the County Affordable Housing program and built out by the developer.

The road network will be established via two entrances off of state right-of-way. The first is off of New Mexico 14 and that will be built and extended to the east I-25 frontage road. There also will be a redevelopment of Pueblo Garcia Road. That currently is an unpaved dirt road. We will extend that pavement to the residents that reside at Pueblo Garcia back out to the frontage road.

As mentioned, we are providing a total of 137 residential lots. The base density of this project is just over four dwellings per acre and is consistent with the mixed-use zoning district. We will be acquiring TDRs to reach the density that we are requesting and we are actively finalizing those discussions and will have that completed prior to plat recordation.

Here's a rendering of the proposed Phase 1 plat. As mentioned, it has the 78 residential lots and the one commercial lot labeled as Tract A.

This is a depiction of the landscape plan associated with Phase 1. As we brought this forward to the Board they asked for some pocket park amenities, as well as some additional landscaping. We have satisfied that request. We're going to have a turf area, a bocce court, some shade structures, as well as a trail system that runs along the entire perimeter of the development.

And I stand for any questions. Thank you.

CHAIR BUSTAMANTE: Questions? Questions of the applicant?

Commissioner Cacari-Stone.

COMMISSIONER CACARI-STONE: Yes, thank you, Chair Bustamante. I'm just curious. What's affordable? What cost area are you talking about? People say affordable and I never know that that means.

MR. MANZANARES: Madam Chair, Commissioner Cacari-Stone, so there is an affordable housing plan associated with this project with the plan and it's provided as an exhibit. We have worked very closely with Denise Benavidez on this plan. The do the affordable housing plan in tiers. So there's I believe four tiers that are eligible to qualify for an affordable housing development and we work closely with the County to ensure that the people that are qualified for an affordable can purchase one of our homes at an affordable rate. The price, however, fluctuates and is based off of market conditions as well as income levels of the people applying for the affordable homes. I'm sure staff could go into a little more detail on that if you'd like.

COMMISSIONER CACARI-STONE: No. I understand regarding the plan. I was just wanting to know if you had some price ranges that you're thinking about for the 11 for the Phase 1.

MR. MANZANARES: Madam Chair, Commissioner, I think that will not be set in stone until we are a little further along in the project. I can't answer that right now. I apologize.

COMMISSIONER CACARI-STONE: Thank you.

CHAIR BUSTAMANTE: Anything else? Anyone else of the applicant? After the community? Okay. Commissioner Hughes, anything for the applicant? Okay, let's now take the public comments.

[Duly sworn, Julie Bennett testified as follows:]

JULIE BENNETT: My name is Julie Bennett. My address is 41 Lower Fire House Road, Española, New Mexico, and I understand I'm under oath. I have a question. I have a letter from a gentleman who is ill. He has provided me with a letter that he would like me to submit to the Commissioners in favor of this project. Is there a structure for that? *[Exhibit 1]*

CHAIR BUSTAMANTE: I'd have to defer to Legal or to our Manager as to how we would take comment for someone who is unable to attend.

MR. BOYD: I believe that the evidence that the County Commission has to take needs to be under oath, so I don't know if there's a way for us to make that part of the record but if you'd like to relay the views expressed in that letter.

MS. BENNETT: I can forward the letter to the Commissioners via email. Is that acceptable?

MR. BOYD: I'm not sure that it can be made part of the record for this particular case but you are free to send that to the Commissioners.

MS. BENNETT: I can also read the letter. Would that be acceptable?

MR. BOYD: You can leave it with Sara here too as well.

CHAIR BUSTAMANTE: I think reading the letter might be the ideal if we are going to put it into the record for tonight's meeting since we will be taking action on this particular issue.

MS. BENNETT: Okay. May I speak for myself at this time?

CHAIR BUSTAMANTE: Yes, you may speak for yourself.

MS. BENNETT: Thank you. D.R. Horton's utilization of the TDR program for this development support increased residential development in an appropriate area of the county. My husband Scott and I are willing to provide the additional development rights required for this project. We will receive less compensation for the development rights of our farmland which is zoned for a potential 25 homes and 25 accessory dwellings. We can then offer the land for sale at a rate a farmer can afford.

Farming and farmers and housing and home seekers in the county will be supported by the approval of this project. Your approval tonight which will encourage and set the TDR program in motion. It will protect the environment in cultural Santa Fe County. For now, let's promote and implement this program to incentivize landowners of limited means to preserve their irrigated land and developers to provide much needed housing. Thank you so much.

CHAIR BUSTAMANTE: Thank you. Next.

[Duly sworn, Karl Sommer testified as follows:]

KARL SOMMER: My name is Karl Sommer. My address is P.O. Box 2476, Santa Fe, New Mexico. I acknowledge that I am under oath. I represent the Bennetts, but I'm not here representing them. I don't represent anybody here right now. I'm here to say I think that we are watching something that a seed was planted many years ago by this Commission and some of you remember it. And it is now growing into a tree and that tree is bearing fruit. And I just would like to remind the Commission how important it was when the TDR program was conceived and codified.

The idea was to take the County's money and concentrate its efforts and its utilities in a place where it would encourage development so that we wouldn't have sprawl. We wouldn't have an inefficient use of a very scarce resource – water. And it was going to rely on a County water system that was fledgling in many parts, and that was going to rely on water from the Buckman so that we wouldn't be using groundwater from the basin.

And then we were going to encourage people to preserve open space, riparian areas, agricultural uses, water rights. And all this was going to come together when somebody would say I'm going to transfer my development rights. You're going to use them, and everybody in the community and everything we've invested in would happen. That was the dream. That was the wish. And that seed was planted. And now, thanks to your staff and the people who are participating in this, it's happening right in front of our eyes. You have very sensitive agricultural lands, water rights that are being permanently attached to the land in a very traditional part of the county where those uses are culturally important to all of us.

And then in the south part of the county you have a development that meets all of



your criteria and utilizes all of the things that you sought. So I'm just here to say we should be extremely happy that these fruits are falling from this tree and the seed was planted so many years ago. It doesn't happen often; it's happening now. Thank you.

CHAIR BUSTAMANTE: Thank you, Karl. Anyone else? Okay. Let's take -- is the applicant and staff prepared to take questions. Okay. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. I want to give a shot out to the people that are making these TDRs possible. Commissioner Bustamante, Chair Bustamante, we've spoken about this over the past few years at this point about how can we preserve agricultural land, and this is preserving agricultural land and putting that development into a more appropriate space. So this is great. So I agree with you, Karl. This is great and I hope you can facilitate this and make sure that these TRDs come to fruition for this project and for the Bennetts over here.

So one of the things -- this project came up pretty early in my tenure as a Commissioner and I remember discussing this with the team, and I want to bring up a quote that you just said about your project when you were representing your project. You said trails encircle this entire perimeter. But I want to bring up a point that I brought up a couple years ago when we were discussing this and I hope that you are amenable to a minor adjustment in this plan. If you put up the site plan, this is a bunch of trails that circle back on itself and does not connect to its neighbors. And that's a concern of mine.

And so if you were a neighbor to the south on Highway 14 or to the west on the frontage road there is no trail or sidewalk or whatever you want to do, a pedestrian connection to those areas, and I would hope that we could find a way to extend the sidewalk past the commercial development to the south, and along the frontage road to the west. This is good for community development. This is good for the health, safety and welfare of our community.

People won't have to walk in the middle of the street. The folks that might want to walk to the Rail Runner station will have additional pedestrian pathways there, and this is a perfect, great example right here to show how some of the trails exist and then a second aspect that I wish that we were incorporating into this includes that to the south of this there is a neighborhood there with a dead end street that plugs into this project and in the goals of connectivity should have at least allow for the potential to connect in the future and not be designed into a retention pond. So here we are. Great. Perfect.

So as you see the road that connects on the frontage road, you probably have a little start there. There you go. If you go to the left of that, I would hope you could put in at least a six-foot sidewalk that goes at least to the edge of your property so that future developments in that direction could connect over and connect past your development and over to the Rail Runner station. It's probably just a couple hundred feet of sidewalk.

Additionally, in front of the commercial district over there, commercial development, a sidewalk should extend to the south along Highway 14 so a sidewalk could connect to whatever sidewalk the New Mexico State DOT can develop on the future, or Santa Fe County can develop. These are pretty minor in the scheme of a 138-plus unit development and would go a long way to connecting to your neighbors in a beneficial way for all, including your residents. Your residents will be able to walk beyond your property there.

Connectivity, please -- I'll let you --

MR. MANZANARES: Madam Chair, Commissioner Greene, yes. I agree with you and we have been actively trying to work with the DOT on this. We're actually considering a potential connection here by this signalized intersection that could get you back to the Rail Runner station, and will also connect to that new trail that was established on some other developments off 14. I agree. I think that a connection could be made here as the commercial development is built out and I think that that should be a condition of approval for this commercial tract upon build-out that they do that trail, whether it be – because they are going to have to do some landscaping, buffering and screening requirements for the commercial tract, so it could potentially work in here.

But it's challenging – it's a challenge to get the state to allow this right-of-way. And the shorter the distance the better, actually, in most cases. And I think that asphalt, all-purpose ten-foot asphalt trail would actually probably be a better than a sidewalk because it can be utilized for bikes in that case, and keeps you off of the roadway as well, which could be a safety concern. I think it's a great idea. We're willing to entertain it, but it's ultimately going to come down to if NMDOT allows that in their right-of-way.

COMMISSIONER GREENE: So how are you doing it just to the north of there?

MR. MANZANARES: So right here the trail will end here.

COMMISSIONER GREENE: I understand. But that's on your property and not in the DOT's right-of-way.

MR. MANZANARES: This is in our property.

COMMISSIONER GREENE: So couldn't you do that in both of those conditions on your property in a way to do those pedestrian connections, whether it's a sidewalk or a trail pavement, or concrete or asphalt.

MR. MANZANARES: Madam Chair, Commissioner Greene, in theory, we can try, but it's ultimately going to be up to DOT if they allow that.

COMMISSIONER GREENE: Do you have a letter saying that you've asked them for this and you have proof that you've been denied, or what is the –

MR. MANZANARES: It comes down to acquisition of this property and whether or not it can be – like I said, it's their right-of-way. We can definitely reach out to them. They have reviewed this project and offered support and recommended approval, and I'm willing to have those negotiations. That is – that connection point would be tied to Phase 2, so it really doesn't have any bearing on what we're doing tonight in Phase 1. And I think that our client would agree to add a connection point upon the development of the commercial tract down here and make that a plat note and a condition for the commercial tract.

COMMISSIONER GREENE: So both of these are within Phase 1 –

MR. MANZANARES: This is Phase 1 here.

COMMISSIONER GREENE: Yes. So that could easily, within that green space there could have a trail that you to –

MR. MANZANARES: We could provide the easement and do what we have to do but right here is going to need some further evaluation and discussion.

COMMISSIONER GREENE: You're already proposing it there.

MR. MANZANARES: Madam Chair, Commissioner Greene, I'm talking about a potential connection here, back into this intersection.

COMMISSIONER GREENE: I'm not talking – I understand that's complicated; that's DOT. I'm talking about on your property, within your site plan that we're approving today I would like to be able to see a trail or pedestrian connection to the west along the frontage road, and one that goes along, to the south along 14 in front of the commercial.

MR. MANZANARES: And we do have that right now. It's outlined by this line here. We would have to amend it here and we're willing to consider –

COMMISSIONER GREENE: And the one on the frontage road?

MR. MANZANARES: We can only keep what's on our property line. This here is a trail along our property line.

COMMISSIONER GREENE: Keep going to the west. There. Keep going. So you just connect to all those places. The National Guard is down there. There's a lot of residential that's along the road there. I've seen bikers. I've seen walkers on that road. I think there's an opportunity there but if you don't do it the DOT is not going to do it and that is – it interconnects and that's one of the things that we should be advocating for.

MR. MANZANARES: There again, I think this is all state land as well. But I think it's a great idea and we're willing to put the easement there and if future connections can be made I think that'd be a good idea. I'll have to confer with my clients before agreeing to that. I do see where you're coming from.

COMMISSIONER GREENE: Thank you. And then additionally, as you look at this drawing it's great to see. If you look at the bottom connection to Valle Vista, there's a little – there you go. Thank you. Perfect. You know what I'm talking about so you knew it was coming. There is what looks to be once upon a time an idea of an interconnecting street there, and you can see lots of trails and people that either – who knows, what they're ATVing or whatever they're doing. They're walking their dog. That connection to me at a bare minimum should be a pedestrian connection, but honestly should be a secondary access or tertiary access for the folks on Valle Vista so that they can get out of their neighborhood in case of an issue at Highway 14. Again, connectivity is about community development and it's for the better of our community and the fact that that trail exists as documented in that aerial photograph, it should be maintained at least at pedestrian levels, but probably at a roadway.

MR. MANZANARES: Madam Chair, Commissioner Greene, that is private property there.

COMMISSIONER GREENE: No, but that little stub of road right there, looks to be like it's a stub easement that has been waiting for you to develop your property and to connect through.

MR. MANZANARES: Yes, this island –

COMMISSIONER GREENE: Not that island.

MR. MANZANARES: I know. I'm just saying that we also are proposing a wall here to help screen the residences here to provide screening, so there will be a wall along this sidewalk here as well. I think the better connection point would be here as you mentioned earlier.

COMMISSIONER GREENE: I'm not a big fan of walls. Anyway, those are the three things that I think would benefit the neighborhood around you to interconnect those neighborhoods, pedestrian to the west and to the south, but also that

connection at Valle Vista. That stub-out of road obviously was left there to connect through to your property. And you're not acknowledging that and not putting – incorporating it into the interconnection to the neighborhoods. If the neighbors wanted to fight it they would be here, but if you didn't put it in – I don't even know if the neighbors want to have a wall there either. And it would be nice to communicate it to the neighbors so they could be here and say, no, no. Or if they do.

MR. MANZANARES: I think we have every right to build a wall on our property.

COMMISSIONER GREENE: You do. At the property line as well. Anyway, the pedestrian things would be – those two conditions I would hope to see here. Do you want to confer with your –

MR. MANZANARES: Yes, if I may, please. Madam Chair, Commissioner Greene, I have our civil engineer here that would just like to go over some of the terrain challenges if that connection point were to be made. I have Justin Simonson here. May he be sworn in to provide some insight?

CHAIR BUSTAMANTE: Thank you.

[Duly sworn, Justin Simonson testified as follows:]

JUSTIN SIMONSON: Justin Simonson. Address is 128 Monroe Street NE, Albuquerque, New Mexico, and I do understand I'm under oath. So, yes, I'll talk a few things. The connection point – the connection of a trail system along this edge is currently in the construction plans. It's not reflected on this exhibit. I'm going to try and see if it is reflected on the landscape plan that is also in here. It does look like it's there in some capacity right along the property edge. Anyway, so we do have connection from that entry road along the frontage road, and then it ties to that cul-de-sac that's up on that north edge. So we have that along inside that track on our property.

So another point, the piece at 599, there is an NMDOT access control along that edge and as you mentioned, that's a DOT process and understandably pretty complicated. I know DOT is encouraged to have that built out at some point but at this point with their access control maps we can't have even pedestrian crossing that property line.

And then at the southeast corner, one issue that is there is that what we control on our property and if we built a trail it would dead end into the wall along – at the back, the north edge of the existing residence there on this lot. So there is a wall that surrounds this person's property and if we brought a trail down it would essentially just dead end into the back of their wall into their property, unless we were able to get it into the DOT right-of-way and that's something that we can entertain as we try to get our DOT plans for our intersections approved. We can work to have that included into there in the DOT right-of-way so that it can be further connected if they allow.

COMMISSIONER GREENE: So we're approving this without you having DOT connection intersection approvals?

MR. SIMONSON: So, yes. We do have DOT TIA approval. The TIA approval says that we need to build some turn lanes for the development and that is something that is a standard requirement for a development like this. We're going through the construction phase of those plans to get those reviewed with the DOT, but we do have approval with our TIA for the access and the way we're accessing the site from the DOT right-of-way.

COMMISSIONER GREENE: Okay. So that spot on the northwest corner, you've got solved. That's wonderful, as long as that is in the plans to have a pedestrian connection to your neighbors. And then I guess there's two options. You can either do it on the frontage along Highway 14 or you could do it on that little stub-out road and connect through there to do it. I'm good with either because it's probably a matter of – I don't know – less than 100 feet, maybe.

MR. SIMENSON: Yes. So let me talk real quick about this last spot and I'll try and go back to the pretty picture with kind of a blue spot. That's our drainage pond. It's the natural low point of the overall site. So we have a storm drain that's collecting the stormwater on-site, directing it into that pond and out of this area. So this elevation that's right about here, you end up about 15 to 20 feet above that to get up to these roads up here. So there's significant grade transitions through here in the existing condition, and from the aerial picture what you are seeing is ATV roads of people recreating on that and it's not ADA compliant. It's not really connect-friendly with creating the drainage that's required for this development. That pond is going to have side slopes. It's going to have large rock and riprap to protect that slope from eroding away during 100-year storm events that we have to design to. So that's the – there's a lot of issues to try and get pedestrian access connectivity through there. So we are utilizing it for the storm drain system that we're designing, the sewer system, because it's a natural low point, but I think for the pedestrian connectivity, the one along New Mexico 14 is a more logical solution from a civil engineering standpoint.

COMMISSIONER GREENE: I'm fine with either but making sure that you have a pedestrian connection to the south. So either through that interior sort of stub-out road or along Highway 14, and then you've already addressed the one to the west. So those are the conditions that I would hope to see, just to integrate you into the neighborhood. You're doing a great job to the people to the west into that development but the people around you should have that. And as Nathan said the entire perimeter. So entire perimeter gets you to your neighbors.

CHAIR BUSTAMANTE: Thank you. Anyone else? Commissioner Hughes? Commissioner Johnson.

COMMISSIONER JOHNSON: Thank you. I have a couple questions. And can we go back to the pretty picture? The multi-colored one? So can you say a little bit about the pink space, which I know is identified for commercial use?

MR. MANZANARES: Madam Chair, Commissioner Johnson, yes. This area to the south, that is our commercial tract that satisfies the non-res component of the mixed-use district. And this will be a standalone tract that is approved with Phase 1 but will be built out by a different developer. It will not be built out by the current developer.

COMMISSIONER JOHNSON: Okay. And is there – so if there is this trail that was proposed by Commissioner Greene going south of that, it would actually be put on a plat but another developer would be responsible for creating something like that. Is that right?

MR. MANZANARES: In essence, yes. It would be a condition of approval to this tract but it would have to likely be installed by the developer of this tract. And this was just a conceptual idea of what a retail space would look like. We included that in our TIA to show that it had adequate parking and that the traffic associated with



this use was accounted for. That way when a future developer or user comes in to develop this that's already been considered.

COMMISSIONER JOHNSON: Okay. Thank you. I'm also all for connectivity, and I think at least low fences can create good neighbors. I am interested in the extent of the wall. Was that just a south-facing wall – or that's probably a storm drain. Can you just, using your pointer point out the wall proposal for screening.

MR. MANZANARES: I think the landscape plan would probably be the best, and Justin, feel free to come up too if you'd like. So this actually shows the trail here and the wall will run along the trail down there. That's the wall there.

COMMISSIONER JOHNSON: Is that a paved asphalt type surface or is it a dirt trail?

MR. SIMENSON: I'll have to – I know we've kind of gone back and forth about that, but I'll note just specific distance. So the wall will be about 25 feet from our south property line. We're creating a tract that can be seen in the plat. There's a small sliver tract that we're creating here that's going to have minimal disturbance along our south edge, because there is some encroachment of the properties that we're understanding that they have – their walls, they have some stuff that's on this property. So we've created that 20-foot space with a wall just north of that and that trail will run along the roadway along this portion, just outside of the right-of-way, and I believe it's a crusher fines trail system.

COMMISSIONER GREENE: Thank you. Could you go back to the landscape plan please. Just noting – so the landscape plan has not been laid out for Phase 2. One thing I want to flag to you and actually if we could go to the color picture, the trail system is established there. At the northeast corner, directly across the street on Avenida del Sur is an Allsup's. I just want to flag in advance of this that I've experienced subdivisions where there is some sort of barrier that prevents a very logical connection, and I just want to sort of see that that doesn't happen in this case because it's in close proximity to an established business that is a kind of hub.

So I sort of wonder what the connectivity to that would be.

MR. SIMONSON: Yes. The concern with that, again, along this north edge on the 599 right-of-way, it also wraps around I believe a little bit on both sides of this kind of north corner is access control that's controlled by DOT. DOT will likely maintain some kind of fencing along that to maintain their access control. That will create a visual barrier that you discussed, and that is something that we can work with the DOT about, talking to them, seeing exactly where those limits are and what that is but with Phase 2 we can try and flesh that out a little bit more. But Nathan and I both kind of have experience with access control and what limitations that is, and it does pertain, unfortunately to pedestrian access, not just vehicular access. So it's a pretty strict access control that DOT maintains.

MR. MANZANARES: Justin and I worked on a project just north of this near the outlet mall in the City's jurisdiction where they have a nice regional trail there, and the City was asking for a connection point to that regional trail and because of those access control issues and because of liability issues and things like that the DOT ultimately rejected that proposal, and it didn't come to fruition.

But I do understand what the Commission is trying to do here and integrate trails

as much as possible to intersections but the DOT is pretty strict in those access control areas.

CHAIR BUSTAMANTE: Thank you.

COMMISSIONER JOHNSON: I have a couple other questions, actually. So have you all done outreach in Pueblo Garcia and the Valle Vista neighborhoods and I am just kind of curious as to feedback. It seems like Pueblo Garcia will get a new access point that will be paved.

MR. MANZANARES: Madam Chair, Commissioner Johnson, that is correct and they'll also be getting sidewalk into their area as well and that is an initiative to get done right away. That connection road will be one of the first improvements that's done as part of the Phase I development.

COMMISSIONER JOHNSON: Okay. Thank you. And then I'll just end by saying like the public speakers I really do applaud the use of the transfer of development rights program. When I zoom out on this on a map, this project is really well placed regardless of DOT access issues that seem really frustrating. This is a really perfect place relative to this area of the county for a denser development that is aimed toward middle income folks and the use of that program to accomplish that and pull off something that I think is hopefully within the affordable bounds for Santa Feans is to be commended. So thank you.

MR. MANZANARES: Thank you.

COMMISSIONER GREENE: Thank you, Commissioner Johnson. Anyone else? Commissioner Hughes.

COMMISSIONER HUGHES: Yes, I just want to say I'm excited about the use of the TDRs and to preserve farmland, and that's basically it. I think this is the first use of TDRs and the changes we made to TDRs last year have made this possible.

CHAIR BUSTAMANTE: Thank you, Commissioner Hughes. The commercial area where the pink is, the conversation I hear between the two Commissioners who were talking a lot about the trails, and one thing that isn't often understood about some of the work that we do is trying to create a scenario where community is built. Right? So when we look at this pink area, and I'm going to say this not as anything that's condition or would you consider, but I would really hope that we look at those types of commercial areas that are either plaza style, where people have to get out of their cars and see each other walk in. The more we create these interfaces where people have to see each other, the more community we build, and it's in the research. Unless that's going to be a strip mall type of thing. And that will have people drive up and leave.

So that's an opportunity for consideration because that's really what everyone's thinking about most of the time and how we're getting community created where we are. So I say that just in that interest. If there isn't any further questions or conversation I'd like to ask someone for a motion.

COMMISSIONER GREENE: Okay. I will make a motion for approval with two additional conditions that we spoke about here, Commissioner Johnson and myself, to include a pedestrian connection to the south that either utilizes it along Highway 14 attached to the commercial lot, or into the Valle Vista neighborhood over there, a pedestrian connection to the south.

And since your plans already have it to the west I will just put that one condition to make sure that we have a pedestrian connection to the south.

COMMISSIONER JOHNSON: Second.

CHAIR BUSTAMANTE: Any comments?

COMMISSIONER HUGHES: Is that condition accepted by the developer?

CHAIR BUSTAMANTE: Is that a condition that is accepted by the developer?

MR. MANZANARES: Madam Chair, Commissioners, my client is willing to accept that condition with a friendly amendment contingent on DOT allowing a break in that access control area.

COMMISSIONER GREENE: That's why I gave you the choice of the Valle Vista connection, internal or along Highway 14.

MR. MANZANARES: The Valle Vista connection is going to be challenging due to the terrain grades and the drainage pond. That would in essence require a redesign of our civil engineer plans for the storm drainage pond that we have there.

COMMISSIONER GREENE: Well, then try harder with DOT. Just kidding. I hope that you can get DOT to do that.

CHAIR BUSTAMANTE: So the question is are you accepting the amendment?

COMMISSIONER GREENE: You had said that the commercial would be required to do it. You thought.

MR. MANZANARES: The problem, Commissioner Greene, is this existing wall here. Really, if that wall wasn't there, there could be potential that we could speak to this neighbor. But then we'd have to go acquire offsite land to do it. I hope that the DOT will allow it but I just want to make sure that we're covered just in case it gets denied, that we tried our best.

COMMISSIONER GREENE: I sit on the MPO with people from the DOT and I would be happy to speak on your behalf and give them the intention of the Commission as to why we wanted that and maybe help your case. Or our case. Maybe not your case.

MR. MANZANARES: Appreciate that, Commissioner Greene.

CHAIR BUSTAMANTE: So it's been modified, the motion is modified also allow that if they're unable to get it done that would be fine.

COMMISSIONER GREENE: Yes. I think there are other ways to do it. I think you could connect your trail that you're doing along that southern edge to that connection at Valle Vista but I would prefer not to hear about this later and say, oh, the DOT. Because you can go tell the DOT what you want and they'll probably go and make it difficult. But I'm willing to give you the benefit of the doubt. Make it happen though, please. Make it the DOT really holding you up, not you forcing the DOT.

COMMISSIONER JOHNSON: Accepted as friendly.

CHAIR BUSTAMANTE: Accepted as friendly.

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

**13. Informational Items / Reports**

- A. Community Development Department December 2024 Monthly Report**
- B. Community Services Department December 2024 Monthly Report**
- C. Finance Division November 2024 Monthly Report**
- D. Growth Management Department December 2024 Monthly Report**
- E. Human Resources and Risk Management Division December 2024 Monthly Report**
- F. Public Safety Department December 2024 Monthly Report**
- G. Public Works Department December 2024 Monthly Report**
- H. Quarterly Report on Restricted Housing at County Correctional Facilities Pursuant to Laws 2019, Chapter 194 (HB 364)**

There were no comments or questions on the informational items.

**14. Concluding Business**

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

Upon motion by Commissioner Greene and second by Commissioner Cacari-Stone, and with no further business to come before this body, Chair Bustamante declared this meeting adjourned at 8:05 p.m.

Approved by:

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Camilla Bustamante, Chair  
Board of County Commissioners

ATTEST TO:

KATHARINE E. CLARK  
SANTA FE COUNTY CLERK

Respectfully submitted:

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Santa Fe, NM 87501

Draft