



# Agenda

FINANCE COMMITTEE MEETING  
CITY COUNCIL CHAMBERS  
JUNE 29, 2015 – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 6/25/15 TIME 1:50pm

SERVED BY [Signature]

RECEIVED BY [Signature]

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES:

Finance Committee – May 18, 2015

## INFORMATION ITEM

6. Presentation of CIP Project #611B – 2015 Airport Terminal Improvements Schematic Plans. (Mary MacDonald)

## CONSENT AGENDA

7. Request for Approval of Grant Award for \$6,323 and Budget Adjustment Request for FY 15/16 – Funding to Support Public Programs at the Arts Commission Community Gallery. New Mexico Arts. (Julie Bystrom)
8. Request for Approval of Grant Award - Division of Senior Services' Foster Grandparent Program, Retired Senior Volunteer Program and Senior Companion Program FY 2015/2016; State of New Mexico Aging and Long Term Services Department. (Melanie Montoya)
9. Request for Approval of Amendment No. 1 to Professional Services Agreement – Website Design and Content Management System (CSM) Services for Tourism Santa Fe; Studio X. (Randy Randall)
10. Request for Approval of Professional Services Agreement – Development and Administration for Green Lodging Initiative (RFP # 15/20/P); Santa Fe Watershed Association. (John Alejandro)
11. Request for Approval of Professional Services Agreement – Conduct Water System Loss Audit Services for Water Division (RFP # 15/09/P); Danile B. Stephens and Associates, Inc. (Andrew Erdman)



# Agenda

**FINANCE COMMITTEE MEETING  
CITY COUNCIL CHAMBERS  
JUNE 29, 2015 – 5:00 P.M.**

12. Request for Approval of Professional Services Agreement – Spanish Interpretive Service to the Municipal Court for FY 2015-2016 to FY 2018-2019; Maria Cristina Lopez. (Cordelia Begay)
13. Request for Approval of Change Order No. 1 and Approval of BAR - New Items Not Part of the Original Bid and Quantity Over/Under Runs in the Amount of \$98,947.45, Inclusive of NMGR (BAR Request for a Total of \$48,436.14); TLC Plumbing and Utility. (James Martinez)
14. Request for Approval of Cooperative Project Agreement - CIP Project #460D – East Alameda Pedestrian Improvements Along East Alameda Street from El Alamo to Monsignor Patrick Smith Park; New Mexico Department of Transportation. (James Martinez)
15. Request for Approval of Cooperative Project Agreement - Santa Fe River Trail Improvements, Phase 1- from Camino De Chelly/Agua Fria to Camino Del Campo for Improvements to the Santa Fe River Trail; New Mexico Department of Transportation. (James Martinez)
16. Request for Approval of Construction Agreement – Pavement Resurfacing Projects Via City of Santa Fe On-Call Agreement 14/10/B for Paving, Labor and Materials and State Price Agreement 40-000-14-00066 with Albuquerque Asphalt for Cold Milling; GM Emulsion, LLC. and Albuquerque Asphalt. (David Catanach)
17. Request for Approval of FY 2015-2016 Nutrition Service Incentive Program Agreement in the Amount of \$151,682 and Approval of Budget Adjustment Increase for FY 2015-2016, Purchase of Raw Food Supplies for Meal Preparation for Eligible Senior Citizens Participating in Meal Program; North Central New Mexico Economic Development District (Non-Metro Area Agency on Aging. (Ron Vialpando)
18. Request for Approval of Vendor Agreement -- in the Amount of \$788,461 and Budget Adjustment --Various Services for Eligible Senior Citizens in Areas of Transportation, Nutrition, In-Home Support Services, Etc.; North Central New Mexico Economic Development District Non-Metro Area Agency on Aging. (Ron Vialpando)
19. Request for Approval of a Resolution Authorizing Staff to Collaborate With the Santa Fe Farmers Market to Stage a Plaza Farmers Market on Sunday, September 27<sup>th</sup>, 2015. (Mayor Gonzales and Councilor Lindell) (Debra Garcia)



# Agenda

FINANCE COMMITTEE MEETING  
CITY COUNCIL CHAMBERS  
JUNE 29, 2015 – 5:00 P.M.

## Committee Review

Public Works Committee (approved)	06/22/15
City Council (scheduled)	07/08/15

Fiscal Impact: Yes (\$1,972 for personnel, fringe and other costs)

20. Request for Approval of an Ordinance Amending the Public Campaign Finance Code, Section 9-3 SFCC 1987 to Modify the Definitions of "Contribution" and "Expenditure", Delete the Definition of "Qualifying Contribution" and Create a Definition for "Coordinated Expenditure" and "Qualified Small Contribution"; to Modify the Requirements to Qualify as a Participating Candidate; to Delete Provisions Related to "Seed Money Contributions" and "Qualifying Contributions"; to Establish Provisions for Qualified Small Contributions; to Modify Provisions Related to "Reports of Expenditure" to Expand Reporting Requirements; to Add Provisions for "Additional Reporting of Qualified Small Contributions and Additional Matching Payments from Fund"; and to Make Such Other Changes as are Necessary to Clarify the Provisions of the Public Campaign Finance Code. (Councilor Ives) (Zachary Shandler)

## Committee Review

City Council (request to publish) (approved)	06/24/15
City Council (public hearing)	07/29/15

Fiscal Impact: Yes (If adopted, the City Clerk may have to review the additional workload and determine whether temporary workers need to be hired)

21. Request for Approval of an Ordinance Amending the Campaign Code, Section 9.2 SFCC 1987 to Modify the Definitions of "Contribution" and "Expenditure" and Create a Definition for "Coordinated Expenditure"; to Modify Provisions Related to Independently Sponsored Campaign Communications and Reporting; to Modify Provisions Related to the Contents of Campaign Finance Statements; and to Make Such Other Changes as are Necessary to Clarify the Provisions of the Campaign Code. (Councilor Ives) (Zachary Shandler)

## Committee Review

City Council (request to publish) (approved)	06/24/15
City Council (public hearing)	07/29/15

Fiscal Impact: No

**END OF CONSENT AGENDA**



# Agenda

**FINANCE COMMITTEE MEETING  
CITY COUNCIL CHAMBERS  
JUNE 29, 2015 – 5:00 P.M.**

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## **DISCUSSION**

- 22. Discussion on Capital Improvement Plan (2015-2020). (Oscar Rodriguez)
- 23. OTHER FINANCIAL INFORMATION
- 24. MATTERS FROM THE COMMITTEE
- 25. ADJOURN

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520 five (5) working days prior to meeting date.

**SUMMARY OF ACTION  
FINANCE COMMITTEE MEETING  
Monday, June 29, 2015**

<b><u>ITEM</u></b>	<b><u>ACTION</u></b>	<b><u>PAGE</u></b>
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved	1
APPROVAL OF CONSENT AGENDA	Approved [amended]	2
CONSENT AGENDA LISTING		2-3
APPROVAL OF MINUTES: SPECIAL FINANCE COMMITTEE – MAY 18, 2015	Approved	3
<b><u>INFORMATION ITEM</u></b>		
PRESENTATION OF CIP PROJECT #611B – 2015 AIRPORT TERMINAL IMPROVEMENTS SCHEMATIC PLANS	Information/discussion	4-8
<b><u>CONSENT CALENDAR DISCUSSION</u></b>		
REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – WEBSITE DESIGN AND CONTENT MANAGEMENT SYSTEM (CSM) SERVICES FOR TOURISM SANTA FE; STUDIO X	Approved	8
REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING STAFF TO COLLABORATE WITH THE SANTA FE FARMERS MARKET TO STAGE A PLAZA FARMERS MARKET ON SUNDAY, SEPTEMBER 27, 2015	Approved [amended]	8-11

**ITEM****ACTION****PAGE**

REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING THE PUBLIC CAMPAIGN FINANCE CODE, SECTION 9-3 SFCC 1987, TO MODIFY THE DEFINITIONS OF "CONTRIBUTION" AND "EXPENDITURE;" DELETE THE DEFINITION OF "QUALIFYING CONTRIBUTION" AND CREATE A DEFINITION FOR "COORDINATED EXPENDITURE" AND "QUALIFIED SMALL CONTRIBUTION;" TO MODIFY THE REQUIREMENTS TO QUALIFY AS A PARTICIPATING CANDIDATE; TO DELETE PROVISIONS RELATED TO "SEED MONEY CONTRIBUTIONS" AND "QUALIFYING CONTRIBUTIONS;" TO ESTABLISH PROVISIONS FOR QUALIFIED SMALL CONTRIBUTIONS; TO MODIFY PROVISIONS RELATED TO "REPORTS OF EXPENDITURE" TO EXPAND REPORTING REQUIREMENTS; TO ADD PROVISIONS FOR "ADDITIONAL REPORTING OF QUALIFIED SMALL CONTRIBUTIONS AND ADDITIONAL MATCHING PAYMENTS FROM FUND;" AND TO MAKE SUCH OTHER CHANGES AS ARE NECESSARY TO CLARIFY THE PROVISIONS OF THE PUBLIC CAMPAIGN FINANCE CODE

Postponed to 07/13/15

11-25

REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING THE CAMPAIGN CODE, SECTION 9.2 SFCC 1987, TO MODIFY THE DEFINITIONS OF "CONTRIBUTION" AND "EXPENDITURE" AND CREATE A DEFINITION FOR "COORDINATED EXPENDITURE;" TO MODIFY PROVISIONS RELATED TO INDEPENDENTLY SPONSORED CAMPAIGN COMMUNICATIONS AND REPORTING; TO MODIFY PROVISIONS RELATED TO THE CONTENTS OF CAMPAIGN FINANCE STATEMENTS; AND TO MAKE SUCH OTHER CHANGES AS ARE NECESSARY TO CLARIFY THE PROVISIONS OF THE CAMPAIGN CODE

Postponed to 07/13/15

11-25

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END OF CONSENT CALENDAR DISCUSSION

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<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
DISCUSSION ON CAPITAL IMPROVEMENT PLAN (2015-2020)	Information/discussion	25-30
OTHER FINANCIAL INFORMATION	Information/discussion	30-31
MATTERS FROM THE COMMITTEE	None	31
ADJOURN		31

**MINUTES OF THE  
CITY OF SANTA FE  
FINANCE COMMITTEE**  
Monday, June 29, 2015

**1. CALL TO ORDER**

A meeting of the City of Santa Fe Finance Committee was called to order by Chair Carmichael A. Dominguez, at approximately 5:00 p.m., on Monday, June 29, 2015, in the Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

**2. ROLL CALL**

**MEMBERS PRESENT:**

Carmichael A. Dominguez, Chair  
Councilor Signe I. Lindell  
Councilor Joseph M. Maestas  
Councilor Christopher M. Rivera

**MEMBERS PRESENT**

Councilor Ronald S. Trujillo

**OTHERS ATTENDING:**

Oscar S. Rodriguez, Director, Finance Department  
Kelley Brennan, City Attorney  
Teresita Garcia, Finance Department  
Yolanda Green, Finance Department  
Elizabeth Martin for Melessia Helberg, Stenographer.

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

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

**3. APPROVAL OF AGENDA**

**MOTION:** Councilor Maestas moved, seconded by Councilor Lindell, to approve the agenda, as presented.

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



#### **4. APPROVAL OF CONSENT AGENDA**

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

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

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**CONSENT AGENDA**  
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7. **REQUEST FOR APPROVAL OF GRANT AWARD FOR \$6,323 AND BUDGET ADJUSTMENT REQUEST FOR FY 15/16 – FUNDING TO SUPPORT PUBLIC PROGRAMS AT THE ARTS COMMISSION COMMUNITY GALLERY, NEW MEXICO ARTS. (JULIE BYSTROM)**
8. **REQUEST FOR APPROVAL OF GRANT AWARD – DIVISION OF SENIOR SERVICES FOSTER GRANDPARENT PROGRAM, RETIRED SENIOR VOLUNTEER PROGRAM AND SENIOR COMPANION PROGRAM FY 2015/2016; STATE OF NEW MEXICO AGING AND LONG TERM SERVICES DEPARTMENT. (MELANIE MONTOYA)**
9. ***[Removed for discussion by Councilor Rivera]***
10. **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – DEVELOPMENT AND ADMINISTRATION FOR GREEN LODGING INITIATIVE (RFP #15/20/P); SANTA FE WATERSHED ASSOCIATION. (JOHN ALEJANDRO)**
11. **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – CONDUCT WATER SYSTEM LOSS AUDIT SERVICES FOR WATER DIVISION (RFP #15/09/P); DANILE B. STEPHENS AND ASSOCIATES, INC. (ANDREW ERDMAN)**
12. **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – SPANISH INTERPRETIVE SERVICE TO THE MUNICIPAL COURT FOR FY 2015-2016 TO FY 2018-2019; MARIA CRISTINA LOPEZ. (CORDELIA BEGAY)**
13. **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 1 AND APPROVAL OF BAR – NEW ITEMS NOT PART OF THE ORIGINAL BID AND QUANTITY OVER/UNDER RUNS IN THE AMOUNT OF \$98947.45, INCLUSIVE OF NMGR (BAR REQUEST FOR A TOTAL OF \$48,436.14); TLC PLUMBING AND UTILITY. (JAMES MARTINEZ)**
14. **REQUEST FOR APPROVAL OF COOPERATIVE PROJECT AGREEMENT – CIP PROJECT #460D – EAST ALAMEDA PEDESTRIAN IMPROVEMENTS ALONG EAST ALAMEDA STREET FROM EL ALAMO TO MONSIGNOR PATRICK SMITH PARK; NEW MEXICO DEPARTMENT OF TRANSPORTATION. (JAMES MARTINEZ)**

15. REQUEST FOR APPROVAL OF COOPERATIVE PROJECT AGREEMENT – SANTA FE RIVER TRAIL IMPROVEMENTS, PHASE 1 – FROM CAMINO DE CHELLY/AGUA FRIA TO CAMINO DEL CAMPO FOR IMPROVEMENTS TO THE SANTA FE RIVER TRAIL; NEW MEXICO DEPARTMENT OF TRANSPORTATION. (JAMES MARTINEZ)
16. REQUEST FOR APPROVAL OF CONSTRUCTION AGREEMENT – PAVEMENT RESURFACING PROJECTS VIA CITY OF SANTA FE ON-CALL AGREEMENT 14/10/B FOR PAVING, LABOR AND MATERIALS AND STATE PRICE AGREEMENT 40-000-14-00066 WITH ALBUQUERQUE ASPHALT FOR COLD MILLING; GM EMULSION, LLC, AND ALBUQUERQUE ASPHALT. (DAVID CATANACH)
17. REQUEST FOR APPROVAL OF FY 2015-2016 NUTRITION INCENTIVE PROGRAM AGREEMENT IN THE AMOUNT OF \$151,682 AND APPROVAL OF BUDGET ADJUSTMENT INCREASE FOR FY 2015-2016, PURCHASE OF RAW FOOD SUPPLIES FOR MEAL PREPARATION FOR ELIGIBLE SENIOR CITIZENS PARTICIPATING IN MEAL PROGRAM; NORTH CENTRAL NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT NON-METRO AREA AGENCY ON AGING. (RON VIALPANDO)
18. REQUEST FOR APPROVAL OF VENDOR AGREEMENT – IN THE AMOUNT OF \$788,461 AND BUDGET ADJUSTMENT – VARIOUS SERVICES FOR ELIGIBLE SENIOR CITIZENS IN AREAS OF TRANSPORTATION, NUTRITION, IN-HOME SUPPORT SERVICES, ETC., NORTH CENTRAL NEW MEXICO ECONOMIC DEVELOPMENT DISTRICT NON-METRO AREA AGENCY ON AGING. (RON VIALPANDO)
19. *[Removed for discussion by Councilor Rivera and Councilor Maestas]*
20. *[Removed for discussion by Councilor Rivera, Councilor Maestas and Councilor Lindell]*
21. *[Removed for discussion by Councilor Maestas and Councilor Lindell]*

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 END OF CONSENT AGENDA  
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## 5. APPROVAL OF MINUTES: SPECIAL FINANCE COMMITTEE – MAY 18, 2015

**MOTION:** Councilor Rivera moved, seconded by Councilor Lindell, to approve the minutes of the Special Finance Committee meeting of May 18, 2015, as presented.

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

## **INFORMATION ITEM**

### **6. PRESENTATION OF CIP PROJECT #611B – 2015 AIRPORT TERMINAL IMPROVEMENTS SCHEMATIC PLANS. (MARY MacDONALD)**

Mr. Bulthuis said a CIP item was funded by the Legislature in the amount of \$890,000 two sessions ago, focused on making improvements to the Airport so operations run more smoothly. The funds were received by the City on November 7, 2014, at which time they went into design immediately, working with the contract consultant Molzen-Corbin. He said John Pate is the consulting architect and will be presenting information, and Kent Freier is the consulting engineer who has worked with the Airport for some time.

Mr. Bulthuis said the design team met on November 18, 2014, with different stakeholders at the Airport in a design charrette. He said there was an invitation to tenants, airport users and members of the public. He said they discussed absolute needs, what worked and what didn't, the dreams for the facility as well as the Airport Master Plan generally. There was good representation including TSA.

Mr. Bulthuis said on March 5, 2015, the input was crafted into the initial schematic plan which varies somewhat from what you see today, and it was presented to the Airport Advisory Board. The Program Schedule was done at that point. The Board asked that we go back to a second round of involvement with the stakeholders, so individual meetings were set up rather than a design charrette which was held in November 2015. He said additional meetings were held on April 23 and 24, 2015, with Hertz, Airport maintenance, Avis, Budget, Envoy which is a ground handling organization serving both American Eagle and United, maintenance staff, Roadrunner Shuttle, the FBO's and the tenant operating the airport and others. These stakeholders were able to provide refined comment based on the schematic design at that stage.

Mr. Bulthuis continued saying, following those meetings, a revised version of the schematic which you have today was brought to the Airport Advisory for its review, consideration and comment. At its May 14, 2015 meeting, the Board voted to recommend moving forward with the schematic – unanimously with one abstention. Comments were provided at the meeting and via email which were considered in the Board's recommended to the Committee.

Mr. Bulthuis said on May 19, 2015, there was a presentation of the Plan to the Santa Fe Chamber of Commerce where there was a question and answer session and feedback and more dialogue.

Mr. Bulthuis said we are at the point where we are presenting this information to let you know where we are in the process, and to get further guidance you may have before getting into the final design stage. He introduced John Pate, Consultant. Mr. Bulthuis said after Mr. Pate's presentation, he will talk about the next steps in the process.

John Pate presented information on the Terminal Building Improvements, which is in the Committee packet. Please see this document for specifics of this presentation.

*The committee commented and asked questions as follows:*

- Chair Dominguez said he saw this presentation at Public Works.
- Councilor Lindell asked Mr. Pate to indicate what part is the addition and what part is existing.

Mr. Pate pointed out the potential additions and proposed expansions on the enlarged drawing.

- Councilor Lindell said it is important to keep the very nice style we have. A lot of visitors walk into the airport and it is really very nice. She doesn't want to walk into a building that looks like a couple of double wide put together. The integrity and style of the building is extremely important.

Mr. Pate said they agree completely and respect the character and history of the building, and they are not planning on making it look different. He said if the expansion happens, they would use the same materials, same flooring and sense of style. They designed the ticket counters so that they could be expandable and there won't be much done in this phase of the renovation. He said, "I appreciate the comment and I promise."

- Councilor Maestas said we are in the throes of updating our master plan and a sense of urgency to spend earmarked money. He asked if we could compromise the ultimate buildout of the terminal by urgently trying to spend \$800,000, and asked how this ties into the ultimate building, the 20 year horizon of the master plan. How does this integrate or complement the 20-year buildout of the terminal.

Mr. Bulthuis said an important point to emphasize is that everything we're talking about today is an emergency fix to solve problems that allow the passenger experience to be improved most immediately. It certainly won't solve all of the issues we have as we are growing commercial service. He said this schematic and improvements won't solve all the problems, so it is Phase 1 of a bigger capital improvement project that needs to happen. He said in all instances they tried to have the improvements made here be as long lasting as they can be. For example, the area of the new arrival gate, probably won't be the arrival gate once phase 2 is completed, because we would like to see expanded car rental space, ground transportation counter space, automated baggage claim area. This will continue to be a gravity feed system based on budget constraints, but that separation is important. The congestion issue right now makes it difficult for passengers, and this will address that problem. In Phases 2 and 3 we would like to have that function happen in a different location.

- Councilor Maestas asked if these improvements will be in place for 5 years.

Mr. Bulthuis said his guess is that they will be, just based on the fact that will need to raise another \$7 million, in addition to the currently budgeted \$1 million. The improvements in Phase 2 will be several million dollars. He said once these improvements are made, they will look to raising those funds.

- Councilor Maestas asked if it is an 80/20 match.

Mr. Bulthuis there is a matching amount of \$200,000 which we were able to get from the State Aviation Division, but he's unsure of the match ratios for this project, but he knows they are covered under the existing budget.

- Councilor Maestas asked if the Aviation match is 95/5, from Federal Airport Improvement Funds.

Mr. Bulthuis said that is true on the airfield side for construction to runways and such, that is the match ratio in place. On the non-airfield side, it is slightly different. The feds aren't funding the terminal improvements, and they are looking to State allocations and Aviation Division funds.

- Councilor Maestas said we are getting the alternatives at the end, and asked the reason we didn't get alternatives at the outset. He said there was a charrette and everyone migrated toward one alternative. He said you are accustomed to choosing from an array of viable alternatives. He said there are some people who don't fully support this who served on the Airport Advisory Board, and is puzzled as to why we didn't consider alternatives at the outset.

Mr. Bulthuis said alternatives were considered, noting they have been in this dialogue for about 8 months in reaching out to the public and the stakeholders and considering ideas for how the limited budget could be spent. He said in terms of the bid alternatives the Architect was talking about, these are somewhat new in the drawing. He said, "They're telling me, Jon you can't everything that you say you need right now, but we can structure the bid in such a way that if you find the extra money, those things can be added. But in my opinion, we really need all of the things that are in this schematic, even though we are structuring it with some alternatives because we don't have the budget in place today."

- Councilor Maestas said so the alternates will require additional funding, and would be enhancements to the current plan.

Mr. Pate said since we haven't done design in earnest, we haven't done detailed cost estimates yet, just an order of magnitude estimate. And based on that, the alternates are in addition to the funding in place today. He said that doesn't mean that couldn't change. However, there is a couple of things that influence that. For one, they are doing quite a bit of plumbing work in an old building, so we are unsure what we will be against to do that, and additionally, modifying old buildings, particularly when we use materials to this level of quality is expensive. He said, "The alternates are beyond the budget at this point in time."

- Councilor Maestas said if you look at the area of construction, trying to stage construction while keeping the terminal in full operation will be a challenge. He asked if that has been thought through, is it feasible to do this.

Mr. Pate said they think it is feasible. He said they went through that the last time the Airport was renovated. He said being able to get arriving passengers and baggage handling for the out of the mix allows us to open space for TSA screening. He said until construction is finished, TSA won't be able to screen more than one plane at a time, and there is still going to be "pandemonium in the lobby, there's no doubt in my mind." He said it is feasible and possible.

- Councilor Maestas said this is an historic building, and asked if we have to go through SHPO. He asked if there will be significant changes to the exterior design we should know about. It would be good to see what changes to the exterior are planned.

Mr. Bulthuis said at this point we are at the schematic design level, but we will be coming back with further briefings as those things come into clear focus. If we have money we can do air locks. He said the exit on the south side is two doors, and it is open and zero degree air is blowing right through the terminal where people are checking in. He said those improvements would have some exterior changes to the current footprint of building, but most would not. It is just those two entrance areas. It would be enclosing the space where the portals currently exist, and some leasable space for airline operations and more passenger comfort space across from the counter, if we can afford to bring the external portal inside. He said, "We definitely will be coming back to share that. We are in consultation with SHPO, so all those things are happening. But, by and large as Mr. Pate said, the majority of the changes will be within the existing footprint of the building."

- Councilor Maestas said we all agree the Airport is a significant asset to the City, and one of our top CIP priorities, and to see this kind of investment is encouraging. He said \$1 million is a lot of money and he would like to see these improvements in place at least 5 years before we go in and implement Phase 2. He said perhaps the design of Phase 2 should try to retain these proposed improvements as best as possible, without totally scuttling them. He thanked staff for the update.

- Chair Dominguez asked the timeline.

Mr. Bulthuis said if we stay on track with the current project schedule, we will be going out for bids in September, and hopefully get notice to proceed in December. He said some of the renovations can occur even during our busy holiday month on the reconstruction of what is the administration part of the building. The full construction in the terminal wouldn't take place until after the holidays when the traffic decreases to the slowest time of the year. He said they are looking to April 2015 as the goal for taking occupancy of the complete project.

- Chair Dominguez said then you don't want a final approval from the Committee or the Governing Body on the final design.

Mr. Bulthuis said that has not been asked of him to date, but that certainly can be done. He said we definitely will be in communication with the Governing Body on the status of the project.

- Chair Dominguez then we probably won't see you again until the contract is awarded.

Mr. Bulthuis said he would expect to come back with another informational item close to the wrap-up of the final design drawings.

- Chair Dominguez thanked Mr. Bulthuis for the information and update.

### **CONSENT CALENDAR DISCUSSION**

**9. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – WEBSITE DESIGN AND CONTENT MANAGEMENT SYSTEM (CSM) SERVICES FOR TOURISM SANTA FE; STUDIO X. (RANDY RANDALL)**

Councilor Rivera said his question is more for Robert Rodarte than for Randy Randall. He said it is his understanding is the contract was basically renegotiated from \$130,000 to \$140,000, with the \$60,000 now being incorporated into the \$140,000, in essence saving money which is good. He asked if it is okay to renegotiated how the contract is structured in an amendment.

Mr. Rodarte this is basically a renewal, second year. He said in this case, they are asking for an additional year, but they are making a monetary change to \$140,000, which means the terms and conditions won't be the same, so that's an amendment which is perfectly legal. He said in this case there has to be an amendment to renew the second year and increase the compensation to an additional \$10,000. He said there is no escalation clause in the contract for the second year, so it has to be an amendment.

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

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

**19. REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING STAFF TO COLLABORATE WITH THE SANTA FE FARMERS MARKET TO STAGE A PLAZA FARMERS MARKET ON SUNDAY, SEPTEMBER 27, 2015 (MAYOR GONZALES AND COUNCILOR LINDELL). (DEBRA GARCIA) Committee Review: Public Works Committee (approved) 06/22/15; and City Council (scheduled) 07/08/15. Fiscal Impact – Yes. (\$1,972 for personnel, fringe and other costs)**

Chair Dominguez said this was pulled by Councilor Maestas, noting he [Chair] has a proposed amendment.

Councilor Maestas said he has been getting feedback from the merchants, and they are aware of the Ordinance prohibiting additional events, and this will set a precedent. He isn't opposed to the idea, and asked the advantage of bringing this to the Plaza, noting the Railyard is not very far away, and part of the design was for the Farmer's Market. He said parking is plentiful at the Railyard.

Ms. Garcia said she believes the advantages the sponsors saw were the cultural and historic ties of the Plaza as the center of trading and the capacity to bring the community together at harvest time when there is abundant produce and to have that community celebration. She has talked with a few of the merchants, including the Downtown Merchants Association, and tried to explain that this is not a major commercial event which will shut down the Plaza and City streets, and require tents and port-a-potties and generators. This is from 7:00 a.m. to 1:00 p.m. on a Sunday morning. Additional streets will not be shut down, nor will there be tent rental companies with trucks. There was concern about the impact on the landscape, commenting the farmers are sensitive to issues of trees and grass. She said she is aware of the precedent setting concern, but this is not a major commercial event. It is a small event that is being requested through the Ordinance that allows this body to recommend an additional event. She said it can't happen again without going through this same process.

Councilor Maestas asked if the Farmer's Market is in support of this.

Ms. Garcia said Pablo from the Farmer's Market here, and he is very supportive of the idea of having a 5 hour community celebration at harvest time, and she has been working very closely with them.

Councilor Maestas said it seems to him the Plaza area is much smaller than the designated area at the Railyard. He asked if space is first come, first sell, or how is it to be structured. He unsure you can fit all the Farmer's Market vendors on the Plaza.

Pablo Speirn, Farmer's Market, said, "To speak to your question, Councilor Maestas, we are looking at a curated selection of our vendors, we will have some of the highest quality of each of our agricultural project categories there. So, we will handle a lot internally, but we're certainly not looking at the 100 plus vendors we have on Saturday morning at this time of year. We're thinking more in the range of 18 to 25 vendors, but still representing the full selection of what we have to offering."

Councilor Maestas said he is wondering if there might be some bad feelings with the other vendors.

Mr. Speirn said, "We have, within our organization, numerous systems for ranking folks and seeing who is offering a quality product. For a lot of our vendors, Sunday is the one day not to work. And so there will be a lot of vendors saying I'm already coming Saturday, I'm coming Tuesday morning and Tuesday afternoon on the south side, and I don't need to do a fourth market. So, I don't really envision that being a problem for our membership population."

Councilor Maestas said the setup for farmers is a little more involved, and asked if pre-7:00 a.m. will be the prep time to set up, or will it be set up on Saturday evening.

Mr. Speirn said they will set up the morning before, noting this is the way it is done at the Farmer's Market, and nothing will be in place on Saturday night that will disrupt commerce.

Councilor Maestas said his concern initially was parking, but this is a smaller event. He asked if we're doing anything special about parking.



Ms. Garcia said, "At Public Works we got direction to remind people about the transit connections that exist, particularly from the south side, so that will be part of any marketing campaign, our social media and sorts of messaging that go out – use the transit system. Obviously, it's a Sunday so all the parking meters are free and our parking garages can be use, but there are no plans to do waiving or fees or anything for this event. In reality, we envision a lot of people coming after church or on their way to other things on the Plaza."

Councilor Maestas asked if there are any conflicts with any existing events at the end of September.

Ms. Garcia said there is nothing, and this was one of the very few dates this summer that was available, and they did not identify any conflicts in the area.

Councilor Maestas asked if we have we done any specific outreach to merchants around the plaza, or consulted with the Merchants Association.

Ms. Garcia said, "In some ways, I think this is a little backward, because the Resolution actually directs the Farmer's Market to undertake that outreach after the resolution is passed. But obviously, in response to comments that you've gotten and other Councilors have gotten from constituents, as I did say, I did say I talked to Elizabeth, the President of the Association and said we would happy to come down, along with Pablo Lopez to talk to them. And then we also need to reach out to the pushcart vendors immediately on the Plaza, which I think is almost complete."

Councilor Rivera asked about the 3 amounts in the FIR.

Ms. Garcia said Barbara prepared this estimate. It is her understanding this has to do with her time as the Special Events Coordinator, permits, and time for Parks employees to clean up trash, to fix the yard, all the work that happens around an event of this size. She said Barbara is estimating 4 Parks employees and 4 hours of her time, so it's Parks related.

Councilor Rivera asked out of whose budget will this small amount be paid.

Ms. Garcia said she understands it will come out of the existing budget for managing events on the Plaza, like any other event.

Councilor Rivera asked if that is under Parks, and Ms. Garcia said that is her understanding.

Councilor Rivera asked the fringe costs for employees and all other operating costs.

Ms. Garcia said Barbara put it together, noting she has experience doing events on the Plaza. She assumes it is the employee time and fringe benefits, and various miscellaneous items the Parks employees need to maintain the space.

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

**DISCUSSION:** Chair Dominguez asked Ms. Garcia to expand on her remarks about transportation and the promotional plan for that.

Ms. Garcia since the Farmer's Market and the City promote this event, they will use website posting, social media, radio interviews and any kind of email that goes out to encourage people living on the south side to use public transportation to get to the Plaza.

**FRIENDLY AMENDMENT:** Chair Dominguez said he would like to amend the motion to include language directing staff that specific direction. He would like to articulate that to some of our constituents who do not have access to fresh fruit and vegetables. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMITTEE.**

**VOTE:** The motion, as amended, was approved unanimously on a voice vote.

20. **REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING THE PUBLIC CAMPAIGN FINANCE CODE, SECTION 9-3 SFCC 1987, TO MODIFY THE DEFINITIONS OF "CONTRIBUTION" AND "EXPENDITURE;" DELETE THE DEFINITION OF "QUALIFYING CONTRIBUTION" AND CREATE A DEFINITION FOR "COORDINATED EXPENDITURE" AND "QUALIFIED SMALL CONTRIBUTION;" TO MODIFY THE REQUIREMENTS TO QUALIFY AS A PARTICIPATING CANDIDATE; TO DELETE PROVISIONS RELATED TO "SEED MONEY CONTRIBUTIONS" AND "QUALIFYING CONTRIBUTIONS;" TO ESTABLISH PROVISIONS FOR QUALIFIED SMALL CONTRIBUTIONS; TO MODIFY PROVISIONS RELATED TO "REPORTS OF EXPENDITURE" TO EXPAND REPORTING REQUIREMENTS; TO ADD PROVISIONS FOR "ADDITIONAL REPORTING OF QUALIFIED SMALL CONTRIBUTIONS AND ADDITIONAL MATCHING PAYMENTS FROM FUND;" AND TO MAKE SUCH OTHER CHANGES AS ARE NECESSARY TO CLARIFY THE PROVISIONS OF THE PUBLIC CAMPAIGN FINANCE CODE (COUNCILOR IVES). (ZACHARY SHANDLER) Committee Review: City Council (request to publish) (approved) 06/24/15; and City Council (public hearing) 07/29/15. Fiscal Impact – Yes. (If adopted, the City Clerk may have to review the additional workload and determine whether temporary workers need to be hired)**

*Items 20 and 21 were combined for purposes of presentation and discussion*

A proposed Amendment to Item #21, submitted by Councilor Signe I. Lindell, is incorporated herewith to these minutes as Exhibit "1."

A proposed Amendment to Item #21, submitted by Councilor Peter N. Ives, is incorporated herewith to these minutes as Exhibit "2."

A copy of ECRB Submittal to Finance Committee: June 29, 2015, regarding Items #20 and #21, submitted for the record by Ruth Kovnat, Member, Ethics and Campaign Review Board, is incorporated herewith to these minutes as Exhibit "3."

*It was the consensus among the Committee to hear Items #20 and #21 together.*

Mr. Shandler reviewed the information in the Committee packet. Please see the Committee packet for specifics of this presentation.

Mr. Shandler said currently to run for office there are qualifying contributions and seed money to get your name out which is capped at \$100. He said there is a form to submit for each person contributing \$5. He said you also may have to submit a Qualifying Contribution Report form. He said the Seed Money Contribution form is for everyone who gave up to \$100. There is also a Seed Money Expenditure Report on how the money was spent. Mr. Shandler used the overhead to provide examples of the forms, noting this the current *status quo* system.

Mr. Shandler said under this proposal brought forward by Councilor Ives and the ECRB, we get rid of the seed money and qualifying contribution distinction and they are merged to become a Qualifying Small Contribution. He said you can raise as much as you want up to \$100, throughout the election cycle.

Chair Dominguez asked where they can find this in the packet.

Mr. Shandler said it begins on page 5 of Bill 2015-27, to the top of page 7.

Councilor Lindell said she believes her pages are not numbered the same as his.

Chair Dominguez said he thinks it is on pages 8 and 9 of the packet.

Mr. Shandler he is now on the same page as the Committee, at the bottom of packet page 8 and top of page 9.

Mr. Shandler said on packet page 9, Paragraph N, Qualifying Period is included in the bill, but there is an amendment Councilor Ives striking paragraph N (Exhibit "2"). He said you should also have a letter from ECRB Member Ruth Kovnat talking about that paragraph (Exhibit "3"). He said the qualifying period is when you get those forms filled out, 183 days before the election and up to 106 days before the election is where you get the \$5 contributions. He said the proposal will allow you to get these small contributions which could be larger than \$5 throughout the election cycle, but at 106 days you have to pause in turn in the forms to Yolanda Vigil, City Clerk, to get qualified. You can continue to raise up to \$100 from people throughout the election cycle.

Mr. Shandler said Councilor Ives wants to strike the 106 days before it's referenced elsewhere in the bill. He also refers to 130 days before the election. So this is kind of the unofficial kickoff to the election cycle. That's when you would start to get the qualifying contributions. However, the existing bill does not have a start date for raising seed money. So right now, you could start with the seed money.

Councilor Lindell said then we don't have seed money anymore.

Mr. Shandler said "Right. So I just thought I would tinker with the reasons Councilor Ives thinks both the end is [inaudible] somewhere else and the 183 days is now unnecessary, because we are going to a seed money approach where when you kick-in the start date, you can start raising money at any point in the election cycle."

Councilor Lindell asked Mr. Shandler to define election cycle.

Mr. Shandler said this is a question they have been researching. He said it appears that in the current code, for privately funded candidates and publicly funded candidates, at the end of the election you have to zero out your campaign fund, so you would have to give donations or give it back to the City. He thinks that is the end of the election cycle, and the new one starts right after the election, so it is a two-year period.

Councilor Lindell said it could be a 4 year period.

Mr. Shandler said one could make that argument. He said you can make another argument that says all candidates, so that is an interesting point that we have not figured out at the staff level. However, under the new proposal, either 2 or 3 years in advance, you could start raising money.

Chair Dominguez said so they could start raising money next month, or after this approved, to run for Mayor.

Mr. Shandler said they could start that next cycle, arguably. Some people say they might have to wait until March 2016, but then they would have a 2 year window to get these \$100 contributions.

Mr. Shandler said the bill changes the language to make sure that it is all in accord with this combined system.

Mr. Shandler said on packet page 19, Section 10 of the Bill, there is a change to 9.2.12, beginning on line 3. He said this is the 4<sup>th</sup> major change, a matching provision, noting on line 8 it provides, "*..on the sixty-second day preceding the election and the fifteenth day before the election,*" a publicly funded candidate who is raising these small contributions can come into the City Clerk's Office and request a match of the money they have received. It is a four-to-one match, and there is a hard cap that you can't receive more than 200% of your initial grant.

Mr. Shandler said, for example, you've raised about \$1,500, so on the 62<sup>nd</sup> day before the election so you can request the 4 to 1 match to the \$1,500 he has raised, and they can receive that and keep raising money and 15 days before the election you could submit another similar type form and get another 4 to 1 match. However, you can never receive more than \$30,000 in a supplemental amount. "So you get your \$15,000 initially, and it would be capped at \$30,000 on total matches, so the most you get from public funds would be \$45,000 as a City Council candidate.

Councilor Lindell said she has a number of questions that go all the way through the bill, and asked if Mr. Shandler would like to finish his presentation first.

Chair Dominguez asked Mr. Shandler to complete his presentation, and then we will open for questions.

Mr. Shandler said he will go back to the two major items. He said on packet page 5, Coordinated expenditures. He said Councilor Ives brought in national known expert from New York that tracks these things throughout the country to find the best model from Pennsylvania, Delaware, New Jersey and other cities as well. He said this is the question of a third party group and are they really secretly in cahoots with a publicly funded candidate. He said they have tried to find a definition of Coordinated Expenditure. The reason it is significant, is if you are a publically funded candidate you can't be in cahoots, and that's why it's important you can't do it. And so they wrote this definition based on their national research and they went so far as to explain examples. It is clearly the candidates and these third party groups, and they talk about substantial discussion and doing things at the suggestion of the candidate or their agent. They talk about people hopping back and forth from the campaign of the third party group. They talk about the candidate raising money for the third party group within a certain time period. So they provided those examples. And they talk about something that came up in the last election about shared services and shared locations. And if a third party and a candidate are sharing locations or vendors, they have to provide a written firewall proving there is no cahoots going on between the parties.

Mr. Shandler continued saying, they also provided examples of what is not coordination, commenting he is on packet page 7. So, if your group is interviewing someone, or endorsing someone to make a speech, that is not impermissible activity. So they have tried to provide a definition of when these two groups shall not meet, and provided examples of what is permissible and what is impermissible, and to put that into the Code so it is clear to all parties.

Mr. Shandler said the second major point is in other the other bill under tab 21, on packet page 21, dealing with third party groups, covering their communication and reporting. He said currently if you spend more than \$250 there are requirements, but this broadens the activity to be more inclusive, and it expands the language to talk about if your expenditure is with the approval of the [inaudible] and defeat of a candidate, you are the subject to this. If I just in my [inaudible] refer to Councilor Rivera as being soft on crime, just that referring to him 60 days before the election will also trigger if I spend more than \$250 to do some reporting. He said the bill also requires a third party group to explain who is behind it, the actual people, which is on packet page 11. It requires you to say the name of the president or the chief executive or equivalent so there is a greater sense of transparency. There is also a media exemption, so *The Santa Fe New Mexican* does not have to worry about that they are considered a third party if they do a favorable editorial or an endorsement.

Mr. Shandler said the final point is that... let's say I set up a cause, Foundation for Free French Fries, and I want to give money to Councilor Maestas, so it's pretty hard for *The New Mexican* to track that down, because they don't say who I am. But let's say I get my money from another group called The Catsup Society and they got their money from the Mustard Society. The group thought a lot about how to track all that money upstream so we really know who is giving that money to Councilor Maestas, named as Mr. Shandler. But that would be an infinite number of sales. So if the group decided there was a third party, noting he is looking at packet page 11, line 11, if I'm giving money from upstream, then on my material I'm going to have to put a disclaimer saying this campaign material is supported in part by

donations from and organization that is not required to disclose its contributors to the Santa Fe City Clerk. And while you have to say who I am, but most people don't, but if I'm going to put out campaign material I have to put that proviso, so the voters know that some money is coming from upstream. Mr. Shandler said these are the four major points and he will now stop for questions.

*The Committee asked questions and commented as follows:*

- Chair Dominguez thanked Mr. Shandler, the committees and all the individuals who have taken time to work on this, because it's not easy to do. He is sure there was lots of debate, and he is sure there will be a lot of discussion and debate tonight as well. He said it seems we are in search of the perfect process and/or system, but we are not there obviously. He said he has lots of questions, but he is going to open it to the Committee. He said, "My questions pertain to how you define some of these things, like how you define a leadership position. I don't know if there is enough definition for some of that stuff in here."
- Councilor Maestas said with regard to the matching provisions, noting in the PRC race that element of the State Public Finance Act was level struck down. He asked since we are home rule, does that mean can we implement our own match provision in public financing, or does that case have nothing to do with this.

Mr. Shandler said, "That case has everything to do with this. In Santa Fe, it is my understanding that they used to have the matching provision based on the behavior of my opponent. If my opponent raised a lot of money, then I would kick in for a match. As cited, the Courts have struck that down, so you can't do a match based on someone else's behavior. But it appears permissible, and the group has researched this thoroughly, that if you do a self liberating match, for lack of a better word, that doesn't depend on what your opponent is doing, then that type of match is permissible. An earned match, yes."

- Councilor Maestas said it seems that the Committee kind of combined the seed money with qualifying contributions. And I think that does simplify it, but when you defined it on packet page 9 at the top an earned match. Also it seems that the committee combined seed money with qualified constrictions. When you defined it on page 9 at top you defined it as '... not to exceed \$100.' But when it was mentioned on packet page 11, under Eligibility as a Participating Candidate, you said 'no less than \$5.' He asked the reason he put the maximum when he defined it, he put the minimum elsewhere.

Mr. Shandler thanked him for bringing that to his attention. He said, "And so under this system, let's say I'm running for Council and I want to pursue this, I will still need to get 150 qualified small contributions of not less than \$5 or greater than \$100, from Santa Fe electors. So you still need to find that sweet spot of Santa Fe electors, but now the range is wider. It used to be just 150 Santa Fe electors at \$5. Now it is \$5 dollars to \$100 dollars, so those are various types of people that sign up. But, I'm not prohibited from getting all sorts of other people to give me up to \$100, or \$5 or \$25. Aces won't count for my qualifiers, I think that's the term we're trying to focus on. I will need 150 qualifiers but I can get plenty of other contributors."

- Councilor Maestas said then you are saying we can accept qualified small contributions from non-qualified electors, and they need not reside in the City, because that was the case for the seed money in the current Code.

Mr. Shandler, "You are correct. Both things you said are correct."

- Councilor Maestas said but now it's wide open as long as we meet the minimum of these types of qualified small contributions, we can continue fund-raising from non-qualified electors who resides outside our Council District, if I'm a City Council Candidate, or even outside the City.

Mr. Shandler said, "That's right. So, my parents live in your District, so they could be your qualifiers, but my brother lives in New York. He can be a contributor but he's not a qualifier. You keep me right on track."

- Councilor Maestas asked if the matching provision applies only to the funds raised from qualified electors or is it just a total in aggregate.

Mr. Shandler said, "In aggregate."

- Councilor Maestas asked to discuss what constitutes coordination with outside entities. He is glad Mr. Shandler listed what does not qualify as coordination. He said these third party organizations or PACs, can still obtain information from the candidate's website and use it potentially verbatim in their materials. But to him that would seem innocent if they just got the information and the platform, and maybe regurgitated it and put it in their own materials. He asked if that is a violation of coordination. He said he is unsure the restriction on coordination takes into account the availability of information through the candidate's campaign.

Mr. Shandler said, "That is a hotly contested point. It's called the McConnell Rule. And initially there was some language in there that did prohibit that activity, but it not in the draft now. Let's say I'm an innocent candidate and someone goes to my website and they take the material and I don't know about. So there are some on the Committee that could figure out language that would absolve me as the innocent candidate from being punished if someone took the material and used it. We tried for a variety of different iterations of the language, but we couldn't quite make that work. But if it is still a concern of yours, we have a couple different language changes we could offer to you."

- Councilor Maestas said we are involving vendors and you're asking for a firewall. If a PAC and the candidate use the same vendor, and the vendor has to have this written firewall prior to any expenditure, does the burden of proof of the firewall fall on the candidate, or do we involve the vendor. He asked about the enforceability of this provision as it involves vendors.

Mr. Shandler said, "There was also substantial discussion on that point, in that the ECRB group is committed to do education and outreach. I don't think they have made a final decision as staff as whether there should be a pre-prepared form that is given out to every education session that

helps explain the vendor firewall policy, that they discussed them. I think that Not a decision if there will be a prepared form explaining vendor firewall policy. I think it probably would be prudent for a candidate to take the lead on that type of project to make sure their vendors have that documentation. That, I think is the idea of the education process, whether there should be a model form or just some type of education."

- Councilor Maestas said it could be part of the required documentation by the candidate, if that coincidence happens.
- Councilor Maestas said, regarding reporting, Section 9-3.14 on packet pages 20 and 21, it seems like there is a hard stop on reporting. He said in the current Finance Code, the regular Code as it pertains to reporting, there is a lag factored in the final Campaign Finance Report which is due two weeks after the election. He said we know there is a lag, and if you make the expenditure and you don't get the product, do you have to report it, or is there some consideration for a lag in the delivery of the service or product. There was a hard stop on the seed money or qualifying contributions, and asked if there was discussion about considering some kind of lag, instead of a hard stop.

Mr. Shandler said, "I believe we talked about that in detail. I know internally we have discussed that, and I'm pointing to the City Clerk behind me. And you don't have that in your packet now because we're not even sure the direction of today's meeting. But that might be something we can work on some language in advance of the final vote."

- Councilor Maestas said he would like some consideration to be given to the lag in the delivery of products and services, if that report is to be totally inclusive of a certain category of funding. In this case, it's the separate account from qualified small contributions. He said, "You know where I'm going on this, so I guess that would kind of be my input and my advice on reporting."

Mr. Shandler said, "I think that under the proposed system, we get rid of the hard stop on seed money, and so it may be less of an issue under the proposal."

- Councilor Maestas said with enforceability, this is going to be on the honor system. There will need to be a lot of public education. He asked if there still will be candidate self-certification – each candidate has to sign. He believes the Treasurer has to sign as well. He asked if this will continue under the new legislation, and Mr. Shandler said yes.
- Councilor Maestas said the last issue is unused campaign materials, and asked if that was discussed. He thinks there should be some parameters where we don't have to mess with a book of stamps or envelopes left over, noting he had to turn in both. He said perhaps staff could provide recommendations about how best to treat unused campaign materials. He isn't talking about signs, but there are office supplies, clipboards and such. He said there should be some minimum amount where these don't have to be turned in. He asked staff to take that under advisement and address how best to do this.



Mr. Shandler said he will do so.

- Councilor Maestas thanked the Committee and staff, noting it is a lot of work, commenting it seems you did consider a lot of the lessons learned from the last election cycle.
- Councilor Lindell asked what happens with a group that doesn't come in and file at all, and they carry on campaign activities.

Mr. Shandler said, "Somebody would have to file a written complaint. I think if they made expenditures over \$250, they are within the jurisdiction of the ECRB and subject to their penalties."

- Councilor Lindell she is unsure of what those penalties are. She said if a group raises money, but doesn't file and participate in the election, and someone files a complaint on them and they say so what.

Mr. Shandler said, "Enforcement is under chapter 6. The ECRB has supreme authority and fining authority, so I think that's how those cases would be resolved."

- Councilor Lindell, referring to packet page 5, line 21, where it says, "*The cost of an event held in honor of or on behalf of a candidate when the total cost of the event amounts to no more than \$200.*" She asked what happens if we hold an event and it costs \$1,000, but 5 people pay \$200 apiece."

Mr. Shandler said, "I believe the City Attorney's Office probably should issue a memo about this. It is \$200 composite. People can't chip in \$200 and get a \$1,000 event."

- Councilor Lindell asked if this would be one of those things where someone would have to file a complaint against whatever group of people put on the event.

Mr. Shandler said, "Correct."

- Councilor Lindell asked if they would have to be subpoenaed if they didn't feel like filing or coming in, and Mr. Shandler said this is correct.
- Councilor Lindell asked the timeframe on something like this.

Mr. Shandler said, "I don't know if there is a specific timeframe. The way I'll answer your question is the ECRB wanted to get the Code changes, which the Council controls, during the summer, and then they have their own regulations to deal with enforcement. In the Fall they are going to meet and I will add that to the list of enforcement issues in terms of the public timing of these complaints."

- Councilor Lindell said she is saying is that this is a very tough thing. She said she knows the Committee spent a lot of time on it. She said we are dealing with a lot of intangible things. We want people to do the right thing, and it's very hard to put this together to make them do the right thing if they are inclined not to do the right thing. She said this is the chosen path for some people.
  - Councilor Lindell said she is troubled with the part about physical space, and allowing physical space sharing. It seems as if we're going to clean this up, that such things as sharing physical space lends itself to think logically that you have some kind of coordination. She said, "These are just comments. I'm not asking you to defend any of this Zach."
  - Councilor Lindell said on packet page 7, line 24, it provides, "... *has invited the candidate to make an appearance before the groups members....*" She said it doesn't strike her as right that some group doesn't have coordination with a candidate if they have a hall they've rented or owned, and a candidate comes in and speaks to 500 or 1,000 people. She said that doesn't seem very independent, and to her it feels like some coordination.
  - Councilor Lindell said on packet page 9, she has stricken lines 4-7, the definition of Qualified Small Contribution, and asked if this is correct, and Mr. Shandler said yes.
  - Councilor Lindell said on packet page 11, line 11, candidates running, 150 qualified contributions of no less than \$5. She is not sure why \$5. Why not \$1, why not \$10. She doesn't know the where or why of that. She is not sure how we came up with the \$150, although she thinks it is a fair number after we have redistricted.
  - Councilor Lindell said she is unsure about the language at the bottom of packet page 11, line 23. She asked what happens when you start out and you are committed to doing public financing of your campaign, but part way through you decide you don't want to do public financing any more – how do you get out of it.
- Mr. Shandler asked, "Is this going to happen before December 9, 2015, the qualifying day, the use of the hypothetical."
- Councilor Lindell said, "Let's do before and let's do after."
- Mr. Shandler said, "I would think before, you don't have to do anything further. You haven't provided any notice to the City Clerk, so there is nothing to revoke in that status, so you just start collecting other \$100 amounts. I think afterwards, there is a provision in there that says you can keep the money you raised so far and go on as a privately funded candidate."
- Councilor Lindell asked him to repeat that, and Mr. Shandler asked to come back to that so his team can find an exact citation.
  - Councilor Lindell asked how much money is in the campaign fund right now.

Mr. Shandler said, "That is in the FIR that is provided, which is on packet page 25. The current balance in the Public Campaign Finance Funds at the end of fiscal year 2015, which is now, is \$493,000. The other distribution from the General Fund is \$150,000, and it's distributed to the fund on a proportional quarterly basis, at \$37,500 per quarter. This means the balance of the funds at the end of this calendar year should be \$568,000."

- Councilor Lindell, referring to packet page 12, asked if money can be electronically donated.

Mr. Shandler said, "I think the intent is of this sentence is to allow the ECRB to set up a regulation to explain how the PayPal text system would put things in an electronic signature. They would begin to probably write that regulation."

- Councilor Lindell asked if that a yes.

Mr. Shandler said, "The ECRB I believe, would be given the power to clarify that issue. I believe the City Attorney's Office issued a memo last year on that topic, which was not as modern as some computer people are. I will get that memo for you in just a second, but I think that language was drafted to allow the ECRB to write a rule that would modernize that process."

- Councilor Lindell said this is something she would like to have clarification on.
- Councilor Lindell, referring to packet page 15, Certification as a Participating Candidate, said that is 3 months prior to the election, which in her opinion is too late. If you're running for election and you are a serious candidate, you need to be able to make real expenditures prior to 90 days before the election. This is her opinion, and she believes others who have run for office would tell you the same thing, that there are problems with that. She said up to that point, you can't make any expenditures.

Mr. Shandler said, "You can make limited expenditures for Council, I think \$1,500 is the cap."

- Councilor Lindell said she thinks that is extremely late to be able to make expenditures. She said the other part of that is the matching funds are at two distribution times – 62 days prior to the election and 15 days prior to the election.
- Councilor Lindell continued, saying if you are a very serious candidate, running for office is a tremendous, huge amount of work, and all of the candidates she knows are very serious about running for office. She said to undertake a campaign, and not know what your budget is going to be is a very very risky thing to do. She said, for example, on the 62<sup>nd</sup> day people come in and some have raised the maximum amount of money and others have not, and the funds are disbursed and the fund is absolutely drained and there is a zero balance. She asked what happens when a candidate gets a lot of \$100 contributions between the 62<sup>nd</sup> day and the 15<sup>th</sup> day, and someone wants matching funds, but the fund has been drained.

Mr. Shandler said the candidates could raise funds but could not get matching funds.

- Councilor Lindell said some people may or may not be able to raise money quickly. She questioned whether the City could afford a four-times match under the current budget, commenting that the amount we contribute annually to this fund just won't generate that much money.
- Councilor Lindell said she saw an amendment for receipts for expenditures.
- Councilor Rivera said most all of the questions he had have been asked and answered. He asked if any consideration was given to separating the process for electing the Mayor and the City Councilors.

Mr. Shandler asked if he is saying to have one system for the mayor and a different one for the City Council.

- Councilor Rivera said yes.

Mr. Shandler said no consideration was given to changing that process.

- Councilor Rivera said this takes what was once a level playing field which now is more in favor of the more wealthy person or the person who knows wealthier people. He said, "To me, this is not where we want to take this." He said we are seeing a lot more changes trying to address the mayoral part of it, and he thinks we are taking the fairness out of the Council part of it. He said these aren't questions, just comments.

Mr. Shandler said one of the options would be to split effective dates. He said staff may be able to brainstorm on different types of options.

- Councilor Rivera said the fairness issue is his biggest concern. He was somewhat surprised during his campaign with some literature being put out without anyone knowing who it was from, without anybody registered with the Clerk's Office as being affiliated with anybody. He said even though he was affected by that, he still thinks the process was pretty good overall.
- Councilor Rivera continued, saying he is very concerned about the fund, as is Councilor Lindell, and especially for the next mayoral election when the Mayor becomes a paid position. He said there might be more people running, and he is concerned as to whether we will have the funds to do this. He said these are just comments for us to think about, and asked if we really want to take the fairness out of the Council races. He said initially, the seed money was capped at \$1,500, and then the contributions to qualify for the \$15,000, and that was all you could do. You couldn't earn any more, and you had what you had and that was it, and everybody was on a level playing field. He thinks this removes the level playing field, allowing potentially popular people, wealthier people to gain a very distinct advantage, and he is unsure if this is where we want to go.

- Chair Dominguez thanked everyone for their work on this. He said, "I often wonder if we don't allow paranoia to kind of take over in some of our political process. And I tend to think that sometimes some of that is creeping into some of this as well, because we can dice it and slice it in so many ways. But I think, as Councilor Lindell said, you are going to find people who are not going to be honest and will do whatever they are going to do and find a way to work around the law. And when we try to cast too wide of a net or get to that perfect solution I think we sometimes find trouble."
- Chair Dominguez said one of the things he wants to follow up on, is in terms of empowerment and engagement for people, commenting this does not help, especially in some of the more impoverished parts of the community.
- Chair Dominguez continued, "And I want to get in the political process or a political campaign, and I look at this, it's scary. I'm going to want to do something and it's against the law, and it's an innocent maneuver. He said you get a small group of people who are just trying to get involved in the political process and support a candidate, they have to jump through all these hoops. And they have to understand what it means to potentially be indicted, and just all this stuff that comes with this kind of law, it does not, in his opinion, speak to engagement and empowerment, especially for folks who are not as affluent as those who have worked on campaigns and in this environment for many many many years. Especially if you are a candidate who has good intentions but you're not politically motivated, or haven't been involved in the political process for a long time, this could look scary. This could look like, man I'm afraid to do anything, because the one thing that I might do would be wrong."
- Chair Dominguez continued, "I guess what I'm trying to say is if there is a way to simplify this, it would be helpful, especially if this is being written out of paranoia."
- Chair Dominguez continued saying one of the things he wanted to talk specifically about is on packet pages 6 and 7, Coordinated Expenditures. He said there is a whole list of examples. He said he doesn't know if he would want to put in examples, because that opens the door for a number of things. For example, someone who could come in and say how do you identify a leadership position. He said Section d provides, "*If the individual or entity has employed, has in a leadership position or has accepted a donation of the campaign related professional services...*" He asked how to define leadership position in talking about coordinated expenditures. He understands the intent and likes that we are trying to define coordination between groups, but doesn't know if that is the right avenue to take to give examples.
- Chair Dominguez continued, saying, regarding a firewall system, "If I hire a cousin of mine or a friend of mine who does something on a website, they may not have the ability to identify or recognize what it means to have a firewall system in place to prohibit them from working for my opponent. Maybe I don't mind them working for my opponent. What I'm saying is we may have organizations not sophisticated enough to identify and understand what a firewall system is. That's something I think that needs work."

- Councilor Dominguez continued, "Again, we're under this idea that everyone who is involved every aspect of political work and campaigns understand some of these not so well intended things that have happened that have led to this."
  - Councilor Dominguez said, "The last thing, to bring this to some kind of closure, is I have a concern with the finances as well, especially if we are in the dire straits that we are in financially. First of all, I don't know why anyone would want to run for political to run for office, so I don't know if I'm going to get 15 or 20 people to break the bank. But we have to be fair for everyone and make sure there are systems in place for that to happen. I guess I would just be a little bit concerned about the finances and making sure that we have things in place for that."
  - Chair Dominguez continued, "And I guess the last thing is, public financing in my opinion, favors incumbents, because the incumbents have the name identification and don't necessarily need the kind of money who people who aren't incumbents need. And it forces people to focus more on the grass roots thing which is good. But in the very beginning, it's not fair for some of the people who don't have that name ID. I'm not going to say that I've always been against publicly financed campaign, so I did participate this last time. I think the intent is good. I think it's a good thing, but we have to be very careful and very deliberate about exactly what it is we're doing, and we shouldn't be trying to anticipate all the other things that could come across."
  - Chair Dominguez continued, "And with that. Great job. It's definitely a lot of work I know. And I think we're going to have to get somewhere soon."
  - Councilor Maestas said he wants to focus on the match provision. He likes the streamlining overall of what's been done, but really thinks the match provision really swings the pendulum in the opposite direction, and accelerates the privatization of public finance. Any candidate wants to know their budget at the outset of the campaign and plan the campaign around the budget. If there is uncertainty in terms of how well they campaign, he doesn't think any candidate wants to run their campaign that way. It turns into a fundraising race, and loses the focus of the grassroots campaign. He likes the concept, but suggests we scale back the matching provisions and take one bite of the apple at a time, reducing the match to two to one. He said If we leave it up to the 15<sup>th</sup> day they keep fund-raising and then dump the money. He thinks the match provision is swinging too far to the other side. He believes we need to scale this back and use it as a pilot.
  - Chair Dominguez asked if any of the people involved in writing this legislation, have ever managed a campaign or run for office.
- Mr. Shandler said he believes Tara Luján has.
- Chair Dominguez asked if Ms. Luján is the only one, and Mr. Shandler yes.
  - Chair Dominguez let's try to give some direction.

- Councilor Lindell said she doesn't want to reject this legislation and would like to send this back to the Committee. She said 3 members of the Committee are here today and heard our comments. She doesn't want to out and out reject this, but to postpone it and have it come back to us in a different form. She would like to postpone Items #21 and #22 and have them come back to us in a different form. She said it seems if we voted now, we would not approve this legislation.
- Councilor Maestas agreed saying it would be great if staff would make some recommendations. He said the legislation needs significant changes before are ready to adopt the bills.
- Chair Dominguez asked the timing on the legislation.

Mr. Shandler said it can be postponed to the next meeting and we can bring back a scaled down version.

- Councilor Rivera agrees with Councilor Lindell in that he would hate to throw this out completely. He said it is important to get this right.
- Chair Dominguez asked if there would be an opportunity to separate the processes between the Mayoral race and the Council races.
- Councilor Rivera asked in the first publicly financed election how many publicly financed candidates turned money back at the end.

Ms. Vigil said she doesn't recall, but she can get that information for the Committee at the next meeting.

- Councilor Rivera said he turned back several thousand dollars, and to have an additional \$45,000 seems to be too much.
- Councilor Maestas agrees with Councilor Lindell, and believes we should take action on some version that is acceptable. He appreciate the Committee's efforts, commenting this took quite a bit. His only concern is that when we come back the changes won't be material. He said we advertised for the public hearing under this caption. He hopes that we would not significantly gut or remove sections altogether for public hearing. He thinks we should keep it within the scope of the caption and the advertising to make sure we don't have to readvertise and further delay the process. He would like to see this go forward.

**MOTION:** Councilor Maestas moved, seconded by Councilor Lindell, to postpone Items #20 and #21 to the next meeting of the Committee, and that our feedback be taken into consideration by staff in coordination with the Committee, and propose amendments consistent with that, and come back to us with a new version.

**DISCUSSION:** Chair Dominguez said if it's not ready to move forward, we shouldn't feel pressured to get it in force by the next election.

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

Ms. Vigil said, in response to Councilor Rivera's question, regarding what monies came back for the 2014 election – Mayoral candidate \$2,500, and a number of Council candidates that returned some money one of which was close to \$1,000

- 21. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING THE CAMPAIGN CODE, SECTION 9.2 SFCC 1987, TO MODIFY THE DEFINITIONS OF "CONTRIBUTION" AND EXPENDITURE" AND CREATE A DEFINITION FOR "COORDINATED EXPENDITURE;" TO MODIFY PROVISIONS RELATED TO INDEPENDENTLY SPONSORED CAMPAIGN COMMUNICATIONS AND REPORTING; TO MODIFY PROVISIONS RELATED TO THE CONTENTS OF CAMPAIGN FINANCE STATEMENTS; AND TO MAKE SUCH OTHER CHANGES AS ARE NECESSARY TO CLARIFY THE PROVISIONS OF THE CAMPAIGN CODE (COUNCILOR IVES). (ZACHARY SHANDLER) Committee Review: City Council (request to publish) (approved) 06/24/15; and City Council (public hearing) 07/29/15. Fiscal Impact – No.**

*Items #20 and #21 were combined for purposes of presentation and discussion*

This item was postponed to the next meeting of the Committee. See action on Item #20 above.

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**END OF CONSENT CALENDAR DISCUSSION**

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- 22. DISCUSSION ON CAPITAL IMPROVEMENT PLAN (2015-2020) (OSCAR RODRIGUEZ)**

Oscar Rodriguez said this is the second time we have talked about this. At the last meeting we talked about structure where the Finance Committee that sets a basic format the timelines for the departments to work with the respective oversight committees to do service level. And then apply that, and come back with prioritized list of proposed capital improvements which then comes back to this Committee, and you approve it or pass it to the Council as you would a budget – the projects for the next 5 years, and the resources that are available. He said he would like to continue that discussion.

Oscar Rodriguez, Finance Director and Kate Noble, Acting Director, Community Services, reviewed the information that is in the Committee packet. Please see this information for specifics of this presentation.



*The Committee commented and asked questions as follows:*

- Councilor Maestas said he likes the consistency with the General Plan, but he would like to see us meld the existing infrastructure funding gaps with the general plan. We have an infinite amount of funding needs, and the infrastructure systems don't have dedicated funding sources. Once we look at the real needs that carry over year after year and the gap keeps growing, that could be one of our priorities, noting it will be staff identified, staff recommended through the existing data. We definitely need to integrate the funding gap for infrastructure systems without dedicated funding.
- Councilor Maestas continued, saying there were comments at the meeting regarding the general plan, that the plan has not quite incorporated the charter amendment that speaks to neighborhood preservation and cultural preservation. He doesn't know if these can be incorporated without a full blown general plan amendment process. He said we should incorporate what is in the Charter.
- Councilor Maestas noted the City has adopted a street improvement program with a context sensitive design. He is unsure that has cascaded into other areas other than spot improvement streets. He said he has read about context sensitive solutions and he likes it and would like to see it applied on a broader scale. He said Councilor Lindell has been promoting sector plans. He wants to see us implement context sensitive in everything we do.
- Councilor Rivera said this process is designed to look at City ideas, City values, that we as a collective feel is important. He said there are so many things on the CIP list that are put there specifically so groups can lobby the legislature for funding. He asked if this would separate out the two process.

Mr. Rodriguez said it is his recommendation not to separate. He said in the last presentation, he laid out a lot of guidelines we can follow. For example, if the project comes with funding, we can consider that a priority. He said projects on the wish list for the Legislature could be dealt with the same way – it would be done only if it receives funding from the Legislature.

- Councilor Rivera, referring to the visual of the two groups coming together, asked if that would involve public input at some point.

Ms. Noble said public input is important on priorities and values, but is unsure it is something we would want to do every year. She said a number of surveys have done around priority, and it important to update that periodically – new developments and such. She said we could go through this project on a 5-year schedule, or as we have a more robust community envisioning.

Mr. Rodriguez said you don't want to have a long range planning effort every year. However, the idea is that the plan stays in front of you and you see progress on it or not as you look at, for example investments. He said it is the smart thing to do, or you risk a general plan going the way of most plans – they're done, put aside, and people go in different directions.

- Councilor Lindell said we do have a CIP committee, correct.

Mr. Rodriguez said he asked and apparently this is the Committee that decides the expenditure of impact fees.

- Councilor Lindell said some very capable people sit on that committee, and suggested that we might take a look at how this Committee would fit in the front end of this process.

Ms. Noble said that is a very nice idea, noting it is a very capable Committee represented directly by Councilors, and at this stage they look only at impact fees and do not look at our CIP bonding list of projects or our ICIP which is the State wish list.

- Councilor Lindell asked if the Code provides that is all this Committee is allowed to consider.

Ms. Noble said she isn't familiar with the Code that created the Capital Improvement Advisory Committee, but she believes that is correct.

- Councilor Lindell would like to look at that legislation and see if we can bring them into this process, noting it is a capable committee.
- Chair Dominguez this is a good point. He said the last time the general plan was updated, development was something that was happening in the community which generated a lot of revenue. A lot of improvements were mandated to be made by developers, but that kind of activity doesn't happen any more. He said, given that, one of the things he would like to see is a sense of equity in how this is implemented and how we prioritize, especially given the fact that we don't have that kind of construction anymore. He said we can't depend on a developer to subsidize some capital improvement with their project, and we need to look at that.
- Chair Dominguez continued saying, one of the things that needs to be a priority is to move operations out of CIP. He said we're going to do a 5-year plan, and doesn't know if that needs to happen in year 2 or 3, but at some point we need to move operations out of CIP.
- Councilor Dominguez continued saying, the way he looks at this is that we have these 14 themes, and CIP is the way to implement the plan. He said in looking at transportation alternatives, it's too broad. However, saying something like, promoting walkability or every sidewalk in our community will be safe, or passable. He said he is looking at these kinds of things. He asked Councilor Maestas if he talked about the needs assessment.
- Councilor Maestas said he did and believes that has to be first and foremost.
- Chair Dominguez asked Mr. Pino if we have a number of our needs right now to get us to zero.

Mr. Pino said not in a detailed way *[most of Mr. Pino's remarks here are inaudible because the microphone was not turned on]*.

Chair Dominguez said we have leaking roofs, things that are outdated, noting he's looking for a ballpark figure to use as some kind of starting point.

Mr. Pino said we are "just around the corner" from getting one of the escrow companies signed up to help us with that evaluation, noting he will be bringing that forward in the next cycle of Public Works and Finance Committees. He said they will be able to help us get a much firmer handle on where we are facility-wise with the leaking roofs, replacement costs, life-cycle costs and such things we've never had to work with before. He said once we get those priorities settled and get a good understanding of our obligations in terms of repairs and maintenance, we can go to the land structures, streets, storm drains, curbs, gutters, sidewalks, the water and sewer system and see what those are. He said generally we are pushing "hundreds of millions at that point." He reiterated that we are right around the corner from the very first phase which is the horizontal infrastructure.

Chair Dominguez said he wants to understand the process a little better. He said Mr. Pino can give us a dollar figure. He said the general plan is a huge endeavor, and can be controversial and takes a lot of time to get done. He asked Ms. Noble, "Am I hearing you correctly in saying that this CIP plan somehow should be reflective of the general plan update. Or that they're going to kind of converge, the timing is going to work."

Ms. Noble said "Our hope is that they converge over the next few years, we're looking sort of 3 years out."

Chair Dominguez said Planning is hoping that they converge.

Ms. Noble continued, "Or the two at least start to occupy the same space in your mind and the community mind. For example, a way to start mild, would be to look at the existing themes. As you're identifying them, I think we have to hear that high level priority to think of those statements in the context of making the CIP spending decisions that probably will need layers of criteria to be applied. For instance, we've heard a number tonight as to how long it will take, but the infrastructure gaps, moving operations out, that that would be sort of the next level down from the themes and community values as we start to apply layers of criteria to the CIP decision-making process."

Ms. Noble continued, "As we work on an update of the general plan which, if I may say, I hope isn't long, I hope it's not controversial, painful, and that we can find some agreements that this can be a moment of coming together and consensus, because much of the community can agree around neighborhood character, water, etc. These are positive things that can co-exist, although some seem to end up with conflict with each other, it doesn't have to be, at least at the value setting levels they don't have to be. But to apply criteria which, as Oscar mentioned, a number of criteria might be already in place for some things. There can be a number of filters provided through the decision-making process, and the first one, is just for now, considering those as the values and looking at that update as something parallel to the CIP decisions."

Chair Dominguez said perhaps he has become too cynical in all of his years. He said, "I just have two more questions. Let me get to the first and then to close out with you Oscar. As we've talked about this process of the general plan update, and you talked about your process with the asset review, or whatever it's called, do you see those two things coming together."

Mr. Pino said, "No. The reason I don't is that we have gotten so far behind on the deferred maintenance. We're years and years and years and going further every year on deferred maintenance, which, unless a group of citizens got together and decided that deferred maintenance is the priority for Santa Fe and the general plan, I don't see that happening. The general plan defines what's going to happen over the next period. The choice you're going to have to make is do we use it for that, or do we use it for a deteriorating Plaza."

Chair Dominguez then it's going to have to be pretty clear as we go through the general plan. He said, "I wanted to say, and I'm breaking my own rule, I wanted to say in the beginning that we shouldn't be debating the general plan, right. But, having said that, I think that when we do go through the process of updating the general plan, we need to make sure that's very clear. People are going to have to understand we're not going to be able to implement a lot of these things in the general plan with this kind of maintenance we've been neglecting for years and years and years."

Chair Dominguez said the final question for Oscar is in terms of process – what do you want from the Committee, what kind of timeline are you expecting from this Committee.

Mr. Rodriguez said the timeline goes to a November 10, 2014, vote by the Council approving the CIP. This means that this summer the departments will be working with their respective oversight committees to identify minimum service levels, and once those are approved by this Committee, then they apply them come up with a prioritized list of capital improvement needs which will come to the Committee in the May/September timeframe, and then goes from this Committee to the Governing Body for approval on December 10, 2015. He said we are going to get lots of lists, especially where there are a lot of needs, and we can apply all kinds of things there – cost savings, cost benefit analysis in looking at service level considerations. However, after that, you will have to "decide between moving these together." He said you might want to consider in making your decision is the general plan.

Chair Dominguez said you're talking about priority based budgeting, and asked how we can do that without going to the stakeholders.

Mr. Rodriguez said you could ask that there be public engagement along the way in the other Committees. Also, when the CIP plan is put on your desk, you could ask for public hearings, public engagements, and even doing those in different locations. This is the first year we're doing this,"

Chair Dominguez said he has staff working on a public engagement process which is intended to be for our next operating budget. He asked if we can dovetail this into that process as well.

Mr. Rodriguez said that is a good idea.

Mr. Rodriguez said, "The one thing that I would ask this body to say is launch or not, or shall I come back to you one last time."

Chair Dominguez said, "Bring us something next time that looks like a CIP plan. It doesn't have to be complete or detailed or ready for approval, just so we can start looking at it."

Councilor Maestas believes our needs are fundamental. He said, "If I were to prioritize inputs, I would say that the general plan would be at the bottom, and one of the top priorities would be existing infrastructure funding gaps, and ending deferred maintenance. Right now, the only priority with respect to the business plan that I would like to see is maybe assessing the infrastructure in areas currently zoned as high density. I think we saw a glaring infrastructure gap when we heard the Blue Buffalo development. My suggestion, if you want further input, is to start integrating asset management, we're on that tract, with facilities and with the water infrastructure. I think we need to end deferred maintenance. We've got to start somewhere, and I think the CIP is where we should start. If we're going to look at any kind of general plan aspects, it could be infrastructure assessment of currently zoned high density areas that are undeveloped. That would be my recommendation, but I don't think we should choose. I see it as a combination, but I would like to see more fundamentals, the backlog of all that deferred maintenance be addressed, get them back to basic instead of getting tied up in a lot of the themes in the general plan."

Chair Dominguez said before we make the decision on doing that, let's at least get a number and see what it looks like, because he doesn't want to hold progress off, and we have to be able to prioritize all of that.

Mr. Rodriguez said when we launch, the next thing you will see is correspondence on these.

## **23. OTHER FINANCIAL INFORMATION**

Mr. Rodriguez said we hope to launch the iPad meetings next month. It will come to this Committee first. He said we've seen a lot of staff dealing with iPads and we're setting up to launch that first. He said what it means is, with your permission, we will stop printing the big agendas.

Councilor Lindell asked if we have come up with a program we intend to use for making notes.

Mr. Rodriguez said he has made his recommendations, but it still has to be vetted by the City Manager. It will make it easier for you.

Chair Dominguez said he has been talking about going paperless since he came on the Council.

Mr. Rodriguez said he isn't assuming the chapter is closed on that yet.

Chair Dominguez asked what is software.

Mr. Rodriguez said he is recommending is Granite, a basic version, which can be viewed on line and is searchable, noting this is just the first steps – preparing the agenda and being able to provide you and the public that searchable view. He said you will be seeing this in the next couple of meetings.

**24. MATTERS FROM THE COMMITTEE**

There were no matters from the Committee.

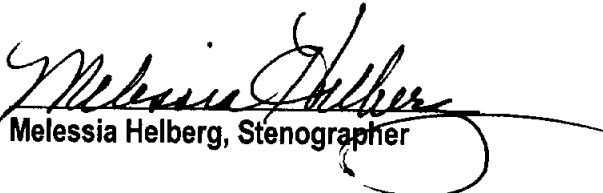
**25. ADJOURN**

There was no further business to come before the Committee, and the meeting was adjourned at approximately 7:50 p.m.

  
Carmichael A. Dominguez, Chair

Reviewed by:

  
Oscar S. Rodriguez, Finance Director  
Department of Finance

  
Melessia Helberg, Stenographer

**CITY OF SANTA FE, NEW MEXICO**  
**PROPOSED AMENDMENT(S) TO BILL NO. 2015-27**  
**Public Campaign Finance Code**

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**Mayor and Members of the City Council:**

**I propose the following amendment(s) to Bill No. 2015-27:**

1. On page 18, line 16 after "expenditure" *insert* "with a copy of each receipt on 8½" by 11" paper"

Respectfully submitted,

\_\_\_\_\_  
Signe I. Lindell, Councilor

ADOPTED: \_\_\_\_\_

NOT ADOPTED: \_\_\_\_\_

DATE: \_\_\_\_\_

\_\_\_\_\_  
Yolanda Y. Vigil, City Clerk

**CITY OF SANTA FE, NEW MEXICO**  
**PROPOSED AMENDMENT(S) TO BILL NO. 2015-27**  
**Public Campaign Finance Code**

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**Mayor and Members of the City Council:**

**I propose the following amendment(s) to Bill No. 2015-27:**

1. On page 4, line 9 after "entity" *insert* "making an expenditure"
2. On page 4, line 19 after "event" *insert* "for the benefit of the entity making the expenditures;"
3. On page 4, line 20 after "entity" *insert* "making the expenditure"
4. On page 7, line 4 *delete* paragraph N in its entirety
5. On page 11, line 2 after "contributions" *insert* "to be used as part of the application as a participating candidate"

Respectfully submitted,

\_\_\_\_\_  
Peter N. Ives, Councilor

ADOPTED: \_\_\_\_\_

NOT ADOPTED: \_\_\_\_\_

DATE: \_\_\_\_\_

\_\_\_\_\_  
Yolanda Y. Vigil, City Clerk



ECRB Submittal to Finance Committee: June 29, 2015

To: Mayor Gonzales, Councillor Ives, and members of the Finance Committee

From: Ruth Kovnat, Member of ECRB

Re: Items 20 and 21, Consent Calendar, Finance Committee Meeting, June 29, 2015

This is to reiterate the desire and willingness of the members of the Ethics and Campaign Review Board to be available to answer any questions that you may have about the Board's proposed revisions to the Campaign Code and to the Public Finance Code that were adopted by the ECRB at its meeting of May 20 2015.

You have already received a letter from the Board Chair, Justin Miller that describes the work of the Board in developing these proposals. The two bills in your packet represent that work although there are some inconsistencies between what the Board adopted and the materials in the packet you have before you. I will highlight the most important one and of course, we can go over its significance at a more appropriate time. For now, I simply want to alert you to the fact that the ECRB proposal to amend the Public Finance Code deletes the definition of "qualifying period" as shown on page 7, lines 1-7 of submittal identified as item 20 on your consent calendar and it is important to the proper functioning of the system contained in the proposed Public Finance Code that the definition be deleted.

These two bills represent a great deal of work and thought by the ECRB with the able assistance and invaluable help of Zach Shandler and the City Attorney's Office and Yolanda Vigil, the City Clerk. As you know, the Board's duties include review of the Campaign Codes after municipal elections for the purpose of proposing improvements to the Governing Body for its consideration. As you also well know, the municipal elections of 2014 revealed some weaknesses in the current system particularly in the Public Finance Code. Because the City Charter mandates that the City have a publicly financed campaign option, we are obliged to and should correct the weaknesses in the current system.

These bills address those issues. Under the current ordinance, candidates who accept public financing from the city are not permitted to accept private contributions beyond limited amounts needed to provide seed money to enable them to qualify for public financing. Because of U.S. Supreme Court decisions, apart from requiring disclosure of contributions of expenditures to independent spenders, there can be no regulation of the amount of contributions to or expenditures made by independent spenders. This cripples the ability of publicly financed candidates to combat well-financed opposition

*Exhibit "3"*

by either independent spenders or privately-financed opponents . Only expenditures coordinated with candidates or their agents are subject to regulation. A serious deficiency in our current codes is the lack of clarity in the definition of “coordinated expenditure.” These proposed bills address these problems by clarifying when expenditures made by independent political organizations are made under circumstances that cause them to be “coordinated” with those of candidates as well as describing situations that do not constitute “coordination.” With respect to the requirement of disclosure by independent spenders, the ECRB proposals do two things: They strengthen the current code by expanding the definition of campaign activities engaged in by independent spenders to cover more campaign activities than are currently covered ; they also require more detailed disclosure by independent organizations of the sources of their funds.

The proposed revisions to the Public Finance Code address the disadvantage in the current Code that publicly financed candidates have when they are opposed by candidates who are supported by independent spenders whose uncoordinated spending cannot be regulated or by privately-financed opponents. The revisions are designed to give the publicly financed candidate the resources necessary to combat such opposition so far the Governing Body is able to do so within the limits of the U.S. Constitution. So the proposal to amend the Public Finance Code eliminates the seed money category and allows publicly financed candidates to raise small contributions not exceeding \$100.00 from private donors. Limiting the amount of contributions to \$100.00 from individual private donors is intended to be faithful to the purpose articulated in the current code: “to eliminate the danger of undue influence on elected officials caused by the private financing of campaigns.” The amendment to the Public Finance Code proposes to provide a 4-1 match for such private contributions to meet the purposes stated in the current code of providing candidates with sufficient resources to communicate with voters and reducing officeholders from the need to raise campaign money, “thus allowing them more time to carry out their official duties. The Board is satisfied that the fiscal integrity of the public finance fund is protected by the caps imposed on the amount that a candidate may receive from the fund and in the provisions for pro rata reductions in amounts that are available from the fund if there are large numbers of candidates in any particular electoral race.

We hope that this is helpful to you during your deliberations on the ECRB proposals. Members of the Ethics and Campaign Review Board are present and again will be pleased to respond to any questions that you may have.