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April 29, 2015**

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**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
April 29, 2015**

AFTERNOON SESSION

1. CALL TO ORDER AND ROLL CALL

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Javier M. Gonzales, on Wednesday, April 29, 2015, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

Members Present

Mayor Javier M. Gonzales
Councilor Peter N. Ives, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Carmichael A. Dominguez
Councilor Bill Dimas
Councilor Signe I. Lindell
Councilor Joseph M. Maestas
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo

Others Attending

Brian K. Snyder, City Manager
Kelley A. Brennan, City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

6. APPROVAL OF AGENDA

Brian Snyder, City Manager, said he would like to remove Item #16 from the agenda, because it was never introduced, and he understands a resolution will be introduced on that topic later this evening. He would like to remove #19 from the afternoon agenda, because there are no threatened or pending litigation topics that they will be discussing in Executive Session this evening.

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

FRIENDLY AMENDMENT: Councilor Ives would like to move item H(5), the fee on the paper bags, to be heard after Item G Appointments to be the first of the public hearings, and Councilor Dominguez would like to move Item H(6) as well, because there are people showing up for the teen center and they have school tomorrow. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

DISCUSSION ON THE MOTION AS AMENDED: Yolanda Vigil said Items #H(1) through H(4) will take only 3-4 minutes apiece, and asked if they still want to move those to the end, noting these are liquor requests.

Mayor Gonzales said he would like to move these items to the end of the agenda.

VOTE: The motion, as amended, was approved unanimously on a voice vote with Mayor Gonzales, Councilors Bushee, Dimas, Dominguez, Ives, Lindell, Maestas, Rivera and Trujillo voting in favor of the motion and none against.

7. APPROVAL OF CONSENT CALENDAR

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

VOTE: The motion was approved on the following Roll Call vote:

For: Mayor Gonzales, Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

10. CONSENT CALENDAR

A copy of an Action Sheet Item from the Public Works/CIP and Land Use Committee meeting of Monday, April 27, 2015, with regard to Item 10(d), is incorporated herewith to these minutes as Exhibit "1."

a) ***[Removed for discussion by Councilor Dominguez]***

- b) **REQUEST FOR APPROVAL OF BID NO. 15/15B – SANTA FE FIRE DEPARTMENT UNIFORMS. (JAN SNYDER)**
 - 1) **CAPITAL CITY UNIFORMS**
 - 2) **LN CURTIS & SONS**
 - 3) **NEVE'S UNIFORMS**
 - 4) **ROADRUNNER SCREEN PRINTERS**
 - 5) **SANTA FE SCREENPRINTERS**

- c) **REQUEST FOR APPROVAL OF BID NO. 15/18B – PROFESSIONAL SERVICES AGREEMENT AND PROCUREMENT OF RETREAD TIRES, TIRE CASINGS AND TIRE REPAIRS FOR ENVIRONMENTAL SERVICES DIVISION; CIRCLE J. TIRES. (CINDY PADILLA AND LAWRENCE GARCIA)**

- d) **REQUEST FOR APPROVAL OF BID NO. 15/20B – GENOVEVA CHAVEZ COMMUNITY CENTER NATATORIUM DEHUMIDIFICATION SYSTEM REMODELING AGREEMENT BETWEEN OWNER AND CONTRACTOR AND CONSTRUCTION SERVICE AGREEMENT; B & D INDUSTRIES, INC., IN THE AMOUNT OF \$1,172,747. (JASON KLUCK)**

- e) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – ENGINEERING SERVICES FOR PASEO REAL WASTEWATER TREATMENT PLANT MASTER PLAN (RFP #14/40/P); HDR ENGINEERING, INC., AND APPROVAL OF BUDGET TRANSFER AND INCREASE IN THE AMOUNT OF \$345,642 IN CIP WASTEWATER MASTER PLAN FUND. (BRYAN ROMERO)**

- f) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT – SIX HUNDRED THIRTY-SIX (636) NINETY-SIX GALLON EVR COMMERCIAL REFUSE CONTAINERS FOR ENVIRONMENTAL SERVICES DIVISION; TOTER, LLC. (CINDY PADILLA AND LAWRENCE GARCIA.)**

- g) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE AGREEMENT – TWO (2) COMPRESSED NATURAL GAS (CNG) RESIDENTIAL AUTOMATED SIDE-LOADING COLLECTION UNITS FOR ENVIRONMENTAL SERVICES DIVISION; BRUCKNER'S TRUCK SALES AND APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF \$13,006. (CINDY PADILLA AND LAWRENCE GARCIA)**

- h) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT – PAVEMENT ROLLER AND SAW FOR TRANSMISSION AND DISTRIBUTION AT WATER DIVISION; FRANK'S SUPPLY COMPANY, INC. (MICHAEL MOYA)**

- i) **REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO CAPITAL IMPROVEMENT PROGRAM AGREEMENT BETWEEN CITY AND CONTRACTOR – CONSTRUCTION SERVICES FOR FY 2013/14 WASTEWATER DIVISION PUBLICLY OWNED TREATMENT WORKS REPAIR, REPLACEMENT AND EXTENSION CONTRACT; TLC COMPANY, INC., D/B/A TLC PLUMBING AND UTILITY. (STAN HOLLAND)**
- j) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO VENDOR AGREEMENT – NUTRITION, TRANSPORTATION AND IN-HOME SUPPORT SERVICES FOR SENIOR SERVICES DIVISION; NORTH CENTRAL NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT NON-METRO AREA AGENCY ON AGING AND APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF \$16,000 FOR A TOTAL OF \$799,461. (THOMAS VIGIL)**
- k) **REQUEST FOR APPROVAL OF DONATION OF TWO (2) CHEVROLET IMPALA VEHICLES FROM CITY OF SANTA FE POLICE DEPARTMENT FLEET TO MESILLA MARSHAL DEPARTMENT IN MESILLA, NEW MEXICO. (ERIC SANCHEZ)**
- l) **REQUEST FOR APPROVAL OF OTAB RECOMMENDATIONS FOR CALENDAR YEAR 2015 GRANTS. (RANDY RANDALL)**
- m) ***[Removed for discussion by Councilor Bushee]***
- n) **CONSIDERATION OF RESOLUTION NO. 2015-33 (COUNCILOR IVES). A RESOLUTION DIRECTING STAFF, IN THE INTEREST OF WATER CONSERVATION, TO COMPLETE AN INVENTORY OF ALL TOILET/URINALS AT CITY FACILITIES IN AN EFFORT TO DETERMINE THE NEED AND COST FOR LOW FLOW TOILET/URINAL REPLACEMENTS. (DAVID PFEIFER)**
- o) **CONSIDERATION OF RESOLUTION NO. 2015-34 (MAYOR GONZALES, COUNCILOR IVES AND COUNCILOR BUSHEE). A RESOLUTION AUTHORIZING THE PARKS AND RECREATION DEPARTMENT TO ESTABLISH A FEE SCHEDULE FOR SANTA FE'S VETERANS WHO USE THE CITY OF SANTA FE RECREATION FACILITIES. (ROBERT CARTER)**
- p) **CONSIDERATION OF RESOLUTION NO. 2015-35 (COUNCILOR RIVERA). A RESOLUTION RECOGNIZING THE CITY OF SANTA FE WATER DIVISION'S COMMITMENT TO IMPLEMENT AN ASSET MANAGEMENT PLAN WITHIN THREE YEARS. (RICK CARPENTER AND ALAN HOOK)**
- q) ***[Removed for discussion by Councilor Bushee]***
- r) ***[Removed by Councilor Ives]***

- s) **REPORT ON THE CITY OF SANTA FE TO BECOME A CHARTER MEMBER OF THE RIO GRANDE WILDFIRE AND WATER SOURCE PROTECTION COLLABORATIVE PROGRAM. (RICK CARPENTER)**
- t) *[Removed for discussion by Councilor Bushee]*
- u) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – GENOVEVA CHAVEZ COMMUNITY CENTER REROOFING; COOPERATIVE EDUCATION SERVICES (CES)/PROGRESSIVE ROOFING AND HAYS PLUMBING & HEARING, AND APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF \$249,809.68 FOR CES/PROGRESSIVE AND \$256,909.20 FOR HAYS PLUMBING & HEARING. (ROBERT MONTOYA)**
- v) **REQUEST FOR APPROVAL OF ADDENDUM TO AGREEMENT, EXEMPT PROCUREMENT, MAINTENANCE AND SUPPORT – MAINTAIN COMPONENT, TAGS AND SECURITY GATES FOR SANTA FE PUBLIC LIBRARY DIVISION IN AN AMOUNT NOT TO EXCEED \$50,000; BIBLIOTHECA, LLC. (PATRICIA HODAPP)**

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING - APRIL 8, 2015.

MOTION: Councilor Bushee moved, seconded by Councilor Trujillo, to approve the minutes of the Regular City Council meeting of April 8, 2015, as presented.

VOTE: The motion was approved on a voice vote with Mayor Gonzales, Councilors Bushee, Dimas, Dominguez, Ives, Lindell, Maestas, Rivera and Trujillo voting in favor of the motion and none against.

9. PRESENTATIONS

a) SANTA FE HIGH CHEER TEAM – CLASS 6A STATE SPIRIT CHAMPIONS.

Councilors Councilor Dominguez, Dimas, and Rivera and Mayor Gonzales presented a plaque to the Santa Fe High Cheer Team, Class 6A State Spirit Champions.

Councilor Dominguez said he is very proud of the Cheerleaders and their accomplishments, and invited Christy and Gina Branch, coaches to join them.

Councilor Trujillo congratulated the Cheer Team for winning State two years in a row, noting he has known many of them since they were just children.

Councilor Rivera said as a former Horseman, all of us celebrate with you, for any of your accomplishment, regardless of the school attended. He said, "We are so proud of you regardless of whether you are a Horseman, a Demon, attend prep or Monte del Sol, we celebrate our youth every chance we get.

Councilor Dimas, a former Demon, congratulated the Cheer Team for going into Class 6A and winning the championship. He said as a former coach, they always appreciated the Cheerleaders spirit and enthusiasm. He congratulated the coaches and the team for this accomplishment.

Councilor Dominguez thanked the families of the Cheer Team in their support of them.

Christie (?), Coach, thanked the Governing Body for this recognition and honor. She said they were nervous and scared about moving up to 6A, but they worked very hard and were able to win State Championship. She said the cheer program started when the girls were 7-8 years old at the Santa Fe Boys & Girls Club where they practiced, and thanked Al Padilla, Chris Cavazos and Ray Roybal for their help in this regard.

Gina Branch, Coach, thanked the Governing Body for hosting them and honoring the Cheer Team. She said cheerleading is a sport, and she is proud of these girls, and thanked the parents for sticking by us with positive reinforcement. She thanked the girls for being a student athlete first, and for their dedication to the program. She said, "Again, I would also like to reiterate that Christie is a great coach. She's worked with a lot of these girls, we've worked together for 10 years. To be able to coach at the high school level is amazing."

Mayor Gonzales said the girls made all of us so very proud, especially by moving into a higher and more competitive division. He wished the girls well, and said "we don't want this to stop, we want you to go conquer more mountains," and perhaps some day serve on the Governing Body or go on to be President of the United States. He said, "Whatever you set your sites to, know that everything you did to prepare for your championship is exactly what you have do to achieve your goals."

Mayor Gonzales invited the Cheer team to come to the front and to do a cheer. The Cheer Team then performed the Demon Fight Song con gusto.

Coach Christie then presented 3 videos of the Cheer Team in this year's competitions.

Councilor Trujillo said, "It has been said that athletes lift weights, but cheerleaders lift athletes, and you definitely are athletes. Congratulations."

b) APRIL EMPLOYEE OF THE MONTH – LISA CHAMPLIN, RECRUITING OFFICER – SANTA FE POLICE DEPARTMENT.

Deputy Chief Salbidrez introduced Lisa Champlin, who learned a young man, Jordan Evans, who wanted to be a police officer, so she organized an entire day's event, which included a day's ride, a uniform which fit him, an oath. He said she did everything she could for this young man so he could have his special day.

Mayor Gonzales said he was privileged to be included the day's activities, commenting the day was as special for him and the officers who participated as it was for Jordan. He said there ways to help kids who are faced with special challenges by dedicating a day to allow them to leave a dream.

Ms. Champlin said Sgt. Montano contacted her about a young boy who had cancer which was in remission, but he had 8 weeks of chemotherapy. She said the Police wanted to show Jordan that he is strong and important. She said Jordan was picked up from school at Gonzales with an escort, and they took him to the Police Department where he was sworn by the Chief and put at uniform. We wold him was a police officer for the day and he was sent into the field. He said they arranged a pursuit, where the boy got to work with the bomb team, including going with SWAT up to St. Kate's where they apprehended the suspect. Jordan was able to interrogate the prisoner and got a confession. She said Jordan and his mom were very appreciative for this day.

Mayor Gonzales said this is an example that Police Officers can have an impact on some of the most vulnerable youth in the community. He said Officer Champlin went above in making this day very special for Jordan. Mayor Gonzales presented Officer Champlin with a certificate and a check for \$100 from the Employee Benefits Committee

c) MUCHAS GRACIAS – FORMER PLANNING COMMISSIONERS LISA BEMIS, DAN PAVA AND TOM SPRAY.

Councilor Lindell presented outgoing Planning Commissioners Lisa Bemis and Dan Pava, and former member and Chair Tom Spray, with Muchas Gracias Certificates and thanked them for their service, sharing her experiences in serving on the Planning Commission with them.

Mr. Spray said it was an honor to serve the City and thanked the Land Use Department staff, and Kelly Brennan, City Attorney.

Mr. Pava said it was a pleasure and honor to serve on the Commission and looks forward to the opportunity for further public service in the future.

Ms. Bemis expressed thanks and appreciation to her fellow members of the Commission, and to the staff for their help and assistant. She thanked Councilor Lindell for mentoring her when she first came on the Commission. She thanked the City for this honor and wonderful experience.

Councilor Dominguez thanked them as well, commenting that the Planning Commission is a great training ground for other public service and on other City boards and commissions.

Councilor Bushee thanked them and reminded them that the City has vacancies to be filled on other boards and commissions.

Councilor Trujillo thanked them for their service and for their work in helping us to make better decisions.

Mayor Gonzales expressed thanks and appreciation to all 3 former Commissioners. He said this Commission raised the bar and set the professional standards for service on the Commission, so the public had confidence in their decisions as being fair and transparent. He said they spent the time needed to prepare for hearings to make a fair, impartial and informed decision. He said as we continue to bring forward we hope they will meet the standard many of you set. He is glad they have all extended a willingness to continue to serve in other capacities, and "I will definitely tap your shoulder and see where else you can help us become a better City, so thank you very much."

d) PROCLAMATION – ARBOR DAY, APRIL 24, 2015. (RICHARD THOMPSON)

Mayor Gonzales presented Richard Thompson with the proclamation, declaring April 24, 2015, as Arbor Day. He presented a sampling of trees that will be given away and planted during the Earth Day celebration, noting they will be given away tomorrow at the Tourism celebration.

Mayor Gonzales said this week, during the open office hours of the Mayor, several constituents came and were very thankful for the work that has been happening under Mr. Thompson's direction, and are interested in participating as he considers a new Pest Control manager, and asked him to make sure that happens.

e) INVITATION TO TOURISM CELEBRATION ON APRIL 30, 2015. (RANDY RANDALL)

Randy Randall and Simon Brackley presented information regarding the Tourism industry and the Celebration planned for tomorrow, and invited everyone to attend the activities beginning tomorrow morning at 10:00 a.m., at the Convention Center.

Mr. Brackley noted this is National Tourism Week, invited the Governing Body to attend tomorrow beginning at 10:00 a.m., to celebrated the third annual Tourism Day. He noted without the travel industry, each household would pay \$1,100 more in taxes annually. He said the event will run through 5:00 p.m., and admission is free.

Mayor Gonzales said this is a great way to meet private businesses who are investing in Santa Fe and promoting Santa Fe through the work they do.

CONSENT CALENDAR DISCUSSION

10(a) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – LOW VOLTAGE WIRING PRODUCTS AND SERVICES AT DWI IMPOUND LOT AT CAMINO ENTRADA; ATI SECURITY, INC. (LeANN VALDEZ)** **(Postponed at April 8, 2015 City Council Meeting)**

Councilor Dominguez thanked them for providing the summary.

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

DISCUSSION: Councilor Dominguez said he is curious about the timing. He said Item #12 says, "On January 20, 2015, a Request for Quotes was sent out....and on January 27, 2015 a proposal was provided." He asked what happened after that, in terms of Governing Body process.

Mr. Pfeifer said the process is that it goes to legal for review, and then to Public Works, Finance and City Council.

Councilor Dominguez said on January 27, 2015, the proposal was received, and what Committee did it go to after that.

Mr. Pfeifer said it went to Public Works, but he doesn't have the date in the Memorandum.

Councilor Dominguez asked where it went after that.

Mr. Pfeifer said it went to the Finance Committee, and from there to the City Council. At Finance, they asked questions, which "was this that we missed out on." It went to City Council and was postponed to this Council meeting.

Councilor Dominguez said this is different from what originally went in front of the Committee, and asked if that is true.

Mr. Pfeifer said, "It is the same. There was clarification added due to the questions brought up at Public Works and Finance."

Councilor Dominguez asked how many times this has gone through Committees.

Mr. Pfeifer said it has gone through Public Works once, Finance once and City Council twice.

Councilor Dominguez asked before he got clarification did it go through Committees.

Mr. Pfeifer said, "My statement was incorrect. We made it through the first time all the way to Council. We tried for the P.O. The P.O. was declined due to the State Price Agreement expiring, and then we had to come back through Public Works and Finance. It did go through the whole thing twice.

Councilor Dominguez said that isn't articulated in the Memorandum. He said there is a part of him that does not want to support this request because that isn't articulated in this packet. He said, "I think you all get the picture and the idea, and understand what it is that is I've heard, not only from myself, but other members of the Committee in terms of the process, and I guess the ultimate question is why has this gone through twice, all the way through. Because it brings up a lot of questions, especially the second time around. I'm going to go ahead and continue to ask those kinds of questions and make sure these processes are followed, and the Governing Body has an opportunity to better understand the entire process. And I'll support this, because I made the motion, but please understand, Brian, that your staff needs to understand that we need to get as much information as we can to do this, so I'll leave it at that."

Councilor Lindell said she has some of the same questions as Councilor Dominguez. She said in looking at this, there are several things she wants to talk about. One, it is a project that was set up in 15 phases for construction, and from what she can tell, 12 of the 15 phases were completed before this came to Council. She said she is unsure this is the process we want to have or if it is the proper process, where we start projects before they are approved. She said right now, project management has a light shining on it, and it will continue to shine and it's going to shine brighter.

Councilor Lindell continued, saying her second problem is on the program itself, in the Memo where it says, "This program started with one civilian and now 3, and it's absorbed the cost for 3 and three-quarters employees salaries." She asked how many people work in the program now.

Captain Marvin Paulk said right now the program has a Program Administrator and two Program Coordinators.

Councilor Lindell said then there are 3 full time people in the Program and Captain Paulk indicated it does..

Council Lindell said she doesn't understand what is meant when it said it had to absorb the cost of 3 and three-quarters employees salaries.

Captain Paulk said part of the City Attorney's salary was paid from the program and still is.

Councilor Lindell said, "You absorbed 3 people, but weren't there already people working in the program."

Captain Paulk said 25% of Alfred Walker's salary, and Jessica Pfeifer 50% of her salary and 70% of Amanda Katz's salary and benefits was charged to this business unit. He said Patrick Lucero's salary is now also charged to it as the Program Administrator.

Councilor Lindell asked if any of these people were originally in this program, or are these people that were absorbed into the program.

Captain Paulk asked the Fiscal Administrator to answer the question.

Nancy Jimenez said, "The program initially started with one individual which was a Program Coordinator, I believe her title was Administrative Assistant way back 5 years ago. The reason this program has had to absorb additional salaries is because the STOP program ended December 2013. So salaries for these individuals, and the work these individuals were doing was paid from two different funds. When the STOP program was over, the work of course ended. Those salaries needed to be reverted to the DWI Forfeiture Program, because that is now their primary job."

Councilor Lindell said so the program was running with one person and it absorbed how many people.

Ms. Jimenez said the program was running with one person at 70% of her salary. As the program grew, more individuals needed to be added, and also those individuals took on the responsibility of the STOP program. Now that the STOP program ended in December 2013, those salaries and the work they do now are 100% the DWI Forfeiture."

Councilor Lindell said. "Then we need that many people to run this program."

Ms. Jimenez said, "Yes, ma'am, I believe so."

Councilor Lindell said the other part that troubles her about the program is the amount of money that it says..... this is in some reductions... it will have a cash balance of more than \$725,000 by the end of FY 15/16.

Ms. Jimenez said, "We do have a cash balance. It is very large at this point, but that will be diminished quite quickly with \$314,000 a year going to salaries and benefits for the individuals the program has now had to absorb."

Councilor Lindell said, "I see no real budgeting in this program for the intended use of prevention and education. I see no real budgeting for that, and I'm not sure that any of the employees that are within this unit are qualified to do that education component, or if it's actually been identified and that we do have programming. My understanding in looking at the Ordinance is DWI and proceeds that exceed the cost of administration, shall be used for DWI enforcement, prevention and education. And all I'm saying is that we have a terrific, huge problem with DWI in this town. And we have assets and resources here and I would really hope that we could put them to use so we could help people that really need that help. It seems like it's one of the times that we do have resources available to us to do some programming. So I would highly encourage that we direct some of these monies toward prevention and education. There's certainly experts in town, through the Schools, the Prevention Alliance, that are very well versed in how to do excellent educational programming. So that's really the comment I wanted to make. We have resources, let's use them the way there are intended to be used."

Councilor Bushee said she has concerns similar to Councilor Lindell's, not so much about this particular project, but the overall program and the direction it's headed. She said, "City Manager, Brian, I'm going to ask that I have a meeting with the Chief, and which officer is in charge of this now. And I want Alfred Walker there. I know the program has grown financially. I want to know how many cases we've had and exactly how they've ended up. I brought this forward. I expected this to be a program that was a prevention program, to try and get drunk drivers off the street, and so absolutely, I don't want to make this become some kind of empire building and/or a way to fund other programs or other employees that became part of the defunct program. We do this over and over in the City and we need to stop doing it, and particularly in relationship to this program. We're not meant to gain financially off the backs of others' misery and disease, and they need help. They don't need another created place where we're just going to go ahead and fund people. It's not okay and I have to say I'm disappointed that's where this has gone."

Councilor Bushee continued, "Because from the start.... I mean it's a serious thing to take someone's vehicle away because they're treating it as a weapon at this point. I want to see it continue to be a preventative, but I'd like to see it go out of business. I would like to see no drunk drivers on the street, so please, let's make the effort that this be about that and not about making money. I had the same problem with the red camera program and whatever you call it, the one that we now observe the problem from, because it felt like it was a money maker more than actually to do something beneficial for safety on the streets of Santa Fe. I'm concerned. I want a meeting and I want to see this go in the right direction. I may have to vote against this one tonight just to kind of send a message. I appreciate the work."

Councilor Maestas said he agrees with everything that's been said, and I want to give staff some direction with regard to future budget. He said, "If you look at page 6, Section 24-9.5(i), it says, '...Any proceeds that exceed the costs of administering this section shall be used for enforcement, prevention and education.' That should be determined at the outset of the fiscal year. And then the remainder, planned and programmed in those categories of prevention, enforcement and education. And in looking at the spreadsheet of expenditure, there's nothing that falls in those categories. And also, with a beginning cash balance of \$569,000, I think that tells me that's in excess of the budget required to implement this particular section. So, we're experiencing some scope creep and we're neglecting these other areas of allowed expenditures, and we do have the money for those. So, I think it needs to be budgeted, but we need to identify at the outset of the fiscal year, okay, this is our budget to administer this section, this is our anticipated excess and that's what's going to go to enforcement, education and so forth."

Councilor Rivera congratulated Captain Paulk on his promotion. He said, "I just want to make clear that what we're talking about tonight is not about the program. What we're talking about is protecting the vehicles that are seized as part of that program. Is that correct. All right, so the vehicles that you see now are part of the DWI program. The lot they're in now... I drove by the other day... looks extremely over-crowded and doesn't have any lighting at all. So this is really to protect that part of that program. Is that correct."

Captain Paulk said that's correct.

Councilor Rivera said, "I just wanted to make that clear, because I heard quite a bit of conversation about the program itself, and I just wanted to make sure I was clear what we were voting on."

VOTE: The motion was approved on the following Roll Call vote:

For: Mayor Gonzales, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: Councilor Lindell and Councilor Bushee.

Explaining her vote: Councilor Bushee said, "You know, I don't have so much problem with this lot, but I do have a concern that we're proceeding without a work plan, so for right now, I'm going to say no."

Mayor Gonzales said, "So, Captain Paulk, you'll work with the manager to set a time for Councilor Bushee and yourself on this."

Captain Paulk said, "I will."

Councilor Bushee said Councilor Lindell wants to attend the meeting as well.

10(m) **CONSIDERATION OF RESOLUTION NO. 2015-36 (COUNCILOR IVES). A RESOLUTION DIRECTING STAFF TO SOLICIT ALTERNATIVE WAYS TO PERMANENTLY DISPOSE OF SOLID WASTE GENERATED WITHIN THE SANTA FE CITY LIMITS. (CINDY PADILLA)**

Councilor Bushee said she pulled this item because she finds it unnecessary and fairly vague, as I found this at the Committee, and I think staff can bring forward any earth shattering solution to our solid waste problem, so I'm going to have to vote no. I'm going to let somebody else make the motion.

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

DISCUSSION: Mayor Gonzales asked if the City adheres to the same watering hours for our parks that we require of everyone else, and as we making sure we are as compliant as we're asking the public to be.

Mr. Schiavo said, "Mayor, yes and yes."

Councilor Bushee said, "Not when we're testing systems."

Mayor Gonzales said there may be extenuating circumstances which we can document.

VOTE: The motion was approved on the following Roll Call vote:

For: Mayor Gonzales, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: Councilor Bushee.

10(q) REPORT BY INDEPENDENT AUDITORS ON THE 2008 PARK BOND AUDIT. (OSCAR RODRIGUEZ). (INFORMATIONAL ONLY)

Councilor Bushee she said we continue to have information only reports put on the Consent Calendar. She said she doesn't sit on Finance, but she thinks we need to have a thorough vetting at the Council level, and wonders when we will do that. She said, "I read some disturbing segments of this report, some of which I find might be across the Board in the City, not just specifically.... I think the approach that the administration, rather the management's response was that these were extenuating circumstances due to economic concerns and we would normally do things much more rigorously, but I'm finding some of the concerns in this report.... for instance BARs were not completed. At one point personnel did not follow the City's requirements in the Purchasing Manual. They talk about violations of our Procurement Code and other segments of our Code. I find that could probably, and may be happening across the board. So my concern is that there are a lot of issues raised here, and not a lot of good answers."

Councilor Bushee continued, "And then following, I read about how we have a box of nothing, so how can we actually continue this investigation. When I look though the minutes, because I remember when this came very clearly to the POSAC and BTAC, and in the minutes I have from POSAC, I have Teresita from Finance saying that they could provide every check spent in which park, the vendor, a description and the amount payable date for all 57 parks. I guess what I'm looking for is a real.... and I know we've got Councilors bringing resolutions with their idea of how to treat this, but I think this is big, and I will want it to be treated that way.

Councilor Bushee continued, "So I'm asking that we not just have some informational that reported on the City's response on a Consent Calendar. So I'm going to ask the City Manager what the approach is going to be. I'm finding equally disturbing information in the one hour I spent at the budget hearing in terms of the amount of the remaining surplus, close to \$100 million in water. So I really want to understand some things, but I'm going to start with this, because it's somewhere we've started. So I want to know what our next steps are and I would really like to see this treated in a special study session with what our next steps are."

Mayor Gonzales said, "I'll just add if I can, Councilor Bushee, and then the Manager can add in, that tonight there is going to be discussion by Councilor Dominguez and I believe Councilor Maestas, in terms of how the report that came, not only back from REDW, but what processes through Resolution Council is going to be directing. At that at that point, it will allow you to certainly weigh in how you would like information brought forward, including public hearings or whatever."

Councilor Bushee said, "Mayor, with all due respect, I encourage Councilors to come forward with they think should be done, but I would like to hear from the City Manager what he plans to do."

Mr. Snyder said, "On our City website we have a portal for all information that we're uploading. We're in the process of collecting that information so not only is it available to you, but it is also available to the public. We are in the process of going through each park, collecting that data so it's in an organized fashion, so you can see it. We have boxes and boxes of information, but you don't have to go through the same thing the auditors are going through on looking through the paper. We're putting it in summary tables of what was originally intended for part of each park, the 62 different parks and trails, looking at what was originally intended, and who it was intended to be constructed by, whether it's contractor on in-house staff, what was actually constructed, what was constructed in addition to what was originally intended, what wasn't constructed, who gave authorization for that, like you mentioned POSAC..."

Councilor Bushee asked if this will include hours.

Mr. Snyder said, "This will include not only that, that information is already up there, but we're adding to that now, the budget that was spent at each of those parks, as well as the budget that was allocated for each of the parks and where the money was spent."

Councilor Bushee asked, "Will the Internal Auditor and their team be doing any more, the Committee, and will this also include the 2012 Bond."

Mr. Snyder said, "At this time, we're looking at the 2008 Bond only, and collecting this information and presenting it on the website and to the Council."

Councilor Bushee asked, "And will be get more from the Internal Auditor and the Committee."

Mr. Snyder said, "I'm not sure what you mean by more."

Councilor Bushee said, "Well I just... I mean are they going to be involved in this. Are we going to seek an outside... people keep mentioning a forensic audit. I know maybe some contact has taken place with the State Auditor and perhaps the A.G. Are there any responses to that. I'm look for the next steps piece."

Mayor Gonzales said, "Councilor Bushee if I can, real quick, Councilor Dominguez can address some of your issues. There is a letter that I emailed to each of you tonight when the meeting started, because we just compiled it toward the end, that informs the Council on my conversations with both the

State Auditor and the Attorney General, and we'll have that available for the public to view as well this evening."

[STENOGRAPHER'S NOTE: The letter referenced was not entered for the record]

Councilor Bushee said, "Mayor, would you let the City Manager actually answer the question that I asked."

Mayor Gonzales remarks here are inaudible because Councilor Bushee was talking at the same time.

Councilor Bushee said, "*[inaudible]* and to give me answers what his intention would be if he had his choices."

Mr. Snyder said, "We have information we're trying to compile so that it provides you with information. You've heard, in my opinion, you've heard one side of the story. You've seen an audit. You've heard one side of the story that doesn't look at all the facts, and all the facts we're compiling which I describe to you in a summary table, will be presented on the website, will be presented to you not only for your viewing, but the public's viewing. And then the next steps, as the Mayor said, I understand there are some Resolutions going around...."

Councilor Bushee said, "What do you suggest the next steps would be as the manager."

Mr. Snyder said, "I haven't seen all the data compiled yet. We're in the process of compiling all the data to present to you. Once I see that, I can make a recommendation. At this time, I can't make a firm recommendation."

Mayor Gonzales said, "I would also add that I have asked the Manager to focus on providing all the information that he has and providing as much documentation and preparation for the Council as possible. I do think it's the Council's responsibility, and Councilor Dominguez I know, as the Chair of the Finance Committee, has been working to provide direction to the staff and to the Internal Audit Committee and others as to what oversight in governance that the Council wants to exercise in this area. I think we need to have that conversation, and I know the Councilors are going to lead us in that effort. I don't know if there's anything you want to quickly add to the issue that Councilor Bushee brought up."

Councilor Dominguez said, "Just real quickly, Councilor Bushee, I definitely and totally understand your frustration. I tried having the same conversation with the City Manager, and really wasn't given any answer about what is going to be done about what has happened. It was mostly focused on what is going to happen in the future. And in all fairness to the City Manager, I don't think he knows exactly everything that has happened and all the information that was gathered. In my opinion, I think the administration, regardless of which administration it is, has had plenty of time to provide us with information."

Councilor Dominguez continued, "And so part of what I'm asking for in the Resolution and I'll formally introduce it later on tonight, is to have the Governing Body take a little bit more control over that gathering. And some of it is not just asking for information from the administration, but also asking for information from the public. And so, it's a pretty lengthy document and bill, but the idea, generally speaking, is to take a little bit more control over that information ourselves, the Governing Body."

Mayor Gonzales said, "Can we stay on the 2008 audit, because I know there were issues before and then have the dialogue with Councilor Dominguez when it comes forward."

Councilor Bushee said, "Yes, but what I'm asking right now, though is do we have to have concerns that something similar is going to happen for the 2012 Bond, and should we put into abeyance any efforts and any more expenditures. And those are the kinds of things I wanted to hear from the CM that we're on top of it."

Mayor Gonzales said, "And tonight, we can have that conversation with the City Manager when Councilor Dominguez and Councilor Maestas bring forward their Resolutions. Let's stay on the 2008 Bond."

Councilor Bushee said, "Well and I did, and I brought it off, because I thought it was unfortunate it was put on the Consent Calendar as an informational item. I felt this merited a public discussion given the lack of transparency in the past and undocumented practices. I think it's important that we begin to air this. I think we need to re-earn the public's trust."

Mayor Gonzales said, "I think tonight when we go through the Resolution, we can address the 2008 Audit and how to pursue it, but I do want to make sure we stay on this calendar, and when it's time to have all those discussions, we give adequate Council time on it. So, anything else on the 2008 it's informational."

Councilor Maestas said, "On the 2008. I just very quickly want to assure the community that we are going to weigh in and we are going to get to the bottom of this. And we all know that there's some documentation issues, and at the end of the day, regardless of what course of action we take, there may be unanswered questions. But, there are actions that need to be taken. Unfortunately, the policy development process by the Council doesn't lend itself to being very nimble. And so I think, to some extent, the community feels like we're totally silent, that's there's radio silence from the City Council. And I want to assure them that that's not the case, that we are working on a policy track. I'm working with Councilor Dominguez on this. Basically, it's a dual track. Councilor Dominguez is really going to look into the nuts and bolts and the documentation and the policies and procedures, in essence, do a kind of a programmatic review. Do some forensic analysis and then determine a course of action on the programmatic side."

Councilor Maestas continued, "What I'm advocating for through my Resolution, and there's no reason to wait. I'm advocating that we initiate a financial audit. We have an accounting firm we just had on contract that basically did a financial review, based on agreed-upon procedures. And I think we can

enlist their help to craft the scope for this audit on the 2008 Bond. I think what is becoming clear is that there is a financial track, an immediate financial track, and then kind of a slow process of unearthing all the documents, getting to the bottom of this, and then coming up with appropriate changes to policies and procedures to ensure it doesn't happen again. I think it's important we have this discussion, so I just want to again reassure the community that we are going to weigh-in, it's just that this policy process takes a while. There's committees, there's discussion, there's deliberation, but we will be taking action."

Mayor Gonzales said we'll settle that tonight when we get to the point that resolutions will be entered.

Councilor Ives said he would echo Councilor Maestas's remarks that there is much more to be said. He said on packet page 5, under the title Cause, it says, 'The implementation plan was never finalized and there were no policies and procedures to address how the implementation plan was to be executed; how changes to the plan were to be documented, implemented and approved; how work was to be monitored for scope of work or cost changes; or results of the completed project were to be communicated.'

Councilor Ives said, "It somehow seems impossible to me, given our Procurement Manual, that that's an accurate statement, that we had no policies in place that would have accomplished any of those particular matters. Down below it does cover Management's response which says, 'Accepted.' And I guess I find management's response a little troubling just because I'm not convinced it's accurate. And then the fact that you do mention there is much more to be said, suggests that management's response here was perhaps premature, I'm not sure. But I do look forward to hearing more. I am curious if that statement about not having any policies or procedures in place is something that we as a City agree with, because that, again just strikes me as something that does not make sense. It seems impossible to me, quite frankly. So enough said. Thank you."

Mayor Gonzales said, "So we'll continue conversations. Now, I will say in closing, as we go on, and to Councilor Maestas's point, that I have all the confidence in Councilor Dominguez and the Finance Committee, which includes Councilor Maestas, to craft and deliberate a series of steps and processes to assure the public's money was properly spent on parks, and to assure that all legal requirements, as they related to the spending were dealt with. I know that you have been tirelessly working on this since this was presented, and there is going to be action to answer the questions that need to be dealt with. Tonight we start that process. And I know in my personal conversations with Councilor Dominguez, this action won't stop until we fully create an accounting of the moneys that were spent and where they were spent. I think it's in good hands. I do have confidence in you Councilor to lead these efforts, and I think the Finance Committee is going to be very diligent. What I would ask, as we forward, we'll talk about it tonight again, obviously the information process to lay out what you guys are gathering as you're discussing it, to the Council would be helpful."

10(r) REPORT ON ITT DATA CENTER AND ITT GENERAL CONTROLS FOLLOW-UP PERFORMANCE AUDIT. (LIZA KERR AND RENEE MARTINEZ)

Councilor Ives thanked Ms. Kerr for the follow-up to the earlier internal audit relating to IT issues, noting it is an area which remains of concern to him. He said the report notes IT is of critical importance to the City's continued operation and the assets have to be protected, with adequate backup and disaster recovery controls in place and the data backup and disaster recovery is tested well in advance of a disaster. The report notes significant deficiencies remain in all these issues as we move into the budget. He said we are talking about moving the data to a more suitable facility, and hopes we'll hear more about that tomorrow and how that will happen sooner, rather than later, as part of our ongoing processes.

Councilor Ives said Finding #1 is lack of redundant cooling systems, and a budget increase was requested and denied for this purpose. He said we talk about how imperative to have these systems brought to a standard that everybody else understands implicitly and complies with and the reason we're lacking. He is hoping tomorrow during budget discussion we can talk about the specific monetary amounts that are necessary to correct the various still remaining deficiencies identified in our IT system, including a new cooling system or the move of the facility.

Councilor Ives noted Finding #2, lack of water sensors and monitors, a budget increase was requested and denied. He spoke to a friend who is in the alarm and monitoring business who said that putting in a water monitor is a simple trip switch in the room downstairs here in City Hall at a cost of about \$500, plus \$60 per month to monitor seems a quite prudent expense. He is amazed we can't find money in our budget, given the other things we're considering doing, including spending \$2 million on the GCCC. He said he won't belabor the point, but he has similar questions with regard to each one of these items. He agrees with the opening statement of the follow-up audit which is that it is imperative to protect our IT systems because they are critical to the smooth functioning of the City of Santa Fe.

No action required.

10(t) PILOT PROJECT UPDATE – GREEN COLORED PAVEMENT MARKINGS IN BICYCLE LANES AT HIGH-RISK INTERSECTIONS WITHIN THE CITY OF SANTA FE. (JOHN ROMERO). (INFORMATION ONLY)

Councilor Bushee said she signed on this, and supports the idea and wishes we had more money. She said the cost grew from \$50,000 to \$80,000 and the BTAC didn't recommend the additional \$30,000, "because we'd already programmed it. She asked Mr. Pino if he has thoughts of where the additional funds might come from.

Mr. Pino said he is unsure why BTAC didn't allow for the additional \$30,000, because they still have \$400,000 sitting on the table for these purposes.

Councilor Bushee reiterated that BTAC already has it programmed for other additional on-road improvements, and asked, "do you have any other suggestions from where that might come, given that this money was put for on-road improvements and we already had it programmed."

Mr. Pino said the only thing would be to check the Impact Fee Fund to see if it is an allowable cost.

Councilor Bushee wants to make sure staff has an answer to that question before this proceeds to committee.

Mr. Pino said, "Okay."

No action required.

END OF CONSENT CALENDAR DISCUSSION

11. PURSUANT TO RESOLUTION NO. 2015-1, 60-DAY REPORT ON THE FINDINGS AND RECOMMENDATIONS, INCLUDING THE FISCAL IMPACT FOR ESTABLISHING AND MAINTAINING COMMUNITY PROTECTION INITIATIVE PROGRAM. (ANDRES MERCADO) (Postponed at April 8, 2015 City Council Meeting)

A letter dated April 4, 2015, to the Santa Fe Fire Department Headquarters, from Catherine Rosacker-Sharp, CEO, Ambercare, is incorporated herewith to these minutes as Exhibit "2."

Councilor Rivera said this is the Community Protection Initiative the Fire Department has been working on, and he is 100% supportive of this. He said they met informally with almost all members of the Governing Body.

Andres Mercado, paramedic, presented information regarding this matter from the Strategic Overview dated April 9, 2015, which is in the Committee packet.

Officer Mercado said he was hired as a firefighter at age 19 and has been a firefighter in the community ever since. He provided a brief overview of the work of the Fire Department in the community, and the nature of those whom they serve through a variety of services to the community, as well as the pilot project and the services proposed to be provided to the community in the future.

Councilor Bushee thanked Officer Mercado for his work. She said he is both passionate and articulate. She said this has been a problem for a very long time, that we've had this revolving door, in particular, chronic inebriates and lack of real treatment. She said, "As we were dealing with the forfeiture program and the surplus of funds there, I don't know why that wouldn't be an appropriate source of funding to consider making sure that this program is funding adequately. So I would add that to the list of the discussions Brian when we have the opportunity. I think that it's totally appropriate."

Officer Mercado said he agrees with her statement that she would like to see this program go out of business.

Councilor Bushee said, "You have been dogged in this and I appreciate it very much."

Councilor Rivera said he started in EMS in 1987, and it's been a problem since then. He said, "Even as the Fire Chief, I tried to find ways to address it, and could never come up with a great solution. So, I'm a little bit jealous that you guys were able to think of this. How come you didn't think about it when I was the First Chief, that's what I want to know. We really appreciate your hard work and your efforts and this has been over a year and a half project for you."

Officer Mercado said it has been about 16 months.

Councilor Rivera said, "Thank you Chief Litzenberg for your leadership and for allowing this to happen. I know the public could use paramedic Mercado in the field, because he's a great paramedic. You have allowed him to take this project on. If this is approved during the budget process, it definitely will transform the way medicine is viewed in Santa Fe and potentially across the country, so thank you for your hard work."

Councilor Ives said bravo in bringing this forward. He said, first and foremost, it is an example of the type of thinking we need in delivery of health care services across the community which targets strategically any particular medical issue that might be in our community. He said, "This is a smart use of resources, I suspect will result in significant savings to the people of Santa Fe by virtue of how it targets the delivery of health care, will reduce unnecessary visits to medical institutions. I really only see good coming out of this, so I applaud you and the Fire Department for bringing the measure forward. I think it really makes sense for Santa Fe, and I hope we take it up as part of the discussion in the Health Care Study Group, because it serves as an example of ways we can find new and better solutions that are more efficient, more cost effective and deliver targeted service which will deliver patient value."

Councilor Dominguez noted that early on in community discussions with residents on the south side, she brought up the idea of the Promotora Program. He said you are taking the City to the next step with this. He thinks the community and constituency will be well served and something absolutely needed, especially in the face of the rising cost of health care and the challenges in our health care system.

Mayor Gonzales said, "There is a reason you were named Firefighter of the Year, which recognized your passion and commitment to seeking innovative and better ways of helping people in our community was something that certainly was recognized. I do want to say for the Councilors, a couple of things to note. One is the proposal coming forward isn't asking the Council to fund this in its entirety. There's been, I think, an unprecedented commitment by the medical community, St. Vincents, Southwest Cares, PMS, La Familia Medical Center, doctors, I know the nurses have spent some time with us, to understand and to offer input on how is the best way to get this program started. So having said that, the medical community is coming to the table with expertise and strongly considering, and we believe will actually believe will deliver on, cash contributions into the fund to help deliver the service more effectively.

I think it's important that as the Council prepares for discussion on the budget, Andres has done a great job for the Chief in not only asking the medical community to provide advice, but also to come to the table with experience and with some capital."

Mayor Gonzales continued, "One final point and I know it's easy to move to that because there is so much interaction that will be done between Andres and his team and the individual who needs the help, that there is an assumption that there will be health care provided to the individual, but this is not a health care program. This is about very well trained paramedics and EMTs going into the home of an individual who uses 911 as their access to health care. We want to make sure the home is a safe place for the person to live in, two, that there is basic medical reconciliation, and three, that there is a connection to a health care provider in the community. None of that really involves Andres or his team prescribing a level of care or prescription medication or altering what they're doing, so I think that's critical for the public and the Council to know. But it gives us a baseline by which to launch into the area of delivering more care through more personnel out there."

Mayor Gonzales continued, "So I just want to point that out as you prepare to consider this program, that it isn't about health care in the home, it is about our trained medical personnel within the City, through a coordinated effort with the medical community making sure attention is being paid so we reduce that individual having to call 911. The 911 program is not going to change. So if a person calls 911, they're not going to get Andres and their team, they're going to get an EMT paramedic and they're going to go to the hospital. So this is going to be separate from that program and above and beyond, so I think we should make sure the public knows this isn't about a change in or modifying the 911 program. Well done Andres, and I think the Councilors probably will have some more questions for the Chief during the budget session as we go forward. And I just want to convey to all the medical community our thanks for really stepping up to the table and working with you to deliver, as Councilor Rivera said, and certainly his leadership, a transformative level of interaction with the public that is sorely needed, so thank you."

No action required.

12. REQUEST FOR APPROVAL OF SELECTION OF CIGNA AS THE CARRIER FOR CITY OF SANTA FE HEALTH PLANS. (SANDRA PEREZ AND ROBERT RODARTE)

- a) **RFP 15/24/P – THIRD PARTY ADMINISTRATION FOR SELF-FUNDED EMPLOYEE MEDICAL PLAN.**
- b) **RFP 15/25/P – DENTAL BENEFIT PLAN.**

Lynette Trujillo, Director, Human Resources Department, reviewed the information in her Memorandum dated April 23, 2015, with attachments, to the Governing Body, regarding *Request for approval for award of Requests for Proposal #1'5/24/p and #1'5/25/P* which is in the Council packet. Please see this document for specifics of this presentation.

Councilor Bushee asked the cost savings from previous decisions we made.

Ms. Perez said, "Based on the decisions made regarding the plan design changes with Cigna. When we put the RFP out, we put it out as designed today and Cigna came in with its proposal, as did everybody else, based on the plan design as its in place today. We did discuss with the bidders some of the options being considered by the committees and what the final decisions would be. At the time the Governing Body made that decision we did share that with Cigna..... When we did our final calculations by awarding to Cigna, the \$200,000 is the transitional credit for 5 months, which helps us to pay the runout claims as well. I'm trying to remember exactly...."

Councilor Bushee said then it was based on the existing program, and "not the one we recently reduced the benefits on."

Ms. Perez said, "The plan design is our description, and if we change copays, if we change different things...."

Councilor Bushee asked if they bid on the existing program.

Ms. Perez said, "They bid as it existed today, and they also...."

Councilor Bushee said, "We voted previously, and I guess I'm trying to get to, previous to the vote we took, that program."

Ms. Perez continued, "When they put their bid together, and they're here, they can help me if I get this wrong, they put it together knowing what our current plan was, based on not just the plan design and what employees paid versus what the City paid, but also the plan as it existed, and what were the current claims we were processing. What was the rates of those. What types of plans were those. What would it take to process those, what would all of that be – what would it take to be the third party administrator and provide the ASO for our plan. When we talked through this during the interviews, we were clear we were going through design changes, and if any of those changes as we might give them examples had any effect on their proposal. They should take that into consideration. It did not, because their administrative service options are what they are. The third party administrator piece is what it is, it's our plan design, and we tell them what it is that we're going to administer it as. They make sure that their customer service staff has all of the information related to what the plan design is so that they can correctly guide employees, they can answer their questions, they get correct information. When they come out to help us with an open enrollment, that's when the plan design is most important, because they're helping provide the materials."

Councilor Bushee said, 'Okay, so there's still some room to reconsider, to tweak some of what we recently voted on in terms of.... I mean I see resolutions introduced tonight that may have us take a step back and take a look at what we voted on the last time. So I'm guessing we're happy with Cigna and that's there's some flexibility.'

Ms. Perez said, "We are very happy with Cigna. I would just say that the plan design discussions are very separate from the carrier. The carrier can administer anything we design."

Councilor Bushee said, "Right, I know. It's just been some emails back and forth with you. I remember you saying there may be some cost savings and that would make more flexibility and I'm just trying discern that."

Ms. Perez said, "We have some cost savings because Cigna did win the bid on coming in at about 12% below some of the current fees guaranteed for the 4 years. There's some stop loss savings, there's some annual fixed cost savings, there's the transitional credit. They won it not just on good looks and great service, but they also won it on what it was they were bringing to us. I would say that savings goes to what it costs to have the carrier in place to help us do the third party administration. The reference to the plan design is a different discussion about different costs and you need both."

Councilor Bushee said she likes that they were going to cover all 3 benefits. She said, "I also like that they're not United Health Care."

MOTION: Councilor Maestas moved, seconded by Councilor Bushee, to approve Item 12, Item 12(a) and Item 12(b), as presented.

DISCUSSION: Mayor Gonzales thanked Ms. Perez for a great job in leading this effort, as well as Robert and others. He said the select committee included employees, leaders of the unions, was very comprehensive and broad and brought all voices to the table. He would encourage Cigna to make itself available to visit with Councilors if they would like to do so, to learn support so our employees get the maximum coverage and care needed for a great life. He said if Councilors want to meet with Cigna to work that through Lynette Trujillo in HR.

VOTE: The motion was approved on the following Roll Call vote:

For: Mayor Gonzales, Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

Explaining his vote: Mayor Gonzales said, "Yes. And just for the record, Councilor Maestas, it was for Items (a) and (b). Councilor Maestas said, "Yes, it was in my motion." Mayor Gonzales said, "Councilor Bushee do you agree." Councilor Bushee said yes."

MOTION: Councilor Dominguez moved, seconded by Councilor Dimas, to reconsider the previous approval of the agenda, as amended, to amend the agenda, to move into the evening session, to start with Petitions from the Floor, and to return to the Afternoon Session once the Evening Session agenda is complete, and to approve the agenda as amended.

VOTE: The motion was approved on a voice vote, with Mayor Gonzales and Councilors Dimas, Dominguez, Ives, Lindell, Maestas and Rivera voting in favor of the motion, no one voting against, and Councilors Trujillo and Bushee absent for the vote.

END OF AFTERNOON SESSION AT APPROXIMATELY 7:05 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor Javier M. Gonzales, at approximately 7:05 p.m., and there was a quorum in attendance as follows:

Members Present

Mayor Javier M. Gonzales
Councilor Peter N. Ives, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Bill Dimas
Councilor Carmichael A. Dominguez
Councilor Signe I. Lindell
Councilor Joseph M. Maestas
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo

Others Attending

Brian K. Snyder, City Manager
Kelley A. Brennan, City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

F. PETITIONS FROM THE FLOOR

Mayor Gonzales gave each person 2 minutes to petition the Governing Body

David McQuarie, 2997 Calle Cerrada, said he agrees with Councilor Bushee when she questioned Item 10(q) is for information only. He said the system of transparency by providing only translucency. He asked if the restrooms on the Plaza will be accessible and in accordance with ADA.

Former Councilor Karen Heldmeyer said, "I'm Karen Heldmeyer and I don't usually come before you. I do watch at home and I was watching at home. And I really think you need to think about this whole parks thing. People are very upset. If you don't know that, you can look at the on-line comments. And one reason people are upset is that they don't understand how City Hall operates. And it doesn't mean that City Hall operates well all of time, it doesn't. Some of the time, but not all of the time. And so, I hate sounding like Dick Cheney, but there's like knowns, no unknowns, and unknown knowns, and so there are some things the City keeps records on. And there's some things the City doesn't keep records on, and some of the people are calling for, on-line comments, are things the City has not kept records on, and frankly some of them I think I wish they did. If I never heard the word field decision again, I would be a happy person. And those should be documented."

Councilor Heldmeyer continued, "But the question is where do you go now. I was really disappointed to see the report as a Consent Agenda item in the afternoon when this is something the public really wants to talk about. And I know that Councilor Dominguez has a Resolution that is calling for just that, within a very short period of time, calling for an open meeting of the Finance Committee with very specific things being asked of staff. Things that are supposed to be one of the known knowns, things they are supposed to have records on, and then handing it back to the Finance Committee and the Council to say where do we go now and what do we do now. Because the comment that was made about people losing faith in City Government I think is really a problem right now."

Councilor Heldmeyer continued, "Any time you're talking about big amounts of money, people are going to go well, what's that really going to for. And not just for the City. I have heard from the School District, I've heard from the Community College, that this is going to affect their attempts to try to fund their projects. And so we really have to go ahead quickly with something that will give people the information that's there, being up-front about the information that isn't there, and seeing what that information can do, we may have to do something else. We may have to do an audit or something like that, but right now, you need to involve the public right away."

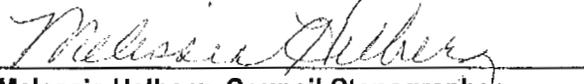
**VERBATIM TRANSCRIPT
OF THE REQUESTED PORTION OF AGENDA ITEM #G ON THE EVENING AGENDA
REGULAR MEETING OF THE GOVERNING BODY ON APRIL 29, 2015**

I certify that this is a true and accurate transcript of Agenda Item G on the Evening Agenda for the Regular Meeting of the Governing Body, on April 29, 2015.

STEPHANIE BENINATO: Good evening. I came here to talk about public records and public trust, and I am very upset about the \$30 million that went missing. I don't think an audit or new procedure is enough. I think somebody on Council should be calling for a preliminary investigation and heads should roll here. And the \$30 million is not a few parking tokens that were stolen and trying to be put into somebody's bank account. This is serious money for the City of Santa Fe. I'm also coming here because of denial of public records. I asked over 2 weeks ago for the qualifications for head of Streets and Drainage, for the Parks Division record of training they've gone through *[inaudible]*. I've gotten no response. I've asked for the invoices for legal fees paid to outside counsel for the City of Santa Fe in the past two years. I've gotten no response. I asked for the plans, the specifications, the drawings, etc., calculations for the improving of curb and gutter on Don Gaspar for the 5 commercial properties that are on Don Gaspar. I'm sure that not one of them has contributed a dime to the improving of the sidewalks or of their driveways which were part of this

improvement. And I continue to ask Councilor Maestas who knows, is where is the water going. Because they did away with the one drain hole down there on Don Gaspar. So there's a lot of property that used to flood across these properties. Where is it going to go. From what I can see of the residue of water from some of these drains puddled in front of West Santa Fe Avenue, and also continue to puddle in front of 518 Don Gaspar, but now the curb is 9 inches high, it has to go up the slope. But there's also that slope that's going to flood their house the way it's design. I would ask for just one minute, Mayor. I've been told by Ms. Barela and Ms. McGinnis (?) that they cannot speak to me about items that do not relate to my lawsuit. This is a misrepresentation and a denial of my rights as a citizen of this town, of this state and of this nation. I believe Ms. Brennan is directing this account to deny me these rights, so that I have to go through Legal. But the law for professional ethics for lawyers, so that if you are a party, you can talk to another party. Even if you're acting as a lawyer in the lawsuit, you are entitled to talk to anybody in that organization in the City about items not relating to the lawsuit. Anybody. I am being denied that right. I want to talk to somebody about the plans so they've been on Don Gaspar, I want to talk about the appeal that is going to go forward if you can get Galisteo Street, and I have not been able to do that. So I'm hoping, your honor, that you'll direct the City Manager to at least tell me why I'm not getting public records, or to give me the public records that I have requested. And I hope that you will also direct the City Manager to tell the City Attorney that I do have the right to talk to people about items that are not related to the lawsuit. Thank you.

I certify that this is a true and accurate transcript of Agenda Item G on the Evening Agenda for the Regular Meeting of the Governing Body, on April 29, 2015.


Melessia Helberg, Council Stenographer

Josh Simberg, said he is a local Chiropractor and owns a clinic called Blue Lotus. He said for many years his clinic has provided a high level to City employees ranging from Police Officers to Firefighters, the people who pick up our trash, clean the streets, drive the buses, work in Water and Sewer Department, who work hard physically with their bodies. These are people who have a lot of health care issues and complaints. And they work with people who have acute pain, chronic pain, people who have cancer, cancer surgeries, people recovering from various orthopedic conditions, joint replacement surgeries, fractures, you name it, people come to them for care. He said, "And when we saw some of the

proposed changes that were afoot as the City switches from United Health Care to Cigna, many of the services that we provide, and many of the services relied upon were being eliminated. The proposal is to starkly reduce the amount of care we can provide and a patient can receive. We think this will have a direct impact on people's health, in the attempt to save money, by eliminating benefits, especial for neuromuscular skeletal conditions. The City has been smart for many years in front loading health care benefits to allow patients to seek out complementary services of all different types in order to keep small problems from turning into big problems."

Dr. Simberg continued," I've witnessed countless examples of patient's conditions that don't get timely treatment with the right kinds of therapies, the right kinds of doctors. These small problems turn into very big, very expensive problems very quickly. When you look at eliminating some of the core benefits, it will eventually drive up costs elsewhere in terms of workers compensation costs, family leave and medical act costs, lost worker activity. We've prevented a number of surgeries this year alone just from patients that come into us with severe spinal problems. Each surgery we look at can range anywhere from \$50,000 to \$200,000. And so if you take away benefits, what will happen eventually and ultimately is that people will seek care in hospitals, with surgery, with other kinds of expensive specialist care which is needed in many cases, yes. But if you can prevent these things from escalating, the City winds up saving a lot of money in the long term and keep their employees a lot happier and healthier in the process." He urged the Council to reconsider removing these benefits.

Mayor Gonzales said, "Since there are so many providers that will be affected by it, there should be at least a meeting or dialogue with those providers before some of the plans are brought forward, so there is a chance to ask questions."

Whitney Horseman, doctor of oriental medicine, said she works with Dr. Simberg. She said she wants to speak up for their patients. She said they all got into this line of work to help people feel better. And the employees are what makes the City run. She said, "The alternative health care benefits they have under the current system are a huge part of many of their morale. As I've been talking with my patients about the proposed changes, they are completely demoralized. They feel like they're not being respected, appreciated, their physical safety is not a priority. We really want to be the type of employer in this City that employees are proud to work for. We don't want to be a Walmart, we would rather be a Starbuck's, somebody that people can be proud to work for, that they feel like they are taken care of. So I just wanted to remind you guys that we're talking about people, and not just numbers. A lot of people count on these benefits to get to their job every day. Thank you."

Dr. Patrick Nuzzo, founder of Southwest University of Naprapathic Medicine, and also Naprapathic medicine in New Mexico. Dr. Nuzzo said, "What I would like to address, is there's no question that your employees will be affected by having these benefits either eliminated or make it more

difficult for them to get it because of the prices going up. We provide a great service. Probably all of you know that New Mexico has the highest opioid overdose death rate in the United States. And by taking these services away, or limiting these services, you would be putting more people towards the medicines that we have huge problems with in New Mexico and across the country. But really, what I would like to address is, Santa Fe is known for arts. This is healing arts. This is a health destination. There's 5 schools in Santa Fe that grant degreed licenses here in New Mexico. New Mexico has some of the finest more progressive laws for alternative health care. We need to capitalize on the strength that we have. By limiting these benefits, not only are we taking benefits away from the employees, but it's going to impact our businesses and employees in revenue here in the City. It's something we should all come to the table on. We have a wonderful thing here in our health care, an alternative and a progressive position this City has taken. I've never seen a plan as strong and as compassionate as this City plan, and I think it's something we can be proud of, so thank you for that. And please, we would love to talk."

Mayor Gonzales said, "Okay. I look forward to seeing you out at your clinic, thank you."

H. PUBLIC HEARINGS

- 5) **CONSIDERATION OF BILL NO. 2015-12: ADOPTION OF ORDINANCE NO. 2015-12 (COUNCILOR IVES, COUNCILOR LINDELL AND COUNCILOR RIVERA). AN ORDINANCE RELATING TO THE SINGLE-USE BAG ORDINANCE, SECTION 21-8 SFCC 1987; AMENDING SUBSECTION 21-8.1 TO MODIFY THE LEGISLATIVE FINDINGS RELATED TO PAPER GROCERY BAGS; AMENDING SUBSECTION 21-8.4 TO ESTABLISH THE REQUIREMENT THAT RETAIL ESTABLISHMENTS COLLECT A PAPER GROCERY BAG CHARGE FOR EACH PAPER GROCERY BAG PROVIDED TO CUSTOMERS; AMENDING SUBSECTION 21-8.6 TO ESTABLISH A 60-DAY IMPLEMENTATION PERIOD; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY TO CARRY OUT THE PURPOSE OF THIS ORDINANCE (JOHN ALEJANDRO)**

John Alejandro presented information on the proposed Ordinance from the Legislative Summary which is in the Council packet.

The Governing Body commented and asked questions as follows:

- Mayor Gonzales asked if there are ways to measure whether we are meeting the intended goals of trying to reduce the amount of plastic being consumed, and that people are taking their own bags to the store – how can we measure if this has been effective in helping us meet critical environmental goals.

Mr. Alejandro said one of the ways we can track the reduction of the use of plastic and paper bags would be to pro-actively go out and observe consumer behavior, as well as survey retailers on their use of paper bags. He said they would also conduct a blind survey of the retailers to ascertain whether or not the reduction of use of paper bags is taking place. And, because the fee would be in place, we would be able to determine, based on reporting and remittance of the fee to the City, just how many retailers are reducing the number of paper bags provided to consumers. He said given all these things, he believes we would get a fairly accurate count in terms of the reduction of paper bags being provided into the community and as a result, into the environment in general.

- Mayor Gonzales said the public has expressed concern about how the money will spent, and if this tax will become another revenue source for the City.

Ms. Brennan said, "I want to emphasize that this not a tax."

- Mayor Gonzales said he making a statement as to the public concerns, and it isn't his view of this. He said there are concerns the revenue will be treated as another tax, and asked how we assure that the public understands that what will happen with the revenues generated. He assumes it will continue to go in support of environmental initiatives that address some of the goals of the Council in terms of becoming carbon neutral.
- Mr. Alejandro said, "The money derived from the fee will be going to the benefit of the public as a whole. The first being an environmental services education campaign to encourage the continued and increase of recycling of recyclable materials in the community, what can and can't be recycled. How folks in the community can reduce their waste going into the landfill as well as encouraging the public to increase the use of reusable bags when they go to the retail grocery stores. The second thing the environmental service fee would go toward would be the distribution of reusable bags to the community as a whole. When the original plastic bag ban ordinance passed, I believe 20,000 reusable bags were given away for free into the community at various community events as well as in front of the larger grocery stores. That would happen again this time around."

Mr. Alejandro continued, "In talking with the Environmental Services Division, the plan is again to provide reusable bags to the public for free at a minimum of 20,000 being distributed throughout the community at grocery stores as well as at various community events. The third thing is the fee would help to provide a public benefit for are for environmental services that would benefit the public as a whole. So some of those programs could be energy efficiency education on how folks can reduce the use of electricity in their homes. Education about the benefits of using solar power on their homes. Those types of broader topics that would help to reduce energy use as a whole and would help to contribute to the City's goal of achieving carbon neutrality by 2040."

- Councilor Bushee asked the reason the City has to be the middle-man and collect the fee, and why the businesses couldn't charge the fee to the customer and use it to subsidize reusable bags. She said people do not trust that the City isn't just creating another revenue source.

Ms. Brennan said, "Again, this is a fee not a tax. If you remember when this came before the Council a year before, it was a tax and we excised it for that reason. It was going to be retained by the vendor. And in this case, they're retaining a small percentage for the cost of collecting and remitting the fee to the City. But the City needs to receive the money and spend it on the services that the City provides to regulate under the Ordinance. And these are things that John is talking about that we have programs to accomplish."

- Councilor Bushee said, "I know that. But you didn't answer my question really. Why does the City have to be the one imposing and collecting the fee. Why can't businesses be doing that."

Ms. Brennan said, "I don't think there's any uniform way of asking businesses to do it. Some businesses have charged for paper bags, some have not. Some have given a credit. It's a City fee. We can't ask other people to impose a fee. We impose the fee for the service that we regulate."

- Councilor Maestas said he will hold his questions for now, and would like to hear from the kids and the audience before he weighs in.
- Mr. Alejandro said, "I want to make two things very clear. This fee is not going to impact any person with a voucher or an electronic benefits card issued under Women Infants and Children Program (WIC), the Emergency Food Assistance Program, the Temporary Assistance and Needy Families Program, or the Federal Supplemental Nutrition Assistance Program also known as SNAP. This environmental fee will not impact those folks. The other point I would like to draw your attention to is nationwide other municipalities implementing this kind of fee have seen an initial spike in the service fee collected. But after that, the fee collected dramatically levels off or even drops down, because many municipalities have seen over time the behavioral change by consumers to adopt the use of reusable bags. This is not a recurring revenue source for the City."

Public Hearing

Speaking to the Request

Mayor Gonzales gave everyone 2 minutes to speak to the Ordinance.

Mayor Gonzales welcomed the Global Warming Express and the Wood Gormley Go Green Club. He said, "All of us up here are so proud of the voices that you use, the activism that you participate in the civic engagement. All of you should know that it matters when you choose to come here tonight and offer

a point of view; it matters when you choose to go into the community and educate them. And all of us are so very very thankful for what you do. And I wish we could convince your teachers to grant you 3 days off, but unfortunately we can't do that, but we'll make sure you guys have next Sunday off from school."

Sophie Ortiz, 4432 Chamisa Path Road, 12 years old. Miss Ortiz said, "You may remember me from a few years back and our efforts to ban single use plastic shopping bags. First I would like to thank you very much for helping support us on this matter and helping us pass the law. But, secondly, I feel as though it's incomplete. Leaving off the 10 cent fee on paper bags has the unintended consequence of encouraging people to take what's free, even if it's very wasteful. The plastic bag ban needs the opportunity to do what it was intended to do, and that is to reduce all waste, paper and plastic. Thanks for supporting us. I appreciate it."

Lucia Ortiz, 4432 Chamisa Path Road, 11 years old. Miss Ortiz said, "First off, I would like to thank you for passing the plastic bag ban, but our work is not done. People are replacing plastic waste with paper waste. The 10 cent paper bag fee is a smart way to encourage people to use reusable bags and get rid of all this waste. Please vote for the 10 cent fee on paper bags. Thank you."

Joey Gurule, 1911 Conejo Drive, said, "Little kids my age are the world's future, and the world is polluted. I'm going to something about my future and ask you to impose the 10 cent fee on paper bags. Together, grownups and children can save. Thanks and I hope you will help."

Lulu Salich, 1126 Calle Largo, age 12, said, "I'm here today in support of the 10 cent environmental fee on paper bags. Some stores advertise that paper bags are better than plastic bags, but they are just as bad, if not worse. I strongly support this 10 cent environmental fee. It will encourage to bring or buy their own reusable bags. I'm sure the environmental fee will discourage the use of paper, because, let's face it, a lot of people like saving money. This fee is expected to generate \$336,000 in the first 12 months. If people know that for only 90 cents more they can get a reusable bag that can last over 10 years, they would be motivated to change their ways. Also reusable bags are a lot cooler than paper bags. With reusable bags you can throw them in the washing machine and it gets rid of germs. But with paper bags, they're made in factories and then shipped into grocery stores across the world. Paper bag production emits 70% more pollution, 80% more greenhouse gases and 60 times more water pollution than reusable bags. Making paper bags consumes 4 times as much energy as making a reusable bag, 3 times the water and 80% more solid waste. This is why I support the environmental fee on paper bags. If people change their ways, which the fee would help, it would take less water, less energy, less solid waste and less pollution. It would give the community of Santa Fe an incentive to change their ways. Thank you for your time."

Simone Ropp, 4221 Flashing Car Lane, age 13, said, "I support the environmental bag fee, because I will help people see the waste of using paper bags, because it will cost money, and it will encourage people not to throw them away as much and reuse them. And they are, in fact, not very biodegradable, they're about the same as plastic bags, and they use less fuel if we use them. And creating them causes trees to be cut down which releases carbon dioxide into the atmosphere which will have very bad consequences in the future. Thank you for your time."

Josette Gurule, 2036 Calle Lejano, age 10, said, "I think the only way for people to listen is for you to impose 10 cents a bag. In some stores, I've seen people say no to a bag because they don't need it, and they charge 10 cents a bag. We've solved the problem of plastic bags in Santa Fe. And now it's created a new problem with paper bags. If you're going to bag it, create a new habit. Bring your reusable bag."

Connor Griswold, 1807 San Felipe Circle, 19 years old, said, "I'm here to speak on the topic of modifying the legislation relating to paper bags, most specifically the 10 cent fee. While I do support the 10 cent fee, and I think it will help reduce the consumption of paper bags, but not enough to change the consumer's behavior in their choice of whether to use reusable bags or paper bags. I work with a non-profit organization, and we did a lot of work in passing the plastic bag ban, as well as a lot of information gathering on the effectiveness of plastic bags. And we found there are more people using reusable bags, but people still use paper bags. While paper bags are still better for the environment than plastic bags. What I want to see happening, or having more postings in the parking lots reminding people to take their reusable bags into the stores, as well having reusable bags at the front of the cash register instead of behind where they've already gotten their paper bags. As well as having their clerks encouraging people to purchase reusable bags. So in general, I think businesses should encourage the use of reusable bags in accordance with the 10 cent fee. Also I would like to talk about the possible development of the teen center."

Mayor Gonzales asked Mr. Griswold to keep his remarks on the bag ban.

Mr. Griswold said, "I would just like to say that I do support it as there is a huge teen population on that side."

Stefanie Beninato said, "I do not generally take bags to the grocery store with me, I use backpacks, and I don't have a reusable bag because I don't think they're very strong, and I can't carry them easily when I'm on my bicycle. However, I am extremely opposed to the 10 cent fee, which really is a tax, you can call it what you want, but it's a tax..... it's a lot of money for education. And given the irresponsibility of the City in terms of its findings, giving the City another basically a slush fund is not something that I can support. And I really don't think people... I was at a store in Tucson, and they said do you want a bag. And the kid said oh Dad, we don't need the bag, and the dad said I like paper bags. I

don't think the 10 cents here is going to deter people who have the kind of money that don't care about the environment, and doesn't care about how many bags you're taking. I've seen stores do double bags for very small items. It's the City imposing the fee and they have to collect it [inaudible]. The actual store, the grocery store will collect and end it to the City, I assume, because I don't think this [inaudible]. So, the companies are collecting the fee and they should be the ones responsible for the education, not the City. The City is already giving away 20,000 bags, and we only 82,000 people in town. That's 1 for every 4 people. That would seem like every family in our City by now should have at least one recyclable bag for groceries."

The Public Testimony Portion of the Public Hearing Was Closed

Mayor Gonzales said we are proud of everyone who spoke, saying they spoke with eloquence and wonderful points to make. It takes a lot of courage to stand up and speak, especially when you're on TV, and all of you should go home tonight feeling really good about what you did tonight. Thank you very much. .

Councilor Maestas said at the beginning of the discussion, he was skeptical and felt the legislation needed to be modified to register businesses to strengthen the enforcement aspect. He said the bottom line is a law was passed and there was no disincentive to achieve the behavioral modification such an Ordinance should do. We looked at other Ordinances and we had the only one without a fee to discourage the use of paper bags. This was needed. He agrees with those who spoke that we do need this disincentive, so he supports the fee. He said if we're going to measure the effectiveness of this in changing behavior, then we need to identify businesses dispensing paper bags, commenting we don't have a formal registration process, and would like to see that done through the Business License Ordinance, so we can get people on record as dispensing paper bags. Then we can expect funds from them and can measure the bags sold. He thinks we will see behavior changes and sees paper bags being phased out in 3-4 years.

Councilor Maestas said he was skeptical about the collection of fees being remitted to the City. He said we're creating a new collections system which is the City's responsibility. He spoke with the Finance Director and it's a nominal amount. He thinks this will be successful. He spoke about enforcement, and whether the Plastic Bag Ordinance can be used in fee collection. He said we may have to have two separate processes. He would like to get the businesses registered to come up with numbers.

Councilor Ives thanked Mr. Alejandro for his presentation and everyone who spoke, and reinforcing the rationale for the fee. He is glad we are considering this measure tonight, and hopes within 1-2 years may be eliminate because the behavior has been changed.

MOTION: Councilor Ives moved, seconded by Councilor Maestas, to adopt Ordinance No. 2015-12.

DISCUSSION: Councilor Bushee said she liked the original tax because it didn't have the level of bureaucracy we're creating. She wishes there was a way to allow businesses to charge a fee and give away reusable bags, and promote their businesses with advertising. She is concerned about the collection system.

FRIENDLY AMENDMENT: Councilor Bushee would like to amend the motion to provide for some kind of review to check to see if we have created unintended consequences. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, WITH THE MAKER SPECIFYING A ONE YEAR REVIEW OF THE ORDINANCE, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Mr. Alejandro said the Ordinance directs the Environmental Services Division to track the implementation and report back to the Governing Body in one year.

Councilor Bushee is concerned this will encourage the use of the less expensive reusable bags which are made in China. She would like some way to encourage local production of reusable bags. She knows we can't change the market, but this is her concern.

Councilor Ives said one of the members of the Global Warming Express will be talking to local establishments about putting messages on reusable bags, so there will be a local component to strengthen the message as well as branding it as part of Santa Fe.

Councilor Trujillo complimented the kids for taking this idea and getting it passed. However, he is looking at it from a different viewpoint. He said, "When the plastic bag ban Ordinance was passed, I thought it would ban all plastic bags, not a partial ban, or a grocery store ban. I assumed it would include all retail stores, K-Mart, Sears, J.C. Penney, Chico's, and high end stores downtown. But for some reason you decided if it was a thicker grade it was okay. Just because it's a thicker plastic bag, it's a high rib plastic, but yet it's still plastic. And you guys said it was completely irrelevant. I told you, I could support it if this had been across the board, but you didn't. I'm about fairness, if it's good for District #3, it's good for District #4 as well. If it's good for K-Mart, Walmart, why isn't it good for Chico's and J.C. Penney, and they're still using plastic bags. Did we accomplish getting rid of plastic bags, no, we didn't. There are still plastic bags in this community in the higher end stores where the tourists shop. That's a concern with me. Now, we want to impose the 10 cents, and my concern is who are we charging – we're charging all the local City of Santa Fe businesses. Not that 10 cents is that much, don't get me wrong. This is my concern, a shopper's bill comes out to \$100.25. That's what they see. Wait a minute, let me see how many bags it takes to bag your groceries since you didn't bring reusable bags, so 6 more bags, and extra 60 cents. And in some store in the community they already are charging 10 cents, so now, you will be charged 20 cents.

Councilor Trujillo said, "I didn't have a problem with those businesses charging 10 cents, that's their right as a store to recoup any expenses. Now we're charging 10 cents. And what I don't understand Kelley is how we just change a few words. And you even wrote it was an illegal tax when it first came out, and we just tweaked a few words and all of a sudden now it's legal, because it's a service fee. With just a two word change, it's now legal."

Councilor Trujillo continued, "Okay, how will this be collected, that's been a concern. And I've gotten calls from many businesses, especially in the downtown area whose business is tourists. They said tourists come here on a whim, they come in my store and buy something and I wrap it up and give it to them, and now we have to charge 10 cents. And one lady told me, you know what, I'm not going to charge the 10 cents. I'll put it on my business, I'll pay that 10 cents, because I don't feel I should be doing that. They come into my business, they're spending money in my business, I'll give them the bag, and I'll make that payment. And I told her that's your prerogative as a business owner to do that."

Councilor Trujillo continued, "Other things I've heard from the community. There are many people who do not live in this community, but they work here and they shop here. In essence what I've heard from a lot of people, guess what, I'm not shopping the community any more. I would rather shop in Las Vegas where I live, or Albuquerque or Rio Rancho, but to be fair, I used to shop here. As soon as I got off work I would shop. And the reason why, they want the plastic bags. Because I think in some households they are multi-use, line your trash can, pick up weeds. Then I said, how can you say it's a single use bag. I can find lots of uses."

Councilor Trujillo continued, "Lastly, we talk about not hurting our environment, I understand that, but yet we're still allowing paper bags, even if they are reusable, guess what, at one point they were a tree. So, let's just chop down more trees to make more paper bags. These are the concerns I have. And another thing is let's talk about treating people fairly, it's across the board. Being charged does anger people – how come they're not being charged, but I am. And then grandpa and grandma living on a fixed income that aren't in WIC are being charged as well. Are we being fair with this Ordinance, treating everybody fairly across the board."

Mr. Alejandro said the proposed ordinance is a good step in the direction of creating fairness throughout the community when it comes to this type of fee.

Councilor Trujillo said, "I agree. It's a good start, in fact Councilor Rivera made that comment. What's next, are we going to start banning plastic bottles. We banned miniatures. We talk about these things that are affecting this community, all the trash on the road. There's gum on the road, let's start banning gum. There's dog poop on the road, let's start banning dogs. As a Council, we could come up with 100 things we can ban in the community because we feel it's environmentally right."

Councilor Trujillo continued, "I know the majority here are for the 10 cent fee, but I'm talking about the community as a whole, every single person, not just the service center. If we really and truly wanted this to be fair, like I said, plastic bags would have been banned across the board, not one single plastic bag in

Santa Fe. Because I think that's what you guys want, I really do. Get rid of all the plastic bags. But that didn't occur. It's because of the issues that I have and it not being fair across the board, is the reason I'm going to vote no. I still believe this is a legal tax, and something I don't believe this City should imposing on anyone. Again, thank you for coming out and speaking, especially when the kids get involved, and I want you to stay involved. I do thank you for coming."

Councilor Rivera thanked the kids for coming and speaking. He thanked the Go Green Club and the Global Warming Express. He said the first time Sofia appeared she could barely see over the podium, but now she clears it by a head. He said this had been a long process, and he is proud of all of the kids. He thanked the adults and parents who support them. He said he and Councilor Wurzburger were the first Councilors to hear Sofia at the BQL Committee. He said if people don't want to pay the 10 cents per bag, they can take their reusable bags with them. In that regard, it's not a tax, it truly is a fee. He has heard a few people who are really against this, continue to say the City is trying to build a slush fund or find a way to generate additional revenue. He said his challenge to them if they believe that, to "stick it to the City by bringing your reusable bag and don't pay that 10 cent fee."

Councilor Dominguez said, "I will be brief, because it's been said, but I will say that the future looks bright with the articulation of our young people and the activism they brought to us tonight, so thank you all very much for speaking. Thank you to the young people for being here. And frankly, this is democracy at its best right now. It's a group of young people who saw a problem, and didn't just come to City Hall to complain about something, they actually did their homework, they studied and they brought some solutions. And that's something that I appreciate, quite frankly, because it's not often that we come with big groups of people like this with solutions. They're either just one side of an issue or the other, and I certainly appreciate the work that's been done by our young people. And I'm really proud of the young people because, I will say this, I think it might be pretty selfish for some people to support plastic bags because they use them."

Councilor Dominguez continued, "Because the reality is that these young people are going to be the taxpayers who are going to have to clean up the mess that I, and my generation, leave behind. And I think that's unfair, and quite frankly, that's kind of selfish. There are lots of arguments that anyone up here can make. Legislation, by nature, is intended to live, and legislation changes at every level, and it is intended to be able to be amended and tweaked. And so I think, when it comes to the challenges we have today, or the issues we might have in implementing this are probably going to get changed, and that's part of democracy as well, being able to amend laws to fit the will of the people, to satisfy the will of the people. And so I agree also with Councilor Rivera with regards to the idea that this is a tax. Because when I go to the grocery store and I want to buy something and I want to leave the grocery store with those products, I have to pay the tax. I have to pay this tax. In this case, you have an option. You do not have to pay if you don't want. You can take the reusable bag and you will not have to pay that tax. So I see the difference there between a fee and a tax."

Councilor Dominguez continued, "And then the other thing, just lastly, Mayor, in the end, I don't know how long it's going to take, but if we're still collecting enormous fees, then we have larger problems than just banning plastic bags or regulating plastic bags. That's the reality, and it's not even going to be our problem, it's going to be the problem of these young people. They've the ones that are going to have fix the mess that we leave behind, and that's something I'm not willing to accept, so I stand in support of the bill. Thank you Mayor."

Councilor Maestas said, "Just real brief. I do want to thank all the parents and the kids that came here to speak in favor of this. I think it's really heartwarming to see, and it gives me hope that there's going to be a brighter future for Santa Fe. But there is one issue that I did have. And I had asked, I think, from the very beginning that this fee be exempted from sales tax. I think it would add insult to injury for these folks to pay 10 cents and then 8.2% of the 10 cents. And I did ask Kelley on the fee, Kelly, exempt it from sales tax, because I looked at the Dallas Ordinance, and they exempted their bag fee from sales tax. And I think from an accounting perspective, it would be smart, it would be cleaner, and I think the answer that I got from Kelley is that, well the 9 cents, the service fee portion is not subject to sales tax, but the 1 cent is. And I just want to make sure that if it doesn't have to be explicit in this law that, through our guidance to retailers that we say, look, it's exempt from sales tax. And that way they just charge the 10 cents, there's no sales tax rate on the 1 cent of the 10 cents. So Kelley, can you just maybe clarify that, how we can make it clear that fee is exempt from sales tax and do we have the authority as a City to do that."

Ms. Kelley said, "I believe I advised, in response to your question, the 9 cents is not subject to sales tax. We have no authority to waive the tax, so the 1 cent is taxable. On the other hand, there is an expense associated with it that becomes the deduction. So I don't see that it will be a large burden on the vendor, but the 9 cents is not taxable."

Councilor Maestas said, "We just need to make sure that we make it clear to the retailers that at least the 9 cents of 10 cents is not subject to sales tax, because if you multiply a sales tax rate times the anticipated revenue, in one year that's \$27,500. I want to make sure we don't create an additional burden and add more confusion to this, and try and make it clear to retailers, that hey, please don't charge sales tax on this and if you do, it should only be on 10% of the fee. So can we do that John, can we put that in and make it clear."

Mr. Alejandro said, "For the education campaign to retailers, we can call out that distinction, absolutely."

Councilor Ives said, "I just wanted to address the suggestion that these funds might be used as a slush fund at the City. I guess I find those statements way over the top. I don't think there's any intent that anybody here, sitting on this Governing Body intends that. I don't think the City is likely, or would behave in that fashion. And for those who don't that's enough, because apparently there are some, I would point out that in Section 21-8.4(B)(2), it provides that, '*The City shall dedicate the environmental service fees toward environmental educational programs and services provide to the public, and also toward the purchase of reusable bags to be provided to the public, free of charge.*' And I would note that in our one-year review of this, I would anticipate that we would take up that issue as to whether or not these funds

were actually directed toward those purposes so as to dispel any notion anybody might have that we're creating some sort of slush fund. Thank you."

CLARIFICATION BY CITY CLERK PRIOR TO THE VOTE: Ms. Vigil asked, "Councilor Ives, just for clarification, does your motion include your amendments in the packet." Councilor Ives said, "Yes."

VOTE: The motion, with the amendments, was approved on the following Roll Call vote:

For: Mayor Gonzales, Councilor Bushee, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas and Councilor Rivera.

Against: Councilor Trujillo and Councilor Dimas.

Explaining her vote: Councilor Bushee said, "Yes. I want to thank the youth and I'm sorry to keep you past your bedtime, and we appreciate your support of the initiative, so yes."

Explaining his vote: Councilor Dimas said, "Do I get my 15 minute speech. I didn't get to make a speech, and I'm not going to make a speech. The only thing I will say is that I also want to thank the youth for being here this evening, and you did a spectacular job. And as Councilor Dominguez said, this is a democracy and you are learning the first process of how a democracy works. And that is, everyone is entitled to their own opinion, just as I am entitled to my own opinion. And I'm not going to espouse what my reasons are for my vote, because I could go on and on about it, but I am not in support of this, and my vote is no."

Explaining his vote: Mayor Gonzales said, "Before I cast my vote, I want to say that this is one of the times that I'm glad that the public did change the Charter to allow for Mayors to vote, rather than waiting for there to be a tie. This Council has set a very ambitious goal to be carbon neutral by 2040. It's a recognition that things need to happen to achieve that goal. We cannot afford to wait until 2040 to address that plan. We have to do it with every action that we take. The truth is, there's a legacy here in Santa Fe where we've always cared and nurtured the environment. It is the youth now that are challenging us to continue to honor that legacy. Councilor Bushee said change is hard and it is, and it's most hard when we have to change our behavior in ways that might inconvenience us a little bit, or change the way we go about doing our daily business. But the truth is, this is more than just a fee. This is more than just being able to have revenue to educate. This is about us creating a culture where, in everything we do on a daily basis, we are assuring that we're doing our part to protect our environment, and that means reusing bags over and over so we don't have to use paper bags as well. I think that many people put rhetoric when they talk about climate change. We get the opportunity as did tonight to put our voice and to put action to that rhetoric. And so, having said, I'm going to give my voice and my vote to the rhetoric of saying climate change is real. There are detrimental impacts that are occurring to our environment today and we have to adopt an urgency now to make sure we do everything we possibly can protect our environment for future generations, so I vote yes."

– Councilor Bushee said, “I’m curious what parents and teachers have explained slush fund to these kids.”

MOTION: Councilor Dimas moved, seconded by Councilor Bushee, to reconsider the previous approval of the agenda as amended, to further amend the agenda, to move Item H(7) to be heard immediately after Item H(6), and to approve the agenda as amended.

DISCUSSION: Councilor Dimas said it might be better to get that over and done with, and then go through the easier matters that we have.

Mayor Gonzales said we have a lot of people waiting for other items as well.

Councilor Dominguez said, with all due respect to Councilor Dimas, “I think that’s more of a staff item and I don’t think it’s public-heavy, if you will, so that can wait around as long as we can, right, Brian.”

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Bushee, Councilor Dimas, Councilor Lindell, Councilor Maestas and Councilor Trujillo.

Against: Councilor Rivera, Councilor Dominguez, Councilor Ives and Mayor Gonzales.

Explaining his vote: Councilor Ives said, “I agree, I think it is staff, so I’m going to vote no.”

6) CONSIDERATION OF RESOLUTION NO. 2015-37 (COUNCILOR DOMINGUEZ, COUNCILOR RIVERA, COUNCILOR DIMAS, COUNCILOR IVES, AND COUNCILOR BUSHEE AND COUNCILOR MAESTAS). A RESOLUTION DIRECTING STAFF TO PROPOSE AN OPERATIONAL PLAN AND PROGRAMMING OPTIONS FOR THE ESTABLISHMENT OF A TEEN CENTER THAT WOULD BENEFIT THE YOUTH OF SANTA FE. (CHRIS SANCHEZ)

Chris Sanchez said, “We are here tonight to hear from the community regarding the teen center location and to gain guidance from the Governing Body as to conducting the survey, so at this time, I will just go ahead and turn it over, if that’s okay, to our folks that are here.”

Mayor Gonzales asked if there are comments from the Governing Body.

Councilor Dominguez thanked the Mayor, the Governing Body and staff for allowing this to be a public hearing, because people wanted to speak about this issue.

Public Hearing

Speaking to the Request

Mayor Gonzales gave each adult 2 minutes to speak to the issue

Edward Oliphant, 1 Azul Court, said he is here speaking on behalf of One Santa Fe, which is a grass roots organization, seeking to foster bottom-up change, to improve quality of life for all Santa Fe residents, with a motto of Educate, Engage and Empower. He recognized everyone in attendance in support of the Resolution and asked them to stand. He said, "Last December at our second annual symposium, I had the opportunity to facilitate a youth listening session, and we had 30 plus teams representing several high schools. Some of these kids were there for extra credit, some for public service. We spent a whole day talking about what's working in town, what's not working and envisioning what Santa Fe could look like for them in 10 years. When they were asked the question what would make the biggest impact on your quality of life, the overwhelming consensus among all these kids was greater access to youth and teen activities, the proverbial, we want more to do, there's nothing to do."

Mr. Oliphant continued, "These kids are hungry for professional development. They want college prep, they want educational assistance and being teens, they also want to socialize. They're looking for that third space somewhere that is not home, not school, where can develop their independent identity and help each other shape themselves into the adults that they're going to become. The most compelling thing I heard from these kids that day was that activity is an anti-drug. I heard stories of kids who turned to crime and violence and gangs and drugs out of boredom and out of a perceived lack of opportunity to do things in this town and in this community. I think if you decide to provide a space that can fill some of these needs, we can prevent that from happening and we can have a hand into shaping those children into becoming the adults that they are going to become."

Mr. Oliphant continued, "There are some great organizations out there that are providing some of these services, but I believe that the landscape as it lies right now does have some barriers, monetary, cultural and geographic, to access. And I think because the youth are our greatest asset, when we invest in them we get excellent return on investment. So on behalf of One Santa Fe, I urge you to approve this Resolution. Thank you."

Maria Jacquez, 2410 Sycamore Loop. She said she has many roles in Santa Fe, saying she is in One-Santa Fe, but she is speaking as a community member. She grew up on the Airport corridor and there is a high demand for a teen center in that area right now. She said they are getting a public park after 50 years. She said many teens need to go to a place where they can distract themselves for an hour or two from the stress from school and home and what youth are going through, but for the youth from the area to come together in one place to have something to do, not only academically, but for recreation. She said Edward mentioned the symposium in December, noting she facilitated with Edward. She said she would have loved to have a teen center in the area 15 years ago, but it never happened. So the furthest

they could go was to the little park at the Mobile Home Park that had no toys, no playground, we could just play basketball and skate and that was it, which wasn't fun. She would encourage for the teen center to be in the Airport Corridor. She said, "I'm not being selfish, it's just there are teen centers right now on other parts of Santa Fe, there's Warehouse 21, and the Monica Roybal Center. District 3 is a fast growing District and I believe we need a teen center there as soon as possible. Thank you."

Pilar Faulkner, 4109 Monte Azul Loop, said she spends a lot of time advocating for children's issues. She is part of One Santa Fe, but she is speaking tonight as a member of Tierra Contenta community. She said the best testimony she can give happened when she was riding a City bus to come to this hearing. She said, "We pulled past Cesar Chavez Elementary School, and we were on going on Jaguar and 5 teenagers, Freshmen to Junior, Seniors in high school got on the bus. They went and took over the back of the bus and they were doing teenage stuff, and as we started to pull into the downtown area, one of the kids said can you imagine living over here. And another kid said they have everything over here. And I sat there and thought, oh my God, I'm going to this hearing about this very issue, they're not going to believe me when I tell them. And one kid said, yeah, but if we lived here, we wouldn't know anybody. So clearly, coming from kids, coincidentally tonight, there is a sense that there isn't enough in the South part of town. She has always advocated for her community and represent clients that deal with a lot of kids issues, and she advocates *pro bono*. This is really important. We have to take care of our youth, and as much as the kids that testified for the plastic bag issue have a voice, there's kids who don't have access to resources that always allow them the voice, so we have to advocate on their behalf. She said, "Saying that, I will close with, there were many more kids here and many more people here, but they had to go back across town and do homework and get ready for tomorrow. Thank you for this opportunity to testify and I hope you support this endeavor."

Joaquin Falkner, 12 year old, 4109 Monte Azul Loop, said he attends Edward Ortiz Middle School. He said, "Having a teen center will be good because of these reasons. One, we can go somewhere where we can all hang out with kids just like us. Two, we can go to a teen center to relieve stress. Three, we can stay off the streets and not get into trouble, and four, this would allow us to feel more comfortable. Thank you."

Lynn Mark, 6797 Camino Rojo, said she lives on South side, and for the last 6 years she was a School Nurse at Edward Ortiz Middle School. So I'm just here to add a plea to build a facility on the South side of town. She said many nights she would leave school and kids would just be hanging around because they had nothing else to do. It would be great to have a place for kids to go so the best after school activity wouldn't be to run down into the arroyo and have a fight. She said, "I earnestly ask you to consider the teen center on the south side. Thank you."

Deacon Anthony Trujillo, 118 Park Avenue, said he is a Deacon at San Ysidro Parish on the southwest side of town. He said he wears many hats in the community: the Santa Fe Juvenile Justice Board, Chaplain to incarcerated youth, work constantly with youth in crisis, and he has 43 years as a youth minister in the Church. He has seen many changes, and recently he joined a new Committee, actually two of them: the Mayor's Children & Youth Community Cabinet, and a group called TC 19, Teen Center by 2019. He said he is in this because of what he has seen throughout his 43 years as a youth minister. He said we really have given youth the opportunity to do something different than waste time and get in trouble. He said, "Almost all the time, they will take that opportunity. As a chaplain in the Detention Center when kids ask me, what church do you belong to, I tell them. And I invite them to join some of our ministries, they come, and they have become some of my greatest leaders in youth ministry throughout the years."

Deacon Trujillo continued, "And I think with a teen center that we are envisioning, and I understand the process will take some time and there is a whole more discussion that needs to go with this. But I think this teen center will be a huge benefit to our youth. Unfortunately, the teens that are here today and that were here earlier, won't have the benefit of using this teen center. And so I'm here again, and I'm also speaking for the faith community that you really consider this and approve this. Thank you."

Mida Lake, 10 La Calle [inaudible], said she used to be a troubled youth and was on probation and she attended the teen center and it changed her life. She said, "I actually went back to school, and I got my degree in Criminal Justice, and I'm working with Healthy Transitions. I hope that you will consider opening a center because youth need an opportunity. And maybe it's not a second opportunity. Maybe they need a first opportunity in life."

Mary Louise Romero, 1601 ½ Youth Street, said "I want to point our Yolanda for being my mentor when I was young. I have a few youth with me today. Some of them had to leave. Can you guys come up. I have a letter to deliver to you guys. I always feel empowered when I have a young person, because I have to live by example, and so I have to live by example for you. She said, "In 2007, Councilor Dominguez, and the Mayor at the time, Mayor Coss, asked that we do a teen summit, a youth summit to talk about the top issues affecting our youth and I had the honor of facilitating this. We had almost 200 youth participate in the 1007 Youth Summit. They came from the charter schools, every single private and public school, including New Mexico School for the Deaf, Santa Fe Indian School, and we included Teen Court. We made sure that everybody's voice was heard. We actually recruited kids that were in the GED program so we could listen to what they had to say. We asked that they come up with the 5 top issues affecting their lives at that time, and what would it take for us to invest in them being at their best, whatever that looked like, right."

Ms. Romero continued, "So the first thing we asked is what are the most challenges, who do those challenges affect, we want to know who do the affect right. And I actually have something I would like to share because I just brought that part of the Youth Summit so people could see who they affected was so

important. And they talked about our community, domestic violence, gang violence, the lack of teen events, not enough jobs for teens. There were a lot of things, and things haven't changed today. We also talked about the no cost solution, which included bringing people together to invest in our kids and we talked about the cost solution. So these young people, 200 of them came together and said, you know what, this is what we need in Santa Fe. We're here 8 years later and not many of the issues have changed. In February 2014, TC 19 started, and when they told me about a teen center, I was so excited because I remember in 2007, sitting around with these kids and listening to their needs and then not a whole lot was done, but that's okay. I always say you don't have to be great to start, but you have to start to be great. And I think today's the day that you, recognizing that our youth matter is when we really can invest in them.

Ms. Romero continued, "I want to mention the people that are on our TC 19 Committee: Tommy Rodriguez, Deacon Anthony Trujillo, Don Christie, Santa Fe Boys & Girls Club in Pojoaque, Sarah Sims, Shelley Mann-Lev from the Santa Fe Public Schools, Jennifer Romero from Teen Court. So all of the activities might have changed of what the kids are looking for. Our hope is that a partnership between the City of Santa Fe and private and public businesses are willing to build a world class teen center. We hope to see job training programs, activities for our teens. Mida spoke a little bit earlier, and it was the teen center we had here that invested in her, created people who cared about her, and she recognized that life was bigger than just being in the juvenile justice system. It takes a lot of bravery to stand in front of people because you might get judged because of your past, but you know what, she is one of the heroes that has come back to give back.

Mayor Gonzales asked Ms. Romero to wind up her presentation quickly.

Ms. Romero said, "Our kids deserve a safe place to go to without judgment. A place where kids can learn, grow, connect with the gifts, talents and the desire that they have to come back and give back. I want to end with this. The miracle is not that we do this work, but that we are happy to do it. Thank you."

Stefanie Beninato said, "I think it's a cliché to say we need to invest in our youth and they are our future, and that is all very true. I do believe that another teen center would be a good addition to the City, especially on the south side of town. However, when people tell me there's nothing to do on the South side of Town, I get a little bit upset, because there's the Genoveva Chavez Center that has been there now for 15 years, and that they could get to by free bus passes. And they could be there from 6 in the morning until they close at night. They may be just teens, but there's certainly a lot to do at the Chavez Center. There's a library there too. This is just not a true perception, and it's important to think about that. And it's also important to think about, anything that is available on any part of town is open to anybody. I understand that kids can't get home, the buses stop running, etc. my concern again is where you are going to get the money from. Because again, we just lost \$30 million on the parks bond. As a member of the public as a taxpayer, I really am worried about that and I worry about what happened to it and what you're going to do in the future to make me feel confident in the fiscal responsibility and integrity of the City. And again, we're going into your reserve funds to fund this year's budget. So my question again, just

as a practicality, is where is this money going to come from, and if you can figure that out, great. I think it's a good addition, there's certainly a lot of young people on that side of town, and making a teen center plan is a good idea. And by the way Councilor Ives, if you want to have a discussion with me about *inaudible*, I would be happy to do that off line. Thank you."

Maria Jose, 2101 Villa Caballero del Sur, said she works with Esther and she also has had the honor to work with One Santa Fe and other community members. She is originally from Bolivia so she has dual citizenship, and didn't grow up here. She said, "However, I work with youth in different capacities and I also have worked with youth in my country in Bolivia. I see and feel and sense the power of the youth, not in the future which is there undeniably, but in the present. The youth are leaders today, and they need space. And I'm an adult ally, and I don't want to pretend to speak for them, but in the experience I've had with them, having a space where their expertise and knowing of their experience can interact and interface with the traditional knowledge and experience of programs and infrastructure. It's like the beginning platform for the recognition of youth as leaders of today not only for the future, but leaders right here and right now. And so I also feel there has been discussion about the different areas in town where this can happen, and our office is situated on the south side. And I see the under-served population there, both adults and children and youth. So advocate for it to happen in that area of town, recognizing that youth is all over town and have had different experiences all over town, but meeting the needs of places where we're under-served can actually provide also having an inter-zone feeling by having youth establish wherever they are and to be able to interact with youth in other places in town. That's all I wanted to say. Thank you for this opportunity."

Don Christie, Director, Pueblo Pojoaque Boys and Girls Club, and the Pojoaque Teen Center, 101 Lightening Loop, said "A lot of you City Councilors know me. I spent 25 years as a Police Officer, and retired from the Santa Fe City Police Department. And I know first hand, working alongside with Bill that the teens in this town absolutely need a Teen Center. I'm not going to stand up here and drag this along, but you owe it to these teens who came here tonight, to find a place for these kids. If we can do it in Pojoaque, you can do it here in Santa Fe. Thank you."

The Public Testimony Portion of the Public Hearing Was Closed

MOTION: Councilor Dominguez moved, seconded by Councilor Bushee, to adopt Resolution No. 2015-37, as amended.

DISCUSSION: Councilor Dominguez said there are amendment sheets in the packet which are intended to do two things. One, make sure we consider all sites in the City of Santa Fe, and the opportunity to look at early childhood programming in the Hopewell-Mann area, which is a part of our community which is dire need of some resources as well.

Councilor Dominguez asked Mr. Sanchez about the survey they are working on.

Mr. Sanchez said, "We are currently working on a survey that is going to be all-inclusive of detention kids, Youthworks kids, Youth Shelter kids, it's a whole variety of kids that will be coming together this Friday that will be developing questions that are directed toward a teen center. One of the things we found out is not all kids are included, particularly those kids that are disconnected. We wanted to make sure those voices are included into the overall document we put together to provide to the Governing Body. The development of this questionnaire is going to be done this Friday. We will be administering the survey the second week of May. It will go to all the teens throughout Santa Fe so we get a good sampling of what the kids want in this community.

Councilor Dominguez said, "I just want to make sure, for the record, and clear on the record that I'm not necessarily tied to the timelines, and I would like to see this process happen as well so they can utilize that information in the consideration of a teen center. I don't think we need to amend the legislation, but make it clear for the record there is some leeway so staff can get some of that work done.

FRIENDLY AMENDMENT: Councilor Dominguez said, "And then just a real quick comment, it's been a pleasure working with both TC 19, Teen Center in the Year 2019, and I do want to amend the Resolution to reflect that it is the desire and the wish of the Governing Body to have a teen center by the year 2019. So did you catch that Yolanda." **THE AMENDMENT WAS FRIENDLY TO THE SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Dominguez said he wants to recognize Santa Fe in collaboration with TC19 as well to make sure the voices of our young people are brought forward and heard, reiterating he, once again, looks forward to the future.

Councilor Trujillo thanked Councilor Dominguez for introducing this Resolution. He said in 2006, we had a discussion looking at a piece of property which was Tino Griego, but politics got in the way and "all of a sudden what was looking to become a teen center had also become a film site because they wanted to make movies there that dealt with the ocean and all that." He said when he found out he was bugged because they were going to put movies before our kids, noting this was the previous administration.

Councilor Trujillo continued, "Luckily, we started discussions about Tino Griego, this was in 2006. Here we are 2015, and still nothing. And I have been harping on the public schools because they own that piece of property and we've been hoping maybe somewhere down the line we could have a trade, work something out so we could have acquired that piece of property. At the time I was looking at it, we had Santa Fe High, we had DeVargas, now we're getting the School for the Arts there. There are a lot of teens around there, and technically, I think it would be a good place, I know from looking at other places."

Councilor Trujillo continued, "I guess my question to you Brian, I know you've had these discussions, can you please talk to the Santa Fe Public Schools and ask if it is on the table and still a possibility, or if it's completely off, and I'll stop bugging. I think since 2006 this has been going back and forth, we're going to have discussion, we're not going to have discussion. It's either us or them that don't want to meet, and I think it's them that don't want to meet. This is my concern, because as Councilor Dominguez said, we

ought to look at other options. I would like to get something formal in writing saying it's off the table, so move on. That's what I would like is to move on if it's not going to happen. If it happens in District 3, well great, we need something on the south side. There is no doubt about that. That's been something that all of us that represent the south side have been advocating. So it's good in District #4, District #3, let's get that teen center built by 2019."

Mayor Gonzales said, "To the first question, I did talk to Superintendent Boyd about Tino Griego, and he's of the position that he's ready to talk to us. He feels the School Board is amenable, but they want to hear from the Council if there's a request by the Council to pursue Tino Griego and to use it for whatever issues we have. So I think what he's done, to answer your question, yes they are ready to talk to us. I did indicate that Councilor Dominguez's Resolution was coming forward, so I think it's timely as the planning process goes forward and sites throughout the City are considered, that the Tino Griego site could be considered, because he's not opposed to it. He said, 'I need to hear from the Council.' And I said I think you will, because there's going to be a planning process that will determine...."

Councilor Trujillo said, "That's my concern. Here we are 2015 and we had that discussion two years ago when we had the joint meeting, and we said we're going to start meeting on a regular basis, but that has never occurred."

Mayor Gonzales said we can do it through this plan, once it's brought forward and a decision is made by the Council on the location. I don't know if we need to amend it, but we need to make sure that is a site, because Councilor Trujillo has advocated as part of the consideration for a plan if we're looking throughout the City.

Councilor Dominguez said, "So the Amendment contains the Tino Griego site, because I think we need to look at it. I will say and I will be quite honest that when you look at the demographics and the future and the need, and the data behind it all, there is some sense to bringing it to the south side. Having said that, I will say that the reality is that we need to have a teen center for all youth, regardless of where it is. The fact that the public schools are involved in this, with all due respect to them, makes it that much more complicated, and the cost. Once the Governing Body begins to look at the cost, I think the Tino Griego site becomes less likely, but I'm not willing to say that it is off the table."

Councilor Dominguez continued, "And there was the Zona del Sol potential that existed some time back, or throughout the course of the years. Obviously, the Zona del Sol relationship has dissolved, and that has its own challenges. But I think the City fixed that recently. It is at least time we met to consider the lease with the Boys and Girls Club. So I think the reality is that we need to make sure that all options are open, but that we really really at some point make a distinct move in the direction of providing a teen center for young people."

Councilor Trujillo said, "I totally agree with Councilor Dominguez that the demographic of the kids are truly on the south side in our District. I'm just glad you were open to look at all different sites because that's what we need. I just want to make sure that we provide service to those children on the south side. Just

like you said. People come here to this side of town and say we've got everything. And that's unfortunate. It always seems like this side of town gets the good stuff, our side of town doesn't get the good stuff. No Councilor, I'm not saying... I'm just saying that's been the mentality and that's how people talk and you know they do..... that's how people talk in this community, and I want it to be clear, let's start taking care of the south side because it's very important and the children on that side are very important as well."

Councilor Bushee said she has been involved in all these discussions over the years, and had hoped we would move more quickly than we have. I just want to remind everybody that's sitting here, they're serious about making this happen by 2019. That means the next CIP bond, or any other potential revenue stream needs to be seriously putting this as a priority, number one. So just make note, we're passing Resolutions that are easy to do, all hung up with more infrastructure and no money. That's where we need to come together. And I represent this side of town, but I have to tell you, for the longest time, it's been my big concern that we are a tale of two cities and we need to do what we can to be one Santa Fe. And that involves making sure our youth, I'm sorry Stephanie, but I supported the Genoveva Chavez Center, but not every kids likes to play sports. And there are places that they need to feel safe to have to just hang out and do what their friends and whatever we can offer for services. We have an under-served population on the south side of town. When we built Tierra Contenta, it was groundbreaking, it was fabulous, but we did not follow up with the social infrastructure we need to follow up with."

Councilor Bushee continued, "So, it's a priority for me, it will always be a priority. It's important that we make sure that we're not just serving up the rhetoric, as the Mayor mentioned before, in another case, and we're following it up with this is our plan, this is our timeline and this is how we are going to do it. The other this is having staff to build it, and where we got a little crosswise in Zona del Sol. We have put all of our nonprofits together with the schools, the neighborhoods and sit together and really make this happen."

Councilor Maestas asked to be added as a cosponsor. He thanked everyone speaking in favor of the Resolution, commenting all of us once were young and teenagers, and didn't always make the best decisions. He said anytime your City government can provide adequate facilities, a safe haven, things for you to do so you're staying out of trouble and just wandering the streets, as our parents put it. He thinks this is a good thing and agrees with Councilor Bushee that at a minimum, teens need a safe haven. He thanked Councilor Dominguez, the prime sponsor, in considering all the other potential sites. He said the need is tremendous and the demographic is in the south, but there is one neighborhood in his District, Hopewell-Mann along the St. Michaels Dr. Corridor, and a lot of these people feel they are being gentrified and forced out. It's a traditional neighborhood which he thinks is underserved. He said this isn't a contest where one of these sites will be picked and the other two left alone.

Councilor Maestas continued, saying "Part of our charge should be determining a course of action to find a purpose for Tino Griego, for capitalizing on an existing building that's managed by Santa Fe Civic Housing and Hopewell-Mann. It is built. It's got an industrial size kitchen, it's got a computer lab, it is ready from the get-go, but Santa Fe Civic Housing will not entertain any potential ventures with the City unless we have a committed, operational plan with sustained funding. They've experienced anchor tenants, non-profits, they come and go, so we really need to work on the sustainability of the programming

for a lot of these facilities because I think there's nonprofits out there. It's difficult. This has been a slow recovery and we need to do whatever we can to support the anchor tenant nonprofits in these facilities as well as all the services provided around these anchors. I want to advocate strongly that we do find an adequate purpose for all 3 sites, even if 2 of the 3 are not selected."

Councilor Maestas continued, saying the demographics are there, and these kids live in public housing and there's not much to do, noting metal bars surround the public housing tenements, while there is a brand new state of the art building that's not being used right now. "And so I can understand Santa Fe Civic Housing's hesitation and trepidation about entertaining any kind of venture with the City." He said when we work on the operational plan and program, we need to get the sustainable funding for long term programming. He said the City can't pay 100%, but we should pay a substantial amount of it, which will serve as an incentive for private donations, for other non-profits to come on board and help us out. He said it time for us to start looking at long term sustainability and providing the badly needed services in Tino Griego, Hopewell-Mann, and down south in Tierra Contenta.

Councilor Dimas said we have an excellent model, and he has toured the Pojoaque Teen Center, and there were a lot of teens there the day he visited. He said Mr. Christie does an excellent job, and urged the other members of the Governing Body to tour that teen center and see how it is operated. He said they have great programs, including tutoring. They are into academics and they do a lot of great things there. He said Don Christie could be a very good asset as to how we can do it here in Santa Fe as well. He said, "Don, I would challenge you to take this bull by the horns and see if you can't get this off the ground as you did in Pojoaque."

Mayor Gonzales said he would echo the statements of the need, and the truth is there is an under-served area that needs to get the attention of the City, but we need to recognize even when we go there with a teen center, it's not the magic bullet. He said, "There are so many other issues that need to be addressed when you talk about the development of our youth and I know it's complicated to work with the schools, but there's literally millions of dollars of infrastructure that is on the south side that the schools have built that we could, separately from this, leverage to focus on Early Childhood Development Centers and kids between the ages of 5 and 13 maybe who won't have access to a teen center that need a place after school. And I think that hopefully, as you go through this process and create an identifying look for a plan, that the plan recognizes for sure that's their place to spend time and to collaborate, to learn."

Mayor Gonzales continued, "There is a whole generation of Santa Feans that are right under that we cannot leave out of this equation. I think if we're going to go to an area and focus on bricks, mortar and programming, we have to be as inclusive as possible to make sure that we're getting the little guys into a safe place where they can continue their development. We should also talk about how we can run a collaborative budget, but as much as I believe in a teen center in the Tierra Contenta area, I think we need to invest in bricks and mortar and an Early Childhood Development Center where we have high quality daycare for families that need to go to work during the day, so their kids have a place to learn. He said, "I support this as well."

VOTE: The motion, as amended, was approved on the following Roll Call vote:

For: Mayor Gonzales, Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

Explaining his vote: Councilor Dominguez said, "So I think One Santa Fe and TC 19 are actually organizing a tour up to Pojoaque, so I would encourage the Governing Body to go there when they can. Thanks. Yes."

- 7) **CONSIDERATION OF BILL NO. 2015-11: ADOPTION OF ORDINANCE NO. 2015-14 (COUNCILOR MAESTAS AND COUNCILOR IVES). AN ORDINANCE AMENDING SECTION 2-22 SFCC 1987 TO RENAME THE "INTERNAL AUDIT DEPARTMENT," THE "AUDIT, ACCOUNTABILITY AND PERFORMANCE MANAGEMENT DEPARTMENT;" ESTABLISH A POSITION OF A FRAUD AUDITOR TO INVESTIGATE FRAUD, WASTE AND ABUSE ALLEGATIONS; AND MAKE SUCH OTHER CHANGES AS ARE NECESSARY TO CLARIFY CERTAIN PROVISIONS OF THE ACCOUNTABILITY AND PERFORMANCE MANAGEMENT ORDINANCE. (LIZA KERR AND KELLEY BRENNAN)**

Ms. Kerr said, "We're trying to amend the Internal Audit Ordinance basically to rename the Department and to add a position of Forensic Auditor..... and we would like to call it the Audit, Accountability and Performance Management Department." She noted additional changes which are just tightening the Ordinance, cleaning it up a little bit.

Councilor Maestas said, "Liza, we spoke before and I know you made this request through the budget process, and was that declined."

Ms. Kerr said, "Yes. At this time it was declined."

Councilor Maestas said then it wasn't included in the budget as a contingency, and we're waiting on the outcome.

Ms. Kerr said she hasn't had her budget hearing, but to her knowledge the position was not funded.

The Governing Body commented and asked questions as follows:

- Councilor Maestas said, “Just in general, I’ve been working on this for a whole year. I think the initial discussion was to establish an Inspector General, and we asked staff to go out there and weigh the benefits of establishing an Inspector General. We’re not a Chicago or New York City, but we are a City that can always use some accountability and transparency, and if need be, independent review capabilities, especially relating to fraud, waste and abuse. I think this is a step down from creating an independent Inspector General Office, which would, again, investigate cases of fraud, waste and abuse. And so I think this is a measured step in creating a fraud investigator or a forensic auditor as we’re calling it now, because I think now, more than ever, it is abundantly clear to the community that we need to institutionalize checks and balances and ensure we have the capability and investment to independently and objectively pursue any kind of allegations or complaints of fraud, waste and abuse.”

- Councilor Maestas continued, “As the sponsor of this Resolution, I really feel like this is good government and it’s timely, and I think the investment associated with creating this position is nominal when you think of the potential savings in investigating and even preventing fraud, waste and abuse. So I think that this Department is under-staffed and adding this position is going to help. It’s going to be a small step in restoring some of the trust that was lost with the outcome of this financial review of the 2088 Bond project. So I’m very proud to sponsor this Resolution.”

- Councilor Maestas continued, “And the last thing is I want to address the name change. And I know when we all took office we had a retreat and we talked about reinventing government, doing strategic planning, implementing performance based budgeting, but the bottom line of what is today the Internal Audit Department is it manages our performance. It makes sure we’re implementing programs as they’re meant to be, that we’re implementing laws and policies as they should be. The Internal Audit Department identifies inefficiencies and makes the government more effective and more efficient. So I really think the renaming of the Department is also sending a message to the public that this is all about good government. We want to be a better government and be sure the community knows we have the resources and the mechanism to objectively investigate fraud, waste and abuse and build a better government and make us run more efficiently. So that’s why I believe in this and I feel that this legislation is very timely.”

- Councilor Dimas said, “As I look at this, I’m in favor of it completely. I guess the position that is going to come into play here is the position of a Fraud Auditor. In my opinion, because of everything that’s happened over the course of the last few weeks, I think this is going to be a specialized position, and by specialized it should be someone who has experience in not only in auditing work, but investigative work in criminal investigative type work, and someone who has that kind of background. So what I think is needed, in my opinion and maybe only in my opinion, is that it should be a Criminal Fraud/Auditor/Investigator position. It should incorporate the criminal element into it also in case there is any kind of criminal activity, because fraud is criminal, and that should be included in it. And I think that people who are going to report this anonymously would

feel a little bit more comfortable if they knew it was going to be investigated by someone who knows how to investigate these types of things. So it's going to be a specialized position. I think if you're willing, you could amend it to read that way, Councilor. It's your Resolution."

- Councilor Maestas said he is willing to entertain that. He said, "One thing I want to point out is this Resolution has already gone through the Audit Committee and I do value the Audit Committee's review and perspective and feedback, but certainly I think maybe as we go forward with this position, I think there's an evaluation component in there. The one year. I think we can come back and determine how effective this position is. And I might add that this has been lacking in our City government, because if you recall, we just approved a multi-year, six figure contract to hire a consultant to do fraud investigations for Human Resources. And of course we know the Police Department has their own Internal Affairs, so Human Resources and the Police Department have their own mechanisms to serve this same function, but we don't in the rest of City government. That's why I think this position is going to be key to provide that needed function and it's going to complement our new Fraud, Waste and Abuse Hotline very well."

- Councilor Lindell said we have a new hot line that was implemented how long ago.

Ms. Kerr said at the end of January 2015.

- Councilor Lindell asked how many calls we have had to the hot line.

Ms. Kerr said there have been 5 calls to date.

- Councilor Lindell asked how does the follow-up on those calls works.

Ms. Kerr said, "Of the 5 calls, 2 were referred to the Police Department for investigation, 2 have been referred to Human Resources as they are personnel related issues, time management of whatever, and the last one was referred to Constituent Services because it had to do with potholes and generic stuff like that."

- Councilor Lindell said then 5 calls total, and 4 that were properly directed, and Ms. Kerr said yes.

- Councilor Bushee said once upon a time she brought a proposal for a Solicitor General forward, and she had been following what they did in Albuquerque. And they "undid what they did," because they hired someone that was kind of "off on their own tangents." She said the question comes down to how to develop a position with complete independence. She helped to create the Audit Committee, she had the Municipal Judge to do the appointing. She said, however, your supervision still starts with the City Manager, which to her isn't independence, and she would like to change that. She would like to ask the same questions with regard to how this position could operate independently, and yet not be out there "in left field somewhere in the weeds." She asked how we think that can happen is one question. And how would we would hire a forensic auditor for

the 2008 Bonds and hope it was going to be done the way we wanted it to be done. She's concerned about that. And with regard to the Fraud and Abuse Hotline which she cosponsored, is that it needs to be promoted in the public. We the calls internal. She doesn't think people know about the Hotline,

- Councilor Bushee continued saying her hope is that we will come up with the right configuration of investigation and follow-through. She said there are far more things we need to do. She said systemically, we're not going in the right direction on a lot of fronts. She would like those questions answered tonight. She asked the source of funding for this new position.

Ms. Kerr said, "We have not identified the funding source specifically, although it is our hope that if we hired someone into this position that they would be able to identify opportunities for generating revenue by recovery. For example, in Accounts Payable, one audit that could be done is duplicate payments. That happens quite often. And if they were to go in and identify duplicate payments made to vendors, we could recoup some of that money. Or overpayments on contracts. A lot of contracts are inclusive of gross receipts tax, and yet we are paying gross receipts tax on top of the amount for the services."

- Councilor Bushee asked if we will put out an RFP to hire someone with no funding source.

Ms. Kerr said, "At this time. Yes that is the situation."

- Councilor Bushee said, "The FIR gives a figure, but we don't have it. That's, I think, a recipe for failure."

- Councilor Maestas said, "Just to reply to your questions, Councilor Bushee, I think that initially I had asked for an independent Inspector General. And we looked at the possibility of some fraud, waste and abuse issues and some HR issues. I think at the end of the day, it was determined that Human Resources has to have its own independent investigation of HR related matters. Plus I think budget is always a concern. And I think the Audit Committee agreed to maybe scale this down. What this position represents is having somebody solely focused on fraud, waste and abuse. And if you look at the way the Internal Audit Department operates today, their work plan is limited by their work load capacity. And so one change you'll see in this Ordinance is that there's going to be some time set aside for any unanticipated matters that could come to light that could require and investigation into possible fraud, waste and abuse. And if there is potential criminal activity, the way the position would work is that they elevate it to proper authorities, correct Liza."

Ms. Kerr said that is correct.

- Councilor Maestas said it's a dedicated position. It doesn't have the firewalls that I think we all would want, but I think it's a start because it's an institutional and staff focal point that has some discretionary time. It won't be preoccupied in conducting all these programmatic audits that has

been the norm in the Internal Audit Department. They would be able to quickly and nimbly respond, because obviously, when we get information on fraud, waste and abuse, we don't anticipate it. And I do want to say one thing too, that I think this is going to pave the way for others to feel more coming forward and reporting possible fraud, waste and abuse. If we can demonstrate to City staff that there is a mechanism to objectively and quickly move on allegations of fraud, waste and abuse, that could encourage them to come forward."

- Councilor Maestas continued, "And in terms of the funding, I think if you all like this, then that's direction to staff to program the funds. In fact, Brian would that be your assumption, that if we adopt this tonight then we're going to incorporate it into the budget."

Mr. Snyder said, "To date, I haven't gotten direction from Council to fund this. If it is approved tonight, then this will come forward as part of the budget. I'm not sure where the funding will come from, but there will be a discussion in budget hearings tomorrow."

- Councilor Maestas asked, "Is that what it's going to come down to. We're still going to address this again in budget. I think tonight should be an unequivocal message from the Governing Body that we want this position filled. I don't think we need to go through another step to appropriate the monies for this."

Mr. Snyder said, "Ultimately, the budget needs to be approved through the budget process. Between tonight and tomorrow... today, I do not have the funding identified. So between tonight and 9:00 a.m. tomorrow, I'm not going to be able to find funding. But we can have that discussion tomorrow. I'm not saying that I won't try to find the funding, but I won't have the time between now and tomorrow at 9:00 a.m. to find the funding."

- Mayor Gonzales said,, "On that point, because I understand where you're going on it, it seems if it is passed, it is the clear direction, but it does need to go into the normal budget process, right, because we're still the appropriators. Can we notice to appropriate through this, or is there a process for appropriation of money that goes through Committee."
- Councilor Maestas said, "In response to your question, we're voting to create the position. I don't think we intend to create a position that would be unfunded."
- Councilor Dominguez said, "As the Finance Chair, I would say that ultimately nothing happens until the money is appropriated and the budget is approved. And so, I think what I hear management saying is that between now and tomorrow, if this were to be approved, we would obviously have the discussion about where it is we get the money for that position, and it could be the Deputy City Manager that we ultimately would move there. I'm just saying that really nothing would be approved or formal, until the budget is approved and the monies are appropriated, not even appropriated, but identified in the budget process."

- Councilor Maestas said, "Just for the rebuttal, and for the record, I do sit on the Finance Committee. If that's the case, if we're going to do this and play this game, then any expansion requests are going to be highly scrutinized, at least by me, and any other pending BARs, whether it's Convention & Visitors Bureau, or any other department, I think, they're going to have to stack up against this Fraud Investigator position, in my opinion."
- Mayor Gonzales asked, "On the development of the audit program that you have in place, how do you select what, or how does the Audit Committee select where the Audit Program is built on. Is there a risk assessment that's done annually, and based on that risk assessment, the Audit Program is built."

Ms. Kerr said they do an annual risk assessment which is required by Government Auditing Standards. She sends out a questionnaire to each member of senior management, and their responses are the matrix that gives her a generic idea of where people's perceived risk. She said the problem is she doesn't have the front person filling out the risk for all departments, and the results can be a little bit skewed. Additionally, she interviews most members of senior management and come back with the different concerns they have for an audit, and then take all that information, list it out, and then meet with the members of the Audit Committee subcommittee for internal audit, and determine which ones we think are the highest priority and develop the audit plan based on that.

- Mayor Gonzales asked if an audit plan could be developed that addresses the goals that the Ordinance would do, which would be to develop a series of testing that would identify potential fraud in key areas, waste or abuse.

Ms. Kerr said yes, they could incorporate something like that into an audit plan.

- Mayor Gonzales said, "And this obviously is important for me, because it's a capacity issue. Is it an issue of having another FTE who is this potential jack of all trades and is able to follow an audit plan and create documentation to administer the testing that's needed. Or, if we funded contractual services in the same amount that could be used, but used by different people that would meet the needs that you wanted to test maybe further, or have a different set of expertise looking at things that needed to be done."

Ms. Kerr said, "That's a very good question, and that's a very viable option, to have someone on call or be under contract as an individual, when the situation arises that I don't have time to get to, or I've been made aware of, but just don't have time to investigate. That could possibly give us, along with me.... the calls to the Fraud, Waste and Abuse Hotline, to date we've only have 5....but it might give us, over the course of the next year, a general feel for how badly we need this service or whatever. Having a full FTE on hand would help, in that if they're not working on fraud specific cases, I could offer you them to help with other types of audit work."

- Mayor Gonzales said, “I guess it seems if there is an expansion issue to help support more of the internal audit requirement that’s one thing. If it’s about developing an FTE that is created to go seek out fraud or identify waste or abuse, then the question is, one, is it budgeted. Can we find an individual who has that and they’re purely doing that. I don’t know, Councilor Maestas, if you heard, when I asked the question, if rather than an FTE there was consideration that we would fund an amount equal to that would allow contractual services to be engaged whenever the Audit Program identified fraud or abuse, then the Internal Auditor can engage a set of services that can have a specific scope so they can seek it out to determine what would be next. If the case is to seek out or to pursue fraud, waste or abuse, then we should leave it limited so they’re doing that. Because I think what’s going to happen is that you have an FTE, it’s going to be very easy for them to get wrapped up in your audit plan. And you can use another FTE to expand the audit plan to go do other kinds of testing that might be out there. And either through the Hotline, or in the discovery of testing something comes up or a red flag goes up, chances are you’re going to want to contract for specialty services. I like the idea of changing the name so the mission is clear. The question is how do we make sure we.... what’s the right allocation of resources. Is it through an FTE or is it through monies that allow her to contract various expertise that might be needed.”

- Councilor Maestas said the vision is to start building the institutional focal point which will become truly independent in terms of moving forward and investing fraud, waste and abuse within the City. I think that sends a stronger message that we are setting ourselves on that path, than simply contracting it out. He said, “I’ve had many conversations with the City Manager about how will this person be utilized. There are other ways in which this FTE can be used. If there is a cash operation we’ve had problems with in the past, this person can review those to ensure that cash is being managed well and we’re not on a path to have something happen again, whether it’s parking revenues or what have you.”

- Councilor Maestas continued, “I see this as an evolving position and mission, and I think the Audit Committee in partnership with Liza, really feel like this is a measured, appropriate start for the City to really start objectively weeding out fraud, waste and abuse. And the savings. I think we have to realize that every single inspector general that’s been created in every city across the country has saved exorbitant amounts of money in making appropriate improvements and weeding out waste. This model has already proved successful. We have Internal Affairs in the Police Department. It’s tried and true, it’s separate, objective, a deterrent and it’s meant to investigate any wrong doings within the Police Department. So there’s no reason we should have it on the civilian side.”

- Mayor Gonzales said, “The question though.... what I’m trying to understand.... the question is does this need to happen or not, because I agree that broadening the focus of the mission in name and in action should happen. But the truth is, year over year, an audit program is going to change and it’s going to identify different needs and fraud definitely could be one, abuse another, or waste, yes. So part of it is driving efficiencies. There is a very different expertise in place when you talk about looking for efficiencies and bringing it forward, versus looking for fraud. So the question is, yes that’s the mandate the Council is setting with this Ordinance that that be part of

the mission, but why wouldn't we annually, based on the recommendation from the internal audit adequately fund services until we grow to the need to actually utilize FTEs where we strategically need them. Everything is under her domain anyway, right. She would make the determination on what would be fraud or abuse. I'm just throwing that out, I'm not advocating for it, but I'm just wondering if this a new phase we're moving to in evolution, does it have to be a full time employee. Or can we set the parameters, fund contractual services and then next year evaluate the need, but start with clearly changing the mission so she knows how to build an audit program.

- Councilor Maestas said, "When we were discussing this very position, it was before Human Resources decided to contract out their own investigation services, which the Governing Body passed. And I believe that contract is on call for human resources. Brian can you talk about that contract and the scope of it."

Mr. Snyder said, "It definitely is an on call contract for a set scope of services. And as Liza identified, through the Fraud, Waste and Abuse Hotline, I think there two calls that came in that were referred to, that are limited more to personnel action. They're H.R. related just like the Police's Internal Affairs investigations. It's definitely an on-call contract and it's only been utilized here twice. We've utilized similar services as needed since I've been City Manager in the last year and a half – from H.R. that is personnel related."

- Councilor Maestas said, "My answer to your question is we did look at the contracting out model and H.R., and I was a little upset because they went out and did it, and I questioned why we were going to do that. Why wouldn't we consolidate H.R. with other general fraud, waste and abuse investigation services. And we opted for an FTE to try and split the duties. Instead of having this person being in a reactive mode, they would serve in that reactive mode and respond to allegations of fraud, waste and abuse, but proactively look at areas that could be wasteful or present opportunities for fraud, waste and abuse, and try and identify it. So we felt like investigating an FTE, we would make sure this person is busy all the time, instead of paying for an on-call contractor that's more reactive. So this would serve in the reactive mode and they would also be pro-active in looking at other areas where we might suspect there to be waste."
- Mayor Gonzales said, "Okay, I want to move it on, but on that point, could the position come in the form of a contract or a term position so that every year the Council can evaluate is it really paying for its needs, or is it serving the function and then at some point, determine if we want to roll it into an FTE position, or the Audit Committee may say we can do a lot more if you let us just allocate this individually through different resources that are out there. I am just wanting to make sure there is as much flexibility given to meet the needs you're talking about, which I know the public wants. But moreso than dictating it has to be a position, that we allow flexibility to the Internal Audit Committee and the Internal Auditor to decide how to use it and then report back some of these goals we're talking about."
- Councilor Maestas said there is a one year evaluation on the position.

Ms. Kerr said yes, but we hadn't considered doing a one-year contract with somebody, but that might be an option as well.

- Councilor Maestas said the one year can be on the position, how it's working, and maybe after a year we can determine maybe it should be contracted out – maybe that's the model. There's a one year review, call this a pilot.
- Mayor Gonzales said it's hard to pull back an FTE, and it's much easier to convert a contract for the term next year.
- Councilor Maestas said, "Maybe it goes back to your comments earlier, Mayor. If the demand isn't there, maybe we can reconsider it, and just make that position part of her audit staff."
- Mayor Gonzales said, "I've served on various audit committees. I know you can use another auditor performing more test work. And that's what I think what will happen when we give you this FTE, not that they're not going to look for fraud, waste and abuse when they're performing more test work, but it's going to be very easy to get caught up in just expanding some of the things that you need to do. So that's why I want to really careful that there is an employee splitting duties, but the Internal Audit Committee is allowing for an expansion of audit programs and testing other areas, just as a matter of more complete work."
- Councilor Dominguez said, "I'm kind of torn on this one, especially given the exercise I've gone through over the last year, especially the last two months. Having said that, though, I kind of like this idea of either contracting out or making it term. And let me tell you why, part of what we're talking is reorganization. And that's what needs to happen, is there has to be some reorganization. And I'm interested in the job description. One of the things I want to ensure, whoever this is and however it organized, is that there is as much autonomy as possible. Do we have a job description for this person and where it sits in the organization."

Mr. Snyder said, "There is a job description, or where this person or this contract would sit, however you go, could be working directly through Liza. Their work load and Liza's is set by the Internal Audit Committee. It's not set by me, it's set by the Internal Audit Committee, just the way this contractor or the person would be set the same way."

- Councilor Dominguez said, but this individual would be a subordinate of Ms. Kerr's.

Ms. Kerr said, "Yes, that's the way we're setting it up."

- Councilor Dominguez said, "And this is with all due respect to you, but if you leave and we get someone else in your position that may not have that autonomy or the ability to be as independent as possible, I'm worried the person underneath might be tainted in some way. I'm really torn, because I think we need to be able to show that transparency and give people the opportunity to

report and have them properly investigated. I don't know if we're quite ready for it yet, but I want to hear more, because I want to give somebody the ability convince me otherwise. In 10 seconds or less."

- Councilor Ives said he has been favor of this since Councilor Maestas brought it forward. He said, "If recent events don't prove the need for this, nothing ever will. I think we have shown ourselves to be large enough, complex enough and have enough issues with how we us funding, that having someone in that kind of position with a primary focus on fraud and waste makes sense. I think approving this position as FTE within the Audit Department makes total sense, especially at this point in time."
- Councilor Bushee said as much as she wants a very popular Fraud, Waste and Abuse Hotline, and a very active, independent position such as this, "I'm still convinced yet that there's independence and this the right form." She said, "I'm not trying to make this go too far away for very long, but what if, during the budget hearings the monies were made available, and then we went back and reconfigured how this might look. But I am concerned that it become.... we had an internal auditor position forever in the City. They were given their work assignments directly from the City Manager and it was almost as if they kind of sat in their office and produced some paper and not much came of it. I don't know whether this whole thing should be under something like the Municipal Judge with complete independence and supervision or something, or whether it should be contracts and if we actually need more bodies or not. I feel like it's bigger, it's big. We need to do something and we need to do it soon. But I'm not convinced yet and I don't want to send it away. A, I want to know its funding source and I want to know its form and I want to know that it's autonomous completely."

Mayor Gonzales, "I apologize to the Council. This is a public hearing and we may want to allow for the public to comment on it and if it's alright, we can wrap up and make some decisions and we can go on with the evening.

Public Hearing

Speaking to the Request

Mayor Gonzales gave each person 2 minutes to speak to the request

Rebecca Fitten, 2316 Brother Abdon Way, said, "I would speak at this time against an FTE for this position, because I'm not sure that there's a clear understanding of the level of expertise you are going to need moving forward. What the people want I have talked to in the City, those of us who voted for that bond measure, is for you to do you your work up front. The issue is project management. Audits come way later, or at least at the end of the year, so you would have a budget for that bond issue, and then you could break that bond issue into operationally what are you going to do to each of the parks. And then you would have another spread sheet for what the bids were, and then you would have another spreadsheet

for what the invoices were, and who signed those invoices and who wrote the checks. This is an operational procedure issue that people are irate about. This is not the first bond issue that this City has managed. It may be the last, but the only way you can get in front of what is in front of you now, is to make sure that the procedures and the policies get to what you want at the end. And that's accountability and being able to tell people where their money went. Thank you very much."

Stefanie Beninato, P.O. Box 1601, Santa Fe, said, "The speaker before me made some very good points. It's about project management. This thing was skewed from the very beginning, or shortly thereafter. No records. It's 2015, that was 2008 and there are no records, no computerized records being kept of anything that's going on, on certain projects, and just as well, once the records are gone, they're gone. If *[inaudible]* then they're gone. Well that's real great, because that does not allow for accountability, and that's what we citizens want when we approve bonds that there is accountability. I really like Councilor Maestas's original idea of an independent Inspector General. This is not independent. This is within the Audit Department, and everybody will know what that person's doing. There's no firewalls really around that person. They will be taking orders from the head of that department who takes orders from the City Manager. So to me, it's not independent. Even contracts I think is a problem, like I've seen engineering contracts go over and over to one company *[inaudible]* and now there are State funds, and you can tell, they want the next contract. So that too is a problem. So if you are going to have a contract, rotating contracts so the wrong company doesn't get comfortable with it. The Waste, Abuse, Fraud Hotline that was set is for employees only. So if you want the public to use it, yes, we're going to have to have a public education campaign here, to let them know that that's not just an employee Fraud, Waste and Abuse Hotline, and it's open to everybody in the public to call in. And I think you'll get a lot more than 4 calls once the public is educated about that. And again, I feel that people in the City are probably hesitant to come forward. They've probably been told things are anonymous before and they weren't. And when you have employees unfortunately overdosing, and people kind of knowing maybe something was wrong, but never actually reported it moving forward. There's also a culture here of, you know, if I get left alone, I'll leave everybody else alone. And that too is something that probably needs to be changed so that people take responsibility for the community. Thank you."

The Public Testimony Portion of the Public Hearing Was Closed

The Governing Body commented and asked questions as follows:

- Mayor Gonzales said, "To the point that you made earlier, I think everyone recognizes that there is, across the City, a need to improve the business processes that lead to greater accountability and transparency for all funds that are spent. One of the issues that we all have to confront over the next two days, and I think Councilor Ives is going to be championing the issue, is the need to invest in new ERP Systems which are the new financial systems that will allow for the full delivery of the spectrum that you spoke about, everything from project management all the way to how we conduct our own business so the public can see in a timely way. I don't think that any of the discussion up here, and I don't think what Councilor Maestas was driving, that one would take the

place over the other. The points were well taken and we're moving down that path, so that's not been abandoned."

- Mayor Gonzales continued, "But I think the issue of being able to make sure that our internal audit office is properly resourced, whatever those resources look like, is the question at hand. To me, this new title, that we most likely will adopt tonight, and the issue is do we need to decide if it has to be an FTE, or do we seek the counsel of the internal audit group to come back with recommendations, be prepared to do it. My view is I think we need to go forward with this, I just worry about trying to put a square peg in a round hole, and trying to give the flexibility to Liza and the internal audit group to determine how the resources can be used to meet the expanded goals and missions that you have. And it may be an FTE, and it comes back, there's a resource already in place and we don't have to ask Brian to find the money, it's allocated, it's there. If it's contractual services, it's there. I think you're taking us in the right direction Councilor, I just want to make sure that we're able to rely on the Internal Audit Committee to provide some feedback."
- Mayor Gonzales continued, "And I believe, under the Charter, this Internal Audit Committee is going to be truly independent, or the new one, is that correct. Someone help me on that. Didn't the voters just approve to put into the Charter the Independent Audit Committee, did I miss that."
- Councilor Bushee said, "It's in the same configuration as it is now."
- Mayor Gonzales said, "The truth is, I understand the point about an independent inspector general, and I think that makes sense. But, we have a fiduciary responsibility that we can't abdicate. We can't outsource our responsibility to make sure that there are adequate controls in place to detect fraud, abuse and waste. And by the wisdom of this Council several years ago to create an internal audit group that is truly separate, and an individual that only has a dotted reporting line. And Liza, I don't think your audit committee feels like they've ever been pressured to act in a certain way. And hopefully, if the protections aren't there, we move to make sure that the protections are there so there isn't this view of coercion or not being able to truly be independent. But under the current situation that the City has, this can function. It can serve the need that we need to have served which is to make sure that we're properly auditing and creating a process to assure that we're following the proper compliance issues that we have, that we're following the law. Those are all things we can do. The question is when we broaden it to start evolving this agency, how do we take these first steps. And I'm willing to go with where the Council feels. I just think it's a matter of let's allocate the resources, let's change the name, change the mission and ask the Internal Audit Committee to come back with a recommendation of, yes, we think we can use an FTE, or we think we can meet this mission by contractually determining to how to best spend it. My only point."
- Councilor Trujillo said we're going to spent \$117,992 for this person, right. That's what I see here.

Mayor Gonzales said he believes so.

- Councilor Trujillo asked if there is budget for this in this cycle..

Ms. Kerr said yes.

Councilor Trujillo said then that will be coming before us tomorrow.

Ms. Kerr said, "Brian, I don't know the answer to that. I haven't seen my budget."

Mr. Snyder said, "If it's approved, yes it will come forward tomorrow, but it's not in the current budget."
- Councilor Trujillo said, "That's my concern, because we are literally in the 11th hour. We will have budget hearings tomorrow at 9:00 a.m. That is my concern Brian, are you going to find \$117,000 in revenues."

Mr. Snyder said, "I have not identified the funding source yet."
- Mayor Gonzales said, "I would say, Councilor Trujillo, I think that's our responsibility. If we pass this tonight, we're going to be given a whole series of options on how to balance our budget, and this has got to be included in it."
- Councilor Maestas said, "I started off advocating for an independent inspector general, and the culture has whittled this down to an FTE within a Department that's not independent. And so, right now, as the primary sponsor, I'm torn, because I'm thinking, wow, it's this hard to change the culture here. Will this FTE help create that culture where it can eventually evolve into a truly independent inspector general. I don't know. There's a reluctance here to even budget the money for an additional FTE to help investigate fraud, waste and abuse. I would prefer, in light of what's happened over the course of the last several weeks, for us to really send a strong message that we want to create an inspector general in the City of Santa Fe, the first inspector general that's truly independent, that's going to pay for itself."
- Councilor Maestas continued, "And it's a position.... I think we've already determined that. I think Kelley made a presentation based on her research that inspector generals pay for themselves 10, 20, 30 times over. So I'm really at a loss here. Do we want true independence. I do, and I think some of us do, but I don't want this Ordinance to go down in flames completely, because there's many many changes that were made by Liza, her staff and the Audit Committee, to improve the way that Department functions. So I don't want to... if we need to take this position out for now and adopt this Ordinance, I will support that, but I will come back and ask for a truly independent inspector general that won't be under any department head and that's going to ask us... that legislation's going to ask us to make a commitment to fund this inspector general position in the budget, so I'm willing to do that."

- Mayor Gonzales said, "I want to point one thing real quick, Councilor. I don't see this as a cultural issue. I think all of us have agreed and support the need to make sure that we fund properly any type of process that will lead to identify fraud, waste and abuse, and it may be an independent [inspector general] as you say. I think having served on other audit committees that there can be true separation to find it out, but that's fine. I think we can go to that. One of the things I think you were saying, to get to your point, maybe the only way, because I even think if we appoint an inspector general, there still can be an ability to have some perception of conflict. Let's identify or study a way to change our Charter to create an elected position that exists for the public, that would be able to truly serve as the independent auditor that you're looking for, that is accountable to the public, not to any person we would deem worthy of selecting. That's the pathway I see to true independence, so there is no influence."
- Councilor Maestas said, "Right now, and Kelley maybe you can speak to that, the current construct of the Charter does provide, or maybe it's the Ethics Ordinance, does provide for the position of an inspector general, so it's not like this is totally new and novel. It's part of our organizational framework. It's just a matter of doing it, of funding it. What problems do you see Kelley, with establishing the first inspector general in the City of Santa Fe."

Ms. Brennan said, "As I said, when I made my initial report, that the scale of the cities that were available for study were quite large, and there were quite large issues of contracting and those kinds of things, and I wasn't sure that that was a direct equivalent to the City of Santa Fe in terms of scale. Also, I think that there was some sense that we need to explore the problem and see if it's endemic, and how much of an investment should be made in this, knowing that it could grow into that position. You are correct that there is a provision in the Ethics Ordinance that provides that we can create an office. But, just to return to the discussion about an FTE or a contractor, I don't think you have to excise anything out of the Ordinance tonight, if you want to act on the Ordinance. It provides for hiring employees or independent contracts to carry it out, so that decision or discussion could take place after enactment as well."

- Councilor Maestas said so it's not necessarily an FTE, we can choose the mechanism to create that function.
- Ms. Brennan said the Ordinance provides, "*The City Auditor shall review applications and make recommendations to the City Manager for hiring other audit accountability and performance management department employees, or independent contractors to be procured for assistance to the Audit, Accountability and Performance Management Department.*"

Ms. Brennan continued, "So it does create the possibility for both a contract or an FTE, and it is not that the City Manager hires, but that the position is recommended and created, and then the hiring process is done through the Internal Auditor and the Audit Committee. But, as drafted now, it provides for both possibilities."

- Councilor Maestas said, “I think the course of our discussion really is the need to create some independence, and I think what I’m proposing, which is very different from my initial proposal, will not provide that, so.”
- Mayor Gonzales said, “Just so I understand, so right now the Internal Audit Committee is appointed by the Judge Yalman, is that correct, or how does that work.”
- Councilor Bushee said she submits the names.
- Mayor Gonzales asked if that is by Charter or by Ordinance, and Councilor Bushee said by Ordinance.
- Mayor Gonzales said, “I think that step 1 is separating us from that appointment process, to truly be independent, if we can do it. Hold on, I’m trying to find a pathway to where you’re wanting it to be. So, if we find the pathway where those appointments can be made, let’s say by the Municipal Court Judge, without recommendations from the administration, so they can do their own process, then the Internal Audit Committee is.... or we can change it to include this. Does that Committee right now have sole responsibility over evaluating you and determining who’s appointed, or who does that.”

Ms. Kerr said, “Mayor Gonzales, just to make a point clear, the City Manager does not supervise my work, never has. We really worked with the Association of Local Government Auditors to create an Ordinance. And I worked with Councilor Dominguez to put that Ordinance through two years ago when I first started, to create a very independent Audit Department based on the Association of Local Government Auditors model. We have strived for, and I feel we have achieved a very good working model. It is a dotted line of reporting to the City Manager, I also report my results to you, the City Council, the Governing Body and I report my results to the Audit Committee. So there’s a 3-prong reporting approach which gives me the independence.”

- Mayor Gonzales said, “I understand, but I think in listening to the Councilor, if we choose to go down that path and make some sense.... right now, given the current processes, if we eliminate the dotted line that reports to the City Manager, it shows a connection to the City Manager, and only went to the Internal Audit group, and then the Internal Group obviously would have the authority to make determination on, do investigations to get started, do we allocate resources to proceed with things. It seems we’re moving toward... then we might be back on track to where you might want us to go, in terms of breaking the dotted line so that doesn’t exist and putting the sole authority of... one separating the Council from making appointments to the Auditing Committee and letting the Judge do that, and then the Audit Committee having jurisdiction over the staff and any reports will come from the Audit Committee directly to the Council. They should have the ability to embark on investigations. I don’t know if you need any direction from us, but I think we would have to grant that through power and authority to you as an auditor to start that without having to come and get resources. These are all things that Councilor, I’m trying to hear where

you want to go, and I think you want take us, I don't want to be an obstructionist, but the issue, I feel like if we're just kind of getting halfway there, or we're not achieving the objective you wanted to achieve, and this isn't going to do it, what are the 1, 2, 3 steps that we can get to the independence you would like to see happen. And if it's not going out to ask the public to vote for a person, how do we do it in a way that there is a true inspector general or auditor function."

- Councilor Bushee said for clarification, she went the route of having the Audit Committee be Ms. Kerr's supervisor, and was told that was not allowed legally. She is a City employee.
- Mayor Gonzales said he would be surprised if that is the case.
- Councilor Maestas said, "In response, I think really the time is now for us to act, and I think we should at least agree on principle, and obviously this would be a significant material change. I'm not sure we can take action on anything outside the scope of the proposed Ordinance. What I would like to do is to give staff direction to come back with a plan, a proposal and a budget to create an independent inspector general and to create independence in the function of that position. I don't know how that would change the existing Audit Committee, and I would like budget set aside for that position. And with that staff direction, I'm willing to make a motion to approve this Ordinance as presented with the exception of including the FTE. I think all eyes are on us right now tonight, and I think we're going to be judged by what we do now and moving forward to create an independent investigation arm, the first of it's kind, in the City."
- Mayor Gonzales said, "I guess I'm getting a little confused, because I'm trying to go where you're saying, so there's got to be a point to adopting this to achieve your objective. I think we can do this. Here's the thing we can do over the course of our budget session. We have the ability to propose to change the title of the Department. We should, through this budget cycle, change the title to an inspector general title, with adopting a set of policies and authority that an inspector general would have. I don't think we can do away with an Internal Audit Committee. That's part of our Charter and they exist for a reason. I think in our organizational chart we can break the dotted line that goes to the City Manager. I want us to get there, as opposed to just creating an action that really doesn't get us there. If the goal is independence, let's not only pass this, but then let's make sure through the budget cycle and the org chart that we adopt, we break the dotted line, we change the title to inspector general and that gives us a start. So we are starting with the name of an inspector general, and then we can begin the process of how we continue over time to create the true independence and to break away, given the authorities that we have."
- Councilor Dominguez said he has a suggestion. He said he is hearing two things, let's keep this alive, but not jump to too many conclusions. He asked, "What if we were to move forward with creating as it's titled, the position, and we give direction to staff that at mid-year, they find some funding for a position for half the year, and during that time have the Audit Committee define the independence you're trying to create through an inspector general. It gives some commitment. The stronger message is to create that FTE tonight and move it forward, but to try to come up with

something in between. We give some strong direction to staff that by mid-year, they have to have the funding for a position, at least for half a year which really isn't a long time. That gives the Committee some time to come up with some definition. We can have the discussion about that autonomy and that independence. Whether that is something we leave up to them, or with the creation of an inspector general and give us time to find the funding."

- Councilor Ives said we did spend a lot of time talking about independence in the last two years, and the resolution of all that were the modifications in the Ordinance that Councilor Dominguez brought forward, some of what I brought forward in terms of the Internal Audit position, bringing forth the Charter amendments to make sure we had our Audit Committee separately addressed. I have not heard anything from either our Auditor or Audit Committee that they feel they are not independent, that anybody has brought pressure to bear on them, that there is a need to change what we just spent a great deal of time and effort putting in place, in terms of establishing these relationships. I don't see a dotted line to the City Manager as a threat to the independence of the Auditor, given how we structured the Audit Committee and that position."
- Councilor Ives continued, "Again, I like what Councilor Maestas has brought forward in terms of creating the opportunity for additional manpower within the internal audit function, and I agree it should be focused in part on the fraud, waste and abuse issues, because the cyclical audits you do of the various departments are sort of not focused in that same way. So having a shift in that makes sense, having someone who can do programmatic audits of the City's programs, such as Park Bonds and the like. And I'm not hearing there is a problem from the people who are actually working for the City doing that job, so I hesitate to run off to create something entirely new, when we recently revamped that system that appears to be working well so far. And the question, in my mind is one of manpower in staffing that office appropriately to the function, given the complexity of the City. So I'm in favor of the Ordinance as drafted, and I guess I'm not in favor of changing what we just put in place to chase a whole new goal when I'm not hearing from the people who are in those positions that there's any problem to begin with."
- Councilor Bushee asked Ms. Kerr who is her supervisor.

Ms. Kerr said she really has no direct supervisor.
- Councilor Bushee asked Ms. Kerr who writes her employee review.

Ms. Kerr said she hasn't had an employee review since she started.
- Councilor Bushee asked Ms. Kerr if she is an employee.

Ms. Kerr said yes, she is an employee of the City of Santa Fe, and reiterated the 3-prong reporting structure.

- Councilor Bushee asked the City Manager who would write her review, and Mr. Snyder said her work is created by the Internal Audit Committee.
- Councilor Bushee said she isn't talking about the work load, and wants to know who is her supervisor.

Mr. Snyder said, "They direct her work so I would say that the Internal Audit Committee would write her review."

- Councilor Bushee said that isn't what is written on page 13, and this isn't her experience of how things have worked from the start, which has been her concerns. She said they had conversations when she was seeking an audit of the Airport and the operations out there, and "I was told directly by you, that the City Manager had to approve a work plan."
- Councilor Bushee continued, "So I am contradicting what's been said, because it's been my experience. What I will tell you is that if we pass this, this evening, with no funding source and with no independence, then we're doing the same old, same old. What brought to light the 2008 bond issues was the persistence of the Chair of POSAC, along with some Councilors willing to support an independent audit of sorts, a very inexpensive one. It wasn't the Internal Auditor or the Internal Audit Committee that brought that to light. So yes, the culture needs to change, the culture of City Hall needs to be changed to reinvigorate or create any hope that the public will trust that we are running the ship in a very transparent and open way."
- Councilor Bushee continued, "So I support the concept, I think everybody up here wants to support the concept. I don't think you can wait for 6 months to do this. I think you have to fight it out in budget about what's more important, a Deputy City Manager. What's going to change this culture. What is going to move this forward and instill some confidence in the public that will ever vote on bond monies again. If you want to see a teen center, if you want to see any new monies, you're not going to get this public to vote for that, without a lot of cleanup here at City Hall. Right now the way it's written will not do that. If you vote for this tonight, you're saying you're happy with the *status quo*. If you choose to let this go for now, I think what the Mayor was trying to say was we'll duke this out in this budget process. My priority would not be at this juncture, even though I have supported a Deputy City Manager in the past, I don't think that's the critical position."
- Councilor Bushee continued, "I think we need an independent office, whether you call it inspector general, I think there's plenty of models out there. You're working with the Municipal League, you can find the models, Albuquerque had one. They're out there, it's not going to be that hard. I think you're going to have to fight it out this budget, make the money available, whether it ends up being under contract, whatever you call it, I think that will be easy enough to figure out, but this is not independent. And this is *status quo*, and I think you've even come to that conclusion yourself. And I know you want something to happen, but we have every power in this budget to make this happen."

- Councilor Maestas said he likes the Mayor's proposal and he is going to make a motion to that effect.

MOTION: Councilor Maestas moved, seconded by Councilor Dimas, to adopt Ordinance No. 2015-14, and direct staff to provide the adequate funding necessary to fully implement the Ordinance, and direct staff to create an independent inspector general position in consultation and cooperation with the Audit Committee and consistent with the Ethics Ordinance, prior to the final approval of the budget, to make that change in the organizational structure.

DISCUSSION: Councilor Rivera asked Councilor Maestas if his motion is actually creating two positions and Councilor Maestas said no.

Councilor Rivera said, "What I heard was approve the Ordinance as is, which has a position in it, and then directing staff to create an inspector general."

Councilor Maestas said, "What the Mayor said is this would create the funding and the position, and during the course of the budget is we simply re-designate it from a forensic auditor to an inspector general and add the independence we've all been discussing."

Councilor Rivera said, but still only the one position.

Councilor Maestas said, "One FTE, yes."

Mayor Gonzales said, "What I was advocating.... yes, I was advocating that the inspector general wouldn't sit under the Internal Auditor, but through the budget we would reclassify or rename and assign duties and functions in that process."

Councilor Maestas said, "My motion would assure the independence in consultation with the Auditor."

CLARIFICATION OF THE MOTION: Mayor Gonzales said, "I heard, to approve the Ordinance, but you said to direct the staff to find the funding. I think we're in the process right now of we've got to find the funding for that, the budget is an Ordinance, if I'm correct, and through that, as we have done in the past, change names of departments, collapse or deal with the org chart so that we move to create that independence.... through the budget and appropriations hearing, who the responsibilities are for this new organization, how that reporting mechanism takes place, and I think that gives you the time over the next week or 10 days to begin to craft what that's going to look like for us, right."

Councilor Maestas said it could change what the Ordinance said.

FURTHER CLARIFICATION OF THE MOTION: At the request of the Mayor, Melessia Helberg, Council Stenographer said the motion was to approve the Ordinance, and direct the staff to find the funding during the budget cycle, and to develop a proposal to create an inspector general and consistent with our Ethics Ordinance prior to approval of the budget. She asked if this is correct.

Mayor Gonzales said, "Yes."

Ms. Brennan said,, "If this Ordinance is adopted, it will be adopted, and then it would have to be amended by Ordinance to do anything material of the nature you are suggesting. So, if you're adopting this Ordinance, you're adopting it as it is, directing staff to identify funding for your to appropriate. But in terms of changing this and creating a new system, you cannot do it without advertising and hearing through an amendment. So that would be an extended process, not a 10 day process. I just want to make that very clear."

Mayor Gonzales asked if we can achieve the same objective through the budget, that she was moving to on this.

Ms. Brennan said, "No, I don't think so. I think it materially alters this. This Ordinance that is before you, you could tweak it, but the material change of the kind you are suggesting seems to me to require, once this is enacted, an amendment of this Ordinance, and some thinking through of what the potentials are for the possible variations of the position you are suggesting, because I think there are a number of considerations that probably would merit discussion."

Mayor Gonzales said, "So, I'm definitely on board Councilor Maestas, to get this moved to the direction you want. The question is, if this is a first step, going ahead and going through the process of amending and however long that is going to take. I will leave it to you. I agree, this doesn't get us where we need to be, but I think the budget and the allocation of the resources plays a huge role in being able to achieve what you're talking about, and we're about to get to that."

Councilor Bushee said, "For starters, I'm not sure how this Ordinance/law made it this far without a funding source. I've never seen it, and I don't think this discussion has.... I know we are trying to look like we're doing something folks, but let's do the right thing. And I'm going to read some things on page 13 of the Ordinance:

- A. *Within sixty (60) days before the beginning of each fiscal year, the city auditor shall submit a one-to-five-year audit plan to the audit committee, the city manager and the governing body for review and comments, but the city auditor shall have final authority to select the audits planned. The proposed plan shall include the rationale for the selections, for auditing departments..*

Councilor Bushee said, "It is creating a new FTE not any more independent than what we have. It's the same setup, it's just adding another body. I understand we're trying to go somewhere, but I don't think

we're going right with this Ordinance. And to approve a new position, create a law and have no funding source is beyond extraordinary and not good business. I know we make sausage up here, and it's never a pretty process, but we can do this better. And I know your intentions are good, but honestly if you want to fight it out in the budget, find the source of funds, and then define how you are going to use those funds, that's doable. But to then approve this, and create something else later, you've got a two-headed monster and still no independence. I'm really concerned we're trying, and we're going in circles right now. So I, for one, am not going to support this, this evening. I support a concept, but I don't see the created form that I can support."

CALL FOR THE QUESTION: Councilor Trujillo said, "I'm going to call for the question. We're just going round and round on this." Councilor Rivera seconded the Call for the Question.

VOTE ON THE CALL FOR THE QUESTION: The call for the question was approved on the following Roll Call vote:

For: Mayor Gonzales, Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

VOTE ON THE MAIN MOTION AS AMENDED: The motion failed to pass on the following Roll Call vote:

For: Councilor Ives, Councilor Maestas and Mayor Gonzales.

Against: Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Lindell, Councilor Rivera and Mayor Gonzales,

Explaining his vote: Councilor Rivera said, "I support an independent auditor and I think this needs more work, so no.

Explaining his vote: Councilor Trujillo said, "I support the concept Councilor Maestas, I think it's the 11th hour, the funding, that's my concern, having funding, so I'm going to have to vote no.

Explaining his vote: Mayor Gonzales, "Yes, and I will work with Joe so we can get something back here and get ready for budget and make it right, so we'll deliver on what's been dealt with."

G. APPOINTMENTS

Community Hospital and Health Care Study Group

A copy of a Memorandum dated April 27, 2015, to the City Council from Mayor Javier M. Gonzales, is incorporated herewith to these minutes as Exhibit "3."

Mayor Gonzales noted there are more vacancies to populate the Committee, and asked Councilors to please identify individuals to get this finished.

Mayor Gonzales made the following appointment to the Community Hospital and Health Care Study Group:

Councilor Patti J. Bushee;
Councilor Peter Ives;
Terrie Rodriguez (City of Santa Fe, Director of Community Services);
Cleo Fowler (District 1199 NM Hospital Workers Union Representative);
Sharon Argenbright (District 1199 NM Hospital Workers Union Representative);
Mary "Angela" Martinez (District 1199 NM Hospital Workers Union Representative);
Ronald David Coss (Knowledgeable Consumer Representative);
Robert D. D'Ambrosia, M.D. (Knowledgeable Consumer Representative);
Rev. Dr. Holly Beaumont (Community Representative Advocate for the Care of the Indigent);
Louie M. Abel, M.D. (Santa Fe Medical Doctor); and
Jay P. Jolly, FACHE (La Familia Medical Center)

MOTION: Councilor Bushee moved, seconded by Councilor Ives, to approve these appointments, and naming former Mayor David Coss as the Chair.

DISCUSSION: Councilor Rivera asked if the appointments, the number of personnel and the people involved follow the letter of the Resolution in terms of the number of people representing. He said he noticed there are 3 from District 1199.

Councilor Gonzales said they are mapping into the slots as designed by the Council for community wide representation.

Councilor Gonzales asked if the Resolution will have to be redone since the County is refusing to participate, noting they were one of the parties named for the committee.

Councilor Bushee said that's not necessary, they're refusing to participate.

Mayor Gonzales said we've got a letter, to that point, we can go back and ask them again. He said the other thing we have to make sure we bring through, is in the original Resolution there was a FIR for a \$50,000 which hasn't been appropriate, and we need to make sure we consider the appropriation during this budget cycle so the work can be done.

Councilor Bushee said, "The money may have been suggested by Christus St. Vincent's, and if they choose not to participate, I really don't see the need to fund."

Mayor Gonzales said, "To see that it is properly resourced is the issue."

Mayor Gonzales said there is a recommendation to name former Mayor Coss as the Committee Chair through the motion.

Ms. Vigil said, "Mayor, you do appoint the chair."

Mayor Gonzales said we can do that in the form of the motion.

Councilor Ives said, "To Councilor Rivera's question, I do anticipate bringing forth a few proposed amendments to add significant voices in the health care field I believe do want to participate, so I'll introduce that sometime next week."

Councilor Bushee said, "Mayor now I'm thoroughly confused. Are you accepting my motion to accept these nominations and ask that you appoint Mayor Coss."

Mayor Gonzales said, "No, because the appointment is mine, so I'm going to go ahead and take your recommendation and make a decision separate from the motion. So we keep it just solely on the members here."

VOTE: The motion was approved unanimously on a voice vote with Mayor Gonzales, and Councilors Bushee, Dimas, Dominguez, Ives, Lindell, Maestas, Rivera and Trujillo voting in favor of the motion and none against.

Mayor Gonzales said we do need to finish populating the Committee, and asked Ms. Vigil to send a message to Kate Noble to continue to do outreach to the non-respondents, noting he will do another run at the County and St. Vincent's.

- 1) **REQUEST FROM IRI CONSULTANTS FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF BEER AND WINE AT MOUNTAIN TRAILS GALLERY, 200 OLD SANTA FE TRAIL, WHICH IS WITHIN 300 FEET OF THE LORETTO CHAPEL, 207 OLD SANTA FE TRAIL WHERE MASS IS HELD BY THE CHURCH OF ANTIOCH AT SANTA FE. THE REQUEST IS FOR A RECEPTION TO BE HELD ON THURSDAY, APRIL 30, 2015 FROM 5:00 P.M. TO 7:00 P.M. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Vigil, City Clerk, from her Memorandum of April 24, 2015, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet. Ms. Vigil said there is a letter of support in the packet from Bishop Douglas L. Walker, Pastor of the Church of Antioch at Santa Fe.

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Ives moved, seconded by Councilor Dimas, to grant the request for a waiver of the 300 foot location restriction and approval to allow the dispensing/ consumption of beer and wine at Mountain Trails Gallery, 200 Old Santa Fe Trail, for a reception to be held on Thursday, April 30, 2015, from 5:00 p.m. to 7:00 p.m., with all conditions of approval as recommended by staff.

VOTE: The motion was approved on the following Roll Call vote:

For: Mayor Gonzales, Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

- 2) **REQUEST FROM THE ELKS BPOE LODGE #460, FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF BEER AND WINE AT THE ELKS LODGE (OUTDOOR PATIO), 1615 OLD PECOS TRAIL, WHICH IS WITHIN 300 FEET OF THE CHRIST LUTHERAN CHURCH, 1701 ARROYO CHAMISO. THE REQUEST IS FOR A BENEFIT CAR SHOW TO BE HELD ON SATURDAY, MAY 16, 2015, FROM 9:00 A.M. TO 4:00 P.M. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Vigil, City Clerk, from her Memorandum of April 24, 2015, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet. Ms. Vigil

said there is a letter of no opposition from Sally Ritch, Council President of Christ Lutheran Church in the Council packet.

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Dimas moved, seconded by Councilor Rivera, to grant the request for a waiver of the 300 foot location restriction and approval to allow the dispensing/ consumption of beer and wine at the Elks Lodge (Outdoor Patio), 1615 Old Pecos Trail, for a Benefit Car Show to be held on Saturday, May 16, 2015, from 9:00 a.m. to 4:00 p.m., with all conditions of approval as recommended by staff.

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

Absent for the vote: Mayor Gonzales and Councilor Bushee.

- 3) **REQUEST FROM PLUM STUDIO FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF ALCOHOLIC BEVERAGES AT THE INN OF THE FIVE GRACES, 150 EAST DE VARGAS STREET, WHICH IS WITHIN 300 FEET OF SAN MIGUEL MISSION, 401 OLD SANTA FE TRAIL. THE REQUEST IS FOR A WEDDING TO BE HELD ON SUNDAY, May 3, 2015, FROM 4:00 P.M. to 12:00 P.M. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Vigil, City Clerk, from her Memorandum of April 24, 2015, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet. Ms. Vigil said there is a letter of no objection in the packet from David Blackman, San Miguel Mission. Ms. Vigil noted there currently is a Beer and Wine license at the Inn of the Five Graces, so the Beer and Wine license will go into suspense for this one day.

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Dimas moved, seconded by Councilor Trujillo, to grant the request for a waiver of the 300 foot location restriction and approval to allow the dispensing/consumption of alcoholic beverages at The Inn of the Five Graces. 150 E. DeVargas, for a wedding to be held on Sunday, May 3, 2015, from 4:00 p.m. to 12:00 a.m., with all conditions of approval as recommended by staff.

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

Absent for the vote: Mayor Gonzales and Councilor Bushee

- 4) **REQUEST FROM DANUTA, INC., FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF CHAMPAGNE AND WINE AT DANUTA GALLERY, 227A EAST PALACE AVENUE, WHICH IS WITHIN 300 FEET OF THE CHURCH OF THE HOLY FAITH, 311 EAST PALACE AVENUE. THE REQUEST IS FOR DANUTA GALLERY'S GRAND OPENING TO BE HELD ON FRIDAY, MAY 22, 2015, FROM 5:00 P.M. TO 8:00 P.M. (YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Vigil, City Clerk, from her Memorandum of April 24, 2015, with attachments, to Mayor Gonzales and City Councilors, which is in the Council packet. Ms. Vigil said there is a letter of no objection in the packet from The Reverend Canon Kenneth J.G. Semon, The Church of the Holy Faith.

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Rivera moved, seconded by Councilor Dimas, to grant the request for a waiver of the 300 foot location restriction and approval to allow the dispensing/ consumption of champagne and wine at Danuta Gallery, 227A East Palace Avenue, for Danuta Gallery's Grand Opening to be held on Friday, May 22, 2015, from 5:00 p.m. to 8:00 p.m., with all conditions of approval as recommended by staff.

VOTE: The motion was approved on the following Roll Call vote:

For: Mayor Gonzales, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

Absent for the vote: Councilor Bushee.

- 8) **CASE #2014-91 & CASE #2014-92 – CONSOLIDATED APPEALS. ALLEN JAHNER (APPLICANT APPELLANT) AND OLD SANTA FE ASSOCIATION (ORGANIZATION APPELLANT) BOTH APPEAL THE SEPTEMBER 9, 2014 DECISION OF THE HISTORIC DISTRICTS REVIEW BOARD (HDRB) IN CASE #H-11-105, APPROVING THE APPLICATION WITH CONDITIONS AT 237 & 239 EAST DE VARGAS STREET LOCATED IN THE DOWNTOWN AND EASTSIDE HISTORIC DISTRICT. (DAVID RASCH AND ZACHARY SHANDLER) (Postponed at April 8, 2015 City Council Meeting). (Withdrawn by Appellants – No Action Required)**

The Governing Body then resumed consideration of Afternoon Agenda Items 13 through 22

13. **REQUEST FOR APPROVAL OF AGREEMENT – 2014/15 UNION MANAGEMENT NEGOTIATIONS; SANTA FE POLICE OFFICERS’ ASSOCIATION. (POLICE CHIEF ERIC GARCIA)**

Captain Andrew Padilla said he is here on behalf of Chief Eric Garcia. He said, “We are in agreement with the four sections that we touched on, and we’re requesting your approval.”

Sgt. Matthew Martinez, Police Officers Association said, “We have no question or opposition at all. We just want to get it ratified. It’s been a while and we’ve finally caught up. We were two contracts behind and we appreciate the Council’s patience.”

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

VOTE: The motion was approved on the following Roll Call vote:

For: Mayor Gonzales, Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Rivera and Councilor Trujillo.

Against: None.

Absent for the vote: Councilor Maestas.

14. REPORT ON AMENDED SANTA FE HOMES PROGRAM PRICING SCHEDULE THAT IS AMENDED PURSUANT TO THE 2015 INCOME FIGURES RELEASED BY HUD. (ALEXANDRA LADD)

Ms. Ladd said the Memo in the packet is self-explanatory, and said she will stand for questions.

Ms. Ladd noted that the area median income went down in Santa Fe according to HUD, which means the required sales prices for the Santa Fe Homes Program will go down. She said when the income levels go down the affordability tier shifts down, so someone who previously had qualified within a certain income range no longer qualifies for the subsidies.

Councilor Dominguez said the AMI has gone down, and asked if that means in the affordable housing program there is less purchasing power – you won't be able to buy as much house as you would if the AMI was up.

Ms. Ladd said, "No, because AMI is a statistic and not the actual income, so as the homebuyer your income hasn't changed, you can still qualify for the same mortgage amount, but you are now no longer qualified for a subsidy that might help you get into a home. She said it is the same for a renter.

Councilor Dominguez said the affordable housing market isn't making any adjustments to this.

Ms. Ladd said, "Correct. We have to adjust the prices. They're based on the income and interest rates. And there was a little bit of a double whammy because the area median incomes went down, but the interest rates went up."

No action required.

15. CONSIDERATION OF RESOLUTION NO. 2015-38 (MAYOR GONZALES AND COUNCILOR IVES). A RESOLUTION REQUESTING THAT THE U.S. DEPARTMENT OF AGRICULTURE AND THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES ADOPT IN FULL THE SCIENTIFIC REPORT OF THE 2015 DIETARY GUIDELINES ADVISORY COMMITTEE. (JOHN ALEJANDRO)

John Alejandro presented information in this regard from the materials in the Committee packet. Please see these materials for specifics of this presentation.

Councilor Ives asked to join as a cosponsor.

Morgan David, Coordinator, Food Policy Council, said this is quite a thick document, and she believes the guidelines as pointed out by Mr. Alejandro are clearly aligned with the food plan as well, so it was a very clear and easy recommendation for us to make to support this as a City and County.

Councilor Dominguez asked for a copy of the Executive Summary of the document.

Ms. Morgan said she will be happy to provide that to the full Council

MOTION: Councilor Bushee moved, seconded by Councilor Dimas, to approve this request.

VOTE: The motion was approved on the following Roll Call vote:

For: Mayor Gonzales, Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

16. CONSIDERATION OF RESOLUTION NO. 2015-39 (COUNCILOR DOMINGUEZ). A RESOLUTION DIRECTING STAFF TO CONDUCT A COMPREHENSIVE REVIEW OF THE 2008 BOND PROJECTS INCLUDING MODIFICATIONS, ALLOCATION AND REALLOCATION OF BOND FUNDS, COMPLETION OF PROJECTS AND PROCEDURES USED; REQUIRING A REPORT TO THE GOVERNING BODY. (OSCAR RODRIGUEZ)

This Resolution was not introduced, and this item was removed from the Agenda and postponed to the next meeting of the City Council on May 13, 2015

17. MATTERS FROM THE CITY MANAGER

Mr. Snyder said reminded the Governing Body of the Budget session tomorrow morning, beginning at 9:00 a.m..

Mr. Snyder said, "I wanted to clarify a couple of items from the public comment from the doctors that came in about our health plan. Specifically, regarding the massage benefit, acupuncture, and naprapathy, and I can't remember all the terms about what they're called, if there's a medical purpose behind them, they are still covered by our plan. However, just for a massage, it isn't covered by the medical plan, but if the massage is because of a herniated disc because it is a medical condition, it is covered by the plan. I just wanted to give that clarification. We will be providing literature for all City staff on what the benefits are and getting into that kind of detail, because I know that is a benefit that City staff does use, and some use it for medical reasons, others use it for more of a pleasure reason. That's all I have."

Mayor Gonzales said staff is available to review and answer any questions you may have as we move through this change.

21. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

22. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of April 29, 2015, is incorporated herewith to these minutes as Exhibit "4."

Councilor Dimas

Councilor Dimas introduced a Resolution adopting guidelines and regulations for the acceptance of memorial donations for placement in City-owned parks, open spaces and trails. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "5."

Councilor Maestas

Councilor Maestas introduced the following:

1. A Resolution directing staff to obtain services to execute a pilot project that will examine the capital funding needs for the City's buildings over the next 30 years, and identify potential funding strategies to meet those needs, prepare the City to meet the growing funding needs of its aging infrastructure. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "6"
2. A Resolution directing that a financial audit of the 2008 bond projects, including modifications, allocations and reallocations of bond funds be conducted by an external, independent and qualified accounting firm in accordance with accepted accounting standards.

Councilor Maestas said he would like to shout out to his Nephew Elias and his wife Christy who just got married, noting it was a very nice family event.

Councilor Bushee

Councilor Bushee said she has been in discussions with the City Manager, and she wants continual updates on the cameras and placing of cameras in parking lots at trailheads in particular. She said unfortunately while we were honoring our Boston Marathon winner she was experiencing a break-in and robbery of her wallet and purse. She would like an update from the Chief when we catch the culprit.

Councilor Bushee said she spoke with the City Manager about various signage at trails, and potential map holders on the trails, and we have volunteers improving things, and we need to make sure our visitors and residents don't get lost on some of the trails.

Councilor Bushee said she will talk to Yolanda Vigil after the meeting about minutes from past meetings.

Councilor Bushee said she advised the Public Works Director about the sidewalk near the Old St. Francis Hotel and Pasqual's off San Francisco Street. The Historic Ordinance require new sidewalks be a neutral brown, and they patched up bad cement with a brown, peachy color and it looks really awful on that stretch.

Councilor Bushee said in Cerletti Park, the wall behind the nice rock work, the plastered piece of wall is graffitied and completely flaking off and not in very good shape.

She said she has been following up with Mr. Pino, but she is saying it so the City Manager knows about it as well so it might be done in a timely way.

Councilor Ives

Councilor Ives introduced the following:

1. A Resolution repealing Resolution No. 2007-31 regarding the membership, duties and responsibilities of the Sustainable Santa Fe Commission; re-establishing the Sustainable Santa Fe Commission by redefining the scope, purpose and responsibilities of the Sustainable Santa Fe Commission. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "7"
2. A Resolution directing the City Manager to enter into a Memorandum of Agreement between the New Mexico Energy, Minerals and Natural Resources Department (EMNRD), Energy Conservation and Management Division and the City of Santa Fe, whose purpose is to provide the City access to services and support provided under EMNRD's Local Energy Efficiency Performance (LEEP) Program for development and implementation of guaranteed energy service performance contracts. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8"

Councilor Ives said he received a complaint about City employees driving and talking on cell phones, noting he observed one himself 2 weeks ago. He would like to remind our employees they have to set the standard and get off the cell phones in the car.

Mayor Gonzales

Mayor Gonzales said the immigrant advocate organizations have initiated a collaborative to ensure that low income immigrant families, workers and students in Santa Fe are able to successfully obtain through the work permits a relief from deportation under President Obama's pending deferred action for *parent and legal permanent residents program as DAPA* and the Deferred Action for Childhood Arrivals program, Expanded DAPA. They have applied for funding from the City in the amount of \$45,000 from the Human Services Department. The total cost of the program is \$287,000, with most funds being used for attorney and legal assistant salaries. He said the collaborative would like to partner with the City by Resolution that would direct staff to identify funds to help support this public/private initiative and work with community groups to develop a plan of action to ensure that students and parents are able to access DAPA and Expanded DAPA, and would direct staff to find funds. He said they provided him with a draft of a Resolution which he will provide to the Councilors to determine at what level you would like to bring this up, if at all, so we can provide some direction to staff. He said we need to figure out the best process to do that.

Mayor Gonzales commended Councilor Dominguez and the members of the Finance Committee that are asking really good questions and developing significant policy when it comes to how we are considering our budget. He encouraged Councilor not a member of Finance to please attend, and the Chair will allow us to ask pointed questions which we can have addressed prior to the night we're acting on the budget so we can try to get it done in some fashion. Good job Finance Committee, Chairman Dominguez.

Councilor Dominguez

Councilor Dominguez introduced a Resolution calling for a special public hearing of the Finance Committee to consider alternatives for further investigation of the disbursement of funds from the w008 Parks and Trails Bond Products, noting it will go to Public Works, Finance, POSAC and to the City Council on May 27, 2015.

Councilor Dominguez would like an update on SWAN Park, the plantings, and the status of the planning of the grand opening.

Councilor Dominguez wished a Happy Birthday to his niece, Amanda Portillo, and a Happy Birthday to her grandmother, Dora Archuleta. He wished a Happy Anniversary to her mother and father, Jackie and Anselmo Portillo.

Councilor Dominguez thanked Keep Santa Fe Beautiful, noting One Santa Fe was at the northwest corner of Airport Road and Cerrillos Road, and picked up a large amount of trash. He asked Mr. Snyder to ask staff to contact the property behind the right-of-way we own that is vacant and there is camping going on there and other things that he is sure are interesting.

Councilor Lindell

Councilor Lindell had no communications.

Councilor Trujillo

Councilor Trujillo invited "all my colleagues" to Ragle Park on Saturday at 10:00 a.m..

Councilor Trujillo asked Mr. Snyder the status of the data at the intersection of Zia and Yucca, so he can provide answers to constituents as to whether or not we can do something there.

Councilor Trujillo congratulated his son Hunter on his confirmation this Sunday.

Councilor Rivera

Councilor Rivera introduced the following:

1. A Resolution relating to proposed changes to the City of Santa Fe self-funded employee health plan; ensuring that employees of the City will not see changes to the existing plan design until Police and Fire Unions accept the proposed copayment changes to the health plan. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "9."
2. A Resolution relating to pay for non-union, full-time classified employees; directing the City Manager to identify and implement an adjustment in salary commensurate to those received by unionized employees over the last five years with recommendation that a 3-5% adjustment be presented to the Governing Body for approval. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "10."

Councilor Rivera thanked Keep Santa Fe Beautiful staff, Gilda Montano and Michelle Babcock Romero and staff from Solid Waste, Parks and the GCCC who held the picnic after the Santa Fe Beautiful event. He thanked Councilor Maestas and Judge Vazquez for being there as well. He said it was a great turnout and a great event.

18. MATTERS FROM THE CITY ATTORNEY

EXECUTIVE SESSION

IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT ~~§§10-15-1(H)(7) AND (8)~~ NMSA 1978, ~~DISCUSSION REGARDING THREATENED OR PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS A PARTICIPANT, AND~~ §10-15-1(H)(2) & (5) NMSA 1978, DISCUSSION REGARDING LIMITED PERSONNEL MATTERS AND/OR DISCUSSION OF BARGAINING STRATEGY PRELIMINARY TO COLLECTIVE BARGAINING NEGOTIATIONS, MEMORANDUM OF UNDERSTANDING WITH AFSCME LOCAL 3999.

MOTION: Councilor Ives moved, seconded by Councilor Dominguez, that the Council go into Executive Session pursuant to §10-15-1(H)(2) and (5), for discussion regarding limited personnel matters and/or discussion of bargaining strategy preliminary to Collective Bargaining Negotiations, Memorandum of Understanding with AFSCME Local 3999.

VOTE: The motion was approved on the following roll call vote:

For: Mayor Gonzales, Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas and Councilor Rivera.

Against: None.

Absent for the vote: Councilor Trujillo.

The Council went into Executive Session at 11:05 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 11:45 p.m. Councilor Rivera moved, seconded by Councilor Trujillo, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were those items which were on the agenda, and no action was taken.

VOTE: The motion was approved unanimously on a voice vote with Mayor Gonzales and Councilors Bushee, Dimas, Dominguez, Ives, Lindell, Maestas, Rivera and Trujillo voting in favor of the motion and no one voting against.

19. ACTION REGARDING THREATENED OR PENDING LITIGATION.

Removed from the agenda.

20. ACTION REGARDING LIMITED PERSONNEL MATTERS, AND/OR DISCUSSION OF BARGAINING STRATEGY PRELIMINARY TO COLLECTIVE BARGAINING NEGOTIATIONS; MEMORANDUM OF UNDERSTANDING WITH AFSCME LOCAL 3999.

MOTION: Councilor Rivera moved, seconded by Councilor Trujillo, to instruct the City Attorney to take action consistent with the discussion held during the Executive Session .

VOTE: The motion was approved on the following Roll Call vote:

For: Mayor Gonzales, Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas and Councilor Rivera.

Against: None.

I. ADJOURN

The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 11:50 p.m.

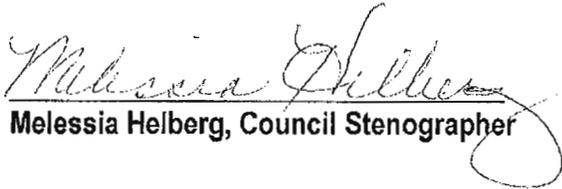
Approved by:

Mayor Javier M. Gonzales

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Council Stenographer

CITY COUNCIL MEETING
EXECUTIVE SESSION
April 29, 2015

The Governing Body of the City of Santa Fe met in an executive session duly called on April 29, 2015 beginning at 11:08 p.m.

The following was discussed:

- 1) In Accordance With the New Mexico Open Meetings Act §10-15-1(H)(2) & (5) NMSA 1978, Discussion Regarding Limited Personnel Matters and/or Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations, Memorandum of Understanding with AFSCME Local 3999.

PRESENT

Mayor Gonzales
Councilor Bushee
Councilor Dimas
Councilor Dominguez
Councilor Ives
Councilor Lindell
Councilor Maestas
Councilor Rivera
Councilor Trujillo

STAFF PRESENT

Brian K. Snyder, City Manager
Kelley A. Brennan, City Attorney
Yolanda Y. Vigil, City Clerk
Isaac Pino, Public Works Director

There being no further business to discuss, the executive session adjourned at 11:45 p.m.



Yolanda Y. Vigil, City Clerk