



Agenda

FINANCE COMMITTEE MEETING
CITY COUNCIL CHAMBERS
JULY 18, 2016 – 5:00 P.M.

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

CITY CLERK'S OFFICE

DATE 7/15/16 TIME 10:02
SERVED BY Yolanda Green
RECEIVED BY [Signature]

Regular Finance Committee – July 5, 2016

CONSENT AGENDA

6. Request for Approval of Bid No. 16/37/B in the Amount of \$200,000 – FY 2016/17 City-Wide Water Utility Pavement Restoration Agreement Between Owner and Contractor; TLC Plumbing & Utility. (Bill Huey)
7. Request for Approval of Bid No. 16/41/B in the Amount of \$35,000 – FY 2016/17 Asphalt Hot Mix for Transmission & Distribution Section; Associates Asphalt and Materials, LLC. (Len Montoya)
8. Request for Approval of Bid No. 16/42/B in the Amount of \$35,000 – FY 2016/17 Base Course, Gravel and Concrete Sand for Transmission & Distribution Section; Southwest Landscaping. (Len Montoya)
9. Request for Approval of Bid No. 16/45/B and Professional Services Agreement in the Amount of \$50,000 – Field and Drafting Services for On-going Water Main Replacement Projects for Water Division; Louie Cordova, LLC. (Dee Beingsner)
10. Request for Approval of Amendment No. 2 to Consent to Assignment of Power Purchase Agreement – Photovoltaic System at Wastewater Management Division Compost Facility; MLH Cripple Creek solar, LLC. (Nick Schiavo)
11. Request for Approval of Amendment No. 2 to Consent to Assignment of Power Purchase Agreement – Photovoltaic System at City of Santa Fe Community Convention Center; MLH Cripple Creek solar, LLC. (Nick Schiavo)
12. Request for Approval of Agreement Between Owner and Architect in the Amount of \$380,301.33 and Design Contingency in the Amount of \$19,698.67 – Southwest Activity Node (SWAN) Park – Phase 2; Surrounds Studio, LLC. (Mary MacDonald)



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13. Santa Fe Municipal Airport. (Cameron Humphres)
 - Request for Approval of Amendment No. 10 to Professional Services Agreement – Engineering Services for Santa Fe Municipal Airport; Molzen-Corbin.
 - Request for Approval of Grant Agreement in the Total Amount of \$160,000 – Airfield Striping Project for Santa Fe Municipal Airport; New Mexico Department of Transportation Aviation Division.
 - Request for Approval of Procurement Under State Price Agreement in the Amount Not to Exceed \$137,569.4 – Airfield Striping at Santa Fe Municipal Airport; Highway Supply, LLC.
 - Request for Approval of Budget Increase in the Amount of \$160,000.
14. Request for Approval of Professional Services Agreement in the Total Amount of \$108,000 (RFP #16/46/P) – Medical Director for the City of Santa Fe Fire Department Emergency Medical Services and Mobile Integrated Health Functions; M.E.D.I.C. LLC/Ryan Hodnick, DO. (Greg Cliburn)
15. Request for Approval to Add Compressed Natural Gas (CNG) Capital Project to the 5-Year Capital Improvement Plan (CIP). (Nick Schiavo) (Adam Johnson)
16. Request for Approval of Budget Adjustment in the Amount of \$116,688 for Unbudgeted Cash to Fund City-Wide Installation of Crosswalk Pavement Markings Project Approved by City Council on June 29, 2016. (John Romero) (Adam Johnson)
17. Request for Approval of Reallocation of General Fund Ending Balance for FY 2015/16 to the FY 2016/17 CIP Budget. (Adam Johnson)
18. Request for Approval of a Lease Agreement, by and Between the City of Santa Fe and The Food Depot, Inc. for a Certain Parcel of Land known as "Lease Parcel B" Consisting of 1.629 Acres of Land located at 1222-A Siler Road, Santa Fe, New Mexico Lying and being Situate within a portion of Tract 2 as Shown on a "Plat of Survey" for the City of Santa Fe "City Yards", prepared by Richard E. Smith, PS No. 5837 in February 1984 and having his Project No. 2411, Recorded in the Records of Santa Fe County, New Mexico as Document No. 553116 on October 16, 1984 in Plat Book 146, Page 007. (Matthew O'Reilly)
19. Request for Approval of a Transfer & Lease Agreement by and Between the City of Santa Fe and Kitchen Angels, Inc. for a Certain Parcel of Land known as "Lease Parcel A" Consisting of 2.125 acres of Land located at 1222 Siler Road, Santa Fe, New Mexico Lying and being Situate within a Portion of Tract 2 as Shown on a



Agenda

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"Plat of Survey" for the City of Santa Fe "City Yards", Prepared by Richard E. Smith, PS No. 5837 in February 1984 and Having his Project No. 2411, Recorded in the Records of Santa Fe County, New Mexico as Document No. 553116 on October 16, 1984 in Plat Book 146, Page 007, Along with the Existing Building known as the Coll-Green Angel Depot Building and all Existing Site Improvements Appurtenant thereto. (Matthew O'Reilly)

20. Request for Approval of a Resolution Relating to a Request for Approval of Fourth Quarter/Year-End Budget Adjustments for Fiscal Year 2016/17 ending June 30, 2016. (Andrew Hopkins)
21. Request for Approval of an Ordinance Adopting a Municipal Gross Receipts Tax. (Councilor Dominguez)

Committee Review:

City Council (request to publish) (approved)	06/29/16
City Council (public hearing)	07/27/16

Fiscal Impact – No

22. Request for Approval of a Resolution Establishing a City of Santa Fe Adopt-A-Park Program. (Councilors Trujillo, Dominguez, Harris, Ives, Villarreal, Lindell and Rivera) (Robert Carter)

Committee Review:

Parks & Recreation Advisory Commission (approved)	06/21/16
Public Works Committee (approved)	07/11/16
City Council (scheduled)	07/27/16

Fiscal Impact – Yes; FY 16/17 = \$3,500; FY 17/18 = \$1,000

23. Request for Approval of a Resolution Designating an Environmental Officer to Conduct Environmental Reviews and Public Notification of Community Development Block Grant (CDBG) Projects Funded by the U.S. Department of Housing and Urban Development (HUD). (Mayor Gonzales and Councilor Villarreal) (Margaret Ambrosino)

Committee Review:

Public Works Committee (approved)	07/11/16
City Council (scheduled)	07/27/16

Fiscal Impact – No

END OF CONSENT AGENDA



Agenda

FINANCE COMMITTEE MEETING
CITY COUNCIL CHAMBERS
JULY 18, 2016 – 5:00 P.M.

DISCUSSION

(Public Hearing)

24. Request for Approval of a Resolution Amending the *Governing Body Procedural Rules* to Ensure a More Fair, Judicious and Efficient Public Process. (Councilor Dominguez) (Kelley Brennan and Jesse Guillen)

Committee Review:

Finance Committee (approved)	03/21/16
City Council (remanded to Finance Committee for public hearing)	03/30/16
Finance Committee (public hearing) (postponed to 7/18/16)	06/13/16
City Council (scheduled)	07/27/16

Fiscal Impact – No

25. Request for Approval of Professional Services Agreements – Economic Development Portfolio Projects in Business/Entrepreneurial Development and Workforce/Talent Development for FY 2016/17; Eight (8) Various Vendors. (Kate Noble, Ross Chaney and Zackary Quintero)
- Request for Approval of Amendment No. 1 to Professional Services Agreement – Economic Development Portfolio; SCORE Business Education Program.
 - Request for Approval of Amendment No. 3 to Professional Services Agreement – Andrea Romero Consulting – MIX Santa Fe
26. Request for Approval of Creation of Three (3) Seasonal Part-Time Positions for the Visitor Centers. (Randy Randall)
27. MATTERS FROM THE COMMITTEE
28. ADJOURN

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6521.

**SUMMARY OF ACTION
FINANCE COMMITTEE MEETING
July 18, 2016**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	2
APPROVAL OF CONSENT AGENDA	Approved [amended]	2
CONSENT AGENDA LISTING		2-4
APPROVAL OF MINUTES: REGULAR FINANCE COMMITTEE – JULY 5, 2016	Approved	5
<u>CONSENT CALENDAR DISCUSSION</u>		
SANTA FE MUNICIPAL AIRPORT REQUEST FOR APPROVAL OF AMENDMENT NO. 10 TO PROFESSIONAL SERVICES AGREEMENT – ENGINEERING SERVICES FOR SANTA FE MUNICIPAL AIRPORT; MOLZEN-CORBIN	Approved	5
REQUEST FOR APPROVAL OF GRANT AGREEMENT IN THE TOTAL AMOUNT OF \$160,000 – AIRFIELD STRIPING PROJECT FOR SANTA FE MUNICIPAL AIRPORT; NEW MEXICO DEPARTMENT OF TRANSPORTATION, AVIATION DIVISION	Approved	5
REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT IN THE AMOUNT NOT TO EXCEED \$137,569.40 – AIRFIELD STRIPING AT SANTA FE MUNICIPAL AIRPORT; HIGHWAY SUPPLY, LLC	Approved	5
REQUEST FOR APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF \$160,000	Approved	5
REQUEST FOR APPROVAL OF REALLOCATION OF GENERAL FUND ENDING BALANCE FOR FY 2015/16 TO THE FY 2016/17 CIP BUDGET	Approved [amended]	6-11

**REQUEST FOR APPROVAL OF A RESOLUTION
ESTABLISHING A CITY OF SANTA FE ADOPT-A-PARK
PROGRAM**

Approved [amended] w/dir. to staff 11-13

END OF CONSENT CALENDAR DISCUSSION

DISCUSSION

PUBLIC HEARING

**REQUEST FOR APPROVAL OF A RESOLUTION
AMENDING THE *GOVERNING BODY PROCEDURAL
RULES* TO ENSURE A MORE FAIR, JUDICIOUS AND
EFFICIENT PUBLIC PROCESS**

**Approved Substitute Rules
[amended] 13-35**

**REQUEST FOR APPROVAL OF PROFESSIONAL
SERVICES AGREEMENTS – ECONOMIC
DEVELOPMENT PORTFOLIO PROJECTS IN
BUSINESS/ENTREPRENEURIAL DEVELOPMENT
AND WORKFORCE/TALENT DEVELOPMENT FOR
FY 2016/17; EIGHT (8) VARIOUS VENDORS**

Approved 36-37

**REQUEST FOR APPROVAL OF AMENDMENT
NO. 1 TO PROFESSIONAL SERVICES
AGREEMENT – ECONOMIC DEVELOPMENT
PORTFOLIO; SCORE BUSINESS EDUCATION
PROGRAM**

Postponed to 08/01/16 36-37

**REQUEST FOR APPROVAL OF AMENDMENT
NO. 3 TO PROFESSIONAL SERVICES
AGREEMENT – ANDREA ROMERO CONSULTING
– MIX SANTA FE**

Approved 36-37

**REQUEST FOR APPROVAL OF CREATION OF THREE
(3) SEASONAL PART-TIME POSITIONS FOR THE
VISITORS CENTER**

Approved 37-39

MATTERS FROM THE COMMITTEE

None 39

ADJOURN

39

**MINUTES OF THE
CITY OF SANTA FE
FINANCE COMMITTEE
Monday, July 18, 2016**

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, July 18, 2016, in the Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

2. ROLL CALL

MEMBERS PRESENT:

Carmichael A. Dominguez, Chair
Councilor Peter N. Ives
Councilor Signe I. Lindell
Councilor Renee Villarreal

MEMBERS EXCUSED:

Councilor Mike Harris

OTHERS ATTENDING:

Teresita Garcia, Assistant Director, Finance Department
Kelley Brennan, City Attorney
Adam Johnson, Budget Officer, Finance Department
Yolanda Green, Office Manager, Finance Department
Melessia Helberg, Stenographer.

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

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

Chair Dominguez said he would like to recognize the Finance Committee for being the first Committee to go all electronic, and hopefully we can continue this trend and urge other committees throughout the City to follow suit.

3. APPROVAL OF AGENDA

Teresita Garcia, Assistant Director, Finance Committee, said Item #12 is postponed indefinitely.

Ms. Garcia noted on the Councilors' desks is an updated Memo reflecting changes to the previous Memo, regarding Item #17.

Ms. Garcia noted a correction in the caption of Item #20, to add "and DFA Report," between "Adjustments" and "for," and changing Fiscal Year from 2016/17 to 2015/16.

Ms. Garcia the said on Item #25, the first bullet point is to be postponed to the next meeting of the Committee, because the documents were not added to the packet.

MOTION: Councilor Lindell moved, seconded by Councilor Ives, to approve the agenda, as amended.

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

4. APPROVAL OF CONSENT AGENDA

Councilor Ives asked to join as a sponsor of Item #23.

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

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

CONSENT AGENDA

6. REQUEST FOR APPROVAL OF BID NO. 16/37/B IN THE AMOUNT OF \$200,000 – FY 2016/17 CITY-WIDE WATER UTILITY PAVEMENT RESTORATION AGREEMENT BETWEEN OWNER AND CONTRACTOR; TLC PLUMBING & UTILITY. (BILL HUEY)
7. REQUEST FOR APPROVAL OF BID NO. 16/41/B IN THE AMOUNT OF \$35,000 – FY 2016/17 BASE COURSE, GRAVEL AND CONCRETE SAND FOR TRANSMISSION & DISTRIBUTION SECTION; ASSOCIATES ASPHALT AND MATERIALS, LLC. (LEN MONTOYA)

8. REQUEST FOR APPROVAL BID NO. 16/42/5 IN THE AMOUNT OF \$35,000 – FY 2016/17 BASE COURSE, GRAVEL AND CONCRETE SAND FOR TRANSMISSION & DISTRIBUTION SECTION; SOUTHWEST LANDSCAPING. (LEN MONTOYA)
9. REQUEST FOR APPROVAL OF BID NO. 16/45/B AND PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$50,000 – FIELD AND DRAFTING SERVICES FOR ONGOING WATER MAIN REPLACEMENT PROJECTS FOR WATER DIVISION; LOUIE CORDOVA, LLC. (DEE BEINGESSNER)
10. REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO CONSENT TO ASSIGNMENT OF POWER PURCHASE AGREEMENT – PHOTOVOLTAIC SYSTEM AT WASTEWATER MANAGEMENT DIVISION COMPOST FACILITY; MLH CRIPPLE CREEK SOLAR, LLC. (NICK SCHIAVO)
11. REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO CONSENT TO ASSIGNMENT OF POWER PURCHASE AGREEMENT – PHOTOVOLTAIC SYSTEM AT CITY OF SANTA FE COMMUNITY CONVENTION CENTER; MLH CRIPPLE CREEK SOLAR, LLC. (NICK SCHIAVO)
12. REQUEST FOR APPROVAL OF AGREEMENT BETWEEN OWNER AND ARCHITECT IN THE AMOUNT OF \$380,301.33 AND DESIGN CONTINGENCY IN THE AMOUNT OF \$19,698.67 – SOUTHWEST ACTIVITY NODE (SWAN) PARK – PHASE 2; SURROUNDS STUDIO, LLC. (MARY MacDONALD) *This item was removed from the agenda and postponed indefinitely.*
13. *[Removed for discussion by Councilor Ives]*
14. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT IN THE TOTAL AMOUNT OF \$108,000 (RFP #16/46/P) – MEDICAL DIRECTOR FOR THE CITY OF SANTA FE FIRE DEPARTMENT EMERGENCY MEDICAL SERVICES AND MOBILE INTEGRATED HEALTH FUNCTIONS; M.E.D.I.C. , LLC/RYAN HODNICK, D.O. (GREG CLIBURN)
15. REQUEST FOR APPROVAL TO ADD COMPRESSED NATURAL GAS (CNG) CAPITAL PROJECT TO THE 5-YEAR CAPITAL IMPROVEMENT PLAN (CIP). (NICK SCHIAVO AND ADAM JOHNSON)
16. REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT IN THE AMOUNT OF \$116,688 FOR UNBUDGETED CASH TO FUND CITY-WIDE INSTALLATION OF CROSSWALK PAVEMENT MARKINGS PROJECT APPROVED BY CITY COUNCIL ON JUNE 29, 2016. (JOHN ROMERO AND ADAM JOHNSON)
17. *[Removed for discussion by Councilors Ives and Villarreal]*

18. REQUEST FOR APPROVAL OF A LEASE AGREEMENT, BY AND BETWEEN THE CITY OF SANTA FE AND THE FOOD DEPOT, INC., FOR A CERTAIN PARCEL OF LAND KNOWN AS "LEASE PARCEL B" CONSISTING OF 1.629 ACRES OF LAND LOCATED AT 1222-A SILER ROAD, SANTA FE, NEW MEXICO, LYING AND BEING SITUATE WITHIN A PORTION OF TRACT 2 AS SHOWN ON A "PLAT OF SURVEY" FOR THE CITY OF SANTA FE "CITY YARDS," PREPARED BY RICHARD E. SMITH, PS NO. 5837 IN FEBRUARY 1984, AND HAVING HIS PROJECT NO. 2411, RECORDED IN THE RECORDS OF SANTA FE COUNTY, NEW MEXICO AS DOCUMENT NO. 553116 ON OCTOBER 16, 1984, IN PLAT BOOK 146, PAGE 007. (MATTHEW O'REILLY)
19. REQUEST FOR APPROVAL OF A LEASE AGREEMENT, BY AND BETWEEN THE CITY OF SANTA FE AND KITCHEN ANGELS, INC., FOR A CERTAIN PARCEL OF LAND KNOWN AS "LEASE PARCEL A" CONSISTING OF 2/125 ACRES OF LAND LOCATED AT 1222-A SILER ROAD, SANTA FE, NEW MEXICO, LYING AND BEING SITUATE WITHIN A PORTION OF TRACT 2 AS SHOWN ON A "PLAT OF SURVEY" FOR THE CITY OF SANTA FE "CITY YARDS," PREPARED BY RICHARD E. SMITH, PS NO. 5837 IN FEBRUARY 1984, AND HAVING HIS PROJECT NO. 2411, RECORDED IN THE RECORDS OF SANTA FE COUNTY, NEW MEXICO AS DOCUMENT NO. 553116 ON OCTOBER 16, 1984, IN PLAT BOOK 146, PAGE 007, ALONG WITH THE EXISTING BUILDING KNOWN AS THE COLL-GREEN ANGEL DEPOT BUILDING AND ALL EXISTING SITE IMPROVEMENTS APPURTENANT THERETO. (MATTHEW O'REILLY)
20. REQUEST FOR APPROVAL OF A RESOLUTION RELATING TO A REQUEST FOR APPROVAL OF FOURTH QUARTER/YEAR-END BUDGET ADJUSTMENTS AND DFA REPORT FOR FISCAL YEAR 2016/17 2015/16 ENDING JUNE 30, 2016. (ANDREW HOPKINS)
21. REQUEST FOR APPROVAL OF AN ORDINANCE ADOPTING A MUNICIPAL GROSS RECEIPTS TAX. (COUNCILOR DOMINGUEZ) Committee Review: City Council (request to publish) (approved) 06/29/16; and City Council (public hearing) 07/27/16. Fiscal Impact – No.
22. *[Removed for discussion by Councilor Lindell]*
23. REQUEST FOR APPROVAL OF A RESOLUTION DESIGNATING AN ENVIRONMENTAL OFFICER TO CONDUCT ENVIRONMENTAL REVIEWS AND PUBLIC NOTIFICATION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECTS FUNDED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) (MAYOR GONZALES, AND COUNCILOR VILLARREAL AND COUNCILOR IVES). (MARGARET AMBROSINO) Committee Review: Public Works Committee (approved) 07/11/16; and City Council (scheduled) 07/27/16. Fiscal Impact – No.

END OF CONSENT AGENDA

5. APPROVAL OF MINUTES: REGULAR FINANCE COMMITTEE – JULY 5, 2016

MOTION: Councilor Lindell moved, seconded by Councilor Ives, to approve the minutes of the regular Finance Committee meeting, as presented.

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

CONSENT CALENDAR DISCUSSION

13. SANTA FE MUNICIPAL AIRPORT. (CAMERON HUMPHRES)

- **REQUEST FOR APPROVAL OF AMENDMENT NO. 10 TO PROFESSIONAL SERVICES AGREEMENT – ENGINEERING SERVICES FOR SANTA FE MUNICIPAL AIRPORT; MOLZEN-CORBIN.**
- **REQUEST FOR APPROVAL OF GRANT AGREEMENT IN THE TOTAL AMOUNT OF \$160,000 – AIRFIELD STRIPING PROJECT FOR SANTA FE MUNICIPAL AIRPORT; NEW MEXICO DEPARTMENT OF TRANSPORTATION, AVIATION DIVISION.**
- **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT IN THE AMOUNT NOT TO EXCEED \$137,569.40 – AIRFIELD STRIPING AT SANTA FE MUNICIPAL AIRPORT; HIGHWAY SUPPLY, LLC.**
- **REQUEST FOR APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF \$160,000.**

Councilor Ives said he would like to discuss briefly the second bullet point. He said across the City there are recurring grants, and we will be looking at a number of others. He is hoping the City can find a way to authorize these if they are cyclical and serve needs. He invited Mr. Humphres to be part of a process to develop a resolution to build in approvals for cyclical grants that we have to accept on behalf of the City, so it doesn't have to go through the 30-60 day committee process to get those grants approved, noting the Aviation Division likely is in that cyclical type of grant.

Mr. Humphres said it is a cyclical grant although the amounts may change from year to year, depending on the needs of the Airport. He said this package contains funds coming from NM DOT.

Councilor Ives said he would love to know what the process should be for a cyclical grant to move through administratively, as opposed to requiring action by the Governing Body. He also would like examples where issues might justify pulling it and moving it forward to the Governing Body.

MOTION: Councilor Ives moved, seconded by Councilor Villarreal, to approve all four items in this request.

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

17. REQUEST FOR APPROVAL OF REALLOCATION OF GENERAL FUND ENDING BALANCE FOR FY 2015/16 TO THE FY 2016/17 CIP BUDGET. (ADAM JOHNSON)

A Memorandum with attachments, replacing the Memorandum in the packet, to the Finance Committee and City Council, from Adam Johnson, Budget Officer, is incorporated herewith to these minutes as Exhibit "1."

Councilor Ives asked what has changed in the updated Memorandum, and walk us through it.

Adam Johnson, Budget Officer, said after more due diligence regarding a more than anticipated uptick in our GRTs, beyond projections, they found an error in the data which is a double entry which hadn't been reversed. He said it was related to the recent passing of Helen Hausman. They learned this morning that the June data was entered twice.

Mr. Johnson reviewed the information in his Memorandum. Please see Exhibit "1," for specifics of this presentation. Mr. Johnson noted he also included a recap of the projects and budgets already approved in the CIP that the reallocation is going, so it is very clear where the \$3.8 million is going. He noted there is additional detail on the financial report used to come up with this analysis and presentation, as well as the transaction, that will move the funds from the General Fund to the CIP reallocation fund. And in the instance of what was already approved, it moves those funds from that fund to the many various capital project funds so they can execute their projects.

The Committee commented and asked questions as follows:

- ★ Councilor Villarreal said in reviewing the non-capital one-time expenditures he described the items included, asked Mr. Johnson what else is included – is it the Parks Master Plan that would make up the rest of the funds.

Mr. Johnson said that is correct, noting there will be a request coming forward next month for a Parks Master Plan, and he made a placeholder for it, if it is approved, so the money doesn't have to be moved back from CIP reallocation. Those funds currently remain in the General Fund. He said it is just less than \$106,000, noting the specific items are included on page 2 of the financial breakdown.

- ★ Councilor Villarreal asked if this includes things that were added toward the end of the budget process, including the rewriting of the La Farge Library and other items.

Mr. Johnson said that is correct.

- ★ Chair Dominguez said he wants to understand the process better. He said, "You created this Reallocation Fund. Right."

Mr. Johnson said the Fund already was in existence, but it wasn't being used and had no funds in it prior to this proposed action.

- ★ Chair Dominguez continued, "So this money essentially is going into that fund. And the Governing Body, through staff's recommendation is allocating via basically what you have here on Table C."

Mr. Johnson said Table C is simply a recap of what was already approved in the Capital Improvement budget during that process. So that is in addition to the \$3.8 million, which is not to be confused with the \$3.7 million. So the \$3.8 million is going to the projects, and \$3.7 is going to sit in the fund to await projects or plans, designs, those kinds of things that can be capitalized

- ★ Chair Dominguez asked if it is the intention that those projects then go through Public Works to be vetted a little more.

Mr. Johnson said, "Absolutely. All projects will have to go through the process. And if they're not already on the CIP they will have to get on the CIP first. After they get on the CIP, they would still have to go through a normal process, by which it would be budgeted either in the annual Capital Budget, or if there was an adjustment, say maybe a mid-year adjustment for a critical process, that budget adjustment would show up in that packet with the contract documents, or any other documents that need to be approved moving forward."

- ★ Chair Dominguez said essentially, we're releasing the money so the projects can be vetted and the funds allocated or reallocated to those projects.

Mr. Johnson said yes. He said the additional \$3.7 million represents above and beyond what is required to be in the General Fund, and it makes no sense to sit in the General Fund. He said, "This is the process we hope to present by which you can see the additional one-time funding that can be used for one-time expenditures."

- ★ Chair Dominguez said then once it is vetted through Public Works, it will come back to the Finance Committee for approval and then on to the Council.

- ★ Councilor Lindell said Table C is the \$3.8 million that is in the CIP reallocation.

Mr. Johnson said, "That's correct. Those are the projects presented in the CIP budget that were referenced as this would be partial or complete funding sources for those projects, when that budget was approved."

- ★ Councilor Lindell asked, "Who decided that these monies would go to CIP projects?"

Mr. Johnson asked if she is referring to the additional \$3.7 million, and Councilor Lindell nodded yes.

Mr. Johnson said, "That's staffs' proposal and recommendation. It has not been decided, and that's our request to you this evening and to the full Governing Body at the end of the month."

- ★ Councilor Lindell said that it is a recommendation, saying, "I wonder if there's any other recommendations that anyone would have for the use of \$3.8 million. Do we have any debt we could pay off for that amount of money." She said in looking this list, she personally probably would like to have another look at the CIP list and look at some other maintenance items. She said she sees little for streets, commenting that these are one-time monies, and asked if this is correct.

Mr. Johnson said that is correct, and he can verify that these projects were chosen particularly because there was no dedicated funding source or a bond balance at the time the budget was created. He said, "It's not that there isn't current investment going into our streets, it's just that it is a funding source of the one-time money from the General Fund, and these are the projects that it went to."

Mr. Johnson continued, "To your first point about the potential to pay down any other debt service. At this time, I don't believe that there is any callable debt that could be paid down with the additional money. That said, sitting in the CIP Reallocation Fund is the perfect capital-type fund to hold that money there should the opportunity present itself."

- ★ Councilor Lindell said she would be curious to know if there was any debt that we could pay, commenting she is sure we have some bond debt that we may not be able to pay off, but probably we could eliminate some years from. She doesn't know if that is true, and she is unsure how these projects were prioritized in the CIP, even though they had no funding source.

Mr. Johnson said there would be a variety of things. Some of these projects, the Parks, or many ongoing projects, needed additional funding. Some are new initiatives, the ERP system is a big one, and this will be its first year to be budgeted at \$1.6 million. He said there certainly is room for improvement in terms of the process for prioritizing our Capital Improvement Plan.

- ★ Councilor Lindell said she completely supports the funding for the ERP. However, without a much deeper look, she wouldn't be able to say this is the way she wants these funds allocated. She knows nothing about how these projects were prioritized, nor who brought them forward, if they are new, or expansions. She said, "I personally, am not in the expansive mode. I'm in the maintenance mood and trying to take care of what we have. But I do know that we desperately need an allocation for the ERP system. And I probably would be inclined to get that paid for, before making a commitment of anything else, because I don't know that we really know how much that is going to cost."

Mr. Johnson said these points are valid. He said he would add that all of these projects did go through the capital budget process. He said, "The point of this presentation was just to add another level of transparency and clarity in executing the quite large transfer of funds around government funds and capital funds to be very clear that the Budget Office nor the Finance Department took any liberty in determining or interpreting the projects in the CIP." He said we now are programming the money into the system. He said moving forward, we would have that money programmed into the system, and you would receive a much more detailed and "air tight,"

presentations such as the way the operating budget was presented, rather than a large, cumbersome and detailed spreadsheet of projects. Therefore upon approval, it would not be necessary to go through the current process.

- ★ Councilor Lindell said it isn't her intention to put Mr. Johnson on the spot, and appreciates him bringing this to the Committee and his clarification. She said, "I just think that, for me, I wouldn't be able to really support this right now. I need more information about what to do with these monies and what are our priorities and commitments. And to just see it like this, I just don't think we've had enough discussion about it. But that's what I think at this point."

- ★ Chair Dominguez said this has to go to Public Works, because he won't ask this Committee to take action on this request, unless it is going to Public Works. He said Public Works has a better handle on those capital priorities and projects and such. He asked, if we continue this process and allow it to go to Public Works, can we see it after Public Works and still be timely.

Mr. Johnson said, "Absolutely and if you need more time and information, that is your discretion, that is your right to have that. That said, the detail for all these projects is in the public CIP document, including the request for all of them. The budget for all of this was already approved. Now, certainly, you could stop the detailed transaction and that's your right to do, so that's why I brought it forth." He said there are a number of projects that he believes would stall, and no doubt there would be a delay of about two weeks.

- ★ Chair Dominguez said it would be about two weeks unless we go through the Governing Body Procedural Rules and entertain the amendment by Councilor Ives.

Mr. Johnson said it is difficult for him to speculate on the detriment of the delay, given the diversity of the projects—commenting that he thinks two weeks wouldn't be a deal breaker. He said if the Council needs more time to back and reference that "these are what I say they are, and they're in the CIP and it's very clear, that's absolutely your right."

- ★ Councilor Ives said as he understands this, Table B is basically the approval of the use of the \$3.8 million which was done as part of the last budgetary budget just concluded. He said we looked at this, and in looking today, he doesn't see anything out of line that he has a different opinion of it now than he did at that time. He said he isn't inclined to redo the Capital Budget again so quickly. He said, as he understands it, the \$3.7 is money to be transferred into the CIP Reallocation Fund, and is not being obligated to any projects as this time. It is to be put into that fund, as agreed we would do with these funds, to fund CIP projects into the future. He said there would be an opportunity for both the Public Works and Public Utilities Committees, as well as the Finance Committee to weigh-in on any proposed use of any of these funds for capital projects. He said the Ameresco Report indicates a disparity between monies allocated annually to maintain our buildings, noted \$4 million is needed annually to keep all City buildings in fair condition.

- ★ Councilor Ives continued, saying Public Works is engaged in the process of trying to aggregate information on capital needs across the City so we can develop a more robust 5-year plan, and even longer, to look at how Capital funds should be allocated. He can see this funding being used in connection with that process in addressing what we determine to be the most urgent needs. He reiterated he isn't willing to say we got it wrong in our budgetary process to consider Table C and a total reallocation.

MOTION: Councilor Ives moved, seconded by Councilor Villarreal, to approve the report as presented and the Budget Amendment Resolution.

DISCUSSION: Councilor Villarreal said she agrees with Councilor Ives that we shouldn't be rehashing projects which we took considerable time to approve, noting some of these were before she came on the Council, commenting they wouldn't be her priority. She is trusting that Finance has the analysis to make a decision that the Reallocation Fund should be used for this purpose. She said she agrees with Mayor Pro-Tem Lindell that we should look at ways to reduce our future debt, and is trusting staff looked at various options.

Mr. Johnson said, "Most recently, we did two bond refunding transactions. In that analysis, essentially all of the *[inaudible]* and debt was looked at and targeted, given the rate environment and comparing that with the maturities and the various other constraints that allow you to refund. At this time, everything that is known to have provided any savings opportunities this fiscal year have been taken. Trust me, it's very much within our focus to look at debt and any opportunities to save the constituents taxpayer dollars. Especially in this rate environment that continues to compress down, we will continue those back as the make themselves evident."

Chair Dominguez said he doesn't want to get into this issue too much, but the \$3.5 million savings is targeted by staff, and following Council action, he anticipates as we continue to reorganize our budget and monitor spending, and the Governing Body continues to "control" that spending, that number in future years will be more close to what has been budgeted.

Mr. Johnson said, "You are absolutely correct. As we move forward, we're working that discipline throughout the process to get our variances much smaller. So, hopefully, what is requested and expended will be very close to the same number. That situation is a little unique in the way it transpired and the way it was executed by staff. But moving forward, yes, we would hope that, minus any extraordinary event, that the approved expenditures for the year are very close to the actual expenditures for the year, as well as revenues."

Chair Dominguez asked, when we begin to get our monthly reports from staff on finances, if they can break-out the targeted savings, and determine where it came from – not only the departments and divisions, but the funds and line items.

Mr. Johnson said staff can do that. He said this savings represents past time periods, so it's already occurred, and the details of that information are provided on the first and second pages of the report showing expenditures by category and by department. He said the monthly financial report already does similar things and staff will be presenting that and watching closely in terms of salary and personnel expenditures because of the nature of the implementation of the attrition credit. He said all of that information will be available as we move forward through this process.

Chair Dominguez said, "Just so the Committee and public understand, this is not going to impact our attrition philosophy."

Mr. Johnson said, "Mr. Chair, that's correct."

FRIENDLY AMENDMENT: Ms. Garcia said, "You need to clarify the motion to reflect the amended agenda, because the budget amended resolution is just the name of the form and not the action we want you to take." Chair Dominguez said, "So basically, it is a motion to approve the reallocation of the General Fund Ending Balance for FY 2015/16 to the FY 2016/2017 CIP budget as articulated in the memo." Councilor Ives said he was going on the recommendation in the updated Memo, and agrees it should conform to the Agenda caption for the meeting. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMITTEE.**

RESTATED MOTION BY MAKER: Councilor Ives moved, seconded by Councilor Villarreal, to approve the request for the reallocation of the General Fund Ending Balance for FY 2015/16 to the FY 2016/17 CIP budget.

VOTE: The motion, as amended, was approved on a voice vote, with Councilor Villarreal and Councilor Ives voting in favor of the motion, and Councilor Lindell voting against.

- 22. REQUEST FOR APPROVAL OF A RESOLUTION ESTABLISHING A CITY OF SANTA FE ADOPT-A-PARK PROGRAM (COUNCILORS TRUJILLO, DOMINGUEZ, HARRIS, IVES, VILLARREAL, LINDELL AND RIVERA). (ROBERT CARTER) Committee Review: Parks & Recreation Advisory Commission (approved) 06/21/16; Public Works Committee (approved) 07/11/16; and City Council (scheduled) 07/27/16. Fiscal Impact – Yes. FY 16/17 - \$3,500; FY 17/18 = \$1,000.**

Councilor Lindell said unless we come up with very very specific rules, regulations, policies and procedures, "this has all the potential to turn into a disaster for use." She said these are her thoughts on this request, commenting "the devil will be in the details of making this a successful project." She said there is a form in the packet for people to complete, and thinks this needs more work. She thinks we need to investigate how other cities have done this and how successful the program has been in other places. She said, more importantly, to investigate places where it hasn't been a success. She said if we're going to do this, she wants to do it with a really great outcome. She said, "I think when we start to involve people in doing what is typically seen as the work of this City, that we need to be extremely careful about it."

Responding to the Chair, Councilor Lindell asked, "Have we done that investigation and do we have plans to further the forms that I saw."

Robert Carter, Director, Parks & Recreation Department, said yes, staff has done extensive review of what has been done in other municipalities throughout the country, commenting "this isn't something we just picked around the sky, and it's been around for a long time." He said he implemented it in another town where he worked in New Mexico. He said this was based on POSAC's ideas before he came on board, commenting they have worked with interested local organizations. He said they will review the forms more if that's what it takes.

Councilor Lindell asked Mr. Carter to keep the Committee informed about organizations that do want to do this, and which parks they want to adopt.

Mr. Carter said yes, he will keep the Committee apprised of how many, and said it is their intent to provide periodic reports of how many parks have been adopted and who's doing what, so you know this has become a success. He noted 7 of 8 Councilors are sponsoring this Resolution and are very much in favor of this.

Councilor Lindell said she is in favor of this, but from the get-go wants to do everything possible so see that it works. She doesn't want to hear that some group was working in a park and something happened to the irrigation system, for example.

Councilor Villarreal said she noticed that the legislation and some forms refer to "community members," and in the Resolution as "citizens." She would like to amend the Resolution to be changed to "residents." The forms talk about "citizens groups," and she would like to amend those to say "community groups." She said there is a form to be sent to community members via mail and it should be translated into Spanish – a one page letter. She said in the document you may want to do a search for "citizens," which should be "residents." She noted there are a few typos and she can provide those.

Councilor Villarreal continued, asking if weed pulling would be one of the activities for the groups that create a volunteer group. It isn't listed and one of our major issues has been to find groups willing to support some of the minor weed pulling we've been needing. She asked if it needs to be stated or if Mr. Carter feels it is covered in the activities listed.

Chair Dominguez said he is in support of this. He said Councilor Lindell has some good points. He said this will mean staff will have to remove some of the barriers with regard to public participation, and to be flexible and available. His experience with other volunteer groups is there always seems to be another hurdle staff is making them jump to make it happen. Chair Dominguez recommends that staff provide a 6 month update on this effort to the Finance Committee, commenting he wants to look at the associated finances, especially with regard to staff overtime, and to measure the success of the program.

MOTION: Councilor Ives moved, seconded by Councilor Lindell, to approve this request, with Councilor Villarreal's proposed amendments, and a 6 month review for the Finance Committee.

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

END OF CONSENT CALENDAR DISCUSSION

DISCUSSION

PUBLIC HEARING

24. **REQUEST FOR APPROVAL OF A RESOLUTION AMENDING THE GOVERNING BODY PROCEDURAL RULES TO ENSURE A MORE FAIR, JUDICIOUS AND EFFICIENT PUBLIC PROCESS (COUNCILOR DOMINGUEZ). (KELLEY BRENNAN AND JESSE GUILLEN)**
Committee Review: City Council (request to publish) (approved) 06/29/16; and City Council (public hearing) 07/27/16. Fiscal Impact – No.

An amendment sheet to this Resolution submitted by Councilors Lindell and Villarreal, is incorporated herewith to these minutes as Exhibit "2."

An amendment sheet to this Resolution, submitted by Councilor Ives, is incorporated herewith to these minutes as Exhibit "3."

A packet of information, including proposed changes to the Resolution, submitted for the record by former Councilor Karen Heldmeyer, is incorporated herewith to these minutes as Exhibit "4."

Public Hearing

Chair Dominguez gave everyone 3 minutes to speak to this issue

Former Councilor Heldmeyer said, as per the emails sent over the weekend, she is representing a consortium of several good government groups, some of which have individuals here this evening to speak as well – New Mexico Common Cause, New Mexico Foundation for Open Government, Old Santa Fe Association and the Neighborhood. She thanked Chair Dominguez for his hard work and acceptance of amendments they have given him over the last several weeks, as well as members of the public who have worked on this, and Councilor Lindell and Councilor Villarreal who accepted a last minute amendment which came out of conversations they had yesterday with people regarding Executive Session. She said many of their concerns were addressed in the second draft which is in the Committee packet. However, they still have several concerns and they have suggested amendments on these concerns [Exhibit "4"]. One is the time limit on Councilors speaking, the number of times they can speak and how long on an

issue. She said they feel this really could hinder conversation on issues, particularly complex issues requiring discussion and negotiation. She said someone said yesterday that the rules are so complex, that the Chair, the City Clerk and more will be needed to keep track on the spreadsheet that would be needed to keep track of who, how long, and how many times someone has spoken. She said an additional staff person will be needed to come in and do that. She said more importantly, it is important that Councils have open and candid discussion on these issues.

Former Councilor Heldmeyer continued, saying with regard to the executive session, all 4 groups strongly stressed the privilege in executive session. They pointed out that if a Council wants to save that, that the Open Meetings Act has not been followed in executive session and isn't covered under the prohibitions in the Rules.

Former Councilor Heldmeyer continued, saying all of the suggested amendments for Section IV have to do with clarifying that it is the Governing Body as a whole, not the chair, not the people who set the agenda, who have final say on what does and does not go on the Agenda.

Former Councilor Heldmeyer continued, saying there is still a lot of concern, even with the changed language, about what you put in about public speech and when a chair can call someone out of order. She thinks they changed "impertinent" to "intemperate." She said they suggested new language citing First Amendment rights that all of the groups think would be much better. She said there may be very very rare occasions where a Chair needs to tell someone they can't speak, and we don't want the public to feel intimidated about speaking out on issues.

Former Councilor Heldmeyer noted she only received the amendment by Councilor Ives about taking things off the consent agenda on Friday, commenting they don't have the packets until late Friday, and were happy to see the limitations of taking things off consent, and they are not happy "about seeing them taken in."

Jim Harrington, Chair, Common Cause New Mexico, said Common Cause is sympathetic to the amendments that make Council meetings more efficient, because when they when they don't go to midnight, public participation is encouraged. He said they have concerns about the draft amendments and the reason they joined in comments submitted to you in Ms. Heldmeyer's letter. He said they also join in Ms. Heldmeyer's comments about the objectionable parts of the propose, some she mentioned. He said the proposed ban on not disclosing Executive Session matters is particularly troublesome because the language is so vague and broad and could be construed to be a ban on disclosing anything that happened in executive session. He said as pointed out by Ms. Heldmeyer, if a Councilor has strayed off the subject in executive session on something that isn't on the agenda, it isn't appropriate for discussion in executive session. He they equally are concerned about the attempt to impose rules on how many times and how long Councilors may speak in debates. He said the problem with that is it is likely to be ignored when the Governing Body is entertaining proposals and amendments and such going back and forth. He said this is a recipe for perceptions and resentments on the Council not conducive to lawmaking.

Mr. Harrington continued, saying they also are concerned about the provision requiring the removal of items from discussion on Friday before the meeting, as well as items removed will be postponed to the next meeting. He said language at the top of packet page 13 of the substitute Rules, provide, *"...Any member of the Governing Body may request that any time be removed from the consent calendar for discussion or bate and any such request shall be granted automatically."* He said because of the context, it is implicit that the discussion and date means that night. He said they don't know the net effect of the proposed change. He said in general, they support preserving an easy route to move items from the consent agenda for discussion.

Rick Martinez, Neighborhood Network, said he doesn't appreciate all of the changes, but some were very positive. He said he thinks this started with the change of the process to speak at Council meetings where you have to sign-in and are allowed only one minute to speak. He said neighbors have told him that one minute isn't enough. He said in limiting the time to speak, that limits our time as a free person to say what you want to say. He agrees with Mr. Harrington and Ms. Heldmeyer regarding the consent calendar. He said sometimes you don't have time to contact the Councilors and ask them to pull something important to the neighborhood until the day of the meeting, and this is the wrong approach. He said on consent calendars. He said it costs him \$2 to park to give you his 2 cents. He thinks things need to be kept open to the public and keep democracy going is the way it should be. He said a lot of these rules can be avoided by letting everyone have their way to free speech.

Penn LaFarge, President, Old Santa Fe Association, said the Association signed onto Karen Heldmeyer's letter and he associates himself with her remarks. He thanked Chair Dominguez for his hard work on this issue and for being open minded. He would like to stress in situations such as this which is a small town in which people really pay attention to what is happening around them and when that impacts them directly, that limiting unnecessarily the amount of people has to speak really is a concern for the Association. He said nobody can say anything meaningful in one minute. He would encourage that the public be encouraged to speak, not to repeat what everybody else has said. He said Councilors should be respectful of one another and "and not talk forever just for the pleasure of hearing their own voices." He said, however, it is important in a small town such as Santa Fe, that all people and all things be heard fully.

Nicoletta Munroe said she agrees with previous speakers that this may limit free speech. She also wants to give credit that some items in this document are important. For example, limiting people to a new time limit in the middle of a meeting, has happened recently during Council meetings. The Mayor has limited, and interrupted people in the middle of speaking, which she feels is unfair. She said the Rules say you can't limit people in the middle of a meeting. She said she favors a document which provides government transparency and equality for all. She objects to Rule IX (G)(1) on voting and abstentions. On page 2, Rule II(A) regarding public decorum in meetings, she objects to the rule and asked that it be deleted, because it limits right of freedom of speech and public participation. She said it is the responsibility of the Council to represent members of the public, not to eject members of the public who are taxpayers.

Ms. Monroe continued, saying the First Amendment of the Constitution provides that you will make no laws that limit freedom of speech or the press, or the right of the people to assemble and to petition the government for redress of grievances. She said limiting freedom of speech violates the 14th Amendment for due process and equal protection for all.

Ms. Monroe continued, saying she objects to Rule XI(G)(1) Rules for Voting, where if a member abstains from voting the abstention shall be counted as a no vote if the action is passage of an ordinance or resolution. *[inaudible]* She would like the Committee to remove Rule II(A) and IX(G)(1).

Stefanie Beninato said she agrees with the statements of Karen Heldmeyer, Jim Harrington and Penn LaFarge. She said she finds several things particularly distressing. She said the whole thing about restricting remarks that may be personal. She said the City Attorney did not really address this issue fully. She said Ms. Brennan said it's already in the Ordinance, but she didn't tell you whether it would be upheld under Constitutional attack. She said the words are vague and there are undue restrictions on First Amendment rights. She said political discourse is not always civil as you can see in the Presidential race. She asked if you said something about an action of an individual is it personal or professional, and how are you going to judge these things, commenting there are no definitions for them and it's a huge problem in terms of the First Amendment. She said the first time you eject somebody, you can be sure that the "City will be taken to Federal Court and sued for violation of the First Amendment."

Ms. Beninato continued, saying she doesn't like the idea that "when you are [not?] going to end a meeting before midnight" that you would suspend the rules to continue," the same way you could suspend the limitation on Councilors' rights to participate in discussion. I think that being able to vote to suspend rules subjects the Councilor to the Fourteenth Amendment that is due process equal protection violations, or a perception of violations. She said for some people you will go beyond the time, and allow Council to really discuss it with other issues or not, and she thinks it is a huge problem.

Ms. Beninato continued, she doesn't like the idea that can put something on the Consent Calendar as long as other City Councilors have heard it during a Committee meeting. She said at this Committee meeting, there are many items that come up that are not subject to public comment, and we will not know what a City Councilor may or may not feel about the item on consent. She said as voters, she thinks we have the right to know where you stand when you vote, and keep putting more and more things on consent. She is concerns you are putting contracts above \$200,000 on consent, saying it had to be below \$50,000. She said it is hard to find out about contracts below \$50,000, now you're going to make it harder to find out about contracts between \$50,000 and \$100,000. This is not promoting transparency in the City.

Ms. Beninato continued, saying she doesn't agree that the majority has to agree to hear an item to take it off the consent calendar, saying she may have misinterpreted this language. She said she feels there are lone voices out that would appreciate them being heard as a Councilor. She said there are inconsistencies between *[completely inaudible]*. She said there are inconsistencies in V(14)(A) and (E), and so when a majority vote by Council about executive session whether it's just a vote. She believes if somebody is violating the Open Meetings Act, any Councilor should be able to talk about that. She is definitely opposed to the 10 minute rule for City Councilors, and she doesn't like having people browbeat

one another, but she had rather put up with that than limit discussion on City Council and believes it's an extremely dangerous precedent that would be set.

Ms. Beninato had exceeded her time, and she requested and was granted additional time.

Ms. Beninato continued, saying she likes that they didn't change the section on proxy votes, and that you are trying to get the drafts of resolutions and ordinances in complete form before they come before you, rather than trying to approve something and hope that "you get all the problems out of it after the fact." I like that there is sufficient time in some cases that things have to be complete, that amendments have to be read in and say what page and where, and what it's really affecting, not just there's an amendment and it is good and helpful for all of us to understand. She thinks the language about abstentions is confusing and thinks should be removed, and sometimes they're yes and sometimes no. She thinks an abstention should be shown clearly as an abstention, and if a Councilor abstains too much then the voters know that they don't want that person on the Council.

Kenneth Jacks, P.O. Box 8754, Santa Fe, 87504, said there was commentary in today's *The New Mexican*, that sums up what he thinks about this bill. He thinks the debate should be limited to resolution and reaching the goal, rather than being limited arbitrarily limited by time or procedure. With regard to the issue of speech, it's hard at the moment to decide what is beyond the realms of protection under the First Amendment. He said the 1990s when Consuelo Luz was arrested in this room for intemperate behavior of some sort, and the City ended up paying what he thinks is a sizeable settlement, commenting he doesn't have access to that information. He thinks the Councilors should look at that and see if you want to open yourself to such lawsuits. He was unaware of the procedural difficulties built into the proposal until people got up and spoke. He said, as someone else said, it should go into the trash.

John Otter said he didn't get the latest draft, but agrees with most comments that have been made and won't repeat them. He said, "I think the best interest of the City is the Councilor concentrating on the best interest of the City," and thinks that would be emphasized over efficiency. He appreciates the interest of the Council in conducting its business with efficiency, but the most important thing is that they get the best result for the citizens. He thinks restricting discussion of Councilors isn't in the best interest of citizens. He understands it's important to serve the people wanting to speak publicly without having them to wait too late in the evening to do that, but thinks there should be no limitations on that. People coming to speak should have that privilege. He the Councilors do lots and lots of work on this and he appreciates that, but doesn't to limit their ability to speak to the issues. He said, in terms of deportment, it is adequate for the Chair to caution them, rather than to disallow them from speaking. He appreciates the Consent Calendar is a matter of efficiency, but Councilors should have the ability to take matters from the Consent Agenda as it is done now. He said his experience over more than 20 years that there is a good balance on the Council between efficiency and fairness in discussing matters. He would encourage that you go pretty lightly on these recommendations with regard to efficiency.

Katie Singer said she agrees with what has been said so far. Her concern is about the intent. She said, as society becomes more complicated, everyone is finding out about things after the fact. She sees the Committee in a strange position of needing to create a forum where people can be heard and feel what they say has meaning. She said people are sometimes agitated when they speak, and have inappropriate behavior or take too much time. She doesn't know how we can create space for that to happen, but sees it increasingly necessary everywhere.

The Public Hearing Was Closed

Chair Dominguez thanked everyone for attending this evening, the staff for their work and the Governing Body for consideration of this bill. He originally thought he would go through the document and justify the language, but has decided to point out 3-4 things he thinks are important. He said the reason he wants to amend these rules is the lack of transparency. For example, the Governing Body is allowed to introduce legislation at the Committee level and much of the public didn't know that. We are changing that language to ensure the only place legislation can be introduced is at the Council level. He said among other things, it gave Councilors to jump ahead of another for political advantage. He said the proposed language made it easier for the public to track legislation. The language is being changed so there has to be substance to the introduction more than the title – making sure the work is done out front instead of at the back end.

Councilor Dominguez continued, saying, the second is on page 6, Section IV(E)(9) which makes it explicit that any item can be a public hearing item. The next is Section IV(4)(g) Public Review of sufficient packet material, with the idea that if the Governing Body feels it doesn't have sufficient information then the public doesn't have enough information.

Councilor Dominguez said the last two changes have to do with Executive Session. He said there is a reason for the existence of Executive Session, but we need to provide transparency. He said on page 9 of the Rules, Section IX(F) on packet page 14, provides, "*The Clerk shall make available to the public, upon request, a list of executive session attendees as approved by the Governing Body.*" He said some people will think it doesn't go far enough, but it's more than we have now and a movement in that direction. He said without the amendments, there will be less transparency.

Chair Dominguez continued, saying another change is an amendment alluded to by Former Councilor Heldmeyer. He said Councilor Lindell has suggestions on that.

Chair Dominguez continued, saying we recently had a City Councilor who was not on any Committee who didn't hear an item through the Committee process. He said the idea of the change is to give staff direction on when something can go on a consent calendar, while giving Councilors the ability to pull items from consent regardless of the situation at the Committee level.

Chair Dominguez continued, saying his intent regarding consent was not meant to limit dialogue, because he understands there needs to be the appropriate amount of comment by the Council and the public intent. He said these rules are intended to see that the Governing Body does its homework and doesn't waste the Governing Body and the public's time. He said with regard to public comment, it exists

two places: one is under public decorum. He said he will eliminate the proposed amendments. He said in the Public Decorum section he thinks the language is softer. Currently, the Rules provide that the Chair may prohibit any person from continuing to speak. The amendment provides that the Chair may call any person to order. He said, "On one hand the way the language exists, the Chair can cut people off. The amendment says there will be one step before that happens."

Chair Dominguez continued, saying second place where public comment is included is on page 13 of the Rules where it talks about public hearing participation. He said there are only minor language but not substantive. He said, "I'm open to amendments to ideas and suggestions the Governing Body might have. I think I've got enough to understand that we should consider some of these changes. This isn't about me, it is really about the public and the way the Governing Body functions and access to the public. We want to make sure we are as efficient and effective we can be, because that is what the public is demand. So with that, I'll go ahead and turn it over to the rest of the Committee, and hopefully we can get some amendments to some language."

Councilor Lindell referred to page 5, Section IV(D)(8), regarding items coming off Consent, which provides, "*Action on contracts, agreements and other matters which have a fiscal impact, singularly or collectively, in excess of \$100,000 in any fiscal year.*" She asked, for clarification, if this is saying that these items have to come off consent.

Ms. Brennan said, "The Section is items requiring action by the Governing Body which are not considered appropriate for the consent calendar, and there's a list of those, and traditionally, public hearings and actions on all ordinances. And one of these things these Rule changes do is say that it actually has more things for discussion than on consent than were before with relation to contracts. The only categories I recall that are appropriate for consent at \$100,000, is something that does not have fiscal impact. So there is there is a limited body of things in that range that can be on the consent calendar."

Councilor Lindell said her concern is that on this Finance Committee, we see many, many, many, many items that are more than \$100,000 in a fiscal year. She asked, "Are we saying those items will not be on the Council Consent Agenda."

Ms. Brennan said, "At a Governing Body meeting, unless they don't have fiscal impact."

Chair Dominguez said then it's not at the Committee level.

Councilor Lindell said, "At the Governing Body level, so anything that is over \$100,000 is not going to be on consent at the Governing Body."

Ms. Brennan said, "That's correct. And that's cumulative in a fiscal year."

Councilor Lindell said, "I'm on the right track with this. I'm going down the right path. This has the potential to add 20 new items to every Governing Body meeting [agenda], probably minimally 10."

Chair Dominguez said he agrees, but the intent is to be more transparent than we are now, and try to get as many things before the Governing Body as possible. He said he is open to amendments and suggestions.

Councilor Lindell said, "I'll just go through and ask my questions and then I do have several amendments that I would like to make, but I want to give others a chance also, so I'll try to be efficient about this."

Councilor Lindell, referring to page 6 of the Rules, Section V(A)(7), said she would like to clarify that the "version I'm going from here is correct." So in order to take something from consent, it is pulled and voted on by the Governing Body. She continued, "The request is made to pull and it's not automatic, it is then voted on by the Governing Body."

Chair Dominguez said it essentially is the way we operate now.

Ms. Brennan said, "It is automatic, Councilor."

Councilor Lindell said it's automatic now, and asked if this language is saying it remains automatic.

Ms. Brennan said, "Yes. Any member of the Governing Body may request that any item be removed from the Consent Calendar for discussion or debate, and any such shall be granted automatically."

Councilor Lindell said she has an older version, so that was changed.

Chair Dominguez said someone could vote against approval of the Consent Calendar.

Councilor Lindell said, "So that part has been put back in."

Councilor Lindell said she will have some amendments which she will bring forward after we hear from the rest of the Committee.

Councilor Lindell said, "The comments I want to make are that I think we did have some goals with this. One of the goals was for members to come to meetings prepared. And it seems basic, but that is part of what was being asked of us in how these procedures are changed, that it would be incumbent on people to come to meetings prepared. A second thing, one of the goals was to make sure that the members were doing the business of the City and not focusing on their own business. I will bring an Amendment asking for a change on the time limits, but I think that's it's good discussion for us to have had it brought forward. At times, people are pretty focused on doing their own business, and pontificating on things that get well off the topic of what the City's business is. Third, I think we were focused on trying to bring some transparency."

Councilor Lindell continued, "Our executive sessions are limited to pending and threatened litigation, personnel matters and acquisition, disposition of real property and water rights. The purpose of executive session is to discuss those things and to protect the City. I think that it is inappropriate... I don't think anybody would think it's a great idea if you were going to get a divorce, and you go in to talk to your attorney, that you take your spouse in with you to talk to the attorney, and then spouse, into the future, can ask for every piece of information that you have confidentially with your attorney. That is the relationship we're trying to protect with our own attorney. And I think that we do limit ourselves very much to these things."

Councilor Lindell continued, "I've brought an amendment with Councilor Villarreal that has been asked for by these groups. But I think it's important to remember the purpose of what going into executive session is for – it's to protect the City. If we have pending or threatened litigation, to talk about that openly in public is really not appropriate. And I don't think anybody would do that kind of thing if they had threatened or pending litigation in their own lives. So that's the process that we go through with that."

Councilor Lindell continued, "So Chair, I'll turn the floor over, but I do have some amendments I would like to bring, but I'll be happy to wait for others to have an opportunity to speak."

Chair Dominguez said he would like to continue the discussion, ask questions, "and if a motion is made you can ask that an amendment be friendly and/or you can make a separate motion on those."

Councilor Ives said the last time such a measure as this was brought forward by him during his first year on the Council, and he tried to address some of the same issues, and had language similar to a number of provisions in the current draft. He said the language on executive session was very close to what he had proposed at one point in time, in part because the privilege of executive session is for the Governing Body, not an individual member. He said people have tried to talk about the issue of whether or not a Councilor could express their opinion that the matters discussed in executive session were inappropriately discussed. He said he has no problem with a Councilor expressing that opinion as long as they don't discuss specifically what happened in executive session. If they have a problem with it, he has no problem with them saying they had a problem, because we would come back to the Governing Body to discuss whether or not there is a waiver. He thinks it's appropriate the Councilors understand this is a privilege of the Governing Body, and not with an individual, so we, individually, are not at liberty to violate that privilege. He is happy with the language, and a Councilor is free to say we got it wrong, but not to disclose what happened in executive session.

Councilor Ives continued, saying with regard to the Consent Calendar, unfortunately the amendment he is working on is not captured that well, in part because of the limited time he had with the City's Legislative Assistant, and "I had to try to craft language that would address it." He said part of his initial measure, was designed to ensure that Councilors were reading the packets and came to meetings prepared to do the peoples' business which he thinks is important. He said currently it is the City's practice to post agenda packets and make the full agenda available on Friday afternoon at the end of the week prior to when the meeting occurs. The proposal is to take the Friday deadline and move it back a week, which won't bring "me congratulations or great pats on the back from staff, because it would mean they are getting packets an entire week earlier." He said the advantage of having the packet available a week

earlier, is that it would allow the Councilors the time to read the packet and ask any questions of staff, as well as to allow the public to read the packets more leisurely and ask questions of, or communicate with, their Councilors, with the objective to allow time for that very transparent process to happen. We can then have the appropriate staff in attendance, which sometimes doesn't happen, to better control overtime costs and ensure there is time for debate on issues which are of significance.

Councilor Ives continued, asking if we need a process to allow ultimately, at the Governing Body meeting for additional items to come off the Consent Agenda. He thinks it's reasonable to consider that because things happen. He is looking forward to trying to define a process to accomplish that. He said it would be done by motion, which in his experience would be readily granted except in certain circumstances where everybody is fully satisfied the issue has been tremendously vetted. The amendment is geared toward allowing for greater time for the packet in the hands of the Council and the public, and allow us to pull items from the packet. That can be done through communication from the public, a sense of the significance of the issues, or for whatever reason, but allow us to do that more efficiently, in a more focused way to be sure we are debating those things that are of significance.

Councilor Ives continued, saying in his earlier modification to the Rules, he proposed that contracts beyond a certain amount not be included in the Consent Agenda, commenting if it is moved to \$200,000 if that might address Councilor Lindell's concerns, or even \$250,000. He said that doesn't say that those items cannot be pulled from Consent by any Councilor desiring to do so, it is simply saying what will not go on consent.

Councilor Ives said a big issue tonight, and with his measure, was speaking limits. He said there is a requirement in the Rules that we follow Robert's Rules of Order, and the 11th Edition of Robert's Rules under which he understands we are still functioning, commenting he is unaware of a 12th Edition at this time. The Rules, on page 387 in Robert's Rules provides, *"Maximum time for each speech. If a non legislative body or organization that has no special rule relating to the length of speeches, a member having obtained the floor while a debatable motion is immediately pending, can speak no longer than 10 minutes unless he obtains the consent of the assembly..... each member is allowed two such 10 minute sections."* He said so that actually is in Robert's Rules at the present time, noting he has never seen it employed as a limitation on debate in the Governing Body.

Councilor Ives continued, saying because of this provision in Robert's Rules, he doesn't believe we need to adopt any rules limiting speech in the Rules *per se*, because he is happy with what is in Robert's Rules, in what he recalls as civility and decorum of the Governing Body in allowing its members to speak. He said, "So I would be happy to see those particular amendments not appear in the Rules."

Councilor Ives continued, saying the abstention vote is tricky, because at times, we have requirements for majority and super-majority in voting before the Council, depending on the particular matter. He said, in that sense if you were trying to fulfill a majority or super majority vote, an abstention functionally is going to be a no in any event. He the few abstention votes he has made during his time on the Council have come with an explanation by him as to reason for his abstention. He feels the record on his abstention votes and the reasons are clear.

Councilor Ives continued, saying with regard to civility, Robert's Rules clearly places with the Chair of any meeting the significant oversight of the conduct of the meeting, including issues relating to the civility and decorum of people addressing the body as well as appearing on the dais. He sees no need to change those. He said he had proposed similar requirements for decorum, because it is significant in his sense of how we properly deal with one another in the context of the Governing Body. He said it isn't to say you can't express an opinion, but saying simply that at some point in time, you can move from the capacity to discuss an issue to name calling, describing various acts they might engage in – "simply, for me, beyond the pale of reasonable discussion." He said in the invocation he asks for civility up here on the dais, but between everyone present, because he thinks we owe that to each other as members of the community. He reiterated it is in Robert's Rules which is a sufficient place to see it from his point of view, although he doesn't mind restating functionally what is in the Governing Body Rules as a way of enforcing that point.

Councilor Villarreal said she appreciates staff trying to show the difference between the original language and the proposed draft, and is having difficulty in comparing the two in going back and forth.

Councilor Villarreal said some of the changes could use tweaking. She said, "For the Governing Body section about decorum and the public decorum, I'm okay with it starting off and adding the language about *'The Governing Body should and shall set an example for the conduct of the public's business showing respect for the Governing Body as an institution and to its individual members, City staff and to all appearing before it. The Chair has a duty to maintain civility and decorum. The Chair may call any person to order if they are making personal, intemperate or slanderous remarks by reminding them they are out of Order.'* And then I think that's where it should end. We don't need to say, talk about how they can be removed from the meeting. And I do think there could be language incorporated that community members suggested about changing that language so that it is consistent with First Amendment principles, *'And the Chair may call a person to order when they are out of order, explaining the Rules and such a ruling.'* So, I don't know how to merge those two. I like the beginning of that, and I like the part referencing First Amendment Principles, so I don't know how we would make that happen."

Chair Dominguez said, "Just real quick, you're following the matrix that staff has put together."

Councilor Villarreal said, "Right, and then I'm adding about making sure it is consistent with First Amendment Principles, unless there is something staff has.... I think adding that in I think, helps to show that we are remaining consistent, but that we call any person to order that is out of order, explaining such reasoning."

Ms. Brennan said, "These are procedural rules and they do not impinge on First Amendment rights. In fact, the right of a public hearing and the right to comment, to say what you want, to have dissenting views, all those things, I have never seen anybody interrupted here, that's in 10 years, or in any other committee meeting, for expressing a view that may be an unpopular view. But I have seen some people behave rudely and abusively and I think that that, as a procedural rule, can be limited. So I don't think this implicates the First Amendment."

Councilor Villarreal said, "Okay, well if that's the case, I still think putting that language about everyone showing respect, but I do think we can just keep it. I would propose the original language, that the Chair may prohibit any person who is acting improperly from continuing to speak. That was the original language, and I'm okay with that. I don't want to change it to trying to have the Chair decide if he's going to remove someone from the meeting, at least *[inaudible]*, so like even if people had dissenting views that we need throw them out *per se*. Maybe my fellow Councilors have a different opinion about it, but I think the original language is fine just stressing the importance of conducting business and showing respect."

Councilor Lindell asked, "Chair, can I ask Councilor Villarreal. Are you making these as amendments now or are you discussing it and you are to, later in the meeting, make this *[inaudible]*..."

Councilor Villarreal said, "That one in particular, I was making an amendment."

Councilor Lindell said then you are making amendments now, and Councilor Villarreal said yes.

Councilor Lindell asked her to state clearly where she proposes to make the amendment.

Councilor Villarreal said, "Way at the beginning for public decorum, page 2 of the Rules, Section II(A)."

Councilor Lindell asked Councilor Villarreal to state her amendment.

Councilor Villarreal said, "I think we should have the new language up to where it says '*...slanderous remarks by reminding them that such comments are out of order,*' and end there, and keep the original language saying, '*The Chair may prohibit any person who is acting improperly from continuing to speak,*' which was the original language. And taking the language out, '*If that person continues to act improperly after sufficient warning, the Chair may direct their removal from the meeting.*' Taking that out."

Councilor Lindell said then you're taking out one sentence.

Councilor Villarreal said, "Yes, and leaving the original language at the end of that paragraph."

Councilor Ives asked, "For clarification, by removing that language, do you mean to assert the opposite proposition, that the Chair cannot have anybody removed, or are you simply allowing the Rules to be silent on that, in which case, again, the default would be to Robert's Rule's."

Councilor Villarreal said, "Right. And I would say it would default to Robert's Rules which does allow for people to be removed in proper circumstances. Thank you."

Chair Dominguez asked Councilor Ives if it is improper to reference Robert's Rules in that sentence.

Councilor Ives said, "We actually do have a reference to Robert's Rules. It is Item 11, on page 14 of the Ordinance, page 20 of the packet, which says, *'Except as otherwise provided herein, all matters of procedures are governed by the most current edition of Robert's Rules of Order,'* which I again believe is the 11th edition."

Chair Dominguez asked Councilor Villarreal if she is okay with that, and Councilor Villarreal said, "I'm okay with that."

Councilor Villarreal said, "The other one... I have questions, and it has to do with Section IV(A)(2) on page 3 of the Rules, which provides, *'No item shall be placed on the agenda unless it has gone through the committee review process and been recommended for approval by at least one city committee....'* I'm just curious, what if none of the committees approve it. Then it dies. So what if there is something that we want to be placed on the agenda and we vote by the majority of the Governing Body. So if it has gone through the committees and it's not [gotten] one approval, can it still be placed as an agenda item by the majority vote of the Governing Body."

Chair Dominguez said, "The intent here is that, presumably as an item has gone through committee, by the time it's done going through committees, a majority of the Governing Body has seen it. And so again, it's kind of giving staff some direction to determine whether or not an item that has failed at every committee, whether or not they should put it on the Governing Body calendar. Now, with that said, there is a provision here that says, even though it hasn't been approved, we can still put it on the Governing Body Agenda by a majority vote."

Councilor Villarreal said she is just making sure that is covered, because it all depends on the makeup of the committees, and if they're not necessary balanced with each Councilor serving on the committee, then there could be a possibility that it might be considered before the Governing Body, but may have not been approved at the committee level."

Chair Dominguez said that is a good point, and the reason they included the language that a majority of the Governing Body can have something put on the Governing Body agenda. He said the reality is, and he's seen it happen, there may be 3 people on a committee who are in favor or not in favor of something. And at the next Committee the same thing happens, and for whatever reason a full complement of the committee isn't available. We wanted to make sure we captured those instances and the reason for this language.

Councilor Villarreal said, "I didn't feel I saw that language."

Ms. Brennan said, "If that is the intent, I think it needs to be clarified, that is on page 5. It was IV(E)(9), and I think this addresses items not considered appropriate for the consent calendar. So I think it's the intent to say that the majority of the Governing Body can bring forward something that has not been approved by any committee. We would have to add that, just to be clear."

Councilor Villarreal said, "Then under IV(A)(3) you would have to list either approval of the majority of the Governing Body is necessary for an item to be considered..."

Ms. Brennan said, "If it hadn't been approved by one committee. I'm not exactly sure where that would go."

Councilor Villarreal said, "I'd like to work on that somewhere, maybe not tonight. It will take a while, so language that addresses that issue."

Councilor Ives said, "Point of order. If you look at the bottom of page 3, packet page 9, IV Meeting Agenda, Section IV(A)(3), it address, *'An item may be bypass the committee review process and may be placed directly on the Governing Body meeting agenda..'* and it covers unforeseen circumstance, emergency, and that might be appropriate place to include that language as that seems to carve out the exceptions. And the only other item is IV(A)(2), it references, *'In accordance with Rule IV(3),* and I think that should be IV(A)(3)."

Councilor Villarreal said, "It is hard to navigate through this."

Chair Dominguez said, "You'll get used to it."

Councilor Villarreal said, "One question, I thought was actually appropriate, but someone didn't bring it up in the public comment, but I did get an email about it, is that when we're looking a Consent Calendar items removed for discussion that we do roll call normally, instead of a voice vote. And I'm just curious why they do that. It would actually simplify things if we did a voice call [vote]."

Ms. Brennan said, "Roll call is done on everything removed from the Consent Calendar."

Councilor Villarreal said, "Well it's items that we have removed for discussion. I'm trying to remember. When do we use voice call. There's times that we use roll call that takes really too much time."

Chair Dominguez said at Committee, sometimes he will ask for a roll call so the recorder knows.

Ms. Brennan said, "Sometimes it is required by law."

Councilor Villarreal said, "I guess this would be an amendment. Section VI(E) and (G) that we keep referencing about time limits. I would actually like to eliminate those sections. That's page 10 of the Ordinance, I'm sorry Resolution. VI(E) & (G) this is basically limiting Council, our time limit and the number of times we can speak. Although I'm always in favor of being brief and making sure that we give each other enough times to ask questions and not pontificate, I think it's too hard to track. And so Section VI(E) and (G) with the additions, the language we added, anything, I think we should take that out."

Chair Dominguez asked, "So are you asking to take out the amendments or the entire..."

Councilor Villarreal said, "No. The changes to the original language. Because isn't that why we're here today."

Chair Dominguez said, "So you want to keep the original language and take out the amendments that are considered tonight."

Councilor Villarreal said, "I just don't think it should be changed from what we were saying, which is trying to give everybody enough time to ask questions and get clarification."

Chair Dominguez said, "On that point, if I can Councilor Villarreal, Section E is really per Robert's Rules of Order."

Councilor Villarreal said, "Right. So whatever was the original language."

Ms. Brennan said, "Approve this edition."

Councilor Villarreal said, "It's more about times that we are allowed to speak and the minutes we are allotted. That was added language. Right."

Chair Dominguez quoted from VI(E), '*...No member may speak more than three (3) times or for more than a total of ten (10) minutes to the same motion, exclusive of the one (1) minute taken to explain his or her vote in accordance with these Rules.* That's really the meat of the amendment."

Councilor Villarreal said, "So my colleague is telling me this is more flexible than what is stated in Robert's Rules."

Ms. Brennan said, "The Robert's Rules allows you to speak twice, 10 minutes each time, so there would be a cumulative total of 20. This allows 3 times, plus 1 minute and after a vote."

Councilor Villarreal said, "It's interesting to me, because we never really followed that."

Ms. Brennan said, "I think that part of the goal of the Chair was to bring it into the Rules, to bring it to consciousness."

Councilor Ives said he reiterate what he said earlier. This is something similar to what he first proposed, and that measure failed to get the support of any committee so it never went to Council. He said on his four plus years on the Council, he has never seen the limitation invoked by anybody, because he thinks we believe in allowing others to speak. And we always have other procedural measures such as calling the question after there is sufficient debate to bring the matter forward, if the Council desires to cut off debate at any particular point.

Councilor Villarreal said, "That is interesting to me, because even if we're giving more flexibility now, I feel like we never followed it in the first place, and the public wasn't aware of Robert's Rules originally."

Chair Dominguez, responding to a question from Councilor Villarreal, said, "That was part of my intent, was just to make sure that we had a clearly articulated rule. Again, I don't believe that much is going to change, but at least we, as a Governing Body, have a rule that is clearly articulated that we can refer to, regardless of whether it is more flexible or not than what Robert's would say. And again, I'm open to any amendments. I think I made the point."

Councilor Villarreal said, "Now that you clarified that we never actually have followed the more stringent rules that are in Robert's Rules, I want to hear from my colleagues about their amendments, to see if there's something that makes more sense."

Councilor Lindell said she will be proposing an amendment to Section VI, to delete the new Section G, and an amendment to Section VI to revert back to the original Section E "as much as it pains me to do that."

Councilor Villarreal said, "I agree with you, and what I was referring to earlier, is E that I wasn't understanding, but it's actually less restrictive. That was the original language, permission to speak more than once to the same motion, *'A Councilor may speak more than once to the same motion, only when all other Council members desiring to speak have been heard, except to answer questions.'* That's what the language says now, although there is other language in Robert's Rules that nobody reads and now you just clarified. Thank you. So I'm okay with it being back to the original."

Councilor Villarreal said, "The only clarification I was trying to figure out when we have public testimony is they're referring to a one minute time limit. Where was that located, because I couldn't find that anywhere."

Chair Dominguez said it exists, and thinks there is some discretion the presiding officer has. He said we aren't proposing changes to the existing language and that's toward the end he believes.

Councilor Villarreal said, "But there wasn't any reference to a one minute time limit. We kept talking about references to giving the public one minute to speak, and in my time we haven't ever done one minute, and just stick to two minutes. Is this in reference to Petitions from the Floor?"

Ms. Brennan said, "And that is Section VI(F), and on page 7 of the matrix at the bottom and you can compare the language side by side. It's fundamentally the same language. And *'A time limitation of three minutes shall be allotted to each speaker and the Mayor shall have the right to place such other limitations upon speakers as may be necessary to conclude Petitions from the Floor within the allotted time and proceed with the remaining business before the Governing Body.'*"

Councilor Villarreal, "So I guess one minute was an example."

Chair Dominguez said, "I think at some point maybe, I don't remember this, but there was a whole room full of Petitions from the Floor, and to give everyone ample time so we're not at midnight just from Petitions from the Floor, there was a limit that was presented, but I don't know specifically that. I think Rick actually brought that up."

Councilor Villarreal said "I am okay with the changes, but I think we usually are flexible giving people time to speak under Petitions from the Floor. Until things get a little unwieldy, let's just continue as we have been acting. That's all I have for now."

Councilor Lindell said she and Councilor Villarreal brought a prepared amendment. She asked to vote separately on all of the amendments.

Chair Dominguez asked Ms. Helberg if this would be appropriate.

Ms. Helberg said that is the decision of this Committee, and she will report it however the Committee decides.

Councilor Lindell said she would present the amendment proposed by Councilor Villarreal and herself as the first amendment [Exhibit "2"].

MOTION TO AMEND THE PROPOSED RULES: Councilor Lindell moved, seconded by Councilor Villarreal to approve an amendment to Exhibit A as follows: *1. In Exhibit A, on page 8 insert a new Subsection: "h" Any vote taken on an item discussed in executive session shall be specific as to the particulars of what is being voted upon;" and 2. Re-letter the subsequent subsections accordingly [Exhibit "2"].*

DISCUSSION: Councilor Ives said he is trying to understand, given when we come out of executive session, we note that only the items noted in the Agenda were discussed. Any vote that is taken subsequently on an item discussed in executive session when the Governing Body gives direction to staff, and to what extent does that have the potential downfall of disclosing matters discussed in executive session for which it was first invoked.

Ms. Brennan said, "I don't object to this language. I do think sometimes votes are taken that are not on final action, votes are required on formal actions, and there may be some circumstances where the particularity stops short of disclosing privileged information. I don't think anyone would expect us to do that by vote. Sometimes, for example, the Council comes out of executive session, and votes to, and this is a rare circumstance due to timing, votes to approve a lease, for example. And that lease is immediately made available, that might be one example where generally that the document itself would be available. There have been circumstances, there has been one circumstance where a party in mediation declined to believe that the direction and guidance given to staff in executive session was actually authorized, and demanded that it be put on the public record. And I would not ever recommend putting on the public record the negotiations once they were under discussion. So that vote would be to the point that staff had been authorized to take actions with respect to negotiations in media in accordance with the guidance just given so that they have notice that in fact staff is authorized to pursue the course that they pursued."

Councilor Ives said he would like clarity from the maker of the motion that the interpretation of the language proposed is as discussed by the City Attorney.

Chair Dominguez said, "I think the intent is to provide more detail than we're currently provided. I think that is what the public is asking for, and really am going to leave it, I want to be careful how I say this, to make sure that we're sensitive to the fact there is a reason we have executive sessions, and still work toward providing that level of detail that the public needs."

Ms. Brennan said, "You could insert the word 'reasonably.'"

FRIENDLY AMENDMENT: Councilor Lindell proposed to amend the motion so that it reads as follows: 1. *In Exhibit A, on page 8 insert a new Subsection: "h" Any vote taken on an item discussed in executive session shall be reasonably specific as to the particulars of what is being voted upon;"* and 2. *Re-letter the subsequent subsections accordingly* Agreed by Second. **THE AMENDMENT WAS FRIENDLY TO THE SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMITTEE.**

Councilor Ives said with the explanation of the City Attorney, he believes he is okay with the amendment. He said he wanted to make sure we weren't talking about blanket waivers.

Chair Dominguez said, "We're just voting on that amendment. Right."

Ms. Brennan said, "Correct."

Chair Dominguez said, "Okay. I just wanted to make sure."

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

MOTION TO AMEND THE PROPOSED RULES: Councilor Lindell moved, seconded by Councilor Ives for purposes of discussion, to delete Section IV(E)(8) in it's entirety.

DISCUSSION: Councilor Lindell said her reason for the proposed amendment is that it has to do with *Action on contracts, agreements and other matters which have a fiscal impact, singularly or collectively, in excess of \$100,000 in any fiscal year.* She said, "Those could be pulled from consent by a Councilor if they did want to discuss them. So to automatically have them off Consent so there has to be a discussion seems excessive to me in terms of process. They all come through Finance. So I'm asking that Section be deleted for the reason those could be pulled off by anyone."

Councilor Ives said, "Part of the issue is that times when we see items on an agenda, we have no idea what dollars are being dealt with until you actually look at the packet materials. He is inclined to remove this, but that as packet items are being identified on agendas, the dollar amounts involved with a particular contract in every instance or in a particular amendment, be recited in the caption so it is clear to anybody looking at the caption what is involved. So if they want to go and look at it and call a Councilor and say, my God why are you spending \$50, much less \$250,000 on something, they have the capacity to do that more easily."

FRIENDLY AMENDMENT: Councilor Ives proposed to amend the motion to add language at the end of the sentence as follows: *'As packet items are being identified on agendas, the dollar amounts involved with a particular contract in every instance or in a particular amendment, be recited in the caption.'* **THE AMENDMENT WAS FRIENDLY TO THE SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMITTEE**

CONTINUATION OF DISCUSSION: Councilor Villarreal asked, "For clarification, Mr. Chair, so maybe Kelley could explain to us, how is this different than from the requirements that we have for the \$50,000 contract authority. Can you distinguish the two. Can you explain the difference between what this language would be doing versus the \$50,000 requirements that we see coming across our desks."

Ms. Brennan said, "They are different. One is the authority of the City Manager to sign contracts, and that authority is \$50,000 and below. And this is simply about approving everything above that amount that comes before the Governing Body. It singles out the \$100,000 contracts. They are completely different things."

Councilor Villarreal asked, "Can you give me an example of what this one would require, the language added, or maybe you added. Did you add this language."

Chair Dominguez said, "I did."

Councilor Villarreal asked for an example.

Chair Dominguez said, "Look at our agenda tonight. Item #6."

Councilor Villarreal said, "Right. Okay. So, I like the idea of disclosing the amounts, and I think we all use pretty good discretion to ask questions about high dollar amounts, especially if we don't know if it is justified. So I am okay with the amendment."

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

MOTION TO AMEND THE PROPOSED RULES: Councilor Lindell moved, seconded by Councilor Villarreal, to delete Section VI(G) in its entirety.

DISCUSSION: Chair Dominguez said, "I agree."

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

MOTION TO AMEND THE PROPOSED RULES: Councilor Lindell moved, seconded by Councilor Villarreal, that Section VI(E) reverts back to the original language.

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

Councilor Lindell said, "These are the amendments that I had."

Councilor Ives read the provisions of Section IV(F) regarding removing items from the Consent Calendar to the regular agenda.

Responding to Councilor Lindell, Chair Dominguez said, "We're looking at Section IV which is the Meeting Agenda, and about 3-4 pages in it is Item F, which is just a couple of lines after the \$100,000."

Councilor Ives said he is trying to conceptualize what he thinks is a good way to approach this problem, because he thinks the opportunity to provide additional time to the public and Councilors to review packets would be of assistance. He said in Public Works they have tried to move the Friday deadline for loading packets to the internet back to Thursday. He said regarding Finance, he is trying to think of a reasonable timeframe to try and make them additionally available so members of the public have a greater opportunity to review them. He said he is happy leaving Section IV(F) as it is. He would like to see a separate policy for the preparation of agendas, although we do cover agendas here.

Councilor Ives continued, "I may not propose anything currently, but I may come back with a proposed amendment requiring the posting of packets for meetings, certainly of those committees composed of City Councilors, to the Monday before the Friday of the week before the week in which the meeting is to be conducted."

Chair Dominguez said, "If I can comment on that. I certainly think the more time we have to review information, the better. With that though, I don't know if currently staff is prepared to take anything that is too dramatic or restrictive for lack of a better word. I think what will end up happening if we don't take this incrementally, and I like the actions you've taken at Public Works, and I certainly can work with Finance staff to improve that process a little bit, but my fear is that if we are not methodical about this, or if we don't take care to do this, that we will create a situation where it is going to take all kinds of procedural rules and things to get things on agendas and off agendas. And I just think we owe it to the staff and the public, to do what we can to make sure that if we're going to make these drastic changes that we do them incrementally, if that makes sense. But I certainly get the concept and intent. I think the more time we have the better. I think that as we move to become more electronic, we have better opportunities to do that. I certainly took advantage of it at Public Works the other night. But, nonetheless, I think that we just need to make sure that staff has ample time to provide the needed information to not only us, but the public and that we're not adding new information at the last minute, which could be 8 days out.

Councilor Ives said he may bring forth a Resolution that gradually would increase the time that packets are available prior to a meeting being held. He thinks this is one of the major problems we face as Councilors with full time day jobs, and packets coming out late on Friday. If you have internet problems and can't get them on iLegislate, now that we've moved to an electronic platform, the opportunity to review those is not as significant as it might be. If the objective is to have a better informed Council as well as greater transparency vis a vis people in the community who are desirous of reviewing packets and raising questions with us, more time in front of people is better. He will work up a resolution and talk with staff about that.

Councilor Villarreal said, "I think we need to formally vote on my amendment about the Governing Body and public decorum."

Councilor Lindell said that is Section II on page 2.

Councilor Villarreal said, "Adding the new language to the sentence that says, '*The Chair may call any person to order if they are making personal, intemperate or slanderous remarks by reminding them that such comments are out of order.*' And then the last sentence, taking it out."

Chair Dominguez said it is Section II(A). He said, "What I'm going to ask you to do Councilor Villarreal, is to actually start with *The Chair has the duty to maintain civility and decorum*, and read it as you would like to see it, because I want to capture it correctly."

Councilor Villarreal asked Ms. Brennan if she has something to add to that.

Ms. Brennan said, "I wanted, for clarity, I wanted to ask if the sole sentence that you are eliminating is the last sentence."

Councilor Villarreal said, "That's correct."

Ms. Brennan said, "And, otherwise, it remains the same."

Councilor Villarreal said, "So the new language is, '*The Governing Body should and shall set an example for the conduct of the public's business, showing respect for the Governing Body, as an institution, and to its individual members, City staff and to all appearing before it. While the Governing Body is in session, civility and public decorum shall be observed at all times. The Chair has a duty to maintain civility and decorum. 'The Chair may call any person to order if they are making personal, intemperate or slanderous remarks by reminding them that such comments are out of order. The Chair may prohibit any person who is acting improperly from continuing to speak..'* So it's taking out that last sentence that was proposed."

Ms. Brennan said, "And substituting the last sentence from the existing."

Councilor Villarreal said, "Correct."

Chair Dominguez said, "I think that works better. So, in other words, we are eliminating or deleting, '*If that person continues act improperly after sufficient warning, the Chair may direct their removal from the meeting.*' That is being stricken. And then we are reinstituting, '*The Chair may prohibit any person who is acting improperly from continuing to speak.*'"

Councilor Villarreal said Councilor Ives said "in our Robert's Rules that you still have an ability to do that. I don't really know why we need to restate it, but again we don't reference... well, no one reads Robert's Rules except for Councilor Ives, Kelley does as well. I guess I just thought it was important to share that we all have the need to respect each other, the Governing Body to each other, but the Chair also has to respect our time, but also the public's time and remain civil and respectful."

MOTION TO AMEND THE RULES: Councilor Villarreal moved, seconded by Councilor Ives, to amend Section II(A) so that it reads as follows: *The Governing Body should and shall set an example for the conduct of the public's business, showing respect for the Governing Body, as an institution, and to its individual members, City staff and to all appearing before it. The Chair may call any person to order if they are making personal, intemperate or slanderous remarks by reminding them that such comments are out of order. The Chair may prohibit any person who is acting improperly from continuing to speak.'*

CLARIFICATION OF THE MOTION: Councilor Lindell said, "Just to clarify that, you did not read the section, '*While the Governing Body is in session, civility and public decorum shall be observed at all times. The Chair has a duty to maintain civility and decorum.*' Are those eliminated."

Councilor Villarreal said, "No that's the same, I actually was reading what was very confusing to me, this revision. So anything in Section II(A) of the language underlined is fine until the last sentence. I know it is implied in Robert's Rules, but I feel like we're... however, the language that is in the packet, the matrix, is not the same as the one that's proposed in the Rules. Mayor Pro-Tem, just reference the sentence, the two that actually are not in this language. So I'm okay with what it says in the bill not the matrix."

CORRECTED MOTION TO AMEND THE RULES: Councilor Villarreal moved, seconded by Councilor Ives, to amend Section II(A) so that it reads as follows: *The Governing Body should and shall set an example for the conduct of the public's business, showing respect for the Governing Body, as an institution, and to its individual members, City staff and to all appearing before it. While the Governing Body is in session, civility and public decorum shall be observed at all times. The Chair has a duty to maintain civility and decorum. The Chair may call any person to order if they are making personal, intemperate or slanderous remarks by reminding them that such comments are out of order. The Chair may prohibit any person who is acting improperly from continuing to speak.'*

DISCUSSION: Councilor Lindell said, "So you are eliminating the ability of the Chair to direct that someone be removed from the meeting."

Councilor Villarreal said, "Correct. Although, Robert's Rules allow that right now."

Councilor Lindell asked, "Why would we want to eliminate it if Robert's already allow it."

Councilor Villarreal said, "So why are we restating things that already are said in Robert's Rules anyway. So I feel like there is language here.... were we reiterating it for some purpose, and those others that were not...."

Councilor Lindell said, "I think the purpose is that people might know that they could be removed. I personally have not seen that in this room in all the years that I've watched Council which is a very long time. It's my impression that the Mayors that I've seen working give people every opportunity to speak and the level of courtesy to him has been very deferential, even in light of people being upset and frustrated. I guess I can only say that one time, and I think the way it was handled was the person wasn't thrown out of the room, but the Mayor called an adjournment and the Council left the room."

Councilor Villarreal said, "I actually agree with you. I feel that we already do this anyway, so why are we adding the language in the first place."

Chair Dominguez said, "So we can have this discussion, and it can be reported on appropriately. To me, I think that it is appropriate to remove that language. We are putting in there, the Chair may prohibit any person acting improperly from continuing to speak, although it's not explicit, it says the Chair may direct a removal. I think that sentence is a little stronger than what originally was what we have in the amendment. I kind of mentioned that in my opening comments about how it is a little bit softer language actually, but..."

Councilor Lindell said, "That's fine Chair."

Councilor Villarreal said, "I had actually thought we would keep the original language and forego the proposed language, because that's what we've been doing and following, and it can make reference to Robert's Rules. I guess I'm asking you all, if you would rather keep the original language or do the amendment that I just said."

Chair Dominguez said, "Right now the motion is, and we do have a second, and we would be eliminating '*if that person continues to act improperly after sufficient warning, the Chair may direct their removal from the meeting.*' That has been stricken and we are including, '*The Chair may prohibit any person who is acting improperly from continuing to speak.*'"

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

MOTION: Councilor Lindell moved, seconded by Councilor Ives moved, to approve the proposed Governing Body Procedural Rules with the approved amendments.

DISCUSSION: Chair Dominguez thanked staff for their work, the Committee and the public as well for their work. He said, "As they say, democracy is messy, this is part of it, but this is part of the work that we do. Our job is not to just stay here and try to be on the right side of every vote and not say anything, instead to have this kind of dialogue."

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

Short break 7:50 to 8:05

25. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS – ECONOMIC DEVELOPMENT PORTFOLIO PROJECTS IN BUSINESS/ENTREPRENEURIAL DEVELOPMENT AND WORKFORCE/TALENT DEVELOPMENT FOR FY 2016/17; EIGHT (8) VARIOUS VENDORS. (KATE NOBLE, ROSS CHANEY AND ZACKARY QUINTERO)

- **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – ECONOMIC DEVELOPMENT PORTFOLIO; SCORE BUSINESS EDUCATION PROGRAM. This item was removed from the Agenda and postponed to the next meeting of the Committee on August 1, 2016.**
- **REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT – ANDREA ROMERO CONSULTING – MIX SANTA FE.**

Chair Dominguez noted the first bullet has been postponed to the next meeting of the Committee on August 1, 2016. The second bullet is still on the table.

Kate Noble, Economic Development, said to clarify, the first item is the 8 various vendors – one bullet has been postponed, but one is still on the table, so there actually are 9 contracts.

Ms. Noble presented information from her Memorandum of July 11, 2016, to the Finance Committee and City Council, with attachments, regarding Economic Development Portfolio of Contracts for FY2016/17, which is contained in the Committee packet. Please see this Memorandum for specifics of this presentation.

Ms. Noble said she distributed a pie chart of the FY16/17 Economic Development Annual Budget to the Council. [STENOGRAPHER'S NOTE: A copy of the pie chart was not entered for the record.]

The Committee commented and asked questions as follows:

Councilor Villarreal said perhaps she missed it, but she didn't see the explanations of the other budget items, noting we have heard Santa Fe Sports. She asked if the \$750,000 is for the Film Commission. She would like Ms. Noble to provide her with more details of some of the items. She said she doesn't have questions on the items she is proposing, but she needs more detail on the ones existing. She asked Ms. Noble if she could get the information on those items and email it to her by the next Council meeting.

Ms. Noble said she would do so.

MOTION: Councilor Ives moved, seconded by Councilor Lindell, to approve Item #25, the request for approval of the Professional Services Agreements for the 8 vendors, and the second bullet, the request for approval of Amendment No. 3 to Professional Services Agreement with Andrea Romero Consulting, MIX Santa Fe.

DISCUSSION: Ms. Noble said two motions are needed.

Chair Dominguez said Councilor Ives' motion included both items.

Councilor Ives said, "That's actually what I was making the motion on. Maybe I just didn't understand what was postponed to the next meeting."

Chair Dominguez said the first bullet point has been postponed to the next meeting.

CLARIFICATION OF MOTION BY MAKER: Councilor Ives said, "Let me clarify my motion to indicate that it was for approval of the Professional Services Agreements, Economic Development Portfolio Projects identified in #25, and also the second bullet which was request for approval of Amendment No. 3 to the PSA with Andrea Romero Consulting. Councilor Lindell said that is agreeable.

Chair Dominguez said, "What we are approving, to make it clear for the record is Item #25 and also the second bullet in Item #25."

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

26. REQUEST FOR APPROVAL OF CREATION OF THREE (3) SEASONAL PART-TIME POSITIONS FOR THE VISITORS CENTER. (RANDY RANDALL)

Randy Randall, Director, Tourism Santa Fe Department, presented information from his Memorandum of July 13, 2016, with attachments, to the Finance Committee and City Council, regarding Visitor Center Staffing, which is in the Committee packet. Please see this Memorandum for specifics of this presentation.

Mr. Randall apologized that the funding in payroll was omitted from his budget request, and the funds will be moved from the expense section of the budget into payroll, so there will be no addition to the bottom line of the Department budget.

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

DISCUSSION: Chair Dominguez said, "So, Teresita, just to make sure, and also for you Randy, I mean this really is a message for the City Manager, but I'll make it for the record, either way. As I said privately, I'll say it publicly now, that the Governing Body will no longer be taking the blame for a lack of internal processes or internal processes that are not in place yet, when it comes to making sure that we have a balanced budget, and that we are responsible, within our fiduciary duties in the budget. Having said that, I think that the City Manager really needs to make sure that the systems are in place to ensure that these sorts of things don't happen again, and so we have a clean, smooth process, and requests from departments and divisions for these sorts of things and that they are well understood. So I'll leave it at that, I think the points have been made, and I think the staffs understand what we're talking about."

Councilor Villarreal asked for clarification if seasonal workers also get vacation, holiday and sick time, even though they are seasonal.

Mr. Randall said, "No, they do not, unless they reach, I think it's 9 months, which would be where certain benefits might kick-in. They would also have to work a certain number of hours per day, and this particular plan, because there's 3 employees, anticipates that there would be no effect for vacation or other benefits on these employees."

Councilor Villarreal said the Memo says it will also provide coverage for staff vacation, holidays and sick time.

Mr. Randall that is for the coverage for the 5 full time employees that do have holidays and benefits. He said this is a 7-days a week operation which is what makes it a little different than some of the other areas.

Councilor Villarreal asked, "After that time period is over, what is the plan then for the establishments in terms of hours."

Mr. Randall said, "We would maintain the hours shown in the Memo for each one of the Visitors Centers on a normal basis. If sickness were to occur, and we weren't able to use overtime coverage, then we would just have to adjust."

Councilor Villarreal asked after the high seasons if their hours would be cut, the seasonal workers.

Mr. Randall said, "No. They would be terminated and then the next season, we would open for applications and consider whatever it is they are doing."

Councilor Villarreal asked, "After the seasonal workers leave, how do the hours of operation change."

Mr. Randall said, "They remain as shown here, the 10:00 a.m. to 6:00 p.m. daily, 7 days a week at the Plaza Visitors Center, 9:00 a.m. to 5:00 p.m. at the Railyard Center, 6 days a week, and 8:00 a.m. to 5:00 p.m., 5 days a week at the Convention Center. It's just with a reduced number of staffing and not the additional coverage on Sundays at the Railyard."

Councilor Villarreal said she is clarifying that, because her understanding was that the hours would be reduced after the seasonal employees leave. "But, you're saying the hours of operation will remain the same, but with less staff."

Mr. Randall said, "Exactly. Correct."

Chair Dominguez asked the classifications of these 3 seasonal part time positions.

Mr. Randall said, "I've been told that they are part time seasonal."

Chair Dominguez asked, "Meaning what. What is the difference between part time seasonal and part time temporary."

Teresita Garcia, Assistant Director, Finance Department, said, "I think there is some confusion. The position itself is seasonal. Depending on the person holding those positions, we'll determine what benefits they get. So, if that person is seasonal, and they meet the minimum requirement of part time and have been here for 9 months for whatever reason, then they would get the PERA and insurance benefits. So, the benefits follow the employee. So even though it might be seasonal, and let's say they're seasonal and they get terminated from the Convention Center and we pick them up in another area, or we bring them in as E90s or temporary someplace else, the benefit will follow the employee not the position that they're holding."

Chair Dominguez said then what you're telling me is you could have an E90 just titled something different.

Ms. Garcia said, "Yes, depending on what they apply for and what they're hired as. So if they are seasonal and the season ends September 1st and they apply for another position, part time temporary, and they get either a full time or part time job, how they were paid determines their benefit. So PERA has the \$20,000 limit where they have to pay into PERA, so there's different requirements or benefits associated with different types of benefits."

Chair Dominguez said, "We don't have to have this discussion here, right now, but I will say that it's part of that systemic theme that maybe we need to have a discussion about later on. So I'll bring it up with Oscar. I know we should be getting our employee book, a book that has every single position and employee as approved by the budget, and maybe this action here, but I'll have that discussion off-line."

Councilor Ives said then it's safe to say that the season, seasonal employees most likely get benefits.

Ms. Garcia said, "The position you're holding is seasonal, so there's a beginning in it."

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

27. MATTERS FROM THE COMMITTEE

There were no matters from the Committee.

28. ADJOURN

There was no further business to come before the Committee, and the meeting was adjourned at approximately 8:20 p.m.

C. Dominguez
Carmichael A. Dominguez, Chair

Reviewed by:

O. Rodriguez
Oscar S. Rodriguez, Finance Director
Department of Finance

Melessia Helberg
Melessia Helberg, Stenographer

City of Santa Fe, New Mexico

memo

DATE: July 27th, 2016
TO: Finance Committee, City Council
VIA: Oscar Rodriguez, Finance Director
FROM: Adam Johnson, Budget Officer

ITEM AND ISSUE:

This item provides for the reallocation of General Fund ending balance for fiscal year 2015-16 to the fiscal year 2016-17 CIP Budget.

BACKGROUND AND SUMMARY:

At the end of the fiscal year the Budget Division reviewed the final budget to actuals to compare prior estimates and to reallocate the amounts as predetermined in the CIP budget. As this is the first year of implementing this process, we anticipate being able to lessen future variances and program the reallocations when the Operating and Capital Budgets are initially presented. The following tables summarize the results and recommended allocations of the remaining funds.

The major contributors to the actual revenue in excess of budget are indicators of a stronger than anticipated local economy. This can be seen in the Gross Receipts Tax and Building/Zoning Permits line items, which accounts for approximately \$2.7 million. On the expenditure side of the equation, the 4% actual expenditures less than budget is approximately \$3.5 million in savings targeted by staff following Council action at the March 30th meeting.

TABLE A

	FY 15/16 YEAR END BUDGET	FY 15/16 YEAR END ACTUALS+ ENCUMBRANCES	% VARIANCE
TOTAL REVENUE	\$79,010,393	\$81,781,202	4%
TOTAL EXPENDITURE	\$80,119,007	\$76,668,468	-4%
NET INCOME	\$(1,108,614)	\$5,112,734	

Since the revenue exceeded estimates, the unaudited General Fund balance is larger than expected. Table B illustrates the balance and the reallocation plan for fiscal year 2017.

Exhibit "1"

TABLE B

Unaudited General Fund Cash (June 30th)	\$15,393,591
DFA Reserve Requirement (8.3%)	6,133,631
Additional Council Mandated 1.7%	1,256,286
General Fund Cash in excess of Resv. Req.	\$8,003,674
FY 16/17 Capital Budget Reallocation	3,803,346
Non – Capital One Time Expenditure*	215,953
Recurring Expenditure*	290,000
Subtotal	\$4,309,299
Remaining General Fund Balance transferred to CIP Reallocation Fund (3103)	\$3,694,375

*expenditure detail provided on following pages

Once the 10% reserve requirement is met, the General Fund has an estimated cash balance of \$8 million. For fiscal year 2016/17 Council approved, in concept, \$3.8 million in reallocation from the general fund for capital projects. The attached Budget Amendment Resolution provides the final transaction detail to make the appropriate transfers. The City's internal controls require Council action on the specific reallocation. Table C provides a recap of the projects partially funded from the reallocation.

TABLE C

Project(s)	Fund #	Reallocation Amount
Ft. Marcy (various projects)	3715	\$551,025
Fire Station Renovations (various projects)	3211	\$151,250
Fire Station #5 Grounds and Paving	3204	\$190,000
ITT Equipment (City Data Center Modernization)	3102	\$350,000
Senior Center Improvement Fund	3505	\$5,927
Salvador Perez Capital Fund	3716	\$81,329
Senior Center Renov. Fund	3717	\$63,073
Main Library	3718	\$88,353
La Farge Library	3820	\$238,700
MRC – CIP (Soccer Facility Study)	5601	\$3,031
Las Acequias Park	43064	\$4,775
La Resolana Park	43058	\$265

Project(s)	Fund #	Reallocation Amount
Arroyo Sonrisa	43058	\$22,275
Dancing Ground Phase II	43601	\$60,000
Median Landscaping	3308	\$161,585
Network Upgrades	3784	\$41,374
ERP System Replacement	3139	\$1,600,000
Monica Lucero Park	43034	\$9,571
Water History Museum	43041	\$180,813
Total		\$3,803,346

The non-capital one time expenditures include budget for: the feasibility study for City Hall relocation (\$30,000), purchase of automated external defibrillators (\$25,000), AMERESCO items less than \$5,000 (\$55,000). It also includes a place holder for a Parks Master Plan that will come to Council next month.

The recurring expenditure not included in the budget is for operating supplies for Paint, Sign and Signal Units in the Engineering Division. The \$290,000 request was inadvertently left out of the recommended operating budget. Prior to this year these supplies had been purchase with bond proceeds. This year the Engineering Division requested it in their operating budget as an expansion. The Budget Office should have caught the error and put the request in the Department base.

The additional \$3.7 million is programmed to remain in the CIP Reallocation Fund as a source for future capital projects, design or master plans. The approved capital budget for fiscal year 2017 is \$60.7 million and staff does not recommend funding more projects this year. Rather the newly capitalized fund will be considered is a source in CIP requests.

In conclusion, this memo summarizes the end of year condition of the general fund. The additional fund balance is the result of greater than expected economic activity and Council action to guarantee savings. The proposal details the uses of the additional balance as provided by the approval of the CIP budget. Staff further recommends transferring the remaining amount to the CIP Reallocation fund. Finally, the General Fund is still balanced to the plus side in the amount of approximately \$260,000.

RECOMMENDATION:

Approve report as presented and Budget Amendment Resolution

Enclosed:

Budget Amendment Resolution
General Fund Budget to Actuals

FY 2015/16 Year-End Budget vs. Actual - General Fund

Revenues:					
Taxes	Gross Receipts Tax	53,672,235	53,130,499	55,450,451	4%
Taxes	Property Tax	3,422,547	3,464,594	3,534,885	2%
Taxes	Franchise Tax	2,802,673	3,145,000	3,387,050	8%
Taxes	Other Taxes	478,232	490,000	409,829	-16%
Licenses & Permits	Business Licenses	404,248	437,000	344,954	-21%
Licenses & Permits	Bldg/Zoning Permits	1,820,854	1,665,445	2,158,612	30%
Licenses & Permits	Other Lic/Permits	236,896	258,000	257,216	0%
Fees & Services	Ambulance Fees	1,670,052	1,700,000	1,826,134	7%
Fees & Services	Impact Fees	5,510	7,000	5,760	-18%
Fees & Services	Plng/Land Use Fees	291,442	268,400	276,552	3%
Fees & Services	Police/Court Fees	44,096	42,792	43,694	2%
Fees & Services	Recreation Fees	460,486	510,000	472,563	-7%
Fees & Services	Reimbursed Exp	5,775,565	6,247,587	6,250,900	0%
Fees & Services	Other Fees/Svcs	139,374	166,000	188,350	13%
Fines & Forfeitures	Violations	9,224	62,759	5,593	-91%
Fines & Forfeitures	Other Fines/Forfeits	420,512	436,622	367,787	-16%
Rents, Royalties, Concessions	Parks & Rec Rentals	19,019	20,000	12,632	-37%
Rents, Royalties, Concessions	Other Rentals	14,324	19,000	13,816	-27%
Miscellaneous Revenues	Sales Revenue	2,652	-	3,302	N/A
Miscellaneous Revenues	Other Misc Revenue	33,741	114,000	65,863	-42%
Interest Income	Interest	42,828	42,463	30,409	-28%
Intergovernmental	State Grants	87,280	203,827	84,996	-58%
Intergovernmental	Federal Grants	-	-	22,050	N/A
Intergovernmental	County Grants	20,000	10,000	-	-100%
Intergovernmental	Other Grants	-	1,600	-	-100%
Transfer In	Transfers In	4,291,762	6,567,805	6,567,805	0%
Subtotal - Revenues		76,165,553	79,010,393	81,781,202	4%
Expenditures by Category:					
Personnel Services	Salaries	36,923,518	37,405,717	36,480,610	-2%
Personnel Services	Benefits	18,879,556	20,578,751	19,182,245	-7%
Operating Expenses	Contractual Services	2,880,924	3,823,409	3,549,563	-7%
Operating Expenses	Utilities	4,379,578	4,655,582	4,346,769	-7%
Operating Expenses	Repairs & Maintenance	627,401	706,932	636,220	-10%
Operating Expenses	Supplies	2,359,996	2,940,289	2,535,610	-14%
Operating Expenses	Insurance	2,974,415	2,942,046	2,942,046	0%
Operating Expenses	Other Operating	1,136,884	1,269,749	1,204,316	-5%
Capital Outlay	Capital Purchases	1,146,914	132,100	124,096	-6%
Capital Outlay	Land & Building	9,087	-	2,559	N/A
Transfer Out	Transfers Out	5,967,421	5,664,432	5,664,434	0%
Subtotal - Expenditures by Category		77,285,693	80,119,007	76,668,468	-4%
Income (Loss)		(1,120,140)	(1,108,614)	5,112,734	

(continued next page)

Expenditures by Department/Major Division:

Department	Division	2016	2015	% Chg
Community Services	Administration Division	478,314	553,004	3%
Community Services	Library Division	2,620,019	2,746,929	-4%
Community Services	Senior Services Division	2,379,969	2,351,415	0%
Community Services	Youth & Family Division	769,508	774,840	-12%
Finance Department	(all Divisions)	4,269,908	4,672,938	-3%
Fire Department	(all Divisions)	16,116,482	15,184,847	2%
General Government	(all Divisions)	6,437,957	7,971,958	-8%
Human Resources	(all Divisions)	995,689	1,240,944	-10%
Information Technology				
and Telecommunications	(all Divisions)	3,305,976	3,719,346	0%
Parks & Recreation	(all Divisions)	7,629,367	8,217,727	-11%
Planning & Land Use	(all Divisions)	4,148,617	4,543,926	-12%
Police Department	(all Divisions)	21,772,761	21,779,777	-3%
Public Utilities	Environmental Services/Graffiti	292,426	292,153	3%
Public Works	Administration Division	19,856	10,220	-8%
Public Works	Airport Division (GF Subsidy)	206,676	-	N/A
Public Works	Engineering Division	2,637,150	2,688,945	-6%
Public Works	Facilities Maintenance Division	2,733,555	2,640,492	-10%
Public Works	Streets & Drainage Division	471,462	729,546	-13%
Subtotal - Expenditures by Department/Major Division		77,285,693	80,119,007	-4%
Income (Loss)		(1,120,140)	(1,108,614)	

Unaudited General Fund Cash 6/30**		15,393,591
DFA Reserve Requirement (8.3%)		6,133,631
Additional Council Mandated 1.7%		1,256,286
Additional General Fund Cash balance		8,003,674
Council Approved FY 16/17 Capital Budget Reallocation		3,803,346
Non Capitalizable One time Expenditures		
AED		25,000
City Hall Feasibility Study		30,000
AMERESCO (0 < \$5,000)		54,953
Parks Master Plan		106,000
Recurring Expenditure not included in operating budget		
Paint, Sign & Signal Operating Supplies		290,000
Subtotal		4,309,299
Remaining General Fund Balance transferred to CIP Reallocation Fund		3,694,375

* Actuals + Encumbrances 6/29/2016

** Cash balance at 6/30/2016 as of 7/18/2016

Log # (Finance use only):Batch # (Finance use only):

City of Santa Fe, New Mexico

BUDGET AMENDMENT RESOLUTION (BAR)

DEPARTMENT / DIVISION NAME Finance Department/ Budget Office					DATE 07/12/2016	
ITEM DESCRIPTION	BUSINESS UNIT	LINE ITEM	SUBSIDIARY {.000000}	SUBLEDGER {0000}	INCREASE	DECREASE
EXPENDITURES					(enter as <u>positive</u> #)	(enter as <u>negative</u> #)
Transfer Out - Bicent. Pool Fund	32719	700175		C. 3715	330,000	
Transfer Out - CIP Reallocation Fund	32103	700175		C. 3715	551,025	
Transfer Out - CIP Reallocation Fund	32103	700175		C. 3211	151,250	
Transfer Out - Fire Apparatus Fund	22203	700175		C. 3211	63,377	
REVENUES					(enter as <u>negative</u> #)	(enter as <u>positive</u> #)
Transfer In - Ft. Marcy Fund	31715	600175		C. 3719	(330,000)	
Transfer In - Ft. Marcy Fund	31715	600175		C.3103	(551,025)	
Transfer In - Fire Station Renovations	31211	600175		C.3103	(151,250)	
Transfer In - Fire Station Renovations	31211	600175		C. 2203	(63,377)	
JUSTIFICATION: (use additional page if needed) -Attach supporting documentation/memo					\$ -	\$ -

(Complete section below if BAR results
in a net change to ANY Fund)

Fund(s) Affected:	Fund Bal. Increase/ (Decrease):
3719	(330,000)
3715	881,025
3211	214,627
2203	(63,377)
3103	(702,275)
TOTAL:	0

Adam Johnson 7/18/2016

Prepared By (print name)

Date

(Use this form for Finance Committee/
City Council agenda items ONLY)

CITY COUNCIL APPROVAL

City Council

Approval Date

Agenda Item #:

Budget Officer

Date

Division Director (optional)

Date

Finance Director (< \$5,000)

Date

Department Director

Date

City Manager (< \$50,000)

Date

Log # {Finance use only}:

Batch # {Finance use only}:

City of Santa Fe, New Mexico

BUDGET AMENDMENT RESOLUTION (BAR)

DEPARTMENT / DIVISION NAME Finance Department/ Budget Office					DATE 07/12/2016	
ITEM DESCRIPTION	BUSINESS UNIT	LINE ITEM	SUBSIDIARY {.000000}	SUBLEDGER {0000}	INCREASE	DECREASE
EXPENDITURES					{enter as positive #}	{enter as negative #}
Transfer Out - Fire Impact Fees	22788	700175		C. 3211	77,297	
Transfer Out - CIP Reallocation	32103	700175		C. 3204	190,000	
Transfer Out - GCCC Operating Fund	52700	700175		C. 5721	592,485	
Transfer Out - Fire Impact Fees	22788	700175		C. 3103		(275,406)
REVENUES					{enter as negative #}	{enter as positive #}
Transfer In - Fire Station Renovations	31211	600175		C.2723	(77,297)	
Transfer In - Fire Station #5	32204	600175		C.3103	(190,000)	
Transfer In - GCCC CIP Construct.	51722	600175		C.5700	(592,485)	
Transfer In - CIP Reallocation Fund	31103	600175		C. 3103		275,406
JUSTIFICATION: (use additional page if needed) --Attach supporting documentation/memo					\$ -	\$ -

{Complete section below if BAR results
in a net change to ANY Fund}

Fund(s) Affected:	Fund Bal. Increase/ (Decrease):
2723	198,109
3103	(465,406)
5700	(592,485)
3211	77,297
3204	190,000
5721	592,485
TOTAL:	0

Adam Johnson 7/18/2016 Prepared By {print name}		{Use this form for Finance Committee/ City Council agenda items ONLY}		Budget Officer	
	Date	CITY COUNCIL APPROVAL			Date
Division Director {optional}	Date	City Council Approval Date	<div style="border: 1px solid black; width: 100px; height: 20px; margin: 0 auto;"></div>	Finance Director {≤ \$5,000}	Date
Department Director	Date	Agenda Item #:	<div style="border: 1px solid black; width: 100px; height: 20px; margin: 0 auto;"></div>	City Manager {≤ \$50,000}	Date

Log # (Finance use only):

Batch # (Finance use only):

City of Santa Fe, New Mexico

BUDGET AMENDMENT RESOLUTION (BAR)

DEPARTMENT / DIVISION NAME Finance Department/ Budget Office					DATE 07/12/2016	
ITEM DESCRIPTION	BUSINESS UNIT	LINE ITEM	SUBSIDIARY {.000000}	SUBLEDGER {0000}	INCREASE	DECREASE
EXPENDITURES					{enter as positive #}	{enter as negative #}
Fort Marcy Renovation	32715	TBD			914,267	
Fire Station Renovations	32211	TBD			52,907	
GCCC CIP	52772	TBD			155,918	
Municipal Facility Repair	32125	TBD				(662,546)
Transfer Out - CIP Reallocation	32103	700175		C. 3102	350,000	
City Modernization Data Center	32138	TBD			350,000	
REVENUES					{enter as negative #}	{enter as positive #}
Transfer In - .5% GRT Income Fund	32138	600175		3103	(350,000)	
JUSTIFICATION: (use additional page if needed) --Attach supporting documentation/memo					\$ 1,473,092	\$ (662,546)

(Complete section below if BAR results
in a net change to ANY Fund)

Fund(s) Affected:	Fund Bal. Increase/ (Decrease):
3715	(914,267)
3211	(52,907)
5722	(155,918)
3125	622,546
3103	(350,000)
TOTAL:	(850,546)

Adam Johnson 7/18/2016

Prepared By {print name}

Date

(Use this form for Finance Committee/
City Council agenda items ONLY)

CITY COUNCIL APPROVAL

City Council

Approval Date

Agenda Item #:

Budget Officer

Date

Division Director {optional}

Date

Finance Director {≤ \$5,000}

Date

Department Director

Date

City Manager {≤ \$50,000}

Date

Log # {Finance use only}:

Batch # {Finance use only}:

City of Santa Fe, New Mexico

BUDGET AMENDMENT RESOLUTION (BAR)

DEPARTMENT / DIVISION NAME Finance Department/ Budget Office					DATE 07/12/2016	
ITEM DESCRIPTION	BUSINESS UNIT	LINE ITEM	SUBSIDIARY (.000000)	SUBLEDGER (0000)	INCREASE	DECREASE
EXPENDITURES					(enter as <u>positive</u> #)	(enter as <u>negative</u> #)
Transfer Out - CIP Reallocation Fund	32103	700175		C.3505	5,927	
Transfer Out - CIP Reallocation Fund	32103	700175		C.3716	81,329	
Transfer Out - CIP Reallocation Fund	32103	700175		C.3717	63,073	
Transfer Out - CIP Reallocation Fund	32103	700175		C.3718	88,353	
REVENUES					(enter as <u>negative</u> #)	(enter as <u>positive</u> #)
Transfer In - Senior Center Imp.	32505	600175		C. 3103	(5,927)	
Transfer In - Salvador Perez	32716	600175		C. 3103	(81,329)	
Transfer In - Senior Center Renov.	32717	600175		C. 3103	(63,073)	
Transfer In - Main Library	32718	600175		C. 3103	(88,353)	
JUSTIFICATION: (use additional page if needed) -Attach supporting documentation/memo					0	\$ -

{Complete section below if BAR results
in a net change to ANY Fund}

Fund(s) Affected:	Fund Bal. Increase/ (Decrease):
3103	(238,682)
3505	5,927
3716	81,329
3717	63,073
3718	88,353
TOTAL:	0

Adam Johnson 7/18/2016 Prepared By {print name}		Date		{Use this form for Finance Committee/ City Council agenda items ONLY}		Budget Officer		Date	
Division Director {optional}		Date		CITY COUNCIL APPROVAL		Finance Director {≤ \$5,000}		Date	
Department Director		Date		<div style="border: 1px solid black; width: 100px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 100px; height: 20px; margin-bottom: 5px;"></div>		City Manager {≤ \$50,000}		Date	

Log # (Finance use only):Batch # (Finance use only):

City of Santa Fe, New Mexico

BUDGET AMENDMENT RESOLUTION (BAR)

DEPARTMENT / DIVISION NAME Finance Department/ Budget Office					DATE 07/12/2016	
ITEM DESCRIPTION	BUSINESS UNIT	LINE ITEM	SUBSIDIARY (.000000)	SUBLEDGER (0000)	INCREASE	DECREASE
EXPENDITURES					(enter as <u>positive</u> #)	(enter as <u>negative</u> #)
Transfer Out - CIP Reallocation Fund	32103	700175		C. 3820	238,700	
Transfer Out - Municipal Facilities	32125	700175		C. 3820	46,300	
WIP Construction	32820	572970			285,000	
Transfer Out - CIP Reallocation Fund	32103	700175		C. 5601	3,031	
MRC CIP Fund	52611	TBD			3,031	
Transfer Out - CIP Reallocation Fund	32103	700175		C. 43064	4,775	
Las Acequias Park	423064	TBD			4,775	
REVENUES					(enter as <u>negative</u> #)	(enter as <u>positive</u> #)
Transfer In - La Farge CIP	31820	600175		C.3103	(238,700)	
Transfer In - La Farge CIP	31820	600175		C. 3125	(46,300)	
Transfer In - MRC CIP	51601	600175		C.3103	(3,031)	
Transfer In - Las Acequias Park	413064	600175		C.3103	(4,775)	
JUSTIFICATION: (use additional page if needed) --Attach supporting documentation/memo					\$ 292,806	\$ -

(Complete section below if BAR results
in a net change to ANY Fund)

Fund(s) Affected:	Fund Bal. Increase/ (Decrease):
3103	(246,506)
3125	(46,300)
3820	0
5601	0
43064	0
TOTAL:	(292,806)

Adam Johnson 7/18/2016 Prepared By (print name)		Date		{Use this form for Finance Committee/ City Council agenda items ONLY}	
Division Director (optional)		Date		CITY COUNCIL APPROVAL	
				City Council	
				Approval Date	
Department Director		Date		Agenda Item #: 	
				Budget Officer Date	
				Finance Director {≤ \$5,000} Date	
				City Manager {≤ \$50,000} Date	

Log # (Finance use only):

Batch # (Finance use only):

City of Santa Fe, New Mexico

BUDGET AMENDMENT RESOLUTION (BAR)

DEPARTMENT / DIVISION NAME Finance Department/ Budget Office					DATE 07/12/2016	
ITEM DESCRIPTION	BUSINESS UNIT	LINE ITEM	SUBSIDIARY {.000000}	SUBLEDGER {0000}	INCREASE	DECREASE
EXPENDITURES					{enter as positive #}	{enter as negative #}
Transfer Out - CIP Reallocation Fund	32103	700175		C. 43058	265	
La Resolana Park	423058	TBD			265	
Transfer Out - CIP Reallocation Fund	32103	700175		C. 43034	9,571	
Monica Lucero Park	423034	TBD			9,571	
Transfer Out - CIP Reallocation Fund	32103	700175		C. 43041	180,813	
Water History Musesum	423041	TBD			180,813	
Transfer Out - CIP Reallocation Fund	32103	700175		C. 43058	22,275	
Arroyo Sonrisa	423058	TBD			22,275	
REVENUES					{enter as negative #}	{enter as positive #}
Transfer In - La Resolana Park	413058	600175		C. 3103	(265)	
Transfer In - Monica Lucero	413034	600175		C. 3103	(9,571)	
Transfer In - Water History Musesum	413041	600175		C. 3103	(180,813)	
Transfer In - Arroyo Sonrisa	413058	600175		C. 3103	(22,275)	
JUSTIFICATION: (use additional page if needed) --Attach supporting documentation/memo					\$ 212,924	\$ -

(Complete section below if BAR results
in a net change to ANY Fund)

Fund(s) Affected:	Fund Bal. Increase/ (Decrease):
3103	(212,924)
43058	0
43034	0
43041	0
43058	0
TOTAL:	(212,924)

Adam Johnson 7/18/2016 Prepared By (print name)		Date	(Use this form for Finance Committee/ City Council agenda items ONLY)	Budget Officer		Date	
Division Director (optional)		Date	CITY COUNCIL APPROVAL		Finance Director (< \$5,000)		Date
			City Council Approval Date				
Department Director		Date	Agenda Item #:		City Manager (< \$50,000)		Date
			City Council				

Log # (Finance use only):

Batch # (Finance use only):

City of Santa Fe, New Mexico

BUDGET AMENDMENT RESOLUTION (BAR)

DEPARTMENT / DIVISION NAME Finance Department/ Budget Office					DATE 07/12/2016	
ITEM DESCRIPTION	BUSINESS UNIT	LINE ITEM	SUBSIDIARY {.000000}	SUBLEDGER {0000}	INCREASE	DECREASE
EXPENDITURES					{enter as positive #}	{enter as negative #}
Transfer Out - CIP Reallocation Fund	32103	700175		C. 43601	60,000	
Dancing Ground Phase II	423601	TBD			60,000	
Transfer Out - CIP Reallocation Fund	32103	700175		C.3308	161,585	
Median Landscaping	32308	TBD			161,585	
Transfer Out - CIP Reallocation Fund	32103	700175		C. 3784	41,374	
Network Upgrades - ITT	32784	TBD			41,374	
Transfer Out - CIP Reallocation Fund	32103	700175		C. 3139	1,600,000	
ERP System Replacement	32139	TBD			1,600,000	
REVENUES					{enter as negative #}	{enter as positive #}
Transfer In - Dancing Ground Phase II	413601	600175		C.3103	(60,000)	
Transfer In - Median Landscaping	31308	600175		C.3103	(161,585)	
Transfer In - Network Upgrades ITT	31784	600175		C.3103	(41,374)	
Transfer In - ERP System Replacement	31139	600175		C.3103	(1,600,000)	
JUSTIFICATION: (use additional page if needed) --Attach supporting documentation/memo					\$ 1,862,959	\$ -

(Complete section below if BAR results
in a net change to ANY Fund)

Fund(s) Affected:	Fund Bal. Increase/ (Decrease):
3103	(1,862,959)
43601	0
3308	0
3784	0
3139	0
TOTAL:	(1,862,959)

Adam Johnson 7/18/2016

Prepared By {print name}

Date

(Use this form for Finance Committee/
City Council agenda items ONLY)

CITY COUNCIL APPROVAL

City Council

Approval Date

Agenda Item #:

Budget Officer

Date

Division Director {optional}

Date

Finance Director {≤ \$5,000}

Date

Department Director

Date

City Manager {≤ \$50,000}

Date

Log # {Finance use only}:

Batch # {Finance use only}:

City of Santa Fe, New Mexico

BUDGET AMENDMENT RESOLUTION (BAR)

DEPARTMENT / DIVISION NAME Finance Department/ Budget Office					DATE 07/12/2016	
ITEM DESCRIPTION	BUSINESS UNIT	LINE ITEM	SUBSIDIARY {.000000}	SUBLEDGER {0000}	INCREASE	DECREASE
EXPENDITURES					{enter as <u>positive</u> #}	{enter as <u>negative</u> #}
Transfer Out - General Fund	12013	700175		C.3103	7,259,021	
Inventory Exempt (AED)	12087	572400			25,000	
Other Consulting (City Hall Study)					30,000	
Repair & Maint. (AMERESCO)					54,953	
Operating Supplies	12051	530200			100,000	
Operating Supplies	12052	530200			60,000	
Operating Supplies	12053	530200			130,000	
REVENUES					{enter as <u>negative</u> #}	{enter as <u>positive</u> #}
Transfer In - CIP Reallocation Fund	31103	600175		C. 1001	(7,259,021)	
JUSTIFICATION: (use additional page if needed) --Attach supporting documentation/memo					\$ 399,953	\$ -

{Complete section below if BAR results
in a net change to ANY Fund}

Fund(s) Affected:	Fund Bal. Increase/ (Decrease):
1001	(7,658,974)
3103	7,259,021
TOTAL:	(399,953)

Adam Johnson 7/18/2016

Prepared By {print name}

Date

{Use this form for Finance Committee/
City Council agenda items ONLY}

CITY COUNCIL APPROVAL

City Council

Approval Date

Agenda Item #:

Budget Officer

Date

Division Director {optional/}

Date

Finance Director {≤ \$5,000}

Date

Department Director

Date

City Manager {≤ \$50,000}

Date

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2016-__
Governing Body Procedural Rules

Mayor and Members of the City Council:

We propose the following amendment(s) to Resolution No. 2016-__:

1. In Exhibit A, on page 8 *insert* a new Subsection:
"h. Any vote taken on an item discussed in executive session shall be specific as to the particulars of what is being voted upon."
2. Re-letter the subsequent subsections accordingly.

Respectfully submitted,

Signe I. Lindell, Councilor
Renee D. Villarreal, Councilor

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

Yolanda Y. Vigil, City Clerk

Exhibit "2"

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2016-__
Governing Body Procedural Rules

Mayor and Members of the City Council:

I propose the following amendment(s) to Resolution No. 2016-__:

1. In Exhibit A, on page 5, Subsection F after the first occurrence of "Governing Body" *insert* "the Friday before the scheduled City Council meeting. Items moved from the consent agenda the day of a City Council meeting shall be heard at the following City Council meeting."
2. In Exhibit A, on page 5, Subsection G *delete* "eight (8)" and *insert* in lieu thereof "fourteen (14)"

Respectfully submitted,

Peter N. Ives, Councilor

ADOPTED: _____

NOT ADOPTED: _____

DATE: _____

Yolanda Y. Vigil, City Clerk

Exhibit "B"

The City of Santa Fe recently proposed a new set of procedural rules for the Governing Body. When these proposed rules were first made public, there was an immediate outcry.

The public is concerned that these rules would make it more difficult for them to speak. The rules even limited the extent to which members of the Governing Body could speak and made it more difficult for Councilors to remove an item from the consent calendar for discussion.

These proposed rules would have increased the power given to the Chair (usually the Mayor) and decreased the Council's oversight.

However, the public outcry has had a positive effect. Councilor Carmichael Dominguez, sponsor of the proposed rules, has been working with staff and the public to delete many of the offending passages. He has proposed a substitute bill. It's better.

Under the substitute bill, Councilors will be able to remove items from the consent agenda for discussion just as they do now. This substitute also limits the Chair's discretion on handling certain agenda items and requires their approval by Council.

The section of the rules that deals with public remarks has been changed to make it clear that the Chair cannot just throw someone out of a meeting because the Chair doesn't like what a speaker has said. The Chair can still require speakers to follow the rules to maintain order and, in extraordinary circumstances where a speaker repeatedly flaunts the rules, the Chair has the ability to remove the speaker.

A good Chair, treating speakers with courtesy and tact, will probably never have to resort to that. When Larry Delgado was Mayor, he was often confronted with speakers who were quite angry, but he treated them with respect and they returned the favor. Many of us remember Charlie Griego's fiery speeches during "petitions from the floor" but also remember that they always ended with a polite exchange of "thank you's" between the Mayor and Charlie.

However, there are still some major problems with this new version of the rules.

One big problem is that it still limits the number and duration of times Councilors can publicly speak on any given issue. On many complex issues, especially those that involve a great deal of discussion and negotiation, this not only makes Council discussion incomplete but may well have the effect of driving such discussions behind closed doors.

And this bill still allows the Chair discretion over who on the governing body may speak and how they can do so, which can lead to political gamesmanship.

The Chair is still given a great deal of latitude over how and when members of the public can speak. Again, there is concern that this may lead to unequal treatment of different individuals or groups. The rules should be clearer about when the Chair can consider someone "out of order".

The new rules give some guidance to the Governing Body about executive sessions but do not contain all the provisions on executive sessions that are contained in Resolution 2011-56, which adopted the League of Women Voters position on transparency in local government. It should. It should also be made clear that these rules in no way prevent any member of the Governing Body from raising public objections about a specific executive session if the conditions of the Open Meetings Act have been

Exhibit "4"

violated.

The best thing that the public outcry over the initial set of proposed rules did was to lead to a public hearing where everyone can express their views about these rules.

The substitute bill is on the city's web site under "Legislative Services". The public hearing is Monday, July 18, 5 PM at the Finance Committee in Council Chambers.

If you are interested in these issues, look at the substitute bill and come with your comments.

The City does need rules to run effective meetings, but the rules should always favor more participation and open discussion.

Suggested amendments to the draft procedural rules 7/17/16

All amendments have been proposed by one or more members of the coalition of NM Common Cause, NM Foundation for Open Government, Old Santa Fe Association, and Neighborhood Network.

II.A. Public Decorum

Even as amended, the language is vague and people are concerned that they will be denied their right to speak if their message or demeanor is deemed "out of order" by the chair.

We suggest replacing the amended language with "Consistent with First Amendment principles, the Chair may call any person to order when they are out of order, explaining the reason for such a ruling", followed by the existing language, "If the person continues..".

Please note typos in this section: "roder" for "order", "theya re" for "they are", "tht" for "that", "removel fro" for "removal from".

IV. Meeting Agenda

This section needs further clarification about the role of the entire Governing Body in setting agenda.

IV.A(2). Replace with: "Ordinarily, no item shall placed on the agenda unless it has gone through the committee review process and been recommended for approval by at least one city committee or in accordance with Rule IV.(3) of these Rules. However, any item that has gone through the committee review process but which has not won approval at any committee may be placed on the agenda by a majority vote of the Governing Body". [This is for those rare situations where a majority of the Governing Body approves of an action but, for whatever reason, it has failed to get a majority vote at committee.]

IV.A.(3). Add a new section (c) that states: "Approval of the majority of the Governing Body is necessary for an item to be considered under subsections IV.A.(3)(a) and IV.A.(3)(b) of this rule."

IV.F. Add: "With a majority vote of the Governing Body, a member may also make a motion to remove an item from the consent calendar and place it on an evening session for public discussion at a future meeting where notice requirements for a public hearing can be met."

V. Order of Business

V.A.(7). If efficiency is the primary issue behind changing these rules, you may want to discuss with the City Attorney whether consent calendar votes, either for the main calendar or for items that have been removed for discussion, may be made by voice vote rather than by roll call.

V.A.(14)(a). All the transparency rules that were adopted in Resolution 2011-056 should be here, either explicitly or by reference.

V.A.(14)(e). Add: "However, this in no way should prevent any member of the Governing Body from raising public objections about a specific executive session if he or she thinks that the conditions of the Open Meetings Act have been violated in that session."

VI.E. and VI. G. Totally eliminate these sections as they limit the ability of the members of the Governing Body to speak. These rules are too cumbersome, too open to political manipulation, and run the risk of moving the discussion of crucial issues behind the scene and away from public scrutiny.

VI.H. Amend to: "The parties **and the public**"

VIII.A.(7). Amend to say: "If new information is submitted after the public hearing is closed, the Governing body ~~may~~ **shall** accept public comment on that new information".

VIII.C.(3). Amend to: "the Chair shall restate the question **or ask the maker of the motion to do so and then ...**"

IX.D. Do you want to include what other types of items are required to have at least 5 votes or a supermajority? It would be useful to have that information in one place.

Subject: Re: governing body procedural rules

From: Karen Heldmeyer <kheld@earthlink.net>

Date: 07/17/2016 05:54 PM

To: mayor@santafenm.gov, Carmichael <cadominguez@santafenm.gov>, maharris@santafenm.gov, "IVES, PETER N." <pnives@santafenm.gov>, Sig <s.lindell@comcast.net>, "MAESTAS, JOSEPH M." <jmaestas@santafenm.gov>, "RIVERA, CHRISTOPHER M." <cmrivera@ci.santa-fe.nm.us>, rstrujillo@santafenm.gov, Rene Villarreal <rdvillarreal@santafenm.gov>
CC: MABinSF@AOL.com, Rick Martinez <morgmartinez@yahoo.com>, James Harrington <Harr77@Earthlink.net>, Viki Harrison <VHarrison@commoncause.org>, Susan Boe <director@nmfog.org>, "La Farge, Pen" <penname@cybermesa.com>, Randy Bell <randallbell@qwestoffice.net>
BCC: Jody Larson <dtlars@aol.com>, "dchacon@sfnewmexican.com" <dchacon@sfnewmexican.com>, Mark Oswald <moswald@abqjournal.com>, Inez Russell Gomez <igomez@sfnewmexican.com>, Terry Last <tlast@abqjournal.com>, SFR Editor <editor@sfreporter.com>

I have gotten comments on the commentary and all have been very supportive. Some are asking why the procedural rules even need to be changed.

Several people have said that, given recent Governing Body actions, there should be an additional amendment to the executive session rules that is not in Resolution 2011-56:

V.A.(14)(d) should have an addition at the end that says: "Any vote taken on an item discussed in executive session shall be specific as to the particulars of what is being voted upon."

Subject: governing body procedural rules
From: Karen Heldmeyer <kheld@earthlink.net>
Date: 07/17/2016 09:20 AM

To: mayor@santafenm.gov, Carmichael <cadominguez@santafenm.gov>, maharris@santafenm.gov, "IVES, PETER N." <pnives@santafenm.gov>, Sig <s.lindell@comcast.net>, "MAESTAS, JOSEPH M." <jmaestas@santafenm.gov>, "RIVERA, CHRISTOPHER M." <cmrivera@ci.santa-fe.nm.us>, rstrujillo@santafenm.gov, Rene Villarreal <rdvillarreal@santafenm.gov>
CC: MABinSF@AOL.com, Rick Martinez <morgmartinez@yahoo.com>, James Harrington <Harr77@Earthlink.net>, Viki Harrison <VHarrison@commoncause.org>, Susan Boe <director@nmfog.org>, "La Farge, Pen" <penname@cybermesa.com>, Randy Bell <randallbell@qwestoffice.net>
BCC: Jody Larson <dtlars@aol.com>, "dchacon@sfnewmexican.com" <dchacon@sfnewmexican.com>, Mark Oswald <moswald@abqjournal.com>, Inez Russell Gomez <igomez@sfnewmexican.com>, Terry Last <tlast@abqjournal.com>, SFR Editor <editor@sfreporter.com>

I am attaching a commentary on the proposed procedural rules for the governing body.

It is endorsed by the following groups: NM Common Cause, NM Foundation for Open Government, Old Santa Fe Association, and Santa Fe Neighborhood Network.

We appreciate the work that Councilor Dominguez and staff have done on revising these rules, but we think that there are still important changes that need to be made.

In particular, we are all concerned about the limitations on the Governing Body's ability to openly discuss issues, the description of the circumstances under which public speech can be ruled out of order (with no discussion of First Amendment rights), and the prohibition on members of the governing body disclosing what occurs in executive session when it prevents members from revealing that the Open Meetings Act has been violated.

I am also sending a list of specific amendments to the procedural rules that have been suggested by members of the coalition, including potential corrections to the problems mentioned above.

Please call if you want further clarification or explanation.

Karen Heldmeyer

699-7145

—Attachments:—

procedural rules oped.docx

5.7 KB

procedural rules: council email.docx

5.8 KB