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FINANCE COMMITTEE MEETING
Monday, August 31, 2015

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END OF CONSENT CALENDAR DISCUSSION
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MINUTES OF THE
CITY OF SANTA FE
FINANCE COMMITTEE
Monday, August 31, 2015

1. CALL TO ORDER

A meeting of the City of Santa Fe Finance Committee was called to order by Chair Carmichael A. Dominguez, at approximately 5:00 p.m., on Monday, August 31, 2015, in the Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

2. ROLL CALL

MEMBERS PRESENT:
Carmichael A. Dominguez, Chair
Councilor Joseph M. Maestas
Councilor Ronald S. Trujillo
Councilor Christopher M. Rivera

MEMBERS EXCUSED:
Councilor Signe I. Lindell

OTHERS ATTENDING:
Oscar S. Rodriguez, Director, Finance Department
Teresita Garcia, Finance Department
Yolanda Green, Finance Department
Melessia Helberg, Stenographer.

There was a quorum of the membership in attendance for the conducting of official business.

NOTE: All items in the Committee packets for all agenda items are incorporated herewith to these minutes by reference. The original Committee packet is on file in the Finance Department.

3. APPROVAL OF AGENDA

Mr. Rodriguez said in the caption of Item #12, there is a typo, and it should be $7,500, instead of $22,500. He said he would like to discuss Item #33, but not present it for approval. There is more information coming in and he would like to have complete information before it comes for approval. He thinks it's worth starting the discussion now and when comes forward.

Chair Dominguez said, for clarification, Item #33 will remain on the agenda, but it will be as a discussion item with no action to be taken. Chair Dominguez said he hopes to be able to get to a system where we can get the information we need, without having to dig through piles of paper or all the other information that is provided, and would guess that project managers would have all that information at some point. He said the discussion is appropriate today.

MOTION: Councilor Maestas moved, seconded by Councilor Trujillo, to approve the agenda, as amended.

VOTE: The motion was approved unanimously on a voice vote.

4. APPROVAL OF CONSENT AGENDA

MOTION: Councilor Trujillo moved, seconded by Councilor Maestas, to approve the following Consent Agenda as amended.

VOTE: The motion was approved unanimously on a voice vote.

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CONSENT AGENDA

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6. BID NO. 15/32/B – DOUGLAS STREET, MILLER STREET, CAMINO ESCONDIDO WATER MAIN REPLACEMENT PROJECT AND AGREEMENT BETWEEN OWNER AND CONTRACTOR FOR WATER DIVISION; SUBSURFACE CONTRACTING, INC. (BILL HUEY)

7. REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT AND AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – REPAIRS TO CORROSION WEST AND EAST DIGESTERS FOR WASTEWATER MANAGEMENT DIVISION; ANDERSON-BROWN, INC. (LUIS OROZCO)

8. REQUEST FOR APPROVAL TO IMPLEMENT THE TOILET RETROFIT CREDIT BUY-BACK PROGRAM FOR WATER DIVISION. (ANDREW ERDMANN)

9. REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT –CITY-WIDE ADVERTISING AND LEGAL PUBLICATION SERVICES; THE SANTA FE NEW MEXICAN. (ROBERT RODARTE)

10. REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – CITY'S ADOPT-THE-RIVER PROGRAM PURSUANT TO RESOLUTION NO. 2001-67; SANTA FE WATERSHED ASSOCIATION. (MELISSA McDONALD)

11. SOLACE CRISIS TREATMENT CENTER (DAVID CHAPMAN).
    - REQUEST FOR APPROVAL OF QUITCLAIM, LEASE AND REPURCHASE AGREEMENT AND QUITCLAIM DEED.
    - REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – CITY TO SERVE AS PROJECT MANAGER/FISCAL AGENT FOR EXECUTION OF NEW MEXICO STATE LEGISLATURE SEVERANCE TAX BOND AGREEMENT.

12. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – STUDY AND EVALUATION OF CITY'S 50% RESIDENTIAL IMPACT FEE REDUCTION (ORDINANCE 2014-8); DUNCAN ASSOCIATES, INC. AND APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF ~~$22,500~~ $7,500. (REED LIMING)

13. REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT – MAINTENANCE FOR TURNKEY HARDWARE AND SOFTWARE SYSTEMS FOR SANTA FE PUBLIC LIBRARY; INNOVATIVE INTERFACES, INC. (PATRICIA HODAPP)

14. REQUEST FOR APPROVAL OF AGREEMENT – PUBLIC SAFETY 800 MH_Z RADIO SYSTEM MAINTENANCE AND SUPPORT SERVICES FOR ITT DIVISION; MOTOROLA, INC. (RENEE MARTINEZ)

15. REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT AND SUPPORT AND MAINTENANCE AGREEMENTS – CITY-WIDE HARDWARE AND SOFTWARE SERVICES FOR ITT DIVISION. (RENEE MARTINEZ)
    - SUNGARD PUBLIC SECTOR, INC.
    - DENOVO VENTURES, LLC
    - SELECTION TECHNOLOGIES, INC.
    - SPINNAKER SUPPORT, LLC.

16. *[Removed for discussion by Councilor Rivera]*

17. *[Removed for discussion by Councilor Maestas]*

18. REQUEST FOR APPROVAL OF INTERNAL AUDIT DEPARTMENT'S ANNUAL REPORT FOR FISCAL YEAR END 2015. (LIZA KERR)

(CONSENT AGENDA) RE-APPROPRIATIONS

19. REQUEST FOR APPROVAL OF REMAINING FY 2014/15 BUDGET FROM LIBRARY BOND AND STATE AID GRANT TO FY 2015/16 FOR LIBRARY DIVISION. (PATRICIA HODAPP)

20. REQUEST FOR APPROVAL OF REMAINING GRANT BALANCE OF FIRE PROTECTION FUNDS FOR FY 2015/2016 BUDGET FROM STATE OF NEW MEXICO FIRE MARSHAL. (JAN SNYDER)

21. REQUEST FOR APPROVAL OF REMAINING FY 2014/15 BUDGET FOR CONTINUING SERVICE CONTRACTS TO FY 2015/16 FOR ENVIRONMENTAL SERVICES DIVISION. (MANUAL SANCHEZ)

22. REQUEST FOR APPROVAL OF REMAINING FY 2014/15 BUDGET FOR ONGOING SERVICE CONTRACTS TO FY 2015/16 FOR HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT. (KATE NOBLE)

(CONSENT AGENDA) LEGISLATION

23. REQUEST FOR APPROVAL OF A RESOLUTION SUPPORTING LEGISLATION AMENDING NMSA 1978, §72-1-9 PRESERVATION OF MUNICIPAL, COUNTY AND STATE UNIVERSITY WATER SUPPLIES (COUNCILOR MAESTAS). (MARCOS MARTINEZ) Committee Review: Public Utilities Committee (scheduled) 09/02/15; and City Council (scheduled) 09/09/15. Fiscal Impact – No.

24. REQUEST FOR APPROVAL OF A RESOLUTION SUPPORTING LEGISLATION AMENDING NMSA 1978, §72-6-4 LESSEE'S APPLICATION, USE BEFORE APPROVAL (COUNCILOR MAESTAS). (MARCOS MARTINEZ) Committee Review: Public Utilities Committee (scheduled) 09/02/15; and City Council (scheduled) 09/09/15. Fiscal Impact – No.

25. REQUEST FOR APPROVAL OF A RESOLUTION SUPPORTING LEGISLATION AMENDING THE OSE'S HEARING PROCEDURES, NMSA 1978, §71-7-1 AND NMSA 1978, §72-2-16 (COUNCILOR MAESTAS). (MARCOS MARTINEZ) Committee Review: Public Utilities Committee (scheduled) 09/02/15; and City Council (scheduled) 09/09/15. Fiscal Impact – No.

26. REQUEST FOR APPROVAL OF A RESOLUTION SUPPORTING LEGISLATION AMENDING NMSA 1978, §§72-12-3(D) AND 75-5-5(B), TO DEFINE THE STANDING OF PROTESTANTS (COUNCILOR MAESTAS). (MARCOS MARTINEZ) Committee Review: Public Utilities Committee (scheduled) 09/02/15; and City Council (scheduled) 09/09/15. Fiscal Impact – No.

27. REQUEST FOR APPROVAL OF A RESOLUTION SUPPORTING LEGISLATION AMENDING NMSA 1978, §72-12-24 SUPPLEMENTAL WELL AND §72-12-22, REPLACEMENT WELLS (COUNCILOR MAESTAS). (MARCOS MARTINEZ) Committee Review: Public Utilities Committee (scheduled) 09/02/15; and City Council (scheduled) 09/09/15. Fiscal Impact – No.

28. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO RESEARCH OPTIONS FOR CITY DEPARTMENTS TO INITIATE COLLECTIONS OF DELINQUENT FEES AND PAYMENTS FOR SERVICES RENDERED (COUNCILOR LINDELL). (OSCAR RODRIGUEZ) Committee Review: Public Safety Committee (approved) 08/18/15; Public Works Committee (approved) 08/24/15; and City Council (scheduled) 09/09/15. Fiscal Impact – No.

29. REQUEST FOR APPROVAL OF A RESOLUTION EXTENDING THE TIME PERIOD BY WHICH STAFF SHALL PROVIDE A REPORT ON THE 2012 PARKS & TRAILS BOND PURSUANT TO RESOLUTION NO. 2015-50. (MAYOR GONZALES). (OSCAR RODRIGUEZ) Committee Review: Public Works Committee (approved) 08/24/15; and City Council (scheduled) 09/09/15. Fiscal Impact – No.

30. REQUEST FOR APPROVAL OF A RESOLUTION DECLARING THE CITY OF SANTA FE, NEW MEXICO A HYBRID ENTITY FOR PURPOSES OF HIPPA AND HITECH COMPLIANCE (COUNCILOR RIVERA). (THERESA GHEEN) Committee Review: Public Safety Committee (approved) 08/08/15; and City Council (scheduled) 09/09/15. Fiscal Impact – No.

31. REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING THE CITY OF SANTA FE AS A "MY BROTHER'S KEEPER COMMUNITY," TO BETTER SERVE THE CHILDREN AND YOUTH OF SANTA FE (MAYOR GONZALES AND COUNCILORS DOMINGUEZ, RIVERA, TRUJILLO AND DIMAS). (CHRIS SANCHEZ) Committee Review: Children and Youth Commission (approved) 08/17/15; and City Council (scheduled) 09/09/15. Fiscal Impact – No.

32. *[Removed for discussion by Councilor Rivera]*

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END OF CONSENT AGENDA

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5. APPROVAL OF MINUTES – AUGUST 3, 2015

MOTION: Councilor Rivera moved, seconded by Councilor Trujillo, to approve the minutes of the Finance Committee meeting of August 3, 2015, as presented.

VOTE: The motion was approved unanimously on a voice vote.

CONSENT CALENDAR DISCUSSION

16. REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – HIRE FULL-TIME DOMESTIC VIOLENCE & SEXUAL ASSAULT COORDINATOR; SOLACE CRISIS TREATMENT CENTER. (PATRICK GALLAGHER)

Councilor Rivera said he is trying to figure out how this works. He said previously, we had a full time employee in the position who attended meetings involving domestic violence with Christus, the Fire Department or whoever. He said it now looks as if we're contracting with an organization. He asked how that works.

Nancy Jimenez said Solace has an employee that coordinates with the Police Department and we're paying for that position, about $71,000. The position that he asked about at the Police Department that we had two years ago was about $106,000, so we are saving some money. She said there are Lieutenants in investigations, still in patrol, that also attend meetings dealing with domestic violence and assist in the coordination of anything that needs to happen between the Police Department and Solace. There are 4 Detectives housed out of Solace than handle all of our child issues, so they are away from the Police and all of the adults and they have place to go for Solace also.

Councilor Rivera asked if Solace provides one single point of contact in domestic violence and sexual assault, or do they share this role among many employees.

Mr. Jimenez said they have one consistent individual with whom we deal at Solace for Domestic Violence, and there is a group at Solace that assists if that individual is not available, "but yes, there is one contact that the Police Department is in constant contact, and it kinds of distributes out throughout Solace and then throughout our Department."

Councilor Rivera said he has concerns about this, not enough to vote against it. His concern is that there needs to be a consistent person that you can throughout the community, just one face you associate as a Domestic Violence and Sexual Assault Coordinator. He is unsure we're actually getting that. He trusts that you are doing what works best, but he does have concerns about having one single point of contact.

Deputy Chief Schaerfl said, "As far as the law enforcement liaison part of it, our Lieutenant in charge of the Criminal Investigations Division is our single point of contact that would represent law enforcement and the City. With regard to the Solace representative, this person will be the case coordinator on that side once folks are either self-referred or we refer them on the victim side through law enforcement efforts. So we do share the tasking, but we do have a single point of contact as far as dissemination of information."

Councilor Dominguez said he assumes it's working well as a ½ time and a 3/4 time employee, and the reason for the desire to move to a full time is that's working okay.

Deputy Chief Schaerfl said yes. He said a full time employee allows a lot more case management on the Solace side, and to have someone there on a 40 hour work week for our agency officers to liaison with, for case management and as the single point of contact to whom a member of the public could reach out.

MOTION: Councilor Rivera moved, seconded by Councilor Trujillo, to approve this request.

VOTE: The motion was approved unanimously on a voice vote.

17. REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – SHELTER STRAY ANIMALS RETRIEVED BY CITY OF SANTA FE ANIMAL SERVICES OFFERS; SANTA FE ANIMAL SHELTER, INC. (PATRICK GALLAGHER)

Councilor Maestas's said in the PSA for Amendment #2, it doesn't extend the contract.

Ms. Jimenez said, "No. Amendment No. 1 extended it for 6 months. Amendment No.2 just specifically talks about the dollar amount, the payment per month, with a 6 month total of $78,000 plus change. We are in the middle of negotiations right now, so we have until December 31st with the extension in Amendment No. 1 that allows us to continue negotiations, continue processing of all Animal Services for the next 6 months, and we hope to come back in November-December for a full contract starting in January and potentially, an extended 3-year contract."

MOTION: Councilor Maestas moved, seconded by Councilor Rivera, to approve this request.

VOTE: The motion was approved unanimously on a voice vote.

32. REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING THE PLACEMENT OF A QUESTION ON THE BALLOT OF A SPECIAL ELECTION, T6O BE HELD IN CONJUNCTION WITH THE REGULAR ELECTION ON MARCH 1, 2016, TO ASK THE VOTERS OF THE CITY OF SANTA FE WHETHER OR NOT THE *SANTA FE MUNICIPAL CHARTER* SHOULD BE AMENDED TO INCLUDE A PROVISION TO ESTABLISH A SANTA FE PUBLIC UTILITY BOARD (COUNCILOR MAESTAS). (NICK SCHIAVO) Committee Review: City Council (scheduled) 09/09/15. Fiscal Impact – No.

Councilor Rivera said he is unsure to whom to address his questions.

Mr. Rodriguez said Nick Schiavo is at a public hearing dealing with the water tank at the hospital, and he estimated he could get here about 6:00 p.m.

Councilor Rivera said some of his questions are specifically for the Water Company, and doesn't know if Mr. Guillen can answer those questions in place of Nick, so he will ask the sponsor.

Councilor Rivera said he is trying to understand the purpose of this Board. He said he is trying to avoid creating another level of bureaucracy. He said there are several committees within the City that have only one Governing Body member. He asked Councilor Maestas his vision for what this Committee would be doing.

Councilor Maestas the City has used a conventional process to convene a Charter Commission to look at potential amendments, and this is another option to amend the Charter. He said he feels we're faced with an extraordinary situation with the Water Enterprise Fund, and a lot of the attention it has received with regard to the transfer to balance the budget, as well as the perception of the Water Fund and other utility fund. He feels it's time for us to institutionalize a body like this to oversee utilities to assure members of the community that they have peers representing them in assessing the utility rate designs, looking at the financing of utilities, and at specific issues – what General Fund costs have been incurred by these utilities, how the General Fund should it be reimbursed, the concept of a Payment-in-Lieu of taxes [PIT], and does it apply to our Water Enterprise Fund, and should that transfer be sustained in the future. He said we sunsetted that at the end of this FY. He said this is all about restoring public trust and empowering this advisory committee to advise the Governing Body through the public utilities.

Councilor Maestas continued saying, that the acquisition of the water company is a significant milestone in the City's history. He said the Water Fund balance is approaching 100 million. He said people look at the water rates and see a disconnect between our "exorbitant" water rates as being way above what it costs to run a water company, and it does. He said the two-tiered structure is water conservation pricing, and meant to change behavior. He said if you go back east, you buy a toll tag to go through tolls, and if you travel at peak traffic you pay the highest price, and at lower traffic a lower price, which is called congestion pricing. He thinks our water structure is in a way, conservation pricing. He said given the sheer size of the enterprise he thinks it's incumbent on us to empower the public to be a part of the fact finding, looking into our rates, advising us on debt and transfers. He thinks these are extraordinary times when it comes to our utility enterprises. He said his previous effort was to sunset the Water Conservation Committee, but he's taken that out. This is about public involvement and restoring the public trust, and getting the public's advice on this controversial and significant utility enterprise in the City.

Councilor Rivera asked if it would it fit under the Public Utilities Committee, a subset of the PUC, or will it be a stand alone advisory board.

Councilor Maestas said it would be a stand alone advisory board, similar to the Audit Committee which was formed in the same way and advises the Governing Body through the Finance Committee.

Councilor Rivera said his concern is the amount of work we're already placing on staff and adding another advisory board into that mix concerns him. We already have, for example water requests coming through Public Utilities, and they have to make it to Public Works or Finance, or both and then City Council. His concern is that this would add another level to that. He understands where he is coming from, but unsure until he can speak Mr. Schiavo to see how much work would be put on their plate, and is unsure he can support it.

Councilor Maestas asked Mr. Rodriguez to address his experience with regard to public utility boards and how bondholders perceive public utility boards and how this may enhance the City's position in the eyes of bondholders in securing future long term financing.

Mr. Rodriguez said he has 25 years in the field, and once was a Water Utilities director himself, and he has worked with systems that have such oversight committees and those that don't. He said in many places, these committees would replace Public Utilities making recommendations to the City Council for a final decision. He said the Council would appoint people who are experts in finance and in water utilities. He said the communities that have created these entities have done that as a way to create stability when elected officials come and go. He said it's obviously a policy question.

Councilor Rivera said the Resolution doesn't call to do away with the PUC in lieu of this committee, and is just adding another committee to the nix.

MOTION: Councilor Rivera moved, seconded by Councilor Maestas, to table this item to the end of the meeting so Mr. Schiavo can speak to the issue when he returns.

DISCUSSION: Responding to the Chair, Ms. Helberg said discussion on a motion to table is at the discretion of the Chair.

Councilor Maestas said he would point out we just approved almost $5 million in transfers from the Water Fund and we have no policy beyond the end of this fiscal year. He would feel most comfortable in empowering a citizen based body, such as a public utility board, to assist us. He asked that it go forward to the full Governing Body for a decision.

Chair Dominguez said the Governing Body wants the public to speak, but he has questions for Mr. Schiavo as soon as he arrived.

VOTE: The motion was approved unanimously on a voice vote.
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END OF CONSENT CALENDAR DISCUSSION
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DISCUSSION AGENDA

33. REQUEST FOR APPROVAL OF CAPITAL PROJECTS BUDGET APPROPRIATION FOR FY 2015/16. (OSCAR RODRIGUEZ)

Mr. Rodriguez presented information from his Memorandum of August 26, 2015, with attachments, which is in the Committee packet. Please see this document for specifics of this presentation.

The Governing Body commented and asked questions as follows:

- Chair Dominguez said in looking at what has been provided, he wants something which is more than a spreadsheet. He wants to know what legislation each of these are tied to, so he can go back and look at that legislation and determine if there is room for an appropriation or whatever the case may be. He said we need to get the Capital Budget approved, and asked the timeline to get a document this Committee can either approve or not approve.

Mr. Rodriguez said he will have that information by the next Finance Committee meeting in two weeks, and it would then go to the City Council. He said there are a dozen projects that didn't get on the list for some reason, and if they don't get on the list then significant parts of the maintenance in Parks and Trails, for example, won't get done. He said they will come back with more precise information.

- Chair Dominguez said we are depending on Mr. Rodriguez and management to get this information to them in a form that is easily understood by the Governing Body so our questions can be specific, instead of the Attorney General and the State Auditor and everybody else getting involved – that's part of the goal.

  Chair Dominguez said in his opinion some of this needs to be dealt with at Public Works [PWC] – details about the construction of a particular project, for example. He said it is appropriate for Finance to get the financial information such as salaries and such, but the project details need to be worked through at PWC. He said some of the financial questions he anticipates is how much can we reappropriate from the project. He said members of the Governing Body always looks for opportunities to reappropriate funds from one project to another. He said we don't have that kind of information and detail to do that at this time.

- Chair Dominguez said he likes this process because it gives us the opportunity to begin with a new BAR at the beginning, instead of at the end. He said it will not asking for change just for the sake of change. We're asking for the change so we can better govern the City.

- Councilor Maestas asked if this is something we can do in conjunction with the budget development process before the next fiscal year.

  Mr. Rodriguez said normally that's when it would take place, but pointed out that because it is a new exercise for the organization it would be difficult to do the two together for the first time, and would be putting one experiment on top of another one. He said it represents a big change from the way we've been doing things

- Councilor Maestas said a $61 million BAR is excessive.

  Mr. Rodriguez said right now, it just rolls forward and you get the BAR after it's already done.

- Councilor Maestas would like to see a separation of carry-over projects from new projects, and done in conjunction with the budget process. He agrees with the Chair that if's a carry over, we should at least have the procurement referenced in the spreadsheet. He said he wants to make sure in the budget development process we commit the City to provide matching funds for grants and such.

- Councilor Maestas continued saying for carry-over projects it seems you're including the remaining balance in the total. It may carry over beyond the next fiscal. He asked if you pro-rate for a multi-year project, or put in the entire balance knowing it could carry over to the next fiscal year.

Mr. Rodriguez what you have before you are all carry-forward projects. He said what we want to get before you is the appropriation that is required for only for this fiscal year, and that's not easy to do, reiterating it is a big change.

- Chair Dominguez agrees with Councilor Maestas that we need to see that kind of information. We need to know whether or not this money is intended to run out in 2017 or if it is a grant that renews every year with matching funds. We need to be able to see a clear picture of the timeline.

  Mr. Rodriguez said you will get all that detail in the capital budget. He said all we're trying to get you to approve the money before it totally rolls forward.

- Chair Dominguez said he understands. He wants a mechanism to know when something crosses more than one year's budget and if there will be a balance.

  Mr. Rodriguez said he can provide a column listing the remaining fund balance.

- Councilor Maestas said the City can't authorize any work unless fund are appropriated. He said the long-standing practice has been there has been a delay in appropriating those funds for ongoing projects. He is a period where we might be violating the law.

  Mr. Rodriguez said, "I wouldn't want to characterize it like that. Who enforces this, who controls us is the DFA. They require us to submit quarterly reports. In the quarterly reports DFA wants to see what was appropriated and what was spent.

- Responding to Councilor Maestas, Mr. Rodriguez said the Bateman Act is §6-6-11 of the New Mexico Statutes.

- Councilor Maestas said we need the information on the Bateman Act to be familiar with it.

  Mr. Rodriguez said he can provide that legislation, noting it is one paragraph and very clear.

- Councilor Maestas is concerned we might have a situation between the beginning of the fiscal year and the authorization of the appropriation, which is a question for the City Attorney and something this Committee should suggest.

- Chair Dominguez said regardless of what DFA says, we need this information readily available for the Committee whatever happens.

- Councilor Rivera, referring to packet page 6, said when this comes back in two weeks he would like additional information on the projects with the asterisks – who authorized what projects, what are they for, and why are we paying salaries from CIP, that kind of information.

  Mr. Rodriguez said at this point a lot of explanations are blank and they will get that information to the Committee. He wants to wait for DFA approval until there is complete information.

- Chair Dominguez said there are some CIP projects on this list and would like those shown separately, and Mr. Rodriguez said he will do so.

- Chair Dominguez thinks this might help us with our ICIP process in the future.

Chair Dominguez asked Ms. Green to put this on the next agenda so we can get it approved and establish a capital project.

34. PRESENTATION ON UNIFIED SECURITY GUARD SERVICES FOR MUNICIPAL FACILITIES (RFP #16/06/P). (ROBERT RODARTE)

Robert Rodarte presented information from his Memorandum of August 26, 2015. Please see this document for specifics of this presentation.

Councilor Rivera said this is a good step in the right direction. He said sounds like you want to provide one security company for the entire City.

Mr. Rodarte said it is broken-down by individuals departments, and they can submit a cost for each section. He said it appears the Airport may be more expensive to maintain and may have more requirements versus the parking lot. He said we can do individual awards for each segment, but the cost factor is only 40% of the overall RFP. So we can do one for the contractor for the entire City or break it down and do multiple contracts if that's what you want to do.

Councilor Rivera asked if we have set the criteria so high that we eliminated the ability of anybody from New Mexico or the surrounding area to bid on the project.

Mr. Rodarte said it won't exclude anybody in this region.

Councilor Rivera asked about areas such as parking which have both a roving patrol as well as cameras. He said since when those areas are going to be split, at some point they would have to work together and asked how that would work.

Mr. Rodarte said since there are two separate entities watching whether it is roving or patrol, they still have to communicate somewhere along the line. It won't be the same company, or who knows as we bring it forward it might be the same one. At this point, the key is to have communications between the two.

Councilor Rivera asked if there are companies would like to use camera patrols in lieu of foot patrols and asked if that option would be provide that.

Mr. Rodarte said if they want to use camera patrol, the hourly wage will have to be factored in, if they want to do self monitoring of their officers, that's fine. He said at this point we aren't asking them to do that in this RFP. He said some organizations have approached him that operate that way where they monitor their own individuals and their staff are already equipped with lapel cameras.

Councilor Rivera said the 40% for the cost isn't necessarily the lowest bid, and you're taking a different approach.

Mr. Rodarte said yes. They are doing a weighted average based on submittals over the past several years on the bids, and have come up with a number which is efficient to operate. If it is $18 per hour, and they are at $20, they look at the percentage from the number, they get a higher score. He said if they come to the $15 price, they're going to be scored less because we know they can't operate at that rate.

Councilor Rivera asked if there is a built-in method to monitor continued certification by employees.

Mr. Rodarte said that is based on the interview process. He said that will be one of the things they will discuss with each company, and we have the right to ask them to do that, but we want to hear from them what their policies are.

Councilor Rivera asked if this is just for General Fund enterprises.

Mr. Rodarte said there are separate contracts with the BDD and water and such, although we have the power to integrate the contracts if we want to do so.

Councilor Maestas said this company was just approved a similar contract for SWMA with a direct contract, but the contract didn't include a cost allowance for vehicle, so it was terminated in accordance with the contract. SWMA told them we are part of a Statewide agreement which provides $11,000 for a vehicle. So the Agency rehired them under the Statewide price agreement. He asked they have looked at similar Statewide price agreement for provisions to incorporate into the RFP.

Mr. Rodarte said yes, noting four contracts just expired with the State, and we have identified the ones we have such as Blackstone. Those do have as allowance for equipment. He said we feel the hourly rate should cover the total cost of providing service, and let them be responsible. He said it's easy to jump onto those, but the RFP as written allows more participation by local firms.

Councilor Maestas said he is concerned about the short termination notice timeframe for these higher risk services. He noted we are looking at a 60-90 day termination clause, and asked the time necessary to hire another qualified firm.

Mr. Rodarte said 90 days is good enough with the current criteria. He said the current contract with Blackstone for a temporary fix is at 120 days. He said if we run into problems he believes 90 days is sufficient.

Councilor Maestas said we need to disclose the more lengthy cancellation notice in the RFP process.

Chair Dominguez asked if he wants action on this item.

Mr. Rodarte said if you like the way he put this together, he would like authority to advertise right away so we can get as close as possible to the 120 days.

Mr. Rodriguez said we don't normally come to the Committee for approval of an RFP, but in this case, the Council gave specific instructions to present this to the Finance Committee before issuing this RFP.

Chair Dominguez agreed, saying some issues arose the last time with regard to the process.

MOTION: Councilor Trujillo moved, seconded by Councilor Maestas, to approve this request.

DISCUSSION: Councilor Rivera asked if he can email him with any questions, and Mr. Rodarte said yes.

VOTE: The motion was approved unanimously on a voice vote.

35. PRESENTATION AND DISCUSSION ON REGIONAL EMERGENCY COMMUNICATIONS CENTER (RECC). (SANTA FE COMMISSIONERS ANAYA AND ROYBAL, AND KATHRYN MILLER, SANTA FE COUNTY MANAGER)

Commission Chair Robert Anaya said he will speak first and then Commissioner Roybal and County Manager Kathryn Miller will speak briefly, and they then will stand for questions. He introduced County Fire Chief Sperling, Public Safety Director Pablo Sedillo, Deputy County Manager, Tony Flores, and the RECC Director Mr. Martinez.

Commissioner Anaya said, "I'm going to keep my remarks brief. Having listened to the meeting earlier, I fully acknowledge and recognize that we all face the same challenges we work with day in day out, your agenda and communications are very similar in nature. We just had a lengthy ICIP discussion and process that mirrors a lot of what was said here today. In February at the joint meeting between the City and County, it was suggested we move forward with some committee appointments, and Mr. Chair, you are the Councilor that recommended we have some committee appoints from the Governing Body and that's why we're here. In fact, I appointed Commissioners Holian and Stefanics to work on water issues, and they spent the better part of today and a few weeks back in settlement agreement discussions with your staff and City Councilors." He appointed himself and Commissioner Chavez to work on annexation issues with the Governing Body. He said he and Commissioner Roybal are working on public safety matters, specifically, the RECC question.

Commissioner Anaya continued, saying the packet was provided to the Public Safety Committee in May and to the City through the City Manager's Office, noting the same packet materials are before this Committee today. He said they are seeking discussion and coordinator on two issues associated with the RECC. One is governance, noting they have had discussions at the Commission level and feel it's important to have representatives from the Governing Bodies sitting on the RECC Board. The other is the question of shared costs and to see if we can come to an agreement. He said he is hopeful we can re-engage the discussion on the Joint Powers Agreement. He said a lot of things happened in past and " we weren't there in the past, but we're here now, and things change over time."

Commissioner Roybal said he would ditto everything Commissioner Anaya said, and there was a lot of consideration prior to approving an agreement and expenditures. He said, "I would appreciate your consideration for approving and amending this agreement. It will help with operational costs and this is an invaluable service. These expenditures are too much for the County to pay alone, and we really need help with these operational costs. This is an invaluable service provided with the RECC, and although we may not agree with your decision and maybe we will, we will respect it. I appreciate the time you have allotted for us to be here."

Commissioner Anaya said he would like to reemphasize that we are two Governing Bodies that have to make decisions independent of one other on a constant and consistent basis. He said, "You do that, and we do that. I fully have the utmost respect for you and every governing body in the united states because we have to make difficult and tough decisions associated with everything we do. I am hopeful that we can continue our relationship, not only the RECC, but with everything else we work with the City on. And there are other opportunities that we may not have broached. But I wanted to say emphatically that we fully respect and understand that you have to make independent decisions at times, that are tough, but as Commissioner Roybal said, we need to respect whatever those decisions might be, and I just wanted to emphasize that. Ms. Miller."

Kathryn Miller, County Manager, summarized the White Paper on the Regional Emergency Communications Center [RECC], dated May 18, 2015, which is in the Committee packet. Please see this document for specifics of this presentation.

Ms. Miller said the White Paper gives the history, and talks about the issue as it exists for the RECC, and the reason we can't get anybody to the table to talk about it. She said the County is suggesting that the City and the County sit, negotiate and come to some resolutions going forward.

Commissioner Anaya said in the discussion at the joint meeting, the suggestion was made that "maybe the committee structure would work and here we are. Commissioner Roybal and our team is here." He said if it's one committee, or more than one committee, or a separate task force, whatever that vehicle is, they want to find it. He said we are here to listen and figure out if we can have this dialogue in whatever form is deemed appropriate by this Governing Body.

Chair Dominguez thanked Commissioner Anaya, Commissioner Roybal and County staff for attending, and for spending their time and being persistent. He noted they have gone to the Public Safety Committee and requested to come to this Committee. He said the Committee can't take action on this

item, because we can't bind the rest of the Governing Body to any action, but we will make sure that your comments and our questions, this dialogue and discussion, are heard for and made a part of the record. He has no authority to appoint anyone outside the Committee for anything specific, but he will take it under advisement with the rest of the Committee to determine whether they are interested in a subcommittee of Finance to deal with some of these things.

Councilor Dominguez continued, saying, "Outside of that, I'm sure Councilor Maestas has questions to ask. I will say that both myself and Councilor Trujillo were part of the tough negotiations that happened back then. And certainly Councilor Rivera as the Fire Chief was in the middle of it all. And so, please know that the negotiations back then were very tough and became very very political, to the point where both myself and then Mayor Coss got called in to speak with Speaker Lujan because it became so contentious and so critical. But I think at that time, the Governing Body was fully prepared not to support this tax increase that you all were going out for. One of the questions I have, in light of what you have articulated, Katherine, is you were talking about the cap and the amount of the tax. How much do you generate from that tax."

Ms. Miller said, "We generate about $7.8 million, but as I said, the original impetus to put that tax in place was for the Fire Department. In case you weren't aware of the history of the Santa Fe County Fire Department, it was all volunteer until the late 1990's, early 2000's. And this was a step in getting a clear staff as well as well as a volunteer fire department."

Chair Dominguez said, "A lot of the discussions that were had back then aren't a part of the record today and I think that is something that would be helpful, because we asked questions about what kind of equipment are you going to purchase with money. Is it equipment that can be utilized in the City, since City residents are going to be paying for a some of that increase. And I can't remember all the details, but I think some of that information would be helpful. I think maybe Councilor Rivera might have some of that detail."

Councilor Dominguez continued, "So I would say that I'm not necessarily opposed to renegotiating, but I think you better be careful what you renegotiate, because that's essentially what led us to place in the first please was a renegotiation or a negotiation, and who knows what will come out this dialogue." Chair Dominguez then turned it over to the Committee for discussion.

Councilor Trujillo asked Ms. Miller if she wants to set up a committee of 3 Councilors, 3 Commissioners, the Mayor and yourself.

Ms. Miller asked Commissioner Anaya to answer that question.

Commissioner Anaya said, "At the joint City-County meeting, and I'll send the minutes, we had a discussion about how best we could elevate those discussions to actually get some work done. And the recommendations were made, and Councilor Dominguez suggested let's try the committee process, using our committees where could come to. But the agree at that meeting was that the City would appoint representatives from their Governing Body and the County would do the same. The meeting was in February and by March or April, I had made those appointments. I appointed myself, Commissioner

Roybal in Public Safety and I appointed Commissioners Stefanics and Holian for Water, and myself and Commissions Chavez for Annexation. Those were the three primary issues that came up that we agreed were target issues that we should start with. Those might involve into other issues, but that's the evolution of the recommendation on the committees and the structure if you will."

Councilor Trujillo said this is something we need more with the County and with the Schools. He said he is open to negotiation, and believes we need to get everybody involved in this one issue and have that discussion.

Commissioner Anaya said in 2010 he was concerned about annexation discussion, and it took two years to say, "enough is enough, let's sit and figure it out." We did get general guidance, but work off line that needed to be done. He is for what he suggests and work to do that. Things between that need to be done.

Councilor Trujillo said he doesn't recall being on a committee. He said, "This is my take on it. I enjoy that we have this dialogue, and to me, this is something that we definitely need more of between the County and the City, and something we don't have. I would like to have the same conversation with the Public Schools, but we don't have it. Like Councilor Dominguez, I'm open to the discussion, I definitely am open, but I can't speak for my colleagues, all of them. This is my take, we need to get all the County Commissioners, all the City Councilors, all upper management, everybody involved with just this issue, don't bring in any other issues, just this one issue. And we will have it here or we'll have it at the County, and I don 't care if it takes a day, but have that discussion back and forth. If you just have 3 people making a decision for the City and 3 for the County. You've been here before us. You already know what's going to happen here and you know what's going to happen with you guys. Disagreement."

Councilor Trujillo continued, "If we can all sit in one meeting room, hash it out, I don't take how long it takes, as long as you give us sufficient time to make that decision. I have another job too, but I'm willing to sit and have that discussion, even if it takes two days. That would work better for me. I would like to have all my colleagues in the room, as well as your colleagues, making that decision, because this is something that is definitely going to impact. We already know the situation we're in right now, and that's the whole thing. I'm open to discussion. I don't know where it's going to go, but that's where I would like to take it."

Commissioner Anaya said, "If I could, Mr. Chairman. When I got on the Commission in 2010, I was concerned about the discussion and the annexation discussions that occurred and the whole Commission had some discussions about it. It took me two years and some other Commissioners, and a lot of work from the City Council and the Mayor to say, enough is enough. Let's sit at the table together and figure it out. And we didn't do it all in the meetings, but we did get through a lot of the crux in the meetings or the general guidance, but then there was work to be done between the City and the County off-line to make sure the facts were clear and the information was in place."

Commissioner Anaya continued, "And I think that's what the Manager is suggesting is that as we evolve into that. I'm all for what you're suggesting and will work to fully engage the Commission to do that. I just think there is some work in between that has to be done. And that was where part of the discussion

on the committee structure came out was maybe they could help hash it out between staff and some government board members, actually the ones to be part of that. Because, many times, as you know Councilor, and have experienced it many times, things break down if it's left to only one or the other, but if there is some collective commitment somewhere, then things are going to get done and happen. So, I have no objections at all to having a joint meeting and put only this on the table, but I would ask that we maybe consider having a smaller group, including Commissioners. Commissioner Roybal and I are committed to be at that table to try to work out, if they are 10 options, what are they. So when we do get to that collective meeting then we could take action, recommendations and get through it. So I'm not objectionable in any way."

Councilor Trujillo said, "I agree with you Robert. There are certain issues that have to take place prior to that, so I'm open to that option as well. And you know well, you just said it, annexation. There are a lot of my colleagues up here that didn't want annexation and you have a lot of us that time. The time had come – 20 years, 30 years – and although it wasn't as sooth as we had hoped, I think it's worked out pretty good. So I'm open to that discussion. And when we have those discussions, I will be at the table. I want to have those discussions."

Councilor Maestas thanked Commissioner Anaya and those from the County for attending this evening. He said he has questions about the current revenue stream, and asked of the $7.8 annual proceeds, how much is from the City and how much from the County.

Ms. Miller said she would guess about $5.6 million comes from the City, noting that 1/4% generates about $1.2 million in the County.

Mr. Rodriguez said that is a good estimate, commenting it might be a little higher.

Councilor Maestas said the 1/4% in the City is well over $7 million.

Mr. Rodriguez said our 1/4% this year is about $7.8 million.

Ms. Miller said, "It's a different system, and doesn't have the Hold Harmless distribution, so there is no compensation for the loss of taxes on food or medical services. It was put in place in 2007 after the hold harmless statutes went into place."

Councilor Maestas said the current annual operating budget is about $3.5 million, and Ms. Miller said that is correct.

Councilor Maestas said then the difference is $4.3 million, so she is saying that all of the public safety services that would be eligible to be funded under this tax have exceeded $4.3 million.

Ms. Miller said, "Most definitely. They're quite a bit more than that. And that's for the career Fire Department. The tax is eligible to put in place for 3 things, statutorily – Shared regional dispatch, emergency services or mental health. We went to the voters for the 2 items, with the intent that the majority of it would fund the County Fire & EMS services."

Councilor Maestas said when he researched the statutes, there were two options to impose, one was County-wide which included the City and the other was only the County excluding the City. He asked the thinking on this and the reason the County didn't impose it only within the County.

Ms. Miller said she doesn't know, commenting the Fire Chief might know. She said her understanding is they could have done that – 1/8 in place for dispatch and the other 1/8 County-wide for fire services. She said it's a little bit different breed of tax, because of the choices. However, the County doesn't receive a lot of revenue from GRT if it is just imposed in the unincorporated areas, because all the businesses locate in and around the incorporated areas, and eventually get annexed. She said the Legislature recognizes that fact and allows for two different taxes – 1 for City and 1 for County. On the regional dispatch they allowed for one.

Councilor Maestas said you had to consolidate your public safety answering points [PSAP] to impose the tax. That had to be certified by the State. He said based on the history it seemed as if the City and County were working together rallying around the RECC.

Ms. Miller said the motivation from the County perspective probably the Fire Department – a paid Fire staff, and secondary, the dispatch. She said most of the cities and counties that have imposed that tax in place was to fund a regional dispatch have some kind of framework. It's not all expenses in perpetuity. She said that it one of the issues, it was never put in the agreement would be.

Councilor Maestas said he doesn't want to get into County business, but he has questions of the Fire Department, noting its budget has really escalated since 2006. He asked if it is a paid Fire Department.

Ms. Miller said half is paid and half is not – about 200-250 volunteers and about 100 paid staff.

Councilor Maestas asked the amount of the budget in 2006 compared to today's budget.

Ms. Martinez said she can't say in 2006, but in 2001- to 2001 it was around $1.5 million for emergency services.

Councilor Maestas asked if it was exponential, or gradual, or you just didn't anticipate these additional costs that kind of crept up on you.

Ms. Miller said, "Actually it was plans. And it was planned to grow and it's called Project 48, which is 48 Fire/EMT individuals that are in four regions. We broke the County into 4 regions that are staffed 24/7.

Councilor Maestas said on the whole PSAP, the County incorporated Edgewood and asked the reason Espanola wasn't incorporated, and asked if Santa Fe County is still split.

Ms. Miller said Espanola is only the City in New Mexico that is in two counties. She said the entire City uses the Rio Arriba County dispatch, but we have been in discussions to help them because there some peculiarities and it is really a discussion of helping the City rather than the dispatch. They don't contribute to the dispatch of any of the other counties on the border. They pay their own.

Councilor Maestas said one issue is governance and there are some really important decisions that need to be made that have financial implications, noting currently there are no elected officials on the RECC Board which he understands. He said the Board incorporated Edgewood, noting Edgewood is experiencing some remorse about the agreement it signed to be a part of the RECC. He said that was quite a feat by a non-elected board. He asked, "What's wrong with this board."

Ms. Miller said that actually was agreed upon by both Governing Bodies and the JPA wasn't in it.

Commissioner Anaya said, "I want to say that myself, as an elected official, has spent almost 20 years in and around State and County government, about half of that was County government. So by no means, am I blind to the negotiations that took place between the City and the County, included but limited to the detailed negotiations with the chiefs and the fire departments and the work that happened there. I'm very privy and understand the course of action and what took place."

Commissioner Anaya continued, "Associated with your last point, Katherine said, it, the boards had to agree to that inclusion and it's our desire to include other areas. And just to be completely transparent, we're in discussions with Torrance County, Moriarty and the City of Espanola. To be frank, we had allocated even some money to the City of Espanola, but they joined a lawsuit that we felt was detrimental to the negotiations at hand, so we essentially put those on hold. I just wanted to provide clarity to that point. The interest is the best service we can do for the broadest range of people, understanding that everybody's needs at any given point in time might be a little bit different. So I just wanted to add those comments."

Councilor Maestas said, "Katherine, just a question for you. When we decided to consolidate and the County would be the fiscal agent, the City had been the fiscal agent and there was a provision that the balance of the RECC fund had to be transferred to the County. Do you know how much that was, since we're talking the cost that the County Board initially, on the capital side. Was it significant, was it minor."

Ms. Miller said, "I don't know, but I would guess it wasn't a lot, and I'll tell you why, because of the way it was when I was at the County before, the way we did the budget, is we would appropriate the budget on both sides, and then whatever was left would get carried in to help fund the budget the next year. So we didn't carry a big fund balance on the City side, nor did we do that on the County side. We don't keep a big fund balance in there just sitting without a use. We can look and see what that was."

Councilor Maestas said he agrees with Councilor Trujillo that we are obligated to engage in dialogue in any issues we have. He would prefer they be mutual, commenting he is unsure there is a mutual concern here. He said before he signs on, he wants to know the basis of negotiations, the principles, is it a matter of equity or a change in circumstance of which both governments need to be aware and at least assess and revisit the JPA. He wasn't a part of the previous negotiations, but he doesn't see

a compelling basis for negotiation. He said he thinks the governance definitely needs to be looked at, and believes there should be elected officials to take on some of these issues on that board. So perhaps there could be an RECC advisory committee with those on there now, and a governing board. He said, "I do see the governance, there is potential there I think to make some changes, but like I see this has been very interesting, a good learning experience for me. Thank you for taking the time and coming out."

Councilor Rivera thanked everyone for attending this evening. He said, "In 2006, when the tax was enacted, the County had a Santa Fe Fire Excise Tax that was set to sunset. What happened with that tax."

Ms. Miller said, "That tax sunsetted, went to the voters and did not pass. We waited 5 years and sent it back to the voters, just in the unincorporated area and that passed last year."

Councilor Rivera said then the Excise Tax is back in place, and asked how much that generates.

Ms. Miller said it is approximately $1.2 million.

Councilor Rivera said he has questions of Ken Martinez. He said in 2006, the operating budget of the RECC was about $2.3 million. He said since there haven't been many capital projects approved, what has generated the almost $1.2 million in costs associated with running the RECC on a daily basis.

Ken Martinez, Director, RECC, said the increase in operating costs would be attributed a lot to salary increases, and a lot of our expenditures are for salary and benefits for out staff, but also the maintenance of our equipment. He said, "As you know, there is a trend with technology to move forward to the next generation of 911, and some of the things we're expected to provide the public in provision of services it costs a lot more to do that. We have new programs, new applications and the maintenance and support of those applications are what increase every year."

Councilor Rivera said he recalls we were looking at auto vehicle locators a couple of years ago which required some funding for the RECC, and asked if that was paid by the RECC or was it paid by the City Fire Department.

Mr. Martinez said the pilot project for the Automatic Vehicle Location and GPS system was initially paid for jointly by the City and County. The initial update to the CAD system was about $400,000, and both parties contributed to that purchase.

Councilor Rivera said then there has been some cost sharing with regard to some capital outlay.

Mr. Martinez said that is correct. The expenditures for the initial implementation on some of the applications, according to the JPA are still split on a 40-40-20 basis between the 3 parties to the JPA. The issue then becomes the ongoing maintenance for those applications and systems.

Councilor Rivera said, "I don't know what your operating budget was in 2006, I don't know if you know, before the tax was enacted, but there have been several fire stations built, some nice equipment and a lot of great people hired. What is your current operating budget."

Chief Sperling said, "For our career staff, I believe it's about $5.6 million, but he can get the exact figure.

Councilor Rivera asked if the volunteers receive any funding from the County or do they have to come up with their own funding sources.

Chief Sperling said the operating costs of the Volunteer Fire Districts funded from the State Fire Protection Fund. He noted they receive some stipend money for their response and training activities through the general operating budget which is funded by the County, but the bulk of the services they provide, are provided through the State Fire Fund revenues.

Councilor Rivera said, "I give you credit for what you've done with the funds from this tax. You've done a great good job in living up to your end of the agreement which is not only the RECC, but it dealt with providing EMS services in Las Campanas, Tesuque and some of the other areas where you've really ramped up your paid staff and are providing a great service so the City doesn't have to extend its boundaries further than that it needs to and can focus its attention on City residents."

Councilor Rivera said, regarding the RECC, he's unsure if we are talking about money to help with everyday, expenses or are we looking at capital costs and ramping up the RECC with things it hasn't had in a really long time, or both.

Ms. Miller said, "It's probably a little of both. For instance, they've outgrown the space they are in and we need to expand it. It's a County building and under the previous structure, the County would put the capital out and then receive some of it back based upon the lease. But now, we could turn to the City and say we need $2.5 to $3 million to expand it, and according to the JPA, that would be $1. 5 million from the City. But we didn't do that. What we said is what we'd really like to do is expand it and have some way to recoup it through a lease, but that's kind of silly for the County to recoup its money from itself. So that's one item that's kind of hold right now, is how to expand it, but they definitely have outgrown the space."

Ms. Miller continued, "Then Ken will tell you there's a $5 million radio upgrade needed, so that's going to come up, how we're going to fund that. And then, as I said right now with the tax, you can see that it's pretty much completely being utilized by the two things it's supposed to be used for. If we have an increase in operational expresses at the center, where does it get that funding. For instance, this past year, Director Martinez asked for another IT position, because they have quite a bit of IT work. It ends up going straight to the County budget and competing against the firefighter. The County needs a firefighter out of the same funding source and the RECC needs an IT person. Which one would the County commission likely fund. Well they get 100% benefit out of the firefighter position and say only 35% of an IT person, that's at the RECC. If you were to consider that 65-70% of that work would be a benefit to the City."

Ms. Miller continued, "So that's where we started to really run into this issue is we've maxed out the tax and you have two competing entities, one that's wholly County and one that's supposed to be split between the City and County, but it's wholly County funded."

Councilor Rivera said he recalls in the discussions that really the RECC was the only thing that the City could benefit from in the language that came before us. That was the only thing that the County could offer, so the City took that in support of the tax. He said, "I understand where you're coming from and we really appreciate the open discussion, the transparency and like my colleagues, I'm open to sitting and having further discussions."

Commissioner Anaya said he really appreciates the discussion and dialogue. He said a couple of times it came up relative to the imposition of the tax, and we all get our taxing authority from the same places and understand the ramifications of those taxing authorities. He said, "I think Councilor Dominguez, you said it at the beginning and Councilor Maestas brought it up again later, but there were a lot of political discussions that went on associated with the discussion and the tax itself. And those Governing Board members, yourselves, some of you that were on the Board. And Councilor Rivera you were the Chief of the Fire Department at the time. But, we're all in flux as governing bodies and we're always analyzing our resources and how we expend the resources and the services we garner from those resources."

Commissioner Anaya continued, "The last thing I would leave is that I am excited about continuing the dialogue. I'm asking you as the Chairman, and this body that we engage in the discussion sooner, rather than later. And I would say to be completely 100% transparent, that we, internally have started to ask the other global questions. We've started to ask our Sheriff's Department, our Fire Department, how did we do it before. How did we function and run our dispatch center. How did we handle those costs and those calls, and what were the costs associated with that. We have begun, as any Governing Body would, to raise those questions to better understand what do we look like as a fully functional, regional facility and what would we look like if we had to put ourselves in the position to operate it as an individual County division and what implications that would have to the public, the finances. And what other taxes we might possibly need to look at to offset any loss of a tax."

Commissioner Anaya continued, "So I wanted to be candid and straightforward that we've had those discussions. I didn't have those discussions in a vacuum. I want all of you to know those were discussions we raised at a County Commission meeting for the Commission to understand the full scope of the issue. I didn't mention and I need to mention that the Sheriff himself has raised questions in board meetings and outside of Board meetings as to how we might come back to the table to have a discussion on proportionate... some proportionate share of some of those capital additional costs, as well as operational costs. I wanted to say that on the record, because the Sheriff did ask me to do that as well. I did it at the last Public Safety meeting, but I didn't do it here."

Commissioner Anaya continued, "I thank you Mr. Chairman very much and we're hopeful we can continue the dialogue in a small group. And then Councilor Trujillo, I would be front and center and so would the Commission at a collective joint meeting. And if it took us all day, and we could figure something out, on this or any issue, I want to put that out there, on this or any issue that we need to do in the interest of the public, that offer stands while I'm the Chair. And I think the Commissioners have shown their

commitment by wanting to participate and coming to this an other meetings. So we greatly thank you. And Councilor Trujillo, as I was sitting and listening to the meetings, I was thinking how can we more engage ourselves into the structures we each have. How do we make sure. I know there's constant dialogue and discussion between the Managers and the department heads, but how to we make sure that everybody in our County government is getting to understand better what's happening in City governance, and where are locations we can make additional invitations to have you guys come in and participate and be part of our meeting structure. So whatever sparks any suggestions anybody has on that, I'm open to that. I know our Manager has been open to those things, and the Commission as well. Thank you, Mr. Chairman."

Chair Dominguez said, "Just a couple of comments. Certainly, we want to make sure we keep the public's interest in mind and make sure we provide the highest level of safety to the public, and that we do not let personalities get in the way. That's the first thing that's most important in my mind."

Chair Dominguez continued, "There essentially are two things that have changed. One is the economy and the other is the Governing Body. Those are two of the things that have changed. I think the big elephant in the room quite frankly, is I think Councilor Maestas alluded to it, and that is that mutual concern. I think the big elephant in the room is that we have an agreement and the County doesn't like the agreement that the previous County Commission agreed to. And so, those are things we're going to have to work through."

Chair Dominguez continued, "I will say that the politics with the County are a little bit different than the City of course. There are only 5 County Commissioners and there are 9 of us, so herd up those cats are lot more difficult here at the City level. Of course you change leadership every year with a new Chair every year, and we don't necessarily have that opportunity. And you all have term limits and we don't, so we have varying levels of information and experience and recollection on some of these agreements and some of the things that have gone on."

Chair Dominguez continued, "I will say that I don't necessarily hear any appetite from the Committee that we break up into a subcommittee. However, I will make sure that this discussion, not only via the record, but myself, goes to the City Manager and the Mayor to let them know this discussion has taken place and there is an appetite, it seems like, for some continued dialogue. So I certainly will take that to them."

Chair Dominguez continued, "In terms of renegotiation, and I'm only speaking for myself, I would not necessarily mind a renegotiation, but know this. I will negotiate very hard and make sure that all interests are considered, and the fact that there are these finances that need to be vetted-out, a complete understanding from us about how much is being collected, how much is being spent, whether or not the County, quite frankly, is doing what it can to tighten its belt, and I know you have. I know we all are under the same challenges in terms of the economy and revenues and expenditures, but the City is under that same scrutiny as well."

Chair Dominguez continued, "So having said that, let me go ahead and just close this portion of the meeting, and thank you again for your involvement, for meeting with us, and for the dialogue. And I will be sure to take this to both the City Manager and the Mayor to determine what the next steps might be."

32. REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING THE PLACEMENT OF A QUESTION ON THE BALLOT OF A SPECIAL ELECTION, T6O BE HELD IN CONJUNCTION WITH THE REGULAR ELECTION ON MARCH 1, 2016, TO ASK THE VOTERS OF THE CITY OF SANTA FE WHETHER OR NOT THE *SANTA FE MUNICIPAL CHARTER* SHOULD BE AMENDED TO INCLUDE A PROVISION TO ESTABLISH A SANTA FE PUBLIC UTILITY BOARD (COUNCILOR MAESTAS). (NICK SCHIAVO) Committee Review: City Council (scheduled) 09/09/15. Fiscal Impact – No.

Chair Dominguez noted there was a motion to table this to the end of the meeting, and we are at the end of the meeting and Mr. Schiavo isn't here.

Councilor Rivera said he has concerns about the impact this will have on staff, and the time staff will have to commit to an additional committee. He asked what happens in certain situations if you have an advisory community of community members that opposes the plans that the Water Division staff may have or Wastewater, about his they want to move forward. He said this brings up some concerns for me, and adding another layer of bureaucracy doesn't always make sense.

Nick Schiavo arrived at the meeting

MOTION: Councilor Rivera moved, seconded by Councilor Trujillo to remove Item #32 from the table for discussion and possible action.

VOTE: The motion was approved unanimously on a voice vote.

Councilor Rivera reiterated his concerns about the additional time this would create for staff to have to attend and present. We have discussion with a separate advisory board. He asked Mr. Schiavo what that might look like in addition to what is already being asked of him.

Mr. Schiavo said he hasn't put that much thought into it. Off the top of his head, he would imaging that we would have to bring a Public Utilities Board up to speed, and he is sure that they would want to be a part of any major decision, and would want to see items before they went to the Public Utilities Committee. He said it would take a similar effort to that being given to the PUC.

Councilor Rivera said then there would be a layer under PUC, then PUC, then either Public Works, Finance or both and then finally, the Governing Body.

Mr. Schiavo said yes, and there would be any skipping of the Public Utilities Committee, and certainly no skipping of Finance and the City Council.

Councilor Rivera he sat on the Public Safety Committee, a similar board, as a civilian and as a Governing Body member along with Councilor Trujillo at some point. He said he thinks there was some frustration on that board which is similar to what is being proposed here as an advisory board as to whether they really made an impact on what was coming forward or not. He said, "As an advisory board

they don't have much say on an item, so I think at times they felt as though they weren't really functioning as part of the City as well as they could be. I know now, there is some frustration on the part of Councilor Dimas with the makeup of that board and how that functions. So I'm really not sure if this is really a good thing or not, and I don't want to put you on the hot seat too much, because I understand there are two Councilors here involved. Do you think there would be times where maybe this advisory board would come in conflict with issues that maybe your staff may be presenting, or have an idea of where they might go, and how would those be handled, do you think."

Mr. Schiavo said, "That's a tough question. I think any project that we propose we bring before the PUC, and if they were going to take issue with it, I would imagine that PUC would also be taking issue with it. It's hard for me to envision how things would play out exactly, and a lot would have to do with their background. And I don't know what kind of makeup the Board would have, what kind of technical background. And there is a lot in the Public Utilities Department with 4 divisions. So even if you have someone with some expertise in one area, they may not in all 4 areas."

Councilor Rivera asked if the public wanted to participate in any way in what we're now, do we afford them that process – do we have ways to do that.

Mr. Schiavo said, "I was just at a meeting for the hospital tank. This is our second meeting, so absolutely, anything we're going to do that's going to be out there, we allow them to participate. We showed them renderings this evening of what the tank will look like, and so we do solicit those kinds of comments. Where the public probably is not involved, where the PUC is involved, is the selection process for CIP projects. This is where staff thoughtfully puts together projects and then brings them before PUC, so any water line replacement..... and stop me at any point if I'm starting to really go down to the weeds here, but that list of water line replacements is based on lines that have been breaking and it's typically a function of both age and materials that were chosen. So the public probably definitely has an opinion about when something is directly in their neighborhood. But it is staff that actually selects and prepares a short list of what lines need to be replaced based strictly on lines breaking and losing water. That's how those come to the top, and that's just one example."

Councilor Rivera said when we had the pilot we did have public hearings on that didn't we, and we did allow the public to comment.

Mr. Schiavo said yes.

Mr. Rodriguez said at one of the meetings there was quite a bit of comment.

Councilor Maestas said this will just put the question on the ballot and won't cost the City anything, and we will have ample opportunity to debate legislation of exactly how this Public Utility Board would be composed, its purpose and objective and how it would operate and interface with City government. He said the water enterprise funds are not going away. He said some people think we should have refunded them some of the money because they see the current balance is almost three times the operating budget. He spoke about how it could benefit the City, by for example, providing a loan for the CNG refueling facility, commenting that fund could lend money to other enterprises in the City and generate some interest while

saving the City a lot of money in seeking conventional financing. This could be "an innovative City enterprise, used to benefit the City at large, still continue trying to change behavior through water conservation pricing." It's an integral part of our City government, and given the controversy, this Board would reassure our community that there interests are represented by their peers and start restoring trust.

Councilor Maestas continued, saying he sees a continued need for a public utility board, not just for water, but for all other utilities. He hopes his colleagues will jut put it on the ballot and left the public answer that and then we can decide specifically how this board will function.

Councilor Rivera said, for example, if the public wants a reduction in water rates because of the $90 million fund, and the Public board we would set up would say let's give money back to the people. He said, that may not be something the Governing Body wants to do which then pits a public board against the interests of the Governing Body and he wants to avoid that situation. He can see the benefit, but he's also looking at potential drawbacks to it as well.

Councilor Maestas said, "We wouldn't have any layperson on there, and we would have people experienced in finance, capital infrastructure, similar to other public utility boards. They do have some people who specialize in certain technical areas that would help the Board to be more objective instead of more emotional.

Chair Dominguez said we need to find a balance between efficiency and transparency. He said he doesn't think anybody on the Governing Body is interested in not being transparent. He disagrees in one sense, because already have a mechanism in place to establish an advisory committee or advisory board without going out to the voters.

Jesse Guillen, Legal, said he would have to look at the Charter to...

Chair Dominguez said, "The answer is yes."

Mr. Guillen said, "Okay. Yes."

Chair Dominguez said we have a whole slew of different things, and he is unsure the Audit Committee was formed because of the Charter. He said, "I think it's one thing to actually have a question on the ballot to create a board without knowing what the powers and duties of that board might be, versus actually creating a fully recognized with descriptive powers advisory board, without having to go to the voters. I guess that's one of the questions I have is, are you looking for a board that has some autonomy, or a board that is going to be an advisory board.

Councilor Maestas said it would be advisory, and he doesn't see us selling the water company, and it's going to be an integral part of the City. He said for example, the public amended the Charter some years back to require ranked choice voting. And if you read the Charter right now, our elections should have ranked choice voting, but the voting machines cannot technically accommodate ranked choice voting. So just because you amend the Charter, we still can come back and look closely if we have the finances, how will the board look. He said, "I just think with these water transfers, I really think that...."

Councilor Dominguez said there is definitely some room for improvement there and the Governing Body needs to come up with policies on how to deal with that. One of his concerns is, without knowing what the powers and duties of a board might look like, it would be hard for him to support something like this. He is going to want to know the Board is made up of people who have expertise and basic community interest, and that's not clearly articulated. He is still unsure we need to have something on the ballot if we're looking for a mechanism to make it transparent, to provide us with some advisory..... maybe that's one of the questions we could ask an advisory board like that: is there enough to create a board with some autonomy.

Councilor Dominguez noted in the past we had a water board with autonomy.

[Mr. Schiavo's response was inaudible because the microphone was turned off]

Chair Dominguez said he will think about this tomorrow – the intent, how it would look, does it have to be on the ballot and such, and he can dialogue with Councilor Maestas about this.

Councilor Rivera said he would be okay with it, if it was just a board we were going to put together similar to how we did some of the recent ones, such as the PARC, and if there was going to be equal representation. However, a lot of that wouldn't be decided until it was approved by the voters. He said he would rather do it the simple way.

[The Chair's remarks here were inaudible because his microphone was turned off]

WITHDRAWAL OF RESOLUTION BY SPONSOR: The Bill was withdrawn by Councilor Maestas. He said he would like to bring back a similar bill that doesn't ask to put it on the ballot, but responds to the composition of the board, its duties and answer all those questions, and then we could continue that debate. He did that before, but "the killer was the Water Conservation piece, so I stripped that out." He said I'll bring that back without the Water Conservation Committee being collapsed into it."

[The Chair's remarks here were inaudible because his microphone was turned off]

Chair Dominguez said maybe one of the actions that comes out of this is the realization that we have to have a board with some autonomy and sufficient powers to take the politics out of it.

36. OTHER FINANCIAL INFORMATION

Mr. Rodriguez said at the next meeting he will have a presentation on the prices we've been getting back on the 2012 Park Bond construction projects. They are coming in substantially higher than anticipated, and so you may be faced with the choice here of either cutting back the projects in the package or taking another look at your policy for not using City Work Force to do some of those projects.

37. MATTERS FROM THE COMMITTEE

A copy of *Bills and Resolutions Scheduled for Introduction by members of the Governing Body* at the Finance Committee meeting of August, 31, 2015, is incorporated herewith to these minutes as Exhibit "1."

Councilor Maestas introduced a Resolution acknowledging the City of Santa Fe's longstanding financial condition, practices and policies that have led to a budget deficit of more than $15 million; committing to enact policies necessary to erase this deficit and correct the longstanding issues. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "2."

38. ADJOURN

There was no further business to come before the Committee, and the meeting was adjourned at approximately 7:30 p.m.

Carmichael A. Dominguez, Chair

Reviewed by:

Oscar S. Rodriguez, Finance Director
Department of Finance

Melessia Helberg, Stenographer