City of Santa Fe

Agenda

REGULAR MEETING OF
THE GOVERNING BODY
AUGUST 30, 2017
CITY COUNCIL CHAMBERS

CITY CLERK'S OFFICE
DATE 8/25/17 TIME 3:05 PM
SERVED BY
RECEIVED BY Melissa Byers

AFTERNOON SESSION – 5:00 P.M.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Regular City Council Meeting – August 9, 2017
9. PRESENTATIONS
10. CONSENT CALENDAR

    a) Request for Approval of Professional Services Agreement in the Amount of $146,808, Exclusive of NMGRT, for Public Utility Rate Evaluation and Financial Services; JMA Municipal Advisors. (Shannon Jones)

    b) Request for Approval of Amendment No. 1 to Professional Services Agreement in the Amount of $255,000 for Tire Recapping Services; Purcell Tire and Service Center. (Lawrence Garcia)

    c) Request for Approval to Accept a New Mexico Urban Search and Rescue (USAR) Distribution Sub Grant for Equipment for the Santa Fe Fire Department and Santa Fe Police Department. (David Silver)

    d) Request for Approval of Amendment No. 1 to the Userful Purchase Agreement in the Amount of $57,738 for Desktop Software within the City of Santa Fe Library System; Userful. (Patricia Hodapp)

    e) Request for Approval of Service Agreement in the Amount of $38,000 (Final Year of Four Year Contract) for a Total Contract Amount of $111,445.35 for Access to Digital Catalog; EBSCO. (Patricia Hodapp)

f) Request for Approval for the Santa Fe Fire Department to Purchase Two Vehicles in the Total Amount of $88,118 Under SPA #70-000-16-00002; Brad Francis Car Company. (Jan Snyder)

g) Request for Approval to Purchase Medical Supplies in Excess of $50,000 Under McKinley County Cooperative Price Agreement (IFB 2014-04); BoundTree Medical and Life-Assist, Inc. (Greg Cliburn)

h) Request for Approval to Purchase Medical Supplies in Excess of $50,000 Under Bernalillo County Cooperative Price Agreement (CCN 2014-0609); Henry Schein, Inc. (Greg Cliburn)

i) Request for Approval of Professional Services Agreement in the Amount of $70,000 for Services in Conjunction with the DUI Court Program; IHS Recovery Program, d/b/a Millennium Treatment Services. (Judge Vigil)

j) Request for Exempt Procurement in the Amount of $69,968 for Continued Implementation and Training of CaseWare Financial Reporting Software; F.H. Black & Company. (Robert Rodarte)

k) Request for Exempt Procurement in the Amount of $50,000 for Continued City Wide Leadership Skills Training; David Markwardt Consulting. (Robert Rodarte and Lynette Trujillo)

l) Request for Approval to Procure Five Work Vehicles for the Facilities Division in the Total Amount of $117,768 Under New Mexico State Price Agreement and CES Cooperative Agreements; Don Chalmers Ford (Rio Rancho) and Power Ford (Albuquerque). (Robert Rodarte)

m) CONSIDERATION OF RESOLUTION NO. 2017-____. (Mayor Gonzales and Councilor Ives)
A Resolution in Support of "El Grito," an Annual Celebration of Mexican Independence Day on September 16, 2017; and Waiving all Associated Fees. (Jesse Guillen)

n) CONSIDERATION OF RESOLUTION NO. 2017-___. (Mayor Gonzales and Councilor Ives)
A Resolution Directing the City Manager to Develop a Feasibility Study Focused on Achieving the Goal of Using 100 Percent Renewable Energy by 2025 for City Facilities and Report Back in 90 Days; and Urging State Elected Leaders to Achieve 100 Percent Renewable Energy for State Facilities. (John Alejandro)

o) Request for Approval to Award RFP# '17/43/P and Approval of Amendment No. 1 to Professional Services Agreement for Fiscal Agent Services; Wells Fargo Bank, N.A. (Adam Johnson)

p) Request for Approval of Site Santa Fe's Application for Temporary Banner Signage to Promote New Iconic Architectural Landmark in Santa Fe. (Nicholas Schiavo)

11. Request to Publish Notice of Public Hearing on September 27, 2017:

a) Community Development Block Grant 2016-2017 Consolidated Annual Performance Evaluation Review (CAPER). (Alexandra Ladd)

b) Assessment of Fair Housing (AFH) and Associated Research as Required by HUD's Community Development Block Grant (CDBG) Program and the New Mexico Mortgage Finance Authority. (Alexandra Ladd)

12. Request for Approval to Purchase 30 Replacement Computer Toughbook Tablets for FY 17/18; Grants & Technology Veterans, LLC. (Deputy Chief Padilla)

13. Request for Approval to Purchase 26 Police Vehicles with Required Equipment for FY 17/18 Under Cooperative Education Services Agreement, State Price Agreements and Federal Government Price Agreements; Don Chalmers Ford, MHQ, MPH, Grants & Technology Veterans, LLC, Digital Ally and Motorola. (Deputy Chief Padilla)

14. Request for Approval of Agreement between the City of Santa Fe and American Federation of State, County and Municipal Employees (AFSCME). (Renee Martinez)

15. MATTERS FROM THE CITY MANAGER

16. MATTERS FROM THE CITY ATTORNEY

Executive Session

In Accordance with the New Mexico Open Meetings Act §§10-15-1(H)(2), (7), and (8) NMSA 1978, Discussion Regarding Limited Personnel Matters, Including, without Limitation, on the Status of Negotiations with AFSCME and the POA; Threatened and Pending Litigation in Which the City of Santa Fe Is or May Become a Participant, Including, without Limitation, Discussion Regarding Case No. 1:17-cv-00827-KK-KRS, *CNSP D/B/A/ NMSURF v. The City of Santa Fe*, and Case No. 1:17-cv-00768-SCY-CG, *Rio Grande Foundation v. City of Santa Fe*; and Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights by the City of Santa Fe, Including, without Limitation, Discussion Relating to the Property Leased to Santa Fe University of Art and Design Located at 1600 St. Michael's Drive. (Kelley Brennan)

17. MATTERS FROM THE CITY CLERK

18. COMMUNICATIONS FROM THE GOVERNING BODY

EVENING SESSION – 7:00 P.M.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. SALUTE TO THE NEW MEXICO FLAG

D. INVOCATION

E. ROLL CALL

F. PETITIONS FROM THE FLOOR

G. APPOINTMENTS

H. PUBLIC HEARINGS:

1) Request from MIX Santa Fe for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Sale/Consumption of Alcohol at the IAIA Museum of Contemporary Native Arts, Allan Houser Park, Which is Within 300 Feet of the Cathedral Basilica of Saint Francis of Assisi, 131 Cathedral Place. The Request is for a MIX Event which will be Held on September 21, 2017, with Alcohol Service from 5:00 p.m. to 7:45 p.m. (Yolanda Y. Vigil)

2) CONSIDERATION OF BILL NO. 2017-15: ADOPTION OF ORDINANCE NO. 2017-__. (Councilor Lindell, Councilor Harris, Councilor Trujillo and Councilor Ives)
An Ordinance Relating to the Santa Fe Traffic Operations Program; Amending Section 24-4 SFCC 1987 to Update Subsections 24-4.2, Findings and Intent; 24-4.3 Definitions; 24-4.4, Violations and 24-4.5, Enforcement. (Deputy Chief Salbidrez and Lt. Gallegos) **(Postponed on July 26, 2017)**

a) CONSIDERATION OF RESOLUTION NO. 2017-___. (Councilor Lindell, Councilor Harris, Councilor Trujillo and Councilor Ives)
A Resolution Directing the City Manager to Restart the Santa Fe Traffic Operations Program (STOP) Permitted by Section 24-4 SFCC 1987. (Deputy Chief Salbidrez and Lt. Gallegos) **(Postponed on July 26, 2017)**

Fiscal Impact:
Expenditures: FY 17/18 = $313,000 and FY 18/19 = $460,000
Revenues: FY 17/18 = $400,000 and FY 18/19 = $500,000

3) CONSIDERATION OF BILL NO. 2017-22: ADOPTION OF ORDINANCE NO. 2017-___. (Councilor Harris and Councilor Ives)
An Ordinance Relating to the Telecommunications in the Public Rights-Of-Way Ordinance; Amending Subsection 27-2.19 SFCC 1987 to Streamline the Land Use Review Process for Telecommunications Facilities in the Public Rights of Way; Amending Subsection 27-2.20 to Include Facilities; and Repealing Subsection 27-21 Relating to the Telecommunications Advisory Committee. (Kelley Brennan and Marcos Martinez)

4) **Case #2017-19. The Village @ 599 General Plan Amendment.** Montoya Land Use Consulting, Agent for Don Juan's Land, LLC - Carlos Garcia, Requests Approval of a General Plan Future Land Use Amendment to Change the Designation from Low Density Residential (3-7 Dwellings/Acre) to High Density Residential (12-29 Dwellings Per Acre) for 19.99 Acres of Land Located on the East Side of South Meadows Road, South of SR 599 and North of Agua Fria Street. (Donna Wynant) (Postponed at July 26, 2017 and August 9, 2017 City Council Meetings) **(Postponed to September 13, 2017)**

5) **Case #2017-20. The Village @ 599 Rezoning.** Montoya Land Use Consulting, Agent for Don Juan's Land, LLC - Carlos Garcia, Requests Approval of Rezoning from R-2 (2 Dwelling Units/Acre) to R-21 (21 Dwelling Units Per Acre) for 19.99 Acres of Land Located on the East Side of South Meadows Road, South of SR 599 and North of Agua Fria Street. (Donna Wynant) (Postponed at July 26, 2017 and August 9, 2017 City Council Meetings) **(Postponed to September 13, 2017)**

I. ADJOURN

Pursuant to the Governing Body Procedural Rules, in the event any agenda items have not been considered prior to 11:30 p.m. such items shall be postponed to a subsequent meeting, provided that the date, time and place of such meeting is specified at the time of postponement.

NOTE: New Mexico law requires the following administrative procedures be followed when conducting "quasi-judicial" hearings. In a "quasi-judicial" hearing all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross-examination. Witnesses have the right to have an attorney present at the hearing.

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6521, five (5) working days prior to meeting date.

SUMMARY INDEX
SANTA FE CITY COUNCIL MEETING
August 30, 2017

ITEM	ACTION	PAGE #
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1-2
APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
CONSENT CALENDAR LISTING		2-4
APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – AUGUST 9, 2017	Approved	4
PRESENTATIONS	None	4
CONSENT CALENDAR DISCUSSION		
REQUEST FOR APPROVAL FOR THE SANTA FE FIRE DEPARTMENT TO PURCHASE TWO VEHICLES IN THE TOTAL AMOUNT OF $88,118 UNDER SPA #70-000-16-00002; BRAD FRANCIS CAR COMPANY	Approved	4-5
REQUEST FOR APPROVAL TO PURCHASE MEDICAL SUPPLIES IN EXCESS OF $50,000 UNDER McKINLEY COUNTY COOPERATIVE PRICE AGREEMENT (IFB 2014-04), BOUNDTREE MEDICAL AND LIFE ASSIST, INC.	Approved	5
REQUEST FOR APPROVAL TO PURCHASE MEDICAL SUPPLIES IN EXCESS OF $50,000 UNDER BERNALILLO COUNTY COOPERATIVE PRICE AGREEMENT (CCN 2014-0609); HENRY SCHEIN, INC.	Approved	5-6
REQUEST FOR EXEMPT PROCUREMENT IN THE AMOUNT OF $50,000 FOR CONTINUED CITY WIDE LEADERSHIP SKILLS TRAINING; DAVID MARKWARDT CONSULTING	Approved w/condition	6-11

ITEM	ACTION	PAGE #
CONSIDERATION OF RESOLUTION NO 2017-61. A RESOLUTION DIRECTING THE CITY MANAGER TO DEVELOP A FEASIBILITY STUDY FOCUSED ON ACHIEVING THE GOAL OF USING 100 PERCENT RENEWABLE ENERGY BY 2025 FOR CITY FACILITIES AND REPORT BACK IN 90 DAYS; AND URGING STATE ELECTED LEADERS TO ACHIEVE 100 PERCENT RENEWABLE ENERGY FOR STATE FACILITIES	Approved	11-13
REQUEST FOR APPROVAL TO AWARD RFP #17/43/P AND APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT FOR FISCAL AGENT SERVICES; WELLS FARGO BANK, N.A.	Approved w/condition	13-25
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END OF CONSENT CALENDAR DISCUSSION **********		
REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON SEPTEMBER 27, 2017:		
COMMUNITY DEVELOPMENT BLOCK GRANT 2016-2017 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REVIEW (CAPER).	Approved	25
ASSESSMENT OF FAIR HOUSING (AFH) AND ASSOCIATED RESEARCH AS REQUIRED BY HUD'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND THE NEW MEXICO MORTGAGE FINANCE AUTHORITY	Approved	25
REQUEST FOR APPROVAL TO PURCHASE 30 REPLACEMENT COMPUTER TOUGHBOOK TABLETS FOR 17/18; GRANTS & TECHNOLOGY VETERANS, LLC	Postponed to 09/13/17	26
REQUEST FOR APPROVAL TO PURCHASE 26 POLICE VEHICLES WITH REQUIRED EQUIPMENT FOR FY 17/18 UNDER COOPERATIVE EDUCATION SERVICES AGREEMENT; STATE PRICE AGREEMENTS AND FEDERAL GOVERNMENT PRICE AGREEMENTS; DON CHALMERS FORD, MHQ, MPH, GRANTS & TECHNOLOGY VETERANS, LLC, DIGITAL ALLY AND MOTOROLA	Postponed to 09/13/17	26

ITEM	ACTION	PAGE #
REQUEST FOR APPROVAL OF AGREEMENT BETWEEN THE CITY OF SANTA FE AND AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME)	Approved	26-27
EVENING SESSION		
CALL TO ORDER AND ROLL CALL	Quorum	28
PETITIONS FROM THE FLOOR		28
APPOINTMENTS	None	28
PUBLIC HEARINGS		
REQUEST FROM MIX SANTA FE FOR A WAIVER OF THE 300 FOOT RESTRICTION AND APPROVAL TO ALLOW THE SALE/CONSUMPTION OF ALCOHOL AT THE IAIA MUSEUM OF CONTEMPORARY NATIVE ARTS, ALLAN HOUSER PARK, WHICH IS WITHIN 300 FEET OF THE CATHEDRAL BASILICA OF ST. FRANCIS OF ASSISI, 131 CATHEDRAL PLACE. THE REQUEST IS FOR A MIX EVENT WHICH WILL BE HELD ON SEPTEMBER 21, 2017, WITH ALCOHOL SERVICE FROM 5:00 PM. TO 7:45 P.M.	Approved	29
CONSIDERATION OF BILL NO. 2017-19: ADOPTION OF ORDINANCE NO. 2017-17. AN ORDINANCE RELATING TO THE SANTA FE TRAFFIC OPERATIONS PROGRAM; AMENDING SECTION 24-4 SFCC 1987, TO UPDATE SUBSECTIONS 24-4.2, FINDINGS AND INTENT; 24-4.3 DEFINITIONS; 24-4.4 VIOLATIONS, AND 24-4.5 ENFORCEMENT	Approved w/conditions	30-45
CONSIDERATION OF RESOLUTION NO 2017-62. A RESOLUTION DIRECTING THE CITY MANAGER TO RESTART THE SANTA FE TRAFFIC OPERATIONS PROGRAM (STOP) PERMITTED BY SECTION 24-4 SFCC 1987	Approved [amended]	30-45

ITEM	ACTION	PAGE #
CONSIDERATION OF BILL NO. 2017-22: ADOPTION OF ORDINANCE NO. 2017-18. AN ORDINANCE RELATING TO THE TELECOMMUNICATIONS IN THE PUBLIC RIGHTS-OF-WAY ORDINANCE; AMENDING SUBSECTION 27-2.19 SFCC 1987, TO STREAMLINE THE LAND USE REVIEW PROCESS FOR TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS OF WAY; AMENDING SUBSECTION 27-2.20	Approved w/conditions [amended]	45-79
CASE #2017-19. THE VILLAGE @ 599 GENERAL PLAN AMENDMENT. MONTOYA LAND USE CONSULTING, AGENT FOR DON JUAN'S LAND, LLC – CARLOS GARCIA, REQUESTS APPROVAL TO AMEND THE GENERAL PLAN FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF PROPERTY COMPRISING 19.99 ACRES OF LAND FROM LOW DENSITY RESIDENTIAL (3-7 DWELLINGS/ACRE) TO HIGH DENSITY RESIDENTIAL (12-29 DWELLINGS/ACRE)	Postponed to 09/13/17	79
CASE #2017-10. THE VILLAGE @ 599 REZONING. MONTOYA LAND USE CONSULTING, AGENT FOR DON JUAN'S LAND, LLC – CARLOS GARCIA, REQUESTS APPROVAL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE, CHANGING THE ZONING CLASSIFICATION OF PROPERTY COMPRISING 19.99 ACRES OF LAND FROM R-2 (RESIDENTIAL, 2 DWELLINGS/ ACRE) TO R-21 (RESIDENTIAL, 21 DWELLINGS/ACRE) AND PROVIDING AN EFFECTIVE DATE)	Postponed to 09/13/17	79
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END OF PUBLIC HEARINGS		
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MATTERS FROM THE CITY MANAGER	None	79
MATTERS FROM THE CITY CLERK	Information/discussion	79
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussio9n	80-83

ITEM	ACTION	PAGE #
EXECUTIVE SESSION	Approved	83
MOTION TO COME OUT OF EXECUTIVE SESSION	Approved	84
ADJOURN		84

MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
August 30, 2017

AFTERNOON SESSION

1. CALL TO ORDER AND ROLL CALL

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Javier M. Gonzales, on Wednesday, August 30, 2017, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

Members Present
Mayor Javier M. Gonzales
Councilor Signe I. Lindell, Mayor Pro-Tem
Councilor Carmichael A. Dominguez
Councilor Mike Harris
Councilor Peter N. Ives
Councilor Joseph M. Maestas
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo
Councilor Renee D. Villarreal

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

6. APPROVAL OF AGENDA

Brian Snyder, City Manager, said Item #13 was not heard by the Finance Committee, so he would like to send it to the Finance Committee on September 5, 2017, and come back to the Governing Body on September 13, 2017.

Councilor Rivera said Item #14 is being heard before the Executive Session, but it was listed for the Executive Session.

Kelley Brennan, City Attorney, said "It was listed for Executive Session before it was ratified, and finally approved, so we will not be discussing it in Executive Session tonight."

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

DISCUSSION: Councilor Dominguez said Items #H(4) and #H(5) on the evening agenda have been postponed to the Governing Body meeting of September 13, 2017. He said he wants staff to make sure the packet is distributed to the Governing Body by Friday, if it is possible. He said these have been before us and postponed several times, noting it is a fairly significant case, and the sooner they get the packet, the sooner the better.

Mr. Snyder said he will make that request. He said the most recent request for postponement was due to the Applicant, and is unsure what that means in terms of us doing things, but he will ensure the request gets out as soon as possible.

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

7. APPROVAL OF CONSENT CALENDAR

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

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

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

Against: None.

10. CONSENT CALENDAR

a) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF $146,808, EXCLUSIVE OF NMGRT, FOR PUBLIC UTILITY RATE EVALUATION AND FINANCIAL SERVICES; JMA MUNICIPAL ADVISORS. (SHANNON JONES)

b) REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF $255,000 FOR TIRE RECAPPING SERVICES; PURCELL TIRE AND SERVICE CENTER. (LAWRENCE GARCIA)

c) REQUEST FOR APPROVAL TO ACCEPT A NEW MEXICO URBAN SEARCH AND RESCUE (USAR) DISTRIBUTION SUB-GRANT FOR EQUIPMENT FOR THE SANTA FE FIRE DEPARTMENT AND SANTA FE POLICE DEPARTMENT. (DAVID SILVER)

d) REQUEST FOR APPROVAL OF AMENDMENT NO 1 TO THE USERFUL PURCHASE AGREEMENT IN THE AMOUNT OF $57,738 FOR DESKTOP SOFTWARE WITHIN THE CITY OF SANTA FE LIBRARY SYSTEM; USERFUL. (PATRICIA HODAPP)

e) REQUEST FOR APPROVAL OF SERVICE AGREEMENT IN THE AMOUNT OF $38,000 (FINAL YEAR OF FOUR YEAR CONTRACT) FOR A TOTAL CONTRACT AMOUNT OF $111,445.35 FOR ACCESS TO DIGITAL CATALOG; EBSCO. (PATRICIA HODAPP)

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

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

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

i) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF $70,000 FOR SERVICES IN CONJUNCTION WITH THE DUI COURT PROGRAM; IHS RECOVERY PROGRAM, D/B/A MILLENNIUM TREATMENT SERVICES. (JUDGE VIGIL)

j) REQUEST FOR EXEMPT PROCUREMENT IN THE AMOUNT OF $69,968 FOR CONTINUED IMPLEMENTATION AND TRAINING OF CASEWARE FINANCIAL REPORTING SOFTWARE; F.H. BLACK & COMPANY. (ROBERT RODARTE)

k) *[Removed for discussion by Councilor Rivera]*

l) REQUEST FOR APPROVAL TO PROCURE FIVE WORK VEHICLES FOR THE FACILITIES DIVISION IN THE TOTAL AMOUNT OF $117,768 UNDER NEW MEXICO STATE PRICE AGREEMENT AND CES COOPERATIVE AGREEMENTS; DON CHALMERS FORD (RIO RANCHO) AND POWER FORD (ALBUQUERQUE). (ROBERT RODARTE.

m) CONSIDERATION OF RESOLUTION NO 2017-60 (MAYOR GONZALES AND COUNCILOR IVES). A RESOLUTION IN SUPPORT OF "EL GRITO," AN ANNUAL CELEBRATION OF MEXICAN INDEPENDENCE DAY ON SEPTEMBER 16, 2017; AND WAIVING ALL ASSOCIATED FEES. (JESSE GUILLEN)

n) *[Removed for discussion by Councilor Harris]*

o) *[Removed for discussion by Councilor Rivera and Councilor Villarreal]*

p) **REQUEST FOR APPROVAL OF SITE SANTA FE'S APPLICATION FOR TEMPORARY BANNER SIGNAGE TO PROMOTE NEW ICONIC ARCHITECTURAL LANDMARK IN SANTA FE. (NICHOLAS SCHIAVO)**

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END OF CONSENT CALENDAR

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8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – AUGUST 9, 2017.

MOTION: Councilor Lindell moved, seconded by Councilor Rivera, to approve the minutes of the Regular City Council Meeting of August 9, 2017, as presented.

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

9. PRESENTATIONS

There were no presentations.

10. CONSENT CALENDAR DISCUSSION

10(f) REQUEST FOR APPROVAL FOR THE SANTA FE FIRE DEPARTMENT TO PURCHASE TWO VEHICLES IN THE TOTAL AMOUNT OF $88,118 UNDER SPA #70-000-16-00002; BRAD FRANCIS CAR COMPANY. (JAN SNYDER)

Councilor Dominguez said he essentially has the same concern on 10(f), 10(g) and 10(h), regarding procurement. We are using a State Price Agreement for the Fire Department as well as a McKinley County Cooperative Price Agreement which he hasn't seen previously.

Jan Snyder, Assistant Fire Chief, said as part of the procurement process, the City of Santa Fe Fire Department utilitizes multiple ways to purchase things. One is the HGAC, or GSA or popular pricing agreements like Fire Rescue GPO. They often go out for 3 quotes for larger items. They also are allowed to piggyback off other contract items which isn't new, and they have done it for 10 or more years. So if a county or municipality has something they want or need, instead of going out to bid and doing all the process, somebody might already have done it for them, so they piggyback off theirs. It saves us the intermediate process without spending money and going out to bid for ourselves.

Councilor Dominguez reiterated his concern is on Items 10(f), 10(g) and 10(h). He said a discussion at the Finance Committee in establishing procurement policy that would ensure it was the most prudent. In this case, we're using the State Price Agreement, McKinley and Bernalillo Counties. He said it was mentioned at Finance that part of that was because the kind of procurement they were doing in medical supplies and was specialized. He said the bottom line is that we need to make sure we get a policy on the table for us to consider when it comes to procurement.

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

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

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

Against: None.

10(g) REQUEST FOR APPROVAL TO PURCHASE MEDICAL SUPPLIES IN EXCESS OF $50,000 UNDER McKINLEY COUNTY COOPERATIVE PRICE AGREEMENT (IFB 2014-04), BOUNDTREE MEDICAL AND LIFE ASSIST, INC. (GREG CLIBURN)

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

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

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

Against: None.

10(h) REQUEST FOR APPROVAL TO PURCHASE MEDICAL SUPPLIES IN EXCESS OF $50,000 UNDER BERNALILLO COUNTY COOPERATIVE PRICE AGREEMENT (CCN 2014-0609); HENRY SCHEIN, INC. (GREG CLIBURN)

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

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

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

Against: None.

Mayor Gonzales said in updating our procurement laws, particularly in assessing how much of the City services and products are purchased outside the City boundary, we need to decide how we configure the Procurement Code in ways that allow for beyond the 5% priority is intentional in assessing the economic opportunities as the result of that. He looks forward for the leadership at the Finance Committee level in being able to bring some updated procurement laws to the City.

Councilor Dominguez said this is an example of efficient government – the last 3 items.

10(k) REQUEST FOR EXEMPT PROCUREMENT IN THE AMOUNT OF $50,000 FOR CONTINUED CITY WIDE LEADERSHIP SKILLS TRAINING; DAVID MARKWARDT CONSULTING (ROBERT RODARTE AND LYNETTE TRUJILLO)

Councilor Rivera asked the difference between exempt procurement versus sole source procurement.

Lynette Trujillo, Director, Human Resources Department, said Mr. Johnson would be the best person to answer, but exempt means they are not going out for bid based on the amount of money, and sole source is the only person doing a particular service.

Ms. Brennan said, "There are also some exempt categories under the Statute and our Ordinance, so it could be in one of those categories. Sole source means you are only going to a single source, and as a procedure, you have follow for that, if you do that."

Councilor Rivera said this item says to him it is a sole source, because he is the only one that could provide training for their specific software, yet that was listed as exempt as well. He is trying to understand the difference between exempt and sole source, and why Markwardt Consulting would fit into that exempt category.

Ms. Brennan said, "And, I'm sorry, I can't answer that question. I'm not familiar with the details of the procurement."

Adam Johnson, Director Finance Department, unfortunately he will have to look into the definition as to exactly why Mr. Markwardt's services qualify for exempt procurement and get back to you on that.

Councilor Rivera said in reading this he had a hard time believing that he was the only one available that could provide these services. He said it's not that he wouldn't be the best to do it, and asked if we need to following some kind of process to verify that he is the right person for the job, or the only person that can do the job.

Mayor Gonzales asked if he would like to request to postpone this item.

Councilor Rivera said the contract is through June 30, 2018, and asked what delaying the training for another month does to her efforts moving forward in training staff.

Ms. Trujillo said it would just wrap up in June, instead of May.

Councilor Rivera said this is the fourth in a series of classes and Ms. Trujillo said that is correct.

Councilor Rivera asked if any people will be starting this "fresh, first time."

Ms. Trujillo said all of them would be, noting there will be 26 people in attendance in this particular class.

Councilor Rivera asked if it would impact the training in the time between now and June 30, 2018, or if we can wait.

Ms. Trujillo said it would be push it a little bit, but it can be completed.

Mayor Rivera said before he moves to postpone, he wants to hear from his colleagues.

Councilor Lindell said we have complete 3 previous contracts and this will be the fourth.

Ms. Trujillo said yes.

Councilor Lindell said then that will make the entire contract $200,000.

Ms. Trujillo said it actually is $100,000.

Councilor Lindell said this contract is for $50,000.

Ms. Trujillo said, "This is to include other trainings and not just the leadership academy. Other departments within the City have asked for and received his services for different types of training, so it is all incorporated into this."

Mr. Snyder said, "I initiated a leadership training program 4 years ago when I became City Manager, and the contract was with David Markwardt because he runs Leadership Santa Fe. We incorporated Leadership Santa Fe into Leadership City of Santa Fe program. And I myself, sat through that 4 years ago, along with my direct reports as long as each department director selected one, I'll call it, up-and-comer within the organization. Somebody that they saw as a future leader, or took initiative, to get training, to go through this Leadership City of Santa Fe program. This will be the fourth year of this. The goal is to work down through the entire organization and get some leadership qualities throughout the organization."

Mr. Snyder continued, "In addition to that, we circle back around after 1-2 years, to make sure that some of those traits that were learned during the program are still in practice, and as a refresher. And then what is being added to, as Lynette mentioned, added to this during the budget process this past year, we expanded our training budget and asked for input from each of the departments as to what training needs are needed. And some of those trainings fit into David's Wheelhouse, from what he provides to the Community College currently, and that's the gist of his scope of work amendment that is before you tonight."

Councilor Lindell asked if people do an evaluation of the training.

Ms. Trujillo said yes.

Councilor Lindell said she would like information on those evaluations, and additionally, a resume might be good to have in the packet.

Mayor Gonzales said, regarding the leadership training as proposed, there is an effort by the administration to move toward a Results Based Accountability model, both by department directors and employees. He asked if any of the training touches on those efforts.

Mr. Snyder said that is a separate effort, noting this was initiated prior to the RBA. He said, "It definitely works in concert with that, in some of the skill sets we are trying to develop throughout the entire organization, but it doesn't speak directly to RBA, and specifically to RBA training. We're working that as a different angle of training. The focus of this is leadership within the organization."

Mayor Gonzales said we have seen an effort in some policies and practices the idea of unconscious bias and how leaders within the City structure are trained in that area, and asked how much of this focus is on those efforts.

Mr. Snyder said, "That is an underlying theme, but it is not a direct theme. That training, what was requested during the budget process, that training will be initiated by the trainer that we are in the process of hiring in HR. That position has been vacant since Chief Gallagher took over the Police Department and vacated that position. So the focus of that training and HR's training will be exactly what you just described, as well as doing on-boarding of employees, front line supervisor training, there are trainings that are needed throughout the organization, that will be the focus. This training that Dave Markwardt will be providing is complementary to that training as well as complementary to the efforts to move RBA forward throughout the organization."

Mayor Gonzales said, "Right, and I don't want to come in toward the end of this process and create some doubt on its effectiveness, because I had a chance to be with David, and I know that he certainly has the credentials. To me, the question is whether what we're paying for is in alignment with some of the desired more immediate needs that the City has, particularly when it comes to mid-level and upper-level managers. So it's not just a $50,000 contract that's going into general leadership training where people, I'm sure, are able to learn things, but that is highly targeted or focused in strategic areas that clearly we're needing to see more of throughout City government. A little more effort in terms of

training and outcomes that allow for employees and department heads to be able to create solutions that come directly out of some of this training that they may be experiencing."

Mr. Snyder said, "All good points, and I believe it touches on every one of those points. The focus of this is multiple. Each department is represented. And now that we're down into the divisions and sections, each department is represented as a whole by at least 2 people from each division, totaling 26 people. So we're touching people throughout the organization. We're breaking down silos, we're opening lines of communication. We're doing a bunch of different things as it relates to the ethics that we're doing for the RBA forward. Basic communication techniques to building what I believe is a quality organization, or moving toward a quality organization, and this effort is to support everything that we've brought before Council in my 10 years as City Manager, to look at... you know, I believe strongly a trained work force is a great work force. And this is just one effort to provide a great training to the staff to complement what we're already doing from HR's perspective, and just to provide it from different angles."

Mr. Snyder continued, "But I think it's important that we grow our leaders within our organization and that is what this is starting to do. And so as we talk about things at my senior staff level, or at Council level, we're using the same verbiage. And I think one of the things we talked about with RBA is our language, and making sure it is able to percolate down through the entire organization, and we're talking the same language, and that's what this is driving toward, I believe."

Mayor Gonzales said leadership training topics make a lot of sense, noting he appreciated Mr. Snyder's last statement that we are trying to grow leaders from within. He asked, based on the number of years that Mr. Markwardt has been involved and we've been doing this, how long before we can evaluate whether people who have participated in this program actually have had some of that upward mobility as a result of the training. He asked Mr. Snyder if he has been able to do an assessment of the employees that have been recognized to participate in this program.

Mr. Snyder said they know that 26 people a year go through this program, this is the 4th year, so we definitely can see the results of that effort. It is important.

Mayor Gonzales would like at some point during the coming year to do some reflective analysis, because it is a great component, with a mandate that employees are recognized and the investment in leadership skills that hopefully yields opportunities for actual upward mobility within the City structure.

Councilor Maestas said he supports what Mr. Snyder is trying to do, and it is a good idea to develop our leaders from within. We need to think about succession planning when someone may be thrust into a leadership positions. He said he has known Mr. Markwardt, noting he was in the New Mexico class of 2001, and helped him with his executive team when he was the Mayor. He said, from a procurement standpoint, if were to aggregate all the services we're hiring him for, it would much more difficult to find quality providers and this is the benefit because he provides a multitude of leadership related training. He sees no problem in evaluating the program and then figuring out where to go from there.

Mayor Gonzales said we also could work with Mr. Markwardt as he is mapping and developing leadership courses that align with results based accountability or other areas on which we are trying to focus.

Councilor Ives is glad to hear of the other training he is providing, noting this is a brand new agreement according to the packet. He was unclear on the purpose of the exemption given the circumstance. He said that he has been doing this provides good reason to have him continue doing that, so he is glad to hear that. He noted the insurance clause waiver for non-liability PSA, and understands the thinking behind that. The first section of the memorandum says it is seeking a waiver of the City conditions requiring contractors to name the City as an additional insured and provide proof of insurance as a condition of the City contract. He said it doesn't seem to apply to the entirety of the insurance provision where it talks about Workers Compensation and other provisions. He want to be clear about what is being waived, and that needs to be clarify in the final agreement.

Mr. Johnson said they looked up the procurement section with regard to exempt procurements, and the language of this sections provides that professional services under $50,000 are exempt from the competitive bidding process. The Council could approve up to $50,000 as stated in the agenda, otherwise, we could come back with it at another time, noting this is an exemption in the Procurement Code – professional services under $50,000.

Councilor Rivera said then the City Manager can sign this contract without coming through the Governing Body.

Mr. Johnson said Mr. Markwardt's services have been used over time, pointing out that the contract is coming through the Governing Body for approval.

Councilor Rivera said this is a new agreement, but we have used Mr. Markwardt 4 times previously, and asked if this is a new $50,000 contract, or does it continue to add up to the point it has to come before the Governing Body because it's over the $50,000 threshold.

Mr. Snyder said it's a new $50,000, but his services have been utilized his services for 3 years, and the Procurement Officer said the cumulative effect requires us to come back to the Governing Body, and he wasn't comfortable in him signing-off because of the past PSA's we've had with him.

Councilor Rivera asked what is the aggregate of those contracts.

Ms. Trujillo said it is a total of $100,000 for all 4 components, including this $50,000.

Councilor Rivera said since this is a new contract he doesn't understand the reason Mr. Snyder can't just sign this contract on his own.

Mr. Johnson said he thinks we are erring on the side of being conservative, although there are arguments against bringing it for approval of the full Governing Body, Mr. Snyder decided to bring it here for approval. He said the contract approval should be for $49,999.99.

MOTION: Councilor Ives moved, seconded by Councilor Maestas, to approve this request, with a maximum contract price of $49,999.99.

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

For: Mayor Gonzales, Councilor Dominguez, Councilor Harris, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Trujillo and Councilor Villarreal.

Against: Councilor Rivera

10(n) CONSIDERATION OF RESOLUTION NO 2017-61 (MAYOR GONZALES AND COUNCILOR IVES). A RESOLUTION DIRECTING THE CITY MANAGER TO DEVELOP A FEASIBILITY STUDY FOCUSED ON ACHIEVING THE GOAL OF USING 100 PERCENT RENEWABLE ENERGY BY 2025 FOR CITY FACILITIES AND REPORT BACK IN 90 DAYS; AND URGING STATE ELECTED LEADERS TO ACHIEVE 100 PERCENT RENEWABLE ENERGY FOR STATE FACILITIES. (JOHN ALEJANDRO)

Councilor Harris asked the status of 25-year plan being driven by the Sustainable Santa Fe Commission.

Mr. Alejandro said that is being drafted as we speak, noting they plan to deliver a draft by the end of October, first week of November.

Councilor Harris noted he attended the public hearing at the GCCC. He asked if consolidation of City facilities will be considered, saying we need to acknowledge the inefficiency of the 5 facilities scattered across the City.

Mayor Gonzales said the City spends $5-$6 million annually for energy costs, noting a large portion is going toward buildings which are highly inefficient. He said the cost to get the buildings to get energy efficiency does not exist. There is an opportunity for the administration to come forward to think smarter about replacing the current payment in moving toward consolidation of a campus, or a location where buildings have that ability to get us to the net zero environment. This opens the door for the City Manager, Public Works Director and others to present a smarter option for long term use of City facilities while meeting some of our environmental goals.

Councilor Harris agreed with the Mayor, but asked if the 90 days to do this sufficient time, and would like flexibility on that.

Mayor Gonzales said he wouldn't expect there would be a full written plan for how to get there, but there will be a strong nod in a direction on what we would have to do to get there. We haven't had that conversation, although that material is ready for the administration to consider this as an option for

consideration by the Governing Body. He didn't think he would have an actual work plan on how to get there in 90 days, but concurrence from the Council to consider the paths brought forward as recommendations.

Mr. Snyder agreed, noting we have been working on this for years, and the plan here would be to report back to the Governing Body in 90 days with the opportunities we see to meet this goal by 2025. It will be a well thought out plan for discussion purposes, but it won't be finalized.

Councilor Harris said he is pleased the Mayor said the Public Works Director will be a key player because of his experience with the City around renewable energy and energy efficience.

Councilor Harris asked Mr. Snyder if we do we have a good inventory of our facilities.

Mr. Snyder said yes. He has started meeting with a select group across the City to look at building consolidation, and we have identified those facilities and have a good handle on what is involved.

Councilor Harris said Ameresco represents our best and most current inventory.

Mr. Snyder said that definitely is part of the tools we have in our tool belt to move this forward.

MOTION: Councilor Harris moved, seconded by Councilor Villarreal, to adopt Resolution No. 2017-61.

DISCUSSION: Councilor Maestas asked the timing on the Sustainability Plan.

Mr. Alejandro reiterated they will deliver a final draft by the end of October or the first week in November.

Councilor Maestas would like the recommendations of this initiative and the draft Sustainability Plan, so we can know what is involved in achieved in achieving the 2040 goal. His hope that the draft plan quantifies any potential measures in terms of carbon reduction estimates and we can see the role of our facilities being 100% renewable. He said Mr. Alejandro has said accomplishing this will get us about 10% toward the 2040 goal.

Mayor Gonzales said the City does need to lead by example, but we need the rest of the community to help fulfill our goal of being carbon neutral by 2025.

Councilor Rivera asked if we are going to build on other studies, one done by Mr. Schiavo, and asked if he was able to find anything such as the LEDs.

Nick Schiavo, Director, Public Works Department, said a few months ago as we worked through the energy audit work with Ameresco, we put some light meters in this room so we could take light measurement throughout the day and the evening. He said they have delivered a schematic of the room, took several pictures, and they will be providing some recommendations as to what we can do in this room in terms of lighting – simple replacements or whole grade fixture retrofits, so we will have that information available.

Mr. Alejandro said he has yet to confer with the Public Works Director to get a sense of what analysis or assessments actually were done on this room. He said that may be supplemental to the information they will be receiving shortly.

Councilor Maestas suggested that we push for a House and Senate bill since we're pushing this particular Senate Bill, and ensure it is on the radar for our legislative agenda.

Mayor Gonzales said we are the State Capitol, and there are opportunities through community solar and project participation agreements to combine costs mutually to fund some of that.

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

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

Against: None.

10(o) REQUEST FOR APPROVAL TO AWARD RFP #17/43/P AND APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT FOR FISCAL AGENT SERVICES; WELLS FARGO BANK, N.A. (ADAM JOHNSON)

A copy of an information sheet from *Wells Fargo 2015 YE* is incorporated herewith to these minutes as Exhibit "1."

A copy of *Our Commitment* prepared by Wells Fargo & Company, Corporate Social Responsibility Interim Report 2016, is incorporated herewith to these minutes as Exhibit "2."

The Governing Body commented and asked questions as follows:

- Councilor Rivera said the packet put together by Mr. Johnson is excellent, and the supplemental information provided from Wells Fargo is excellent as well. He is glad to see that Wells Fargo has a commitment to ethical business dealings, supporting communities, respecting human rights and protecting the environment moving forward. He said his issue is more with part dealings and issues in which Wells Fargo has been involved, specifically the North Dakota Access Pipeline. He appreciates the work that has been done, and appreciates what the other banks can provide. He just has a hard time supporting this in view of what Wells Fargo has been involved in. "I just wanted to put that out and make that known."

- Mayor Gonzales said we started this process intentionally to try to create more participation by local banks and how the RFP could be written so we would get responses by local banks. We also expressed concern about the company's practices which have been acknowledged nationally, in its retail as well as in its investment practices. The issue of investing in fossil fuel production in other areas was not necessary in alignment with the City's values when it came to our views on

the environment. He had hoped that there would be a response by a local bank that created alignment with some of these key values. Money kept in the community, and not used to invest in areas that are counter to the beliefs and values of our community. However that didn't happen. He asked staff to address the expressed intent at the beginning to select a fiscal agent that would be in alignment to those key values.

Mr. Johnson said they are not here to defend Wells Fargo in regard to any of its previous practices. There is no way for staff to take those items on, and he attempted to create an innovative process to evaluate the various respondents based on community initiatives. That has been included in the proposal, and had that discussion with the Governing Body for approval of that proposal. He said staff thinks that was useful in fleshing about the alignment of this City's values built into this evaluation process. They asked all respondents to provide and highlight its Community Reinvestment Act ratings, investment in local economic development, access to credit by residents and its philanthropic work.

Mr. Johnson continued, saying this approach was unprecedented and has been picked up by other communities requesting copies of our unique RFP so they could incorporate it into their process in choosing their fiscal services aligned with their community values.

Mr. Johnson presented some of Wells Fargo's community initiatives in Santa Fe, and highlighted information regarding this matter as set out in the Committee packet. Please see this document for specifics of this presentation.

- Mayor Gonzales said, "Coming back to the issue of the values that we were hoping to achieve here was that no City money would be used to fund the support or investment in the area of fossil fuel development." He a Resolution will be introduced tonight asking the City Council to modify our investment policy that would not allow for that. He asked, "Do you believe that if this approved tonight that there could be a condition that assures the public that the investment dollars of the City will not go toward, or be used or could be used by Wells Fargo to go toward any type of fossil fuel investment."

  Mr. Johnson said, "I believe that, in addition to the Investment Policy stated explicitly should the Governing Body like to do that, it would be a step in the right direction, but it's explicitly stated in the investment policy. Given the investments that are managed by Wells Fargo as well as our deposits collateralized at the rates they are at, I don't see any issues with regard to either of those investments or deposits would be invested in fossil fuel investments."

- Mayor Gonzales said he went into this, believing it might be as simple as his own checking account, where we could establish a relationship easily with banking institution, move funds, and begin conducting transactions. He said Mr. Johnson has talked about a number of transactions from different sources requiring sophisticated infrastructure. He asked some of the services the City will that will meet the fiduciary responsibility of proper management of funds from an accountability standpoint. Key services that separate this request from other options.

Mr. Johnson said the thing that is very clear is, given Wells Fargo's interest in this market with other municipalities as the State, they have developed sophisticated and proprietary technologies that are the full suite of the needs of any entity of our size. He said in looking at the respondents, the online banking pools, the suite is self contained and proprietary to Wells Fargo and exhibits a sense of safeguarding far beyond what was presented by the other respondents. The evaluation team that we were being exposed to a risk we didn't understand if we went with any of the other bidders.

- Responding to Mayor Gonzales, Mr. Johnson said a significant internal control improvement is Wells Fargo's ability to map into our current and future ERP systems, the ability to look exactly at transactions coming in and going out to various agencies and vendors and create a direct pass through so manual operation in many cases is not needed. He said Wells Fargo said they have folks working on the potential risk of fraud in the various areas of cyberspace, and we get information from them about potential areas of fraud for which we should be looking out.

- Mayor Gonzales said in looking at the order of recommendations, the second highest was the Bank of Albuquerque, and Mr. Johnson said that is correct. He asked where Bank of Albuquerque is headquartered.

  Mr. Johnson said it is headquartered in Tulsa, Oklahoma.

- Mayor Gonzales said he presumes there are legal parameters with regard to our choices. He said if we were to decline the recommendation of Wells Fargo and instead chose the Bank of Albuquerque, what is its similar presence in our City in terms of employees and contributions to the community.

  Mr. Johnson said the Bank of Albuquerque in Santa Fe is staffed by two individuals living in the City of Santa Fe. Secondly, the Bank of Albuquerque did not respond to the community initiative section of the RFP. We couldn't get a sense of their services, and did interview them, and during that process we received a response regarding the community initiative section, that provided no quantifiable data in comparison to the Wells Fargo response, so there was nothing to be done with that. If the City were to go with the Bank of Albuquerque or another institution would be a bank transition, which could take 6 months to a year and cost the City $25,000. Staff assessment was their technology basically finished where Wells Fargo starts, and its price was significantly than Wells Fargo. It also did not call into question the idea of price negotiation because there was no comparison.

- Mayor Gonzales asked Mr. Johnson to address the City's flexibility in the decision, if it decided to go down that path. It appears the only two locally managed banks were Century Bank and Los Alamos National Bank, noting New Bank and Trust is out of Dubuque, Iowa.

- Mayor Gonzales said there was an evaluation process with LANB in the packet, that they felt it was best to stop at that point, and asked if there can be a public explanation. Regarding Century Bank, he asked if has the infrastructure to support the fiscal service needs highlighted as key priorities.

  Mr. Johnson said, regarding LANB, the packet discussed the recent 10(k) filings by LANB. One of the things explicit in the RFP is that portions of the City's business could responded to. In this case, LANB responded to offering an account for payroll and to open an investment account with Charles Schwab, and to do merchant offerings. However, the price didn't justify the annual costs to peel off these services.

  Mr. Johnson said, with regard to the 10(k) filing, "I would simply state that the many financial institutions were hurt by the great recession, and many still continue to round the curve of the things that got them into trouble, and LANB definitely is one of those and definitely does a great service to our community. At the time of our review of the RFP the evaluators could not get comfortable with the information that was provided."

  Mr. Johnson said Century Bank responded explicitly to the trust services, but the City need to explain to the Council and the public, the trust account is simply a pass through account by which we hold the investments for the City. Century Bank appeared to be able to provide the service, the fee more than 3 times the current price paid by the City for the same services. The reality is those fees get passed almost directly to the custody account out of state. He said the fees charged by Century would be earned by an out-of-state company.

- Mayor Gonzales asked Ms. Brennan to comment on the process followed and the options for the Council in considering this request.

  Ms. Brennan said, "The process seems to me to have been very thorough and well organized, and purporting to be excellent, but that is, of course, up to you. What I would say is that you do, and again, it's a factor in the RFP in how it's worded, but typically, we do not have to contract with somebody that we don't want to contract with. If you do, this body has the primary responsibility for the financial and fiscal well being of the City."

  Ms. Brennan continued, "And so I would say if you were not going to forward with this recommendation, it might pay to take time to the next meeting to look at the package of people you would recommend, since some of them do not offer complete services. Because, as people who have the fiscal responsibility for the organization, you would want to make sure that all bases were covered, and that the costs of that, and the uses of funds of our fees were reasonable. So you do have the authority to contract with who you want. Within your responsibilities is one Adam was talking about. Fiduciary duties. Those are duties that you hold."

- Mayor Gonzales asked Mr. Johnson if he understood the values the Council wanted to achieve in going down this path when he began this process, and if yes, state whether those values and desires have been met.

Mr. Johnson said, "Beyond the fiscal responsibilities which are difficult for me to get past on a daily basis, what I believe we did was create a very innovative process to include that discussion and include that in the analysis. Whether or not we were explicit in stating what those values are, I don't know that we achieved. Within the tools we have in our tool belt within the industry to look at how do your reflect that, incorporating the loan value, incorporating their community reinvestment act ratings, incorporating the *[inaudible]* investment directly into the City, I believe we achieved that and brought forth very important information for this body and the community to be able to digest in this very large decision."

- Mayor Gonzales asked, "Do you believe that if the Council modifies its investment policy to limit any City funds from going into investments that support fossil fuel production or any other area of the American industry, it doesn't necessarily respond that you have the tool set with this contract to be able to meet that mandate."

  Mr. Johnson said he believes that is the case, but they would need to have a bit of a sophisticated process to look at exactly the nuances of that request and look at the landscape, and particularly the legal landscape for how you truly achieve that, noting there are other institutions requiring that.

- Councilor Villarreal thanked staff for this rigorous and laborious process. The community initiative piece was important to the Governing Body to be sure our values aligned with the Applicant's. She said they went into all of the details at Finance Committee, but the reporting wasn't very clear with regard to the details of test questions and dialogue the Finance Committee had. The Committee asked a lot of questions of Wells Fargo and Mr. Johnson. She said the list of other banks that applied didn't meet the mark we were looking for, and reiterated the various issues on the bids discussed by Mr. Johnson. She said it was obvious from the answer from Wells Fargo, that the local branch does not set national, corporate policy. Wells Fargo indicated it doesn't agree with all the corporate practices and it doesn't speak to their vision. They indicated what they contribute locally and its volunteer activities. She was pleased to hear Wells Fargo does training, cultural competency and diversity training, but she thinks those should be provided at the corporate shareholder level, because she thinks they need it.

- Councilor Villarreal continued, saying she appreciates all the hardworking employees at Wells Fargo. Still has a question. She said the Public Banking Task Force is working to see what it can look like in the City, and she wonders if the Governing Body were to decide to go forward, would there be a conflict with the Wells Fargo contract, or some kind of penalty involved if we move forward with the public bank, but we can't operate due to some unforeseen language in the terms of the contract with Wells Fargo and that it's 4 years. And if we finish our process with the public banking, what that looks like and can you comment on that.

  Mr. Johnson said there is no penalty and the Governing Body has the right to get out of the contract, and ultimately does have the ability to withhold appropriation on an annual bases, commenting Ms. Brennan can speak further to that.

Mr. Johnson continued, saying secondly, one of the things that needs to be worked out with regard to the public bank is whether or not it will need a fiscal agent, or it actually will have the infrastructure to run $560 million in transaction. That is to be worked out by the process that is underway.

Mr. Johnson continued, saying for example, the State Treasurer is not an actual bank, although it functions like a bank. The New Mexico Finance Authority also has a fiscal agent, so there's nothing at this time that would prohibit the future advancement of that initiative.

Ms. Brennan said, "I would also say that if a public bank proceeds, it probably will take a very extended period of time to get to the point where that would even become a question."

- Councilor Villarreal said then we can get out of the contract with Wells Fargo if we want to. She asked if there is anything in the contract that would prohibit some of our transactions, or things that would be related to utilizing a public bank with taxpayer dollars.

Mr. Johnson said, "To the extent that we could fully understand the legal nature of that entity at this point in time, I don't see why Wells Fargo and the City of Santa Fe's public bank could not do transactions with each other."

- Councilor Villarreal said, "Are you sure Adam. Just making sure."

Ms. Brennan said, "I agree with Adam."

- Councilor Maestas said Mr. Johnson and staff have done a good job, and we've streamlined a lot of our financial practices. He said next to budget approval, fiscal agency is our second most financial management related decision that this Governing Body makes, so it's very important. He looked at the criteria and scoring and has no doubt about the thoroughness of selection. He said it is impossible to ignore a lot of the national corporate issues that have occurred, including the Dakota Access Pipeline. More recently, the fraudulent accounts that were set up, the auto insurance program – Wells Fargo is slow to react to the congressional pressure. There's not enough distance and the fallout is still happening today. He has no doubt the Santa Fe Branch of Wells Fargo hires good people, our neighbors, and do a lot for the community. We have the obligation as decision makers to consider everything Wells Fargo entails and represents.

- Councilor Maestas continued, saying some of the corporate issues are much too fresh and things are still evolving in terms of Congressional pressure. He feels "tortured," because of everything you've done to get us to this to this point and it is your baby. However, all the great things you did, this corporation doesn't have the best reputation right now, and is trying to deal with a lot of the fallout. He isn't very happy about how things are evolving in terms of responding to this.

- Councilor Maestas continued, saying people can say exploiting people in setting up the fraudulent accounts was localized. However, it happened, and it was a culture spawned in an environment lacking leadership. He thinks there are some corporate culture issues that exist, but he doesn't know if it reaches all the way to the Santa Fe level. He does know Santa Fe isn't an Aspen or a Vail. We have a much more diverse demographic, and we have a lot of people that work hard for their money. He said one of the first things these people do is set up a checking account, and he would hate for any of our folks to be exploited in any way. He said he isn't saying the potential is there, but the fact that did happen in another part of this corporation is very alarming to him. He said this is a situation where he has to look at the ethical side, as well as the facts. He has a lot of difficulty in accepting the entire corporation, even in the context of a fiscal agent contract.

- Mayor Gonzales said Councilor Maestas is an engineer and seeks facts, but engineers also seek solutions. He said we set this up intentionally to try to get local banks involved. He said to decline the recommendation is one thing, but the options forward aren't easy because of the ability for other options to present itself to assure the public the issue of fiscal responsibility and what we're taking into account is being met.

- Mayor Gonzales continued saying we can say no tonight, but we have to provide direction. He doesn't think going to the second rated bank out of Tulsa will address the issues with two employees here. He has struggled to find solutions that happen at the local level. He wants to understand more about "then what."

- Councilor Maestas said he implied that we were doing separate services, and in the process of streamlining, a lot of our financial management practices started expanding the scope of fiscal agency. He said we could peel off services and create packages and reduce the total scope of the contract to allow other banks to compete – look at the scope and see if there are any aspects that we can procure separately outside the fiscal agent umbrella.

- Mayor Gonzales believes the procurement was set up to do that so the smaller banks could respond on individual aspects of the scope. He asked Mr. Johnson to speak to possibly shrinking the scope to allow for local participation what does that look like.

  Councilor Maestas said there is State Statute requiring local governments to use local banks, but beyond that he can't explain or expound on that, and asked Mr. Johnson to weave that into his response.

  Mr. Johnson said it's not that the other institutions that had the City's deposits were providing services, they simply had deposits spread out in an uneconomical way across institutions. What we did was streamline that process and brought them into the trust account to maximize the return on investment.

  Mr. Johnson continued, saying he believes Councilor Maestas was referring to an obligation with a CD portfolio to look with the local community spread out of the CD's.

Mr. Johnson continued, saying a number of very positive opportunities to come out of this process, one of which is the CD investment portfolio and when those mature, and we are letting all institutions know we have deposits available. The program positions the City to participate in a very robust/hot economy where there is more demand for lending to be more participatory in providing the deposits needed to meet that demand.

- Mayor Gonzales noted the City modified its fiscal agent requirements from 102% of deposits in reserve to 50%.

Mr. Johnson noted the State has 4 level of collateralization of its deposits.

- Councilor Maestas asked if portfolio management integral to being a fiscal agent.

Mr. Johnson said the trust account is what is needed as a fiscal agency. The portfolio management actually is handled in-house by the Treasury Division of the Finance Department.

- Councilor Dominguez thanked staff for their work, noting direction was very clear in terms of community values. He thanked the Mayor for his comment about his checking account, because a lot of people think this is just like opening a checking accounting, commenting that $500 million isn't easy to manage.

- Councilor Dominguez continued, saying regarding the idea of spreading our deposits, that practice is what got us in trouble in the first place. As we restructured the budget, we took those things into consideration. He holds no ill will to anyone who votes for or against this request. He has trepidation himself, and we tried to articulate our concerns through the RFP process. He said we can't just put our cash in a cash box in the Finance Office, and we have to work with these banking institutions. He said if we were a larger municipality there would be other options.

- Councilor Dominguez continued, saying our fiscal needs are important. However, for the first time we are giving points for community investment. He asked Mr. Johnson to talk about that.

Mr. Johnson said it speaks to what the heart of the community initiative section of the RFP was intended to capture. It is a new part of this process "for the world, really, when it comes to investments," and the details of how to quantify what is aligned with various environmental, social values is being fleshed world-wide because it's important to people. In this process, we looked to build upon what others have done in larger organizations within the World Bank and others. We looked to see if the Community Reinvestment Act ratings, requesting specific data about the investment in Santa Fe and New Mexico. The responses received were "hands-down more detailed" from Wells Fargo than any other one we received, and it was scored accordingly.

- Councilor Dominguez said it indicates that we are making a shift in addressing concerns brought up by Councilor Maestas with regard to Wells Fargo. He thinks anything brought forward probably would have some issues whether Wells Fargo or other banks that have had issues in the past.

- Councilor Dominguez said it is important to recognize the investment we have made in technology, system upgrades, which have been made so we can be more fiscally responsible, and to have the ability to give employees pay increases, streamline process so we don't get into the mess we were in previously where we had too many things to govern and take care.

- Councilor Dominguez continued, saying we can choose only from competitors who respond – we can't make them do something they don't want to. We have choices. We can send this out to rebid, commenting Wells Fargo probably would be the number one choice again. We can take the second choice, and see what its investment is in fossil fuels.

- Councilor Dominguez continued, noting there were no appeals on the awarding of this RFP.

  Mr. Johnson said there were no protests to the results of the process.

- Councilor Dominguez said so something like having a fiscal agent is not a simple choice.

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

DISCUSSION: Councilor Ives agrees with many statements made by his fellow Councilors, and thanked staff for a detailed and lengthy and thorough process. He said he can find something in any large organization that we don't like about what it has done in the past. He said Wells Fargo with the fraudulent accounts and other actions fall subject to the criticism. Councilor Ives noted what Wells Fargo is doing in our community on packet page 11, where Wells Fargo talks about its support and actions that benefit Santa Fe and in other communities. Please see packet pages 11-13 for this information.

Councilor Ives continued, saying Wells Fargo representatives have said they in no way condone or respect whatever decisions were made to engage in those activities. He said given the number of responses made, he believes moving forward with Wells Fargo is the logical choice, commenting there is no perfect choice. He said perhaps the only perfect choice in time will be a public bank, and hopefully that will provide a viable alternative for some of these measures. He thanked everyone on the evaluation team for the thoroughness of this process. He is satisfied that Wells Fargo, although not perfect, is the best alternative among those responding, and has shown a significant commitment to the Santa Fe community.

Councilor Harris noted Katie Updike was one of the lead person in developing the feasibility for the public bank, and understands the finances of the City more than most. He said it is clear that Wells Fargo Bank ranks the highest in the fiduciary requirements as well as the general service requirements. He said the question has been asked if Wells Fargo is a responsible corporate citizen, and there is no question it is. He said at Finance Committee, members of Wells Fargo, including the Regional Manager acknowledged that they are embarrassed about the bad practices. He said they are working to improve those.

Councilor Harris noted there is a list of awards and recognitions in the packet for Wells Fargo, including the Points of Light Civic 500 in 2016, and other things addressing climate issues.

Councilor Harris read a closing paragraph from a news article today, *'Wells Fargo, the nation's largest mortgage lender, said Monday it is suspending all negative reporting to credit bureaus, collection calls and foreclosure procedures, against customers in the impacted communities [by Hurricane Harvey] at least through the end of September.'* He thinks Wells Fargo should be given the opportunity in Santa Fe and nation-wide, to improve its standing in the public. He is in favor of awarding this contract to Wells Fargo.

Councilor Trujillo said the hard part is getting past what has happened at the national level. He has had emails, calls, and the majority told him to vote no on this contract. He said he has heard from staff is it does a good job.

Mr. Johnson said representatives from Wells Fargo are here to take any questions.

Councilor Dominguez said he will speak on behalf of the Finance Committee. He said the Committee did "grill" Wells Fargo and asked tough questions, and why they should be awarded the contract.

Councilor Trujillo said he would like to hear from Wells Fargo.

Mayor Gonzales noted the letter in the packet from Wells Fargo, and Councilor has opened for a closing remark so we can move on it.

Kathleen McClure White, Division Manager, Executive Vice President, Wells Fargo, said she leads the Division at the Bank that manages local, municipal clients. The team here tonight does the management for the relationship with the City. She also is Executive Leader for comments generally for Wells Fargo. She said the process at Finance Committee and the RFP team was transparent, asked the right questions, and asked the questions the Governing Body has most in mind to find the very best provider of financial services for the City.

Ms. McClure White continued, saying Wells Fargo has provided financial services to the City since 2005, and they feel comfortable that what they do every day is in the best interest of the City. They are extremely proud of all of the work that Wells Fargo does in the community. She said, "I am not proud, and none of us are proud of what happened in other parts of the Bank. But you have my promise, and you have the commitment of my entire team that we will continue to uphold the same level of integrity, honest and openness that we have had with the City for the past 12 years. So I just want to close by saying we greatly value the relationship that we have and we believe that we are the right choice for the City. We are happy to come back at any point in time to report on the progress we are making as a bank. I believe a lot of very good things are happening that are going to help us turn the corner."

Ms. McClure White continued, "I do want to mention, and Councilor Maestas you did bring this up, the *[inaudible]* continuous, it's an evolving process. One of the things we did is we did the Sales Practice issue covered a period from 2011 to 2015. Our new CEO, the new leader of community bank and our Board of Directors, decided to extend the investigation period to make sure we uncovered any customer who had any type of *[inaudible]* treatment. That process is coming to a close. It extended the period from that 4 years to almost 8 years, and it also included a thorough review of every *[inaudible]* business in the bank. So those results are going to be disclosed or shared with our clients, customers, shareholders. So as you

said, it's an evolving process. We don't think that everything is behind us, but it isn't new news, it's kind of the same news, but a bigger broader spectrum of news. And I do just want to make sure that we all know that we're on the right path, we're committed to doing the right thing for the City. We're happy to come back and report on our progress at any time you would like us. And we are very happy to continue serving the City of Santa Fe, if that is your decision."

Councilor Trujillo thanked her for her remarks, commenting that it didn't happen in Santa Fe at your branches. He said it is a black eye on Wells Fargo, "and you guys are trying to get that resolved, and it will take a while, but I will stand in support of you continuing as our Banker, so just wanted you know. So thank you."

Councilor Villarreal asked if the motion includes that there will be a provision that there will be no investment into fossil fuel production will be part of this contract.

Mayor Gonzales said he was going to ask for that as a friendly amendment, commenting they will be coming forward with a modification of the investment policy that would require that, and asked if that can be in the contract.

Ms. Brennan said, "I believe you can, but I think in order to be effective across the board, it should be more appropriately in an amendment to the Investment Policy. And I think we can bring that forward very quickly."

Mayor Gonzales said he feels there is concern, once that this is approved, whether there is the ability to ensure that City monies would not be used in the area of fossil fuels, and there would be a provision to be able to come back and say we could include this in the agreement in accordance with the direction of the Council. The concern is we would approve the contract without this provision in place as a condition, and then we're locked out from coming back and opening the contract on how the management is dealt with.

Mr. Johnson said, "Certainly, if we put that provision into the approval, then we obviously would enter into a process by which we would need to craft language and run it between both entities to actually, finally arrive at an agreement. What is before you this evening is an amendment to the current contract. The current contract does allow for a 4-year extension. The amendment is extending that contract with the new pricing.'

Councilor Dominguez said, "I certainly don't mind accepting it as friendly, but I think it is better captured in the Investment Policy. And I'm just trying to think, procedurally, how we would do this. It would accept it as friendly, but just so that staff is clear on their direction that it is really direction to staff to bring forward the investment policy that does exactly what we are asking for it to do, and as it pertains to this, that be somehow be amended, I guess, Kelley."

Ms. Brennan said, "I think that the contract calls for compliance with the Investment Policy, and therefore, the Investment Policy Amendment would be a requirement of the contract, and it would apply to this contract. I don't think it needs to be amended separately."

Mayor Gonzales said if the contract is subject to the Investment Policy and we make that clear, the Investment Policy will drive the investment funds in ways that assure that public monies from the City don't find their way into fossil fuel production.

Councilor Villarreal said she understands that, but thinks there should be reference to that in the Friendly Amendment.

Councilor Dominguez said it can be accepted as friendly, or he can make a new motion that is explicitly clear that the Investment Policy. He is unsure of the language.

Mayor Gonzales said the contract would be approved and managed in accordance with the City's Investment Policy.

THE MOTION AND SECOND WERE WITHDRAWN

MOTION: Councilor Dominguez moved, seconded by Councilor Harris, to approve Item 10(o), subject to compliance with the City's Investment Policy which will be amended to reflect a statement that City deposits will not be invested in fossil fuels.

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

For: Mayor Gonzales, Councilor Dominguez, Councilor Harris, Councilor Ives, Councilor Trujillo and Councilor Villarreal.

Against: Councilor Lindell, Councilor Maestas and Councilor Rivera,

Explaining his vote: Councilor Maestas said, "In all good conscience, I would be propping up a banking corporation that I feel is in free fall. It is resistant to change in the face of this scrutiny, and it's going to potentially bring about a change in banking regulations that I think are going to hurt all Americans, including Santa Feans, so my vote is no.

Explaining his vote: Councilor Rivera said, "I too am going to vote no, but want to make sure that the locals know that I appreciate the work that they do here, the volunteerism that happens within our City. And I hope this vote, which does not appear like it's going to be unanimous, serves as a heads-up to corporate in San Francisco that local communities are watching, and we expect big things and big changes moving forward, from Wells Fargo. So, no."

Explaining his vote: Mayor Gonzales said, "It's going to be a reluctant yes, with the understanding that we were very intentional in what we asked for. We asked for a bank that was investing in the community. We saw that. We asked for a bank that was going to allow for the City to offer more accountability and trustworthiness. And I am disappointed that we didn't see a stronger presence by the local banking community. I've spent the last several weeks visiting with local bankers, trying to find the solution that I spoke to Councilor Maestas about, and it's not there for what we need. And so, I can't in good conscience vote no, knowing that there isn't a second

process, there's not a second selection here. And I certainly am not going to be in favor of supporting the second choice which would require the City's monies to be managed out of a Tulsa Bank. But I do want to say, even with the yes, we have made progress in this City over the last 3 years. We're the first city in the country that actually has taken subsequent efforts to create a local, public bank. We're the first City to start talking, and as part of the RFP process to require people who manage the City's funds, to do so in a way that, locally, shows that the community actually participates and benefits from that. And I think that while we didn't fully yet, and this is no disparity of the Wells Fargo folks, that we didn't get a local bank that ranked #1. We have certainly made progress in terms of what that financial relationship would look like. I do want to say to the Wells Fargo local managers, I do appreciate that you heard the concerns. I think Councilor Trujillo expressed it very well, that a lot of us understand that there are 100 local people that rely on that bank to make very good policy decisions that don't harm the reputation in a way that they lose their jobs. And that is something that is important as we go forward, listening to your response to him, that you have accepted the responsibility to protect those local employees and to advocate for policy that won't create harm in terms of their future jobs. And so, I look forward to the next process as we go forward in the public banking stage, and certainly I look forward to public input as we develop an investment policy that drives exactly how our public funds can be invested and what it can go towards."

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END OF CONSENT CALENDAR DISCUSSION

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11. REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON SEPTEMBER 27, 2017:

a) COMMUNITY DEVELOPMENT BLOCK GRANT 2016-2017 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REVIEW (CAPER). (ALEXANDRA LADD)

b) ASSESSMENT OF FAIR HOUSING (AFH) AND ASSOCIATED RESEARCH AS REQUIRED BY HUD'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND THE NEW MEXICO MORTGAGE FINANCE AUTHORITY. (ALEXANDRA LADD)

MOTION: Councilor Villarreal moved, seconded by Councilor Harris, to approve Items 11(a) and 11(b) as presented.

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

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

Against: None.

12. REQUEST FOR APPROVAL TO PURCHASE 30 REPLACEMENT COMPUTER TOUGHBOOK TABLETS FOR 17/18; GRANTS & TECHNOLOGY VETERANS, LLC. (DEPUTY CHIEF PADILLA)

Councilor Dominguez said he will move to postpone this item to go to the Finance Committee on September 5, 2014, and then come back to the Council on September 14, 2017.

MOTION: Councilor Dominguez moved, seconded by Councilor Villarreal, to send this item to the Finance Committee on September 5, 2014, and then come back to the Council on September 14, 2017.

DISCUSSION: Councilor Dominguez said it is for the same reason that we postponed Item #13.

Mr. Snyder said he just spoke with people who are here for #H(4) and #H(5), and advised that these items are postpone to the next Governing Body on September 14, 2017.

Councilor Maestas asked if there is an objection to the purchase, or if it needs to be debated in Finance.

Councilor Dominguez said it is for the same reason we voted for postponement of Item #13, because it hasn't been heard by Finance, noting it went to Public Safety, but not to Finance or Public Works.

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

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

Against: None.

13. REQUEST FOR APPROVAL TO PURCHASE 26 POLICE VEHICLES WITH REQUIRED EQUIPMENT FOR FY 17/18 UNDER COOPERATIVE EDUCATION SERVICES AGREEMENT; STATE PRICE AGREEMENTS AND FEDERAL GOVERNMENT PRICE AGREEMENTS; DON CHALMERS FORD, MHQ, MPH, GRANTS & TECHNOLOGY VETERANS, LLC, DIGITAL ALLY AND MOTOROLA. (DEPUTY CHIEF PADILLA)

This item was sent to the Finance Committee, and postponed to the Governing Body meeting of September 13, 2017.

14. REQUEST FOR APPROVAL OF AGREEMENT BETWEEN THE CITY OF SANTA FE AND AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME). (RENEE MARTINEZ)

Mayor Gonzales said we have been briefed on this, and asked to move to questions from the Governing Body. He understands the employees met, ratified the Agreement unanimously, and the membership grew by 50 employees.

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

DISCUSSION: Mayor Gonzales said he can say for all of us, we are thankful for the employees of the City and the time it took to get to this point, and are excited about a future that shows stronger collaboration.

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

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

Against: None.

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MOTION: Councilor Maestas moved, seconded by Councilor Ives, to reconsider the previous approval of the agenda, to move Items #15 through #18 to the end of the Evening Agenda, and approve the Agenda as amended.

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

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END OF EVENING AGENDA AT APPROXIMATELY 7:25 P.M.

There was a break 7:25 p.m. to 7:40 p.m.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor Javier M. Gonzales, at approximately 7:40 p.m. There was the presence of a quorum as follows:

Members Present
Mayor Javier M. Gonzales
Councilor Signe I. Lindell, Mayor Pro-Tem
Councilor Carmichael A. Dominguez
Councilor Mike Harris
Councilor Peter N. Ives
Councilor Joseph M. Maestas
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo
Councilor Renee Villarreal

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

F. PETITIONS FROM THE FLOOR

A copy of the Agenda for the Mayor's Committee on Disability for Thursday, August 17, 2017, submitted for the record by David McQuarie, is incorporated herewith to these minutes as Exhibit "3."

David McQuarie, 2997 Calle Cerrada, said he is here on behalf of the Mayor's Committee on Disability. He said, per the Agenda of August 17, 2017, the City Manager was asked to attend and answer questions regarding the ADA Coordinator being moved under City Manager. He said a lot of things have been stalled and on hold. He said they have an ADA request of December 2014, which has not been acted on. They asked the CM why nothing has been done. He has been requested and concurs, to ask this Governing Body to initiate a study on suppression of Civil Rights for the disabled in Santa Fe. He said if you don't do it, the DOJ will be asked to review the City. He said you are hereby on notice.

G. APPOINTMENTS

None.

H. PUBLIC HEARINGS

1) REQUEST FROM MIX SANTA FE FOR A WAIVER OF THE 300 FOOT RESTRICTION AND APPROVAL TO ALLOW THE SALE/CONSUMPTION OF ALCOHOL AT THE IAIA MUSEUM OF CONTEMPORARY NATIVE ARTS, ALLAN HOUSER PARK, WHICH IS WITHIN 300 FEET OF THE CATHEDRAL BASILICA OF ST. FRANCIS OF ASSISI, 131 CATHEDRAL PLACE. THE REQUEST IS FOR A MIX EVENT WHICH WILL BE HELD ON SEPTEMBER 21, 2017, WITH ALCOHOL SERVICE FROM 5:00 PM. TO 7:45 P.M.

Recusal: Councilor Ives said, "I will recuse myself on this vote, because I serve on the IAIA Foundation Board, just because it involves one of the IAIA facilities. While I don't believe I have a conflict under our Ordinances, I will abstain from voting."

A Memorandum dated August 23, 2017, with attachments, prepared by Yolanda Y. Vigil, City Clerk, to Mayor Gonzales & City Councilors, is in the Council packet. Ms. Vigil noted in the packet, there is a letter from Reverend Adam Lee Ortega y Ortiz of the Cathedral Basilica of St. Francis of Assisi.

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Villarreal moved, seconded by Councilor Maestas, to grant the request for a waiver of the 300 foot location restriction, and approval to allow the sale/consumption of alcohol at the IAIA Museum of Contemporary Native Arts for the MIX Event on September 21, 2017 with alcohol service from 5:00 p.m. to 7:45 p.m., with all conditions of approval as recommended by staff.

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

For: Mayor Gonzales, Councilor Dominguez, Councilor Harris, Councilor Lindell, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Councilor Villarreal.

Against: None.

Recused: Councilor Ives.

2) **CONSIDERATION OF BILL NO. 2017-19: ADOPTION OF ORDINANCE NO. 2017-17. (COUNCILOR LINDELL, COUNCILOR HARRIS, COUNCILOR TRUJILLO AND COUNCILOR IVES). AN ORDINANCE RELATING TO THE SANTA FE TRAFFIC OPERATIONS PROGRAM; AMENDING SECTION 24-4 SFCC 1987, TO UPDATE SUBSECTIONS 24-4.2, FINDINGS AND INTENT; 24-4.3 DEFINITIONS; 24-4.4 VIOLATIONS, AND 24-4.5 ENFORCEMENT. (DEPUTY CHIEF SALBIDREZ AND LT. GALLEGOS). (Postponed on July 26, 2017)**

a) **CONSIDERATION OF RESOLUTION NO 2017-62. (COUNCILOR LINDELL, COUNCILOR HARRIS, COUNCILOR TRUJILLO AND COUNCILOR IVES). A RESOLUTION DIRECTING THE CITY MANAGER TO RESTART THE SANTA FE TRAFFIC OPERATIONS PROGRAM (STOP) PERMITTED BY SECTION 24-4 SFCC 1987. DEPUTY CHIEF SALBIDREZ AND LT. GALLEGOS). (POSTPONED ON JULY 26, 2017). FISCAL IMPACT: Expenditures: FY 17/18 = $313.000 and FY 18/19 = $460,000. Revenues: FY 17/18 = $400,000 and FY 18/19 = $500.00**

Items #2 and #2(a) were combined for purposes of presentation, public hearing and discussion, but were voted upon separately.

A copy of *National Motor Vehicle Crash Causation Survey Report to Congress,* dated July 2008, entered for the record by Doug Blackwell, is incorporated herewith to these minutes as Exhibit "4."

The staff report was presented by Chief Gallagher from the Legislative Summary with attachments, which is in the Governing Body packet. Please see this information for specifics of this presentation.

Chief Gallagher noted this request is to restart of the speed van program, an automated speed enforcement program, noting the City had it in place from 2009-2013. It involves the use of unmanned traffic control devices that measures speeds of vehicles, and issues citations to speeders via the mail.

Public Hearing

Mayor Gonzales gave each speaker 2 minutes to speak to the Council

Doug Blackwell, Retired Judge, from Sedona, Arizona, a resident of the City. He is a retired engineer and did this kind of work in Sedona, headed up a committee, did the research and presented it to the City Council. He said he was chosen to present to the City Council because of his unique skill set. He said he would recommend an alternative plan to the radar vans. He said the vans project a negative view of Santa Fe and possibly deter visitors, and in his opinion do improve safety as much as his recommendation. He presented statistics from the National Highway Transportation Safety Administration and the Insurance Institute for Highway Safety. Please see Exhibit "4," for specifics of this presentation.

Richard Barela, 2 Paseo de Avila, said he sent the Government a text email for the last meeting, and he has added some more figures. He said he is a CPA and has authority to cite these figures, noting he was a CPA with the IRS, and audited large corporations. He has been a businessman, buying and selling properties. He said he wants to present the financial aspect of how bad a deal this is. He said there are 4 sponsors and hopes to convince them this is a real bad deal, and hopefully not locked in. He said he hopes the press takes the information he will provide and use it. He can't see anybody with conscience that would vote for this, commenting he wouldn't invest in this because it is an exploitation of poor people. He said this like the bad loan industry. He said the middle and low wage citizens will be the most affected by this. He said this is a hard City to live in and we've been fortunate to lead a fairly good life. He has lived here all his life, except for the two years he spent in the service 1966-1968. He sees a deterioration of the City. He said this is going to be like Vail, Colorado in 10-15 year. He grew up in the neighborhood. The $100 ticket to people, your constituents is a hard deal for them. It means they can't pay their gas or water bill. He said a lot of people struggle with doing it. He said it is proposed to seize the vehicles. He said the only vehicles ever seized by the IRS was with large, large tax evaders. If they lose their car they can't go to work. He said the out-of-state cut of the fines in 2017-2018 is $313,000 out of $400,000, which 78% of the money, with 22% to the City. In the following year it is $460,000 out of $500,000, with a 92% profit, with 8% to the City. He said with the money left to the City, the City will set up another City bureau to administer the program, and pay for segues.

Roger Burling said he has lived in Santa Fe for 50 years. He is here in opposition to the speed vans. He said he knows of no other traffic violation where there isn't a Police Officer issuing a ticket in person and listening to you. The speed van doesn't do that, it is just a hard, cold thing. He said an officer can stop somebody for speeding and know if a driver is using alcohol or drugs, and a speed van doesn't, it just takes your picture. He objects to the program because it gives the ticket to the vehicle and not the person driving, which seems to be a problem. He said if someone borrows your car and they get a speeding ticket it goes to the vehicle, and you are compelled to go through a complex process to get that adjudicated in some way, plus take a lot of time off work to do so. This should be recognized. He has lived here for 50 years, and police vehicles and motorcycles can use radar, and suggested using those instead of speed vans. As Mr. Varela said, the $300,000 and $460,000 is a lot of money. He said the second year the expenses should go down, not up.

Richard Martinez, 735 Mesilla Road, said he is opposed to the speed vans, because there are better and old fashioned alternatives that work really well. He said he saw a police vehicle on Paseo de Peralta and nobody was in it, but all the cars hit the brakes and slowed down. He said you could put a dummy in a cop car, and you won't have to pay anybody. He likes the personal touch which you can't get with a van.

Arthur Firstenberg, 247 Barela, said speed vans contain radar guns which are dangerous. He said in Major League Baseball, radar guns are aimed at the pitcher, the catcher and the home plate umpire, and there is an epidemic of brain cancer, specifically among pitchers, catchers and umpires. He said the radar guns are in back of the catchers and in front of the pitchers, and the tumors tend to be in the

back of the catchers' heads and in the front or side of the pitchers' heads. In professional tennis, radar guns are aimed at the players to measure the speed of their serves, and there is also an epidemic of brain cancer among tennis players. Catchers who died of brain tumors include Gary Carter, Darren Boter and Johnny Oates, while pitchers who have brain tumors include *[inaudible]*, Rob Ramsey, Ken Bett, Dan Quisenberry and Ricky Stone. Umpires include Ernie Parra, Harry Wendelstet, Frank Deseran, Ronnie Harris and Todd Felix, and tennis players include Todd Ripskin, James Bolt, Renee Simpson, Stephen Bob, Ken Galluckson, Chuck McKinley and Helen Kellesey. He said these list we provided by the California Brain Tumor Association which believes the epidemics of brain tumors among professional baseball and tennis plays are caused by the radar gun. It is not a cell tower and is not protected by Section 704 of the Telecommunications Act. You are allowed to consider health effects. He said, "It is your duty to protect the public health and not damage it. You should not approve this bill.
"

Barbara Harrelson, 924 Old Taos Highway, said a lot of people speed past her house, but she is opposed the reintroduction of the speed vans. She would a like a clarification from Chief Gallagher, with regard to the increase in fatalities, are there increased crashes with fatalities, and are they on the streets where the speed vans would be allowed, or are they on the major thoroughfares in the City where the speed vans would not be allowed.

Mayor Gonzales said the two minutes needs to be used to address the Governing Body.

Ms. Harrelson continued, saying she has read arguments on both sides, and appreciates the pressures of police work now days, but doesn't think the speed vans are effective enough for the cost and she is opposed to them.

Anne Galloway said she is going along with Mr. Firstenberg in terms of the dangers of these radiation speed devices. She has a lot of research here, which continues through the development of insomnia, damaging to childhood development exposure, effect on cell research, and there is a lot of research to validate *[inaudible]*. She said the City Council previously said the City was going to take fluoride out of the water, then the next day the City Attorney said we didn't follow the process. "Well, you're killing people. It's government by the people for the people, and you're not representing the health of this community, especially if you go ahead with these devices. You're killing people, you're giving them cancer, and you are violating your oath of office to this community. She said further, this provokes cardiac stress, it is linked to breast cancer, brain cancer, "what Arthur brought forward." She said there are many sources. She said, "I will scan this and email this to everyone of you. Thank you."

Charles Buddy Rosacher, 1559 Santa Rosa Drive, said it is part of the Taco Bell Triangle. He talked about true stories. He drives Cerrillos Road every day, but understands you can't put vans on Cerrillos Road because it is considered to be a State road. He urged the Governing Body to vote no to the speed vans.

Stefanie Beninato, P.O. Box 1601, Santa Fe, New Mexico, said, "I recognize the problem with speeding. I've been on St. Francis Drive before six in the morning and people are flying down it, it must be 65-70 mph before they get on the highway. However, what I think is the biggest problem is that if 5 cars are running red lights, and the speeding vans are going to get those 5 cars running the red light, I think this is a major problem here, but it is also a significant cause of these accidents. I agree with people about being unfair, because it is for the car and not necessarily for the driver. I think also the fee is high, and again hits people, and if you can take the car away over time, impound the car, then you will impact peoples' ability to get to work. I do also wonder how much we're paying an out-of-state corporation. Is this corporation one that doesn't have problems like the one before did. Again, I was disappointed about your banking contract to Wells Fargo for sort of ethical and moral reason, and not necessarily for this community, but again on a wider level. And again, it concerns me because the other company, whatever it was, RedFlex or whatever it was called, again had a lot of problems, collections, kickbacks, and we certainly don't need to encourage that kind of behavior in the City of Santa Fe. Thank you."

Beth Spiegler said she has owned a home here for two years in the City. She would suggest you "up and think about this pragmatically." She said if the goal is to stop speeders, in order to stop crashes, what good is an after the fact speeding ticket issued by a van radar gun going to accomplish. And take a look at what you are proposing to expend. How many Police Officers can you hire for $313,000 this year and $460,000 next year. She said be pragmatic. If you really have a speeding problem in the City, hire the police officers who can stop the speeders before the crashes and before people are injured and property is destroyed.

Elaine Gauvigney, 147 Calle Ojo Feliz, said she wants to address. She said statistics were offered in *The Santa Fe New Mexican* that 1 in 8 people in the country are alcoholics – adults. 1 in 4 under the age of 30 is an alcohol. This does not address Santa Fe or New Mexico. We know in our hearts we have a really serious problem. It is serious and dangerous. We know what alcoholism has done to our community our families our friends. She believes the money would be well spent addressing that issue and asked, "Isn't that important enough." She reiterated speeding is serious and there are ways of combating it and they're been suggested. But we really do have to start looking at the alcohol problem in this country, beginning in our own small community. "Please do that. Thank you."

The Public Hearing was closed

Councilor Maestas said he asked where the data was run regarding the increases in crashes and fatalities. He said that is one of the first Whereas in the Ordinance. He said they gave him a listing, and his conclusion is most of those roads were State highways, and most of the locations were at intersections of State highways. He said the State Legislature has prohibited the use of these speed vans on State highway. He said not only did the State Legislature prohibit the use of speed vans on State highways, it wants a piece of the revenues from the speed vans mobilized on non-State highways. He asked Chief Gallagher how he reconciles that, noting the Legislature speaks for the State but not local communities.

Chief Gallagher said he understands his concern. However, the idea is by putting them on the City roadways, it will free the limited numbers of officers to patrol and enforce the speed limit on State highways.

Councilor Maestas asked Chief Gallagher what is his plan.

Chief Gallagher said this is the plan.

Councilor Maestas said if we had speed vans on local streets, then you would deploy officers to those roadways considered State highways and a high safety risk for speeding and crashes.

Chief Gallagher said yes. Earlier in the year we had experienced a spike in serious crashes on #599 which is a State road. So to addressed, we utilized a little overtime and deployed officers to that State road. And in 2 months, issued more than 670 speeding citations. He said we can do more of that in freeing up the officers.

Councilor Maestas said when we revisited this and ended the RedFlex Program, the contract provided that this company assured there would be a 75% issuance rate, so there seems to be a problem in having adequate evidence reviewed by a live officer and determine if it was a violation based on the quality of photographs and such. He asked if there was a live officer, the issuance rate would be 100%, unless there is an overriding situation, versus analyzing photo evidence by a speed van after the fact, and the evidence not be conclusive to issue a citation.

Chief Gallagher said, "If it were a live officer, the Judge would disagree about that 100%, that's why we have Court. But we did find during the time speed vans previously were in effect, the citation rate was 78%, so there is room for error. I forgot to mention that before these citations are actually are mailed out, they are reviewed by a police officer. That's part of the program."

Councilor Maestas thanked the sponsors in looking at ways to improve safety of our streets. However, he sees this as an expansion of government. Specifically if you cite someone and they are unable to pay the fine, under this law, they would have the option to provide community service. He said that isn't done routinely, but there is a trustee program. However, this would be an added administrative and burden by the City to oversee these individuals who can't pay the fine, but want to fulfill that through community service. He said that process, to him, is bureaucratic. If he gets cited and can't pay the fine, at the public hearing, then I go to another public hearing to determine whether or not I qualify for the community service program. And that entails a background check, if I have paid previous fines. He thinks the service in lieu of the fine is laudable, but he doesn't see the pragmatism in it. He sees it as government expansion and burdening already limited City staff to supervise and track the community service.

Chief Gallagher said there already is a mechanism in place in Municipal Court for community service. And under the prior program, costs of the program would be paid with the proceeds before anybody gets a cut. He said this is a revenue generating program, and won't place any costs on the City. All costs are paid from the proceeds from the citations.

Councilor Maestas wants everyone to understand this is a civil offense and not a criminal offense, and Chief Gallagher said this is correct.

Councilor Maestas asked since this is a civil offense, why would there be progressive fines.

Chief Gallagher said he would like to defer to the Sponsors who recommended that provision.

Councilor Maestas said they will get their turn, he is simply talking about his issues. He said a lot of people can't pay the fine, reiterating community service will be a burden for the City.

Councilor Maestas asked the incentive to pay the fine on time, now that this is a civil offense, and what would be the consequences of not paying a fine for a civil offense. He said we don't have a great track record in terms of collecting fines. He said we are privatizing that services, and we might get a higher collection rate, but the collection gets a higher percentage of what they collect. How does this program set itself apart from the history of the City's poor collection of fines and other bills – is anything different proposed.

Chief Gallagher said his understanding is this is just turning on the collection ability, which was not done previously.

Councilor Maestas said it was denied in one Committee during the summer. At that time, he asked what the plan would be to shift officers over to those State highways that are safety risks, but he doesn't know that plan. He isn't convinced that this will save resources and allow the City to move officers over to State highways that can't have the speed vans.

Councilor Maestas said the Police Department has been using a number of other devices that have been very effective in curtailing speeders. He drives on Zia often, and he has seen a motor officer there with a speed gun on a curve, commenting they are now abiding by the speed limit. He said there is no substitute for a Police Officer, and we need to figure out what we need to do at the City to ensure we have live Police Officers keeping our streets safe.

Councilor Maestas said, lastly, perhaps we should approach the State Legislature to give Home Rules such as Santa Fe, more latitude in terms of where we can put the speed vans if that is the will of the Governing Body. He said the outright prohibition is narrow-minded, because different communities have different highway safety issues and Santa Fe is no different. He said, "I can't support this program. I've been on record and nothing has changed, so I will not be supporting it. Thank you."

Mayor Gonzales said Councilor Maestas asked questions which were pushed back to the sponsors, and asked if he wants them to address that now, or has he concluded his statement.

Councilor Maestas said, "When we get to them, if they can just address why there is a progressive fine for a civil offense."

Councilor Harris said he wants to correct several remarks made during the public comment as follows. In School Zones a $100 fine is proposed. Fines outside of a school zone are $50. If the second offense occurs within two years, the $100 fine in a school zone, increases to $150, in the non-school zone it goes to $100. The tickets are issues only for speeds 11 mph over the posted limit. If the Officer issues the first ticket it is $116. He said this is a discounted rate at $50. And so the second time around it is still less. He thinks this needs to be understood.

Chief Gallagher said if you were going 30-40 miles mph, and the speed van ticketed you, it still would be $50, while if you were ticketed by a police officer and went to Municipal Court it would be $300 to $400.

Councilor Harris noted the amendments considered remove all language referencing the seizing of vehicles, so that isn't part of the program that is being proposed.

Councilor Harris continued, saying there will be a little bit of extra work for somebody who loans their car, there is a nomination process to address the issue so the driver is being cited and not the vehicle. This also applies to other circumstances such as rental vehicles and such.

Councilor Harris continued, saying he favors this Ordinance, although he agrees with Councilor Maestas when he said there is no substitute for a live police officer. The fact is we currently are short 19-20 officers, noting during his service we have never had a full complement of police officers. He said other members of the Governing Body who have served longer, has said there has never been a full complement of officers during their time on the Governing Body, "except for perhaps one day." He said there is a multiplier effect for the use of the technology, and cited our experience on Camino Carlos Rey.

Councilor Harris continued, saying he heard Mr. Martinez loud and clear, and the Department also has put out an empty vehicle that had digital signs and there is a greater officer presence than in the past.

Councilor Harris continued, reiterating there is a multiplier effect in using this technology that allows officers to be deployed elsewhere, perhaps on 599, and other locations. The fact is we are short staffed, we've always been short staffed and "it seems to me that's going to be an ongoing situation."

Councilor Harris continued, saying this has been around for a long time and is glad we are "bringing it to a head and I hope that we vote on it. Personally, I hope that you vote in favor." He said it is important to decide. He said this was on the July agenda and was delayed because of an important report issued by the National Transportation Safety Board, and people have seen the executive summary, and now the full 97-page report. He said this report is specific to speeding related fatalities for passenger vehicles. It is a national, 9-year study, noting there have been no prior studies speaking specifically to passenger vehicles involved in fatalities.

Councilor Harris continued, saying he and the Police Department felt it was important to consider the report. An interesting point was that principle arterials have the lowest percentage of speeding related fatalities for passenger vehicle at 16.6%, minor arterials at 21.3%, collectors at 28.2% and locals at 25.5%. He is far less concerned with whether it is Cerrillos Road, Airport Road, St. Francis or St. Michaels as arterials, because statistically it seems there is a lower frequency of fatalities associated with speeding.

Councilor Harris said one of the speakers spoke about the NHTSA Safety Administration. He quoted from page 37 of this report says, '*Several federal agencies considered automated speed enforcement ASE to be one of the most effective speeding counter-measure. NHTSA evaluated 8 speeding counter measures and gave ASE their highest rating for effectiveness. In addition, the Centers for Disease Control and Prevention notes that ASE can reduce crashes substantially and includes ASE as the only speeding relating counter measure in their motor vehicle prioritizing interventions in cost calculated for states.*'

Councilor Harris continued, saying there was data driven placement of the speed vans. In the case of Camino Carlos Rey when the fatalities occurred, the Police Department has 2 black boxes, which can be placed on a street light pole and over time, record the average speeds. We have empirical data showing people are speeding there, is a location of two fatalities. He would like to include a data driven decision process in the RFP, which could determine over time if the ASE's are effective.

Councilor Harris continued, saying the National Transportation Safety Board in its findings makes a simple statement, '*Automatic Speed Enforcement is an effective counter-measure to reduce speeding related crashes, fatalities and injuries.*' He thinks combined with this approach and data driven placement, the use of the technology will free up some police officers is an important consideration. "This is why I sponsored it initially as well as I'll be voting for it this evening.

Councilor Dominguez said when RedFlex went out of business/got into trouble, he was happy because he thought they would never come back or have an opportunity to do this again. So in some ways, he has mixed feelings about this issue coming back. He didn't support it the first time around for a number of reasons, including there was a reluctance from the Police Department and the company to work with the City in collecting some of the data and being able to measure safety. Additionally, they were big proponents of red light cameras and not the speed vans, and the company makes money during faulty red light systems. He can see the need for a way to measure speed, and speed vans in school zones and other places in the community, but in the past red light cameras were attached, but that has gone under.

Councilor Dominguez continued, saying he doesn't get that same feeling this time around, and think the sponsors have taken to heart the idea that we measure safety and that this not be just a money making opportunity for the Department and the City. He felt previously it was more money driven, but he doesn't feel that this time. However, he will say that in the motion to support this, there will be things to which he will be paying attention, one of which are measurements. How we measure and prove to the public that, indeed our streets are getting safer. He said the first time, he created spreadsheet and looked at the State's share, the City's share, and if they were that effective, the company would go out of business because people would stop speeding and we couldn't generate funds. He wants to see how we will measure the success of this program, and wants to articulate that in any motion.

Councilor Dominguez continued, saying we need to make sure that those funds are dedicated to Public Safety. He said the first time around, the attitude was, well if you don't speed, you don't have anything to worry about, or if you don't support this then you don't support public safety. He doesn't feel that is the case with this administration and the sponsors. He believes there is a legitimate desire to promote public safety and to prove its effectiveness through the measurements. He reiterated the funds generated need to go back to Public Safety so perhaps we can fill some of the vacant positions we've had for many, many years. He would love to go back to the "good old days," where we had the personal touch, and a Police Officer was given tickets. He said replacing *[inaudible]* at St. Francis and Cerrillos is a one time expense, and not a recurring expenses. He said we can't commingle the funds with another Department or Division, noting in the past we were using some of the revenue to pay employees in other departments. We need to disallow that practice as well and ensure the funds stay with the Police Department and used as intended.

Councilor Dominguez continued, saying he will be looking for an opportunity to bring this contract back for approval. He said these companies make their money on red light cameras and not speed vans. He said the speed option was more successful when there is a larger population. We said during the RFP process it needs to made very clear to the organization that we aren't interested in the revenue, we're interested in improving public safety. This is the sentiment he gets from the sponsors.

Councilor Dominguez continued, saying the other thing about which we have to be very careful is that the employment of the technology is equitable, and we're just not targeting one street or neighborhood or district, and there is an equitable distribution. He said there has to be some work with the Police Department and Public Works in making sure our speed limits are appropriate. He said for example, Airport Road, eastbound was 40 mph and westbound was 45 mph. There has to be coordination that it is fair and there is equity in where we are deploying the speed vans. He said "I almost think we should make this exclusive to school zones, because I continually see speeders in School Zones, even with Police Officers parked there. He is willing to defer to the sponsors and the Police Department who he believes have more concern for public safety than for the revenue. He didn't feel like that the last time.

Councilor Lindell said we need to keep in mind that no ticketing is done until you are 10 mph over the speed limit. Additionally, there is a big sign prior to getting to the speed van that says Speed Van Ahead, so it's not a "gotcha program." It's a pretty lenient program in terms of speeders. She said in talking about this with different Councilors, there wasn't one conversation about generating funds. It was about public safety and quality of life.

Councilor Lindell continued, saying she walks on Gonzales Road twice a day. A traffic study was done on Gonzales Road which has a speed limit of 25 mph. You didn't show up in the traffic study unless you were going 35 mph. She said 83% of the cars were speeding. Some were going 70 mph. She said when she is walking her dog and a car goes by at 70 mph it degrades her quality of life. She reiterated she never talked with the Councilors about making money. She said Councilor Rivera said he was concerned about the fines and people not being able to pay them, so they lowered the fines dramatically from a regular speeding ticket. She said people tend to do public service if they can't pay the fine.

Councilor Lindell continued, saying she heard someone say we can just hire more officers. She is sure the Chief would agree with her that we recruit constantly. She asked Chief Gallagher if we put resources and effort into recruiting.

Chief Gallagher said, "Yes. Significant resources, and it's very difficult. For every 100 people we test, we get about 10 people to the academy, and we will have 7 at the end of their field training, so we'll get 7 our of 100."

Councilor Lindell said we are down 19 officers, and Chief Gallagher said it is 20, not counting the 10 we'll get hopefully because of the annexation, so there should be 31 on the street.

Councilor Lindell continued, saying so when you think about being down 20-30 officers, it really doesn't allow the resources to go out and do much enforcement on speeding. She is unsure people are so defensive about speeders. "I can't imagine someone saying they aren't coming to Santa Fe because they give speeding tickets there. I've never heard that." Some people like to speed, and she guesses that's what they do. But when 80% of the people passing her are speeding when she is walking her dog and trying to have a pleasant time, she is annoyed, particularly if they are going 70 mph in a 25 mph zone.

Councilor Lindell continued, saying she will emphasize once more that there was never one conversation she had with any of the Councilors about the money. It was always about public safety. She said Councilor Harris talked about this early on, about two young men that were killed. If we can do something about that she is willing to try.

MOTION: Councilor Harris moved, seconded by Councilor Lindell, to adopt Ordinance No. 2017-17, and that a protocol be identified and included as part of the Request for Proposal that excludes all arterials whether State highways or not, that the program incorporate data driven placement and demonstration of effectiveness, that all funds as the result of the program over and above our administrative costs be dedicated to Public Safety, and furthermore if we get to the point of a contract that contract will be approved by Governing Body.

DISCUSSION: Councilor Rivera said he, like Councilor Dominguez, would like to thank the sponsors of the legislation, and doesn't believe that money was the driving force in this. He would also like to thank the sponsors for making the changes to the Ordinance about his concerns about the extreme amount of the fines at $100 for the first fine, as well removing the seizure of the vehicles. He thinks that was mentioned in the public hearing.

Councilor Rivera said he doesn't there really is much money to be made by the City, but the State in taking 50% is the huge beneficiary in this. He asked how much the State takes.

Chief Gallagher said, after the costs are calculated for the program, the State and City split the rest.

Councilor Rivera said then the State takes 50%, and the Company and the City split the remainder.

Chief Gallagher said the company cost is included as overhead and that is paid first – whatever the company will work out in terms of the charge and that's the cost of doing business. The hearing officers get paid and any other expenses related to the program are paid. The State takes half of the rest and the City takes half.

Councilor Rivera said the State and company make the most money out of this.

Chief Gallagher said it depends on how the RFP is structured with the company.

Councilor Rivera asked if the State mandates the split.

Chief Gallagher the State only mandates what it gets, not what the company gets. That would be part of the contract negotiations with the company.

Councilor Rivera said then the State get's 50%.

Chief Gallagher said the State get's 50% of what is left "the net so to speak."

Councilor Rivera said there are others that make the money that the City doesn't. He asked how much in unpaid fines did we have under the RedFlex contract.

Chief Gallagher said it was more than $700,00.

Councilor Rivera said if we sent those to collections, that is a significant amount of money to be paid. He asked how long the RedFlex program ran.

Chief Gallagher said it was a little more than 4 years.

Councilor Rivera said he noticed during the 4-year span that people, in an attempt to beat the RedFlex cameras were putting covers over their license plates to shield from the cameras. He asked if that is more of a danger than going 10 miles over the speed limit.

Chief Gallagher said first of all, it is against the law for anyone to do that. He said it is also dangerous for a police officer not to be able to read a license plate and that is a concern.

Councilor Rivera said then that was happening against the law, and Chief Gallagher said yes.

Councilor Rivera asked how many people, civilians and officers did we have in the STOP program initially.

Chief Gallagher said he believes there were 3.

Nancy Jimenez, Budget Director, said there was a supervisor and 2 coordinators, and then 1 police officer at the time of the program which were being paid from the program.

Councilor Rivera said then there were 4 people paid from the STOP Program, and asked if they will need 4 people for this program.

Chief Gallagher said they believe they can operate the program without additional staff.

Councilor Rivera said you would need the one Police Officer to review the citations.

Chief Gallagher said yes, and the personnel who currently operate the DWI Forfeiture Program would be tasked with that. There is a Police Officer and she would be one reviewing the citations as well.

Councilor Rivera said then any of the revenue could be used for additional officers.

Chief Gallagher said, "I don't know if we want to go down that road, to use it for officers. I wasn't around when that decision was made, I'm not sure I would make that decision to use it for salaries. I would probably use it for equipment and free up some General Fund money for salaries."

Councilor Rivera asked about addressing the lack of Police Officers.

Chief Gallagher said the Governing Body has been nice enough to fund the positions, we just can't fill them, so no it would not.

Councilor Rivera said then the speed vans can't go on State roads which are St. Francis, St. Michaels, Cerrillos Road and 599. He said Councilor Dominguez brought up issues with Airport Road with which he agrees, noting there are speed limits that differ on those roads.

Councilor Rivera said, "I still, even though I appreciate the decrease in fines, believe that this will affect my constituents, and some of my constituents are living check to check, and even a $50 fine which probably they could do, would still be pretty tough. But a $100 fine would mean some tough choices for some of my constituents. And I believe I've had this conversation with you. I understand where my colleagues are coming from, and again appreciate their work on this, and don't believe that they are looking at this from a money perspective, but really a public safety issue. And I appreciate it, but again, the people that I represent I think would be hit hard by this, even with the changes that were being made. So, unfortunately, I won't be able to support it.

Councilor Dominguez said he needs to add language to the motion that talks about equitable distribution of the devices so that we're not just putting them in one District.

Councilor Harris said, "Actually, I thought that would be addressed by the data driven protocol, and they would go where they are needed."

Councilor Dominguez said, "Not all roads are created equal, some roads have more traffic than others. Some folks are able to stay home and not travel on particular roads to get to work. So, I don't think that is necessarily going to get us there. So I don't necessarily want something specific, but maybe something vague that gives us the opportunity to consider the deployment rates of those devices. So in other words,

they're not just going to be in one location all the time, that we're going to make sure that there will be some equitable distribution.

Councilor Harris said some pretty broad language would need to be incorporated.

Councilor Dominguez asked, "Would you accept a friendly amendment that would say that the Governing Body has the opportunity to consider the deployment locations of the vehicles."

Councilor Harris asked him to put it in for consideration during the RFP process. He said we are going to debate the specific language in the RFP, and if we can do that, I would imagine that we can come up with some language.

Councilor Dominguez said, "That will work for me."

Councilor Villarreal said Councilor Maestas touched on every single question and issue question she had for tonight. We have been talking about this through other Committee processes. She thanked the Police Department for digging into our questions and doing the analysis for us. She thanked the sponsors, commenting that we all know that the Governing Body cares about public safety.

Councilor Villarreal continued, saying when she thinks about this she gets a lot of heartache from the fact that half of the revenue goes to the State from the net revenue, even though it isn't a revenue generating initiative. She said that money to the State will not be used for anything related to public safety or the streets in Santa Fe over which they have jurisdiction, or substance abuse and related issues. So that gives her a lot of heartache because she thinks that is where it is needed. She said the bigger issue to her are cars running red lights and accidents on major highways and intersections, and the issue we have to tackle. She said the speed vans will not be located on Cerrillos and St. Francis, where there are horrific accidents.

Councilor Villarreal said she won't go into other issues she has with this particular program. She would like to see more police officers and she knows we are trying to do that. She said, "So with that, I will not be voting for this, thank you."

Councilor Ives said we would all agree, based on personal experience, that there are speeding problems in the City of Santa Fe. Councilor Lindell has identified significant areas in her neighborhood. He said there are no sidewalks in his neighborhood, and people regularly exceed speed limits significantly because there is no pavement on a number of the roads which allow for high speeds, and people take advantage of that.

Councilor Ives continued, saying his first question is what are the problems associated with that. The National Transportation Safety Board Study, which is available on line, has a number of findings which he thinks are very significant. One, that *"speeding, exceeding the speed limit or driving too fast for conditions, is one of the most common factors in motor vehicle crashes in the United States.* He doesn't think anyone would debate the findings. The Study says *in 2014, passenger vehicles constituted 77% of speeding vehicles involved in fatal crashes, and 78% of all speeding relating fatalities involved in speeding passenger vehicles. The NTSB Report found that speed, and therefore speeding increased crash risk in*

two ways. First, it increases the likelihood of being involved in a crash, and two, it increases the severity of injuries sustained by all road users in a crash."

Councilor Ives continued, saying while they concede *"that the relationship between speed and crash involvement is complex, it is affected by factors such as road type, driver age, alcohol impairment and roadway characteristics like curvature, grade, width, etc., in contrast, the relationship between speed and injury severity is consistent and direct. Higher vehicle speeds lead to larger changes in velocity in a crash and those velocity changes are closely linked to injury severity."*

Councilor Ives continued, saying as a matter of public safety, if we can have a positive impact, reducing speeding in our City, he thinks we are having a positive impact within our community. He said *The Report also noted that speed limits must be enforced to be effective, and data driven high visibility enforcement is an efficient way to use law enforcement resources. Automated speed enforcement is also widely acknowledge as an effective counter-measure to reduced speeding related crashes, fatalities and injuries."*

Councilor Ives continued, saying we know from the NTSB that this type of program we are considering has many positive effects on the incidence of speeding and crashes, and the resulting injuries. He said somebody suggested that we are somehow targeting the poor, the people who are less able to pay fines. He said his answer to that is no, we're actually targeting speeders. He said it isn't just any speeders. He said to get a ticket by one of the speed vans you have to be going 10 miles over the limit. So it's not somebody who is speeding two or five miles over the limit, but somebody doing in excess of 10 miles over the limit. He said hopefully that clarifies the issue in terms of who is being targeted, which are people who are profligate in observing the posted speed limits around. People who are speeding well in excess of the posted speed limits. He said he would suggest it is people who think these laws just don't apply to them.

Councilor Ives continued, saying unfortunately, he can't recount how many times he has heard from people that the City doesn't enforce its ordinances. He said we are trying to figure out how to effectively leverage our capacity to do exactly that, so it is important to look at this program.

Councilor Ives continued, saying, with regard to leveraging the capacity of the police force, you have heard our need for additional offices, for which there are challenges here and across the country. He said this program allows our Police to be freed to some degree to pay attention to other significant matters. He knows of two instances during the summer when he has had calls from a multitude of constitutes saying they need more police to address a particular problem, most significantly the South Capitol Creeper. He said the only way the police can do this effectively is to remove officers from other duties and concentrate them to the problem. He said having these speed vans located appropriately placed to regulate speeders, it will provide the opportunity for the Police to addressed particularized concerns in different parts of our community. He is grateful to our Police Force in its work in that regard, and the additional patrols given to areas across our City where we had significant issues that needed to be addressed.

Councilor Ives conclude, "So, for all those reason, I am a sponsor, and will be voting in favor of this measure. Thank you."

Councilor Trujillo thanked Chief Gallagher and staff for their work and for the information. He said when we had these speed vans years ago, it was about public safety and it always has been about public safety. He said it really upsets him when he hears people say it's all about revenue. He said he gets the calls and emails. He said he and his wife were hit by someone running a red light, he knows what it's like. He said he rides a motorcycle and drives the roads and people are passing him, shooting right in front of him, and he has to hit his brakes. He said there are some people in Santa Fe who believe their time is much more important than others. He said he supports this program, because he has seen it work. He said we have police officers in the school zones, and he still sees people speeding.

Councilor Trujillo continued, saying as Councilor Lindell said, this isn't a "Gotcha." There is a huge sign, "Speed Enforcement Ahead." It is a big sign – white, yellow, whatever. We let people know in advance where the speed vans were going to be in the newspaper and on the radio. You can avoid that place you want to. It is about public safety and about stopping the speeding. He supports the bill. He would ask the entire community to watch their speedometer while driving. He said we all know what the speeds limits are on Cerrillos, St. Francis, and in the neighborhoods it is 25 and 15 mph. He said, "Obey the speed limit. It's real simple."

Mayor Gonzales said he is grateful to the sponsors for bringing this forward, and for the efforts of the Police Department to respond to the sponsors' request to make this an Ordinance to address public safety. He said speeding is only one of many challenges to public safety in our community. He thinks there have been too many deaths caused by people texting while driving, driving while intoxicated. He doesn't think speed vans will be the answer to the number of crashes throughout the community. He said, "What I would prefer, quite honestly is a committed effort, as Councilor Trujillo indicated, as part of this, that would be about educating the community, engaging in an educational campaign and the importance of being more aware of where you are driving, abiding by the speed limit and stop texting and driving. He said through that educational campaign we would try to create a safer environment.

Mayor Gonzales continued, "This feels too punitive, it feels too much of an over-reach, and I think there are other ways to achieve the objectives that the sponsors are seeking out than to vote this into place."

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

> **For**: Councilor Dominguez, Councilor Harris, Councilor Ives, Councilor Lindell and Councilor Trujillo.
>
> **Against:** Mayor Gonzales, Councilor Rivera, Councilor Villarreal and Councilor Maestas.

MOTION: Councilor Lindell moved, seconded by Councilor Ives, to adopt Resolution No. 2017-62.

FRIENDLY AMENDMENT: Councilor Dominguez asked, "Will you accept a friendly amendment to amend the language that says on lines 13-14 on page 2 of the Resolution, that instead of saying 'We start the Santa Fe Traffic Operations Program,' that we direct it 'to begin a new Santa Fe Traffic Operations Program. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Dominguez said the issue really isn't over, we still have to approve the contract, so we'll see what comes out there, and in the end it cannot get deployed either way.

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

For: Councilor Dominguez, Councilor Harris, Councilor Ives, Councilor Lindell and Councilor Trujillo.

Against: Mayor Gonzales, Councilor Rivera, Councilor Villarreal and Councilor Maestas.

3) **CONSIDERATION OF BILL NO. 2017-22: ADOPTION OF ORDINANCE NO. 2017-18. (COUNCILOR HARRIS AND COUNCILOR IVES). AN ORDINANCE RELATING TO THE TELECOMMUNICATIONS IN THE PUBLIC RIGHTS-OF-WAY ORDINANCE; AMENDING SUBSECTION 27-2.19 SFCC 1987, TO STREAMLINE THE LAND USE REVIEW PROCESS FOR TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS OF WAY; AMENDING SUBSECTION 27-2.20.**

A *Mobilitie PH90XSD73C Pole Details*, with attachments, entered for the record by Marcos Martinez, Assistant City Attorney, is incorporated herewith to these minutes as Exhibit "5."

A copy of a newspaper article *My View: John McPhee Help us keep excessive radiation out of Santa Fe,* and on the back side, a copy of a newspaper article *My View: Arthur Firstenberg. Cellphone tower debate coming Wednesday*, entered for the record by Monica Steinberg, is incorporated herewith to these minutes as Exhibit "6."

A copy of a Press Release from the World Health Organization dated May 31, 2011, *IARC Classifies Radiofrequency Electromagnetic Fields as possibly carcinogenic to humans*, entered for the record by John McPhee, is incorporated herewith to these minutes as Exhibit "7."

A copy of an article, *Cell Tower Hypocrisy: Rescuing Firefighters Now Kids*, entered for the record by John McPhee, is incorporated herewith to these minutes as Exhibit "8."

A copy of an article from the Environmental Health Trust, *Cancer Expert declares Cell Phone and Wireless Radiation as Carcinogenic to Humans,* entered for the record by John McPhee, is incorporated herewith to these minutes as Exhibit "9 ."

A Memorandum from Sig Lindell, to Kelley A. Brennan, with attachment, dated August 29, 2017, regarding Telecom Land Use Review, is incorporated herewith to these minutes as Exhibit "10."

Mayor Gonzales asked the City Attorney to make a very brief summary of what is being asked of the Council this evening under the Ordinance.

Ms. Brennan said, "I am going to make it very brief. By memorandum in the packet and in the question and answer matrix that is also included in the packet, I believe I have addressed most of your questions and concerns, and given my rationale. This is in support of a Resolution passed in June of this year, specifically asking to expedite Chapter 27 Code revisions regarding the approval of new telecommunications franchise and to facilitate antenna installations in the public rights-of-way."

Ms. Brennan continued, "This streamlines the review process. There are three categories, 3 tiers rather, of review. One is no application required. The only new construction that falls within that category is a pre-approved design, and the locations have to be approved. All the others are modifications and repair replacement, and those kinds of things. The second tier are installations that do not fall within that category and do have modifications that may have some visual impact, add new antennas, those kinds of things. Again, those are called out in my Memorandum and in the Matrix. The third category requires Planning Commission review. I am going to ask Marcos to show you some photographs of the kinds of things that we're talking about so you will have a visual sense."

Ms. Brennan, referring to Exhibit "5," continued, "We received an application for a facility in the rights-of-way. This is pictured here. I believe it was 55 feet tall. It was wood. It is hard to see, but there were sort of a number of things on top of it. We rejected this and a new design was submitted. It is hard to see. This is the new design. It is 35 feet tall at the top, and it is a basic streetlight of the design that we typically see, with an extension on top holding a small antenna. These have been used and installed in San Francisco. There are a number of pictures of these, so here are a couple of adaptations. That's one and you can see the addition of the cell antennas at the top of the light. And then there is another one that was just some kind of utility pole. On the left you see the prior installation. On the right, you see the same pole with an antenna assembly on top."

Ms. Brennan continued, "So these are the kinds of things, when we talk about the design elements that we've added about putting in antennas and enclosing them in a cylinder, painting them to match, minimizing visual impact. And that's the standard that this applies. As you know, we cannot regulate construction placement, modification of facilities, based on environmental effects. We can regulate, and do regulate, on visual impact and that is the high standard that we are applying to the rights of way. So, Marcos, were there any other photographs."

Mr. Martinez said no.

Ms. Brennan said, "And we will stand for questions after we hear from the public."

Public Hearing

Mayor Pro-Tem Lindell gave each person 2 minutes to speak to the issue

Norma Jetty, 27 Rio del Sol, said has been a home health aide in Santa Fe. She has been reading a lot of medical literature. She said the cells that perform the function of cellular respiration *[inaudible]* which is done in the United States, Russia, Europe and Australia shows that the oxidated enzymes get damaged by electromagnetic radiation. She said if the oxidated enzymes are damaged and

the cell can't discern *[inaudible]* then mitochondria, you can't economize the sugars in the protein. So that sugar stays in the blood and you can become diabetic. She thinks we need to take a fresh look at how mitochondria are affected by electromagnetic radiation. The studies on rabbits, 'We wrote a song,' but we'll tell you. And we found that in just a half hour of exposure to radio waves and what they called radio wave sickness, and the glucose levels really escalated. "If you want I'll get some the solutions, make photocopies and you guys can have it. I just haven't done it yet. Thank you."

Clara *[inaudible]*, 1617 *[inaudible]* said she would like for you to consider voting no, basically due to the decrease that may happen to property values. She currently is a resident of the City, and is concerned that her property value will decrease significantly. They have not done any studies on what happens to property values, but she has noticed *[inaudible]*. There is a huge number of *[inaudible]* within a block and she doesn't want that to happen to her property.

Oshauna Spring, 3 Montecito, said she would like the Governing Body to pretend they are a guinea pig in a grand experiment. You will not be aware if you are being bombarded with invisible rays. But, if you are, you will then truly experience fatigue, your mind will become slow, your breathing labored, as all passages are filled with mucous and your head congested. Also, you won't be able to sleep and it never goes away, it only worsens month after month, and so you want to die as life is no longer worth living. This is what it means to be slowly deprived of oxygen in every cell of your body. I know, I experienced this when the modem in my wired computer was replaced with another which emitted wifi unbeknown to me for 9 months, slowly killing me. Only 2 days after she was rescued from the onslaught, she felt a difference and was very thankful. Ultimately, she doesn't know what the problem is to this exposure might be. Was it long enough for cancer to grow, and is she more susceptible to diabetes. He heart seems to survive, but she doesn't know. She said, "The guinea pigs of Santa Fe volunteered to this study by their elected City Council members will participate in this experiment until 2017-22, if not defeated. They too will suffer and die wondering why. Please vote no. Please."

Anne Gallaway, 141 Candelaria street, said she is new downtown, so she will be getting a lot of these rays, and again, wifi contributes to the development of insomnia. It is damaging to children in their development. She said you talked about 2 people getting killed on Camino Carlos Rey, and asked about of the statistics on cancer that are in this community. What about the damage of Alzheimer's and Altison. She said you are short sighted here with your radiation on these police controlled mechanisms, as well as wi-fi. It seems to her that you are not looking out for the community health, that you are corporate, unconstitutional private organization and you are not representing we the people. It also affects cell growth and I can give you all of your data on this. It derails brain functions and we have a serious problem here in Santa Fe with the intelligence and education of young children as well. It reduces brain activity in females, neutralizes sperm, impacts security and God forbid if you're pregnant.

Katie Eagan, 1202 Lujan St., said she hopes you vote against this until more study is done. The esthetic value isn't what we should be talking about. The FCC Telecommunications Act of 1996 says we can't talk about the health effects of radiofrequencies in our communities and in our bodies, but thinks we should abolish that. She said other speakers have said is that there is a ton of literature coming out worldwide about the effect of radio frequencies. There are lots of controlled studies of one village that decided to put it in and one did not. This is very serious because it is 5G so it's much stronger. And it will be in our public rights of way according to a passage in the Ordinance. People with compromised immune systems and are sensitive and children who are particularly sensitive as their brains are developing, will be threatened by this, their heads will be more compromised. She thinks we should look at each cell phone tower and its placement, whether it's near a pre-school or a child development area, or near a retirement center. A lot of communities are doing this, and don't put their cell phone towers near the very sensitive people in the community. She thinks the city would get more revenue if they didn't give a blanket pass to the telecommunications industry to put these anywhere. It is a huge source of revenue to the City to have these in the City and have them leased and in places that are decided upon. Please vote no on this.

Annie Depone said she is here in opposition to the Ordinance, and asked who this is really going to benefit, because "it's going to make us sick." She gave the rest of her time to "the woman in the pink shirt."

Barbara Harrelson, 924 Old Taos Highway, said she is going to try to stay away from knee-jerk reactions, and polarizing statements. She understands the benefits of this proposal is that it would make more broadband available and help development. She said Santa Fe is a creative economy, and the first creative city to be *[inaudible]* in USA in 2005 by UNESCO. We have quite a thriving, creative economy, and lots of broadband is necessary, but we need to weigh that need against the consequences. She understands there are some business opportunity costs, but has been pointed out, there are human and esthetic costs, and so she is trying to balance those. She said as far as she is concerned, she doesn't want more broadband that is going to allow us to have more smart gadgets that talk to us that we don't really need to have to have a good life, especially if it means their towers everywhere. She urged the Governing Body to consider that part of Santa Fe's strength historically and economically, has been its unique look and the authenticity of a historic Santa Fe. She said, "So respect the Historic District Ordinances, do not change the zoning laws to make it so easy, do not change the land use process so we have some members of the City staff making these decisions without any public or neighborhood input. The thing that helped Santa Fe win the prestigious National Geographic Sense of Place Award, those are some of the same values and principles that would be endangered by passing this proposal. And I ask you, have you explored all kinds of alternatives, or is it 5G now or never. Anyway, I would ask you to vote no. Thank you."

Rebecca Gottlieb, 1152 Calle Linda, said she came tonight because of the health effects, but a lot of people are talking about that, saying Arthur will talk a lot about that. She wants to mention two things that are specific to her. She is part of the Santa Fe Heal the Community, which is a huge community in Santa Fe. There is a ton of yoga. There are tons of healers and all kinds of special types of doctors living

in Santa Fe and it is a huge draw for people to come live and visit. She believes putting 5G into our City will make it unlivable for a lot of people who will have to leave. She said it is a huge artists community and highly creative artists types also are very sensitive. She thinks we will see a real decline in local artists, healers, yoga studios and other small businesses will suffer and go away. She said she is involved in the early childhood sector, and childhood development services through New Mexico programs. They see a lot of sensory processes troubled, and difficulties, and if you put 5G we will see a very clear before and after, and she is going to asked the people she knows who are involved in that, if it passes, to get those statistics so we can see them, because she thinks it will be very clear. "So please vote no on this. Thank you."

Rick Martinez, 725 Mesilla Road, said he would remind everyone here that there is an Ordinance that you can't talk on cell phones when driving, but this will give everyone open access to use their cell phone when driving. They are complaining there is not support and access when they are on the phone driving, and it dies. So we are encouraging more people to start driving with their phones on. This really is a bad way. All you are doing you are encouraging everyone else. The other bad thing about this is, the way the Ordinance is written, is you're taking away the voices of the people that come here to speak against putting a cell tower next to their house or neighborhood. There is no way you can speak against it, because of the way it is written. Everything is shut off. There is nothing there to let the people speak. So he can't come and speak about this any more because it's already done. There is a cell tower that comes up in his place, on a pole next to his house. He doesn't want that, but he can't speak against it. So this is going in the wrong direction and treating the public the wrong way.

Michael Collins said he lives in the County, but he's in the City all the time. He said you can get arrested for talking about health issues related to cell towers, saying he thinks the Police are gone. He said there is a high incidence of cancer, prostate, breast cancer, and at the same time it has increased as cell towers came in, in the 1980's, and it's really multiplied. He has studied the effects, and in the *[inaudible]* state, cancer rates more than tripled among people living within 400 meters of cell phone towers. And in other states, the risk of cancer quadrupled in people living within 350 meters of cell phone towers. 7 of 8 cancer victims are women. Both studies focused on people who had lived near cell towers for many years. In Sweden, the government requires interventions to protect the public from electromagnetic frequencies, and asked why the U.S. government isn't paying attention to the potential risk to public safety. He said Dr. *[inaudible]* said he can't really give a definitive answer about the safety issues, but the existence of the risk, or the incentive if it does exist, is *[inaudible]* because too few human studies examine the effects on humans living near cell transmitters. The World Health Organization classified environmental exposures associated with transmission of signals for radio, TV, and cell phone communication as possibly carcinogenic, based on increased incidence of *[inaudible],* including granular blastoma, a highly malignant type of brain cancer associated. However, the *[inaudible]* was inadequate to draw a firm conclusion about this. The trouble is there is nothing really definite *[inaudible].* Please vote no.

Dr. Raymond Singer, a neurotoxocologist and a neuropsychologist, said he has worked in many jurisdictions and litigation and he said there are some studies. He would encourage you to make a proper decision regarding the efficacy and safety of the introduction of this technology. *[inaudible]* he said the interesting thing about neurotoxicity and sad thing about it is that it is a *[inaudible]* and doing damage. *[inaudible]*. He said he has found that often where there is smoke there is fire.

David Steuben, LANB employee, presented information via the overhead. Mr. Steuben distributed information to the Governing Body, but did not provide a copy for the record. He said he is here to talk about safety for Santa Fe residents. He said transmitting cell antennas will not *[inaudible]*. He said cellular antennas are not on utility poles because utility poles catch fire. *[Mr. Steuben's remarks here are for the most part inaudible]* Mr. Steuben said PNM said any additional weight or wind resistance is very likely to open one of the utility poles. Each power pole has to be evaluated to prevent falling. He said, "Please do not approve the change you are considering tonight because it increases the possibility of fires in our City."

Kathy Perrich, 425 Luisa Place, said she is here to ask the Governing Body to vote no. She is an R.N. in the State of New Mexico. She said when you make decisions in your life, always try to do what you would like to do, and look back on it in your death bed with good memories and say that you did right by your community and yourself. She said there are health hazards nationally, there is a doctor at UCLA, Dr. Brown, a neurosurgeon, who is talking about the epidemic of brain cancer in our country regarding all of this wifi. She also is a licensed attorney in Washington, D.C. and Pennsylvania. She said her question is what is the rush and would ask that you put together a qualified committee, a telecommunications committee that would involve attorneys, medical professionals, engineers, physicists. We have many people in this community that are very well qualified to advise all of you. She said we all need to know the ramifications and what you are looking at. She would highly suggest that you get a qualified telecommunications committee together, using the vast array of qualified people you have in this community. She urged you to vote no tonight and put together the committee.

Audrey Starback, 118 W. Berger, said she is here to speak for the little ones. She said these are in our care, vulnerable little beings. She said CDC says science doesn't know. She said 195 scientists signed a letter asking for more protection, 39 countries signed, and asked, who will speak for the little ones. She thinks it has already been decided because we voted to be a smart City and a smart City means we have to do this, go forward and take the risks. However, a Columbia University EMF expert said, Martin Blank, said, "We are all part of a large biological experiment without our informed consent." She said even if you go forward and there is no will to change it. She said there is no public hearing for the pre-designed ones. She said there are amendments that Councilor Harris has put forward, and you can find them on the big website for the City, "and you have 10 days to state what you have, but it is not reviewed by an elected official, only by City staff." She thinks we are going to have EMS under our sidewalks, but sidewalks was 81 pages the looked through. And in the first, there is more concern about the litigation risks. She thinks they should be concerned about the litigation risks. She said she highly doubts that the FCC is to be trusted.

Monica Steinberg, 719 Galisteo, said it is important to remind people about John McPhee. She said there has been a big change in the White House, but it hasn't been totally trustworthy for a long time. She said at the end of all the hearings, the City lawyer is asked, can we vote no on this. And she says we cannot, because you cannot talk about health issues, and we're all talking about health issues. She asked what do we have without health. She said at one hearing she sat behind AT&T when one lawyer said to another, I think we made a mistake on the Marcy Street tower. There is nothing is stopping them from putting up more and more antennas. She said we no longer own the Plaza. She said we are ruining New Mexico for the tourists. She said she was born in Nazi Germany, and came here at 5 years old, and her dad was held at White Sands for 7 years and then another stint after that. She said a lawyer is part of the justice system, and then the justice system gets coopted by all these multi-national corporations that come and tell the government, you cannot let people know about this, because it will ruin the cell industry.

Pen LaFarge 647 Old Santa Fe Trail, President, Old Santa Fe Association, said he is here to object to the Ordinance as written, mostly on the basis that this covers the historic part of the City in which they are intensely interested, but it also covers the rest of the City as well. He said the problem is, under the Ordinance as written, the cellphone industry can ask for approval and receive it from staff, rather than going through the process of notifications, hearings and public input. He said the Association believes it to be a mistake. The Historic Districts and the entire City will be affected, and they believe the cell industry and all industry, should notify the residents, the neighborhoods, the citizenry, and come to a public hearing, rather than having approval by staff. He said the bill is designed to make it as easy as possible for the cell industry, and it should be rewritten to include the public, public notification, public hearings and include the public. He said, "Please, we ask you to modify this so that it is not a hidden activity, but rather open and accountable. Thank you."

Stefanie Beninato, P.O. Box 1601, said she agrees with Mr. LaFarge and other speakers that this needs more transparency and public input, and no automatic approval. There are exceptions to the height of 35 feet for example, but it can go much higher, given there are exceptions within the Ordinance. She said she thinks we will become the City ugly, rather than the City Different. She said as a historian who works in historic preservation and regards our historic design and the awards we have gotten, she realizes it is important not to have this kind of proliferation of towers. She sees a lot of comments about people not getting service in the downtown, not at their home, because they have boosters and they get the service at their homes. What is happening here is it will be an upgrade to G5, and therefore everyone is going to buy newer technology, so this won't solve the problem. She understands the companies aren't paying for this use, and they will be passing it on to the consumer. She has a nervous system disability, and when she first had it "I literally could hear the electricity coming through the phone line before the phone rang. That's how damaged her nervous system was. Fortunately, for her it has gotten a lot better. She said hear high pitched sound in her neighborhood that wasn't there before. She thinks the devices we'll be setting up used very high pitched sounds. And it may not be that you can consider certain things like insomnia based on environmental factors, you certainly can it consider as a quality of life factor. And if walking your dog as speeders go by affects your quality of life, think how much having your sleep interrupted hearing these kinds of noises, etc., that would affect the quality of life.

Dirk Wilkes, 130 W. Coronado, said Abraham Lincoln said that the democratic issues that are embedded in this bill were not childs' play. He said it isn't just about the technology. Our City can vote for or against the technology, but the undermining of local authority, local democratic process and local individual accountability was spoken by Lincoln celebrating Thomas Jefferson. He said this stuff is core to the democratic process of the country. We can't function as a nation if, at the local level, we are disempowered. This bill disempowers in spite of staff's recommendation that this does not do that. It does. Put this in front of other attorneys, this language, but the 14th amendment is about slavery and who is going to argue about that. But embedded in it was language that held back womens suffrage, women voting, womens empowerment for decades and decades and decades. This language that is inside this bill is going to bite us, and your grandkids and mine long after we're gone, because it takes a long time to change this kind of language. This language is dangerous. He isn't that concerned about the safety. This is not a safety issue, this is a democratic empowerment at the local level issue. "Don't let this happen. Don't rip the guts out of our community. Let our community decide and choose and vote for what we want."

Lola Moonfrog, Arroyo Hondo, said she lives in Arroyo Hondo because she is very sensitive to this stuff. She could feel microwaves and EMFs before anybody talked about it. She could feel the St. John's wireless go in and she didn't know it had gone in 2 days before I came into Santa Fe from Old Pecos Trail. To her, this is a public safety and democracy issue. She said health can be a public safety issue. If people have insomnia, maybe they're going to cause car accidents. If people are nuts in their heads, they're going to be texting all the time. There is a reason all these things. Her friend held his cell phone for 28 years, and he's dead. Her sister-in-law died 2 months ago of a brain tumor right where she held her cell phone. They may be safe for some people but they're not safe for everyone. She thought perhaps when John McCain announced his brain tumor it would wake some people up. The health concerns are not separate from the public safety issues. If we have the audacity which she supports, to declare ourselves a Sanctuary City, she would like us to understand we are being smoke-screened by the communications company in the same way as the tobacco companies. If we have the audacity to be a sanctuary city, could we please have the audacity to say not to this bill, and look at something safer.

Caroline Walker said she lives off Highway 14, and gave her 2 minutes to Arthur Firstenberg.

Arthur Firstenberg, 247 Barela Street, said this is a horrendous bill. It repeals public notice for most antennas and towers. It repeals public hearings. It repeals *[inaudible]* notification. It abolishes applications for most antennas. It repeals proof of compliance with FCC safety rules. It repeals historic preservation regulations. He said Councilor Harris' amendments don't do anything to fix this bill. So then, as franchise comply with visual design guidelines that the City will adopt, they will not have to submit any applications. And if there are no applications, there will be no notice to neighbors and there will be cell tower transmitters on every block in Santa Fe. The telecommunications industry wants to give us 5G in the implementation of things and they want to do this nationwide by 2019. He said, "I ask you to join with the 70 Ohio cities and 271 California cities that are resisting 5G. The City of San Francisco requires height specific leases and requires a public hearing if any person objects to any antenna or tower. That law was

upheld by the California Court of Appeals. Everybody, including the *[inaudible]* is already suffering from being inundated by micro-radiation. We've got headaches, we've got heart palpitations, we can't sleep. With 5G's implemented there will be no more bees in Santa Fe. There will be no more sparrows or finches or *[inaudible]* at your bird feeders.

Mr. Firstenberg continued, "I went to Indian Market two Saturdays ago and had to leave after a short while. Why. Because the pain in my hips, legs and feet were so bad. When 5,000 people are on their cell phones at the same time the downtown cell tower is emitting a tremendous amount of radiation. A lot of people feel it. It's not machines. It's not sciatica, and it's not worn out cartilage. It's because the electric currents and based in your upper body, all that radiation has to travel through your legs and feet in order to escape into the earth. Your legs have a much smaller core section area than your torso, so the current density is much greater and the effects, and different people feel it to different degrees, because it's affecting everyone. This is a civil rights issue. Santa Fe, and I will echo what Lola said, Santa Fe is a sanctuary city in defiance of federal law. New Mexico legalized medical marijuana in defiance of federal law. When federal law is immoral, it is your duty to disobey it. And it is certainly not your duty to sign over the streets and sidewalks of Santa Fe to the telecommunications companies, when 5G legislation has not even been passed in Washington. It is your duty to protect the health, safety and welfare of City residents. Please do not adopt this Ordinance."

Judy Hertzel, 1804 Cara Road, said she wasn't planning to speak. She said people have said a number of things she has on her mind, but she is thinking about this in relating to Houston where a lot choices were made there without the kind of oversight we are asking you to consider tonight. She also is thinking about Councilor Rivera who was very concerned about his constituents who couldn't afford to pay speeding tickets, and we are seeing that constituents in neighborhoods who are poor, of color, and such are the ones in the crosshairs of these kinds of sensitive issues. She was moved to see how much you cared about public safety and how that was important to you. She finds it absolutely ludicrous, as a breast cancer survivor, to think that we cannot discuss health when these kinds of issues are on the table, noting every person in this audience knows at least 10 people in Santa Fe who have dealt with breast cancer or another kind of cancer, some survived and some haven't. She is also speechless because it seems common sense if you live in a house and someone wants to put something threatening in front of your house that you don't have the right to say no this isn't going to work for the health, well being and quality of life of me, of my neighborhood and my community. She simply doesn't understand it.

Adam Steinberg, 1851 Paseo de Conquistadora, said many beautiful things have been said tonight, and humbly. He said the people of Santa Fe want you to all look out for us and take care of us, protect us. We're living in a time where technology is in the hands of the corporations. It seems like we're powerless to a very godless reality. He said the Sugar Tax vote is an example of how Santa Fe stood up and said we care, and allowing this to go through and gut our protections is really is a very very godless thing, and he feels we need you to protect us. We need you to give us every opportunity to be sure that what is going to happen here in Santa Fe is really the rightest thing that can happen. He has lived here for 30 years, and it's mind-boggling how much Santa Fe has changed in 30 years. The culture and the quaintness of Santa Fe already is vastly changed and lost. He said, "I really think we need you all to

protect us, to slow it down. Why does it have to go so fast." He said an attorney earlier said you said you should have a panel that really investigates all of these things to ensure what you are opening the door for isn't the drive-in that is going to gut us all later. He said it is amazing how much cell phones have helped our businesses and every manner of our lives to change positively. But at the same, there are the hidden cancers and brain damage, etc.

Leonard Pasqual said he owns a business at 502 Cerrillos Road. He is in the wireless communication business and does hardware in Australia, the Phillippines, Mexico, Brazil and the African continent. He was asked two years ago to go to the meeting with the city. The idea was what can a small company such as us give back to the City to help bring jobs – if you help us, we'll help you. And every time he raised his hand to go to the City it gets put down, no one listens, no one pays attention, no one offers. When he found about this he looked at it, and he has dealt with the FCC, cell companies, fiber companies in this area. If you send a letter to the FCC it is sent to the big company that sends you a letter and you lose, because it's not telephone. It's not TV, it's internet. So they don't care, they can't do anything. In the City there is Santa Fe Fiber, totally underutilized which would help bring some of the things you want to do if you tap into your own fiber network. You have ReadyNet in town that goes all the way to the College which is underutilized, not used. We have technology that can not necessarily need to have any more towers, but be able use what's there and make a bigger broadcast if that's what you want. There are now are airways that are 100 miles and get 100 megabits of service, but no one calls. You call to ask and no one calls, you don't get response.

John Otter, 2300 W. Alameda, said he has found that the FCC methodology that led to approval of this 5th generation technology is flawed. It was based on an average symmetry, where the actual transmission is 3 pulses which are much higher energy and more damaging than the average symmetry, and the FCC based its decision on the least transmitting power to make the system work, which will likely not be the situation. And they used a 20-year old standard as the basis for their decision. So, despite the FCC's decision, it is not trustworthy. He did find that are no clinical trials or actual experience of the use of the 5th generation on human beings. The evidence is not in on the health effects on humans directly. There are trials on animals and plants, both of which show considerably disturbing adverse effects, but one has to project that to humans if they want to make a decision, and that evidence is not in yet. So an Ordinance to use this in our City is premature. We have to consider that there is alternate infrastructure we could use on cable rather than using cell towers. He said, "I urge you to vote against this."

John McPhee, 2712 Sol y Luz Loop, said he has been a product safety specialist for 21 years, his family is 4th generation. He loves Santa Fe and most of the things you guys do are wonderful. He said we're not supposed to talk health, but the first thing in the article about what was coming up misquoted what the WHO said. He said, "Here's a complete contradiction of the press release, May 31, 2011, that clearly states from the International Agency for Research on Cancer, a branch of the WHO, that says there is a 40% increase in cancer, glioma tumors with people who use a cell phone for just a half hour a day for 10 years, which is virtually everyone who uses cell phones [Exhibit "7"]. That goes for the record. And that was to classify it is a possible carcinogen. And there is a press release by a former advisor to the same

agency for research on cancer, a week ago, Dr. Anthony Miller, saying now the evidence has been discovered and researched since 2011 meets the criteria to raise the classification from possible carcinogen to carcinogen for humans, for the record [Exhibit "9"]. This a recent article from California that 2/3 of the populace are opposed to it. It's funny that the only group that are exempted are the Firefighters, because they have a 17 fight for the union and they had all the research put in place that clearly indicated we were getting sick from cell towers. [Exhibit "8"] It's amazing there is an exemption for firefighters, but not for daycare. In conclusion, I want a paradigm shift. You want economic development here, please just focus on health on safety. We are the #1 City in the Nation for air quality. Everybody wants to come here. You want a boom in real estate, don't have more wifi when there are already 9 million people who claim to be sick from wifi in the United States. Then people will flock here as tourists, buyers and investors."

Former Councilor Karen Heldmeyer, 325 E. Berger, said she is Acting President of the Neighborhood Network Board, and speaking on behalf of the Board. She said people have contacted them about several issues in this Ordinance that are things you can control, such as visual input, public safety and intrusion onto private property. People feel that there is a lack of oversight, notification and public input will make these problems worse. She said Ms. Brennan showed you some nice looking pictures of nice looking towers, but there are also ugly pictures of ugly towers, where with collocation you get 4, 5, 10 different kinds of stuff on the same towers. She said because everything will be lower with the new system, it will be more visible. She said it's not clear who is going to protect the City from this, noting the people who contacted the Network don't have a lot of faith in the City to protect them from the impacts of this. The idea is that things will go on existing poles of different kinds, but the problem is that those existing poles haven't been tested for safety, and haven't built to have a lot of stuff put on them. She asked who will analyze whether that is sufficient. It is especially a problem for older neighborhoods because the infrastructure is older. In her Historic neighborhood, PNM put little aluminum struts against the telephone poles because they were falling down. She asked what will happen if you start putting other stuff on them. She said in the older neighborhoods there is not good mapping of the City rights of way, and if you don't know, how can you keep things in the rights-of-way. There is no H-Board oversight, because that's been taken out, and even if something is in your right-of-way, there are things put in that area that they think of as their space – plantings, trees and such – and want to protect people from having those things removed.

Elizabeth West, 318 Sena Street, said she would underline a lot of what has been said tonight. She complimented and thanked the Governing Body for listening. She doesn't own a cell phone. She is concerned that the new guidelines will avoid the Planning Commission review, there will be small scale modifications through City Land Use staff by the cell phone industry to plant towers on whichever City streets they choose, and public notice would be only at the City website. But it's not enough and we should be more open. She asked why on earth would the City want to relinquish control over this thing.

Marshall Hirsh, R.N., 2017 Calle Dulcinea, said he is an advanced educated Registered Nurse. He has worked in almost every major institution in Santa Fe for almost 20 years, and has cared for family and individuals for everybody in this room and in the City. He said as an R.N., he wants to appeal to all of

you, not to give you more information. He wants to ask you to navigate the volumes of information when it is life and death, and long term health, disabilities. He said he asks the Governing Body to really think about the volumes of important information that has been presented tonight and the educated and experienced people have spoken and have had only 2 minutes to speak about something that could take months to discuss in a committee. He said, "As a nurse, we're supposed to protect the health and safety of the public, we often go against the rules of doctors at times or insurance companies. We have to take a stand for the patient. In this case, I'm asking you to really look at the importance of this decision. For every person in this room, many of whom have left because it has gotten so late, there are 10-15 other people they know will feel the same way, but they don't want this Ordinance passed. I want to leave you with this. Please think about why you would pass an Ordinance when there is this much public outcry about it. Please, think about this from your heart, it's so important. There's so many different levels of it. Okay. Thank you."

Katy Singer, P.O. Box, speaking on behalf of 35 people. There are questions that need answers before you vote on this bill. Dozens of cell towers have caught fire or collapsed, but this bill doesn't require assessments to determine whether it can handle wind, the extra weight and the accompanying gear. She asked who will assess the fire risk before these are installed. She asked if there is a fire who will be liable. She said workers will be exposed continually to levels of radiofrequency radiation in excess of FCC exposure limits, and asked who will monitor the exposure levels, who has developed the safety program and who will enforce it, and how will workers be warned about the exposure levels. Will workers be provided protective gear, and can antennas be turned off to protect workers in the vicinity. Will the City or the telecom corporation be liable for injury from over-exposure. The bill doesn't require a professional electrical engineer certification. She said, in spite of the State Engineering and Surveying Act, including Section 61-23-2, which states it is unlawful for the State or any of its political subdivisions to engage in the construction of any public work involving engineering unless the plans and specifications involved in *[inaudible]* has been prepared by and under the responsible charge of a licensed professional engineer."

Ms. Singer asked others in the audience to complete her statement having exceeded the allotted time.

Annalise Good-Wilander, 2300 W. Alameda, continued Ms. Singer's statement, "Our City is committed to reducing our energy use. Why have we not required an assessment about telecom corporations and selling broadband as they deem fit. The internet grows exponentially, but energy resources are in decline. By 2030, 20% of gross energy demand will be dedicated to the Cloud. Renewable energy cannot provide sufficient storage to fuel the internet. There are cheap, easily accessible software *[inaudible]*. Even impose limits on our internet use and broadband infrastructure or nature will impose them for us. Before passing this bill, why has the City not required an engineer's assessment of the energy used to provide more broadband. If this bill passes, Santa Fe will eliminate neighborhood notification, public hearings like this one, and the permit process in regard to cellular antennas. Why would we eliminate local authority over telecom facilities. In California, more than 200 cities, more than half of their counties and the AARP opposed a similar bill. In Ohio, more than 70 cities opposed a similar bill. Why. Why would Santa Fe favor a bill like this. What emergency pressures the

City to eliminate democratic process. We ask you to postpone voting on this bill until these questions are answered."

Rachel Delatory, 1617 A, Vuelta Place, said she requests that the Governing Body tonight vote no on the proposition as it stands currently, because there is a lot of concern about it. She is a renter currently, but home to be a future homeowner. She is concerned about how her property values could be affected by the cell towers going in. She asked who benefits from rushing into this so quickly when there is so much concern, and they hope the cell phone companies are held to the same zoning regulations as she as a citizen, or a business owner, would be held to in terms of public hearings, announcing it, etc.

Chad Shanson, 2701 *[inaudible]* Court, Chiropractor, said he isn't going to talk about health concerns. We have heard concerns about property values, democracy. He asked if there is anyone here in favor of the proposition. "There is one person who has come here tonight, and at 10:20 p.m., that is favor of this, so I think the public has spoken, and I think democracy should listen. Thank you"

Leonard Mark, 3101 Siringo Road, said having heard everyone here and knowing they are valid opinions, he hasn't heard how secure this infrastructure would be if it was put in place. What are the securities that are put in place to protect us and our information, because his generation is one where all the information about our internet usage is being collected. And all of our information on cell phone usage is also being collected, and asked what is it being used for and how are we being protected when they know exactly where we are, what time we are there. It is a really important issue for everything, whether or not you know how you are being affected by it.

William Bruno, PhD., 2753 Botulph Road, thanked Councilors for the work they do and the commitment they bring to the City, and acknowledged the incredible comments we have heard tonight. He said part of the reason this bill is up is because of a lawsuit filed one of the service providers against the City. He said there seems to be a pattern every time we come here and a new version gets passed, the City gets sued regardless of it's intention to not be sued. He spoke about Davis, California which granted a franchise, the company got permits and started erecting towers on the public right of way in front of people's houses and the "people went ballistic." The City Manager decided to rescind the permit because of the pressure. The State of California was sued by the company that had the permits taken away. We don't something like this. He said we have a Telecommunications Committee, but nobody is on it right now. He thinks you should do the right thing and have this Committee to look at laws such as this one before it was voted on. It makes sense to reinstate the Committee. He said some cities charge up to $7,500 per year pole in the public right-of-way. He said they are getting rid of the application, and pending companies with applications will pay zero because they will wholesale it.

Connor Sauer, 112 Calle Palamuta, said she is a breast cancer survivor. She moved to Washington in 1998, when she was 6 months pregnant with her second child, and she lost that child because of toxic exposure. What she learned in that process, living in Port Angeles, is the largest employer was pumping out dioxin that was filling the McDonald House, and group of citizens got together. For 7 years they started the areas affected by toxic releases at night. At the point that was closed, there were 2 class action suits by citizens against ITT and the City of Port Angeles. She said she can guarantee if the City passes this Ordinance there will be citizens starting to document the effects of cancer on people who live around these towers, and the effects on businesses, and most likely down the road, the City will end up with a class action suit against you.

Mitch Gissick, 662 Alta Vista, Unit D-19, in District 2, said he is here to draw a line in the sand. He said this is a paramount issue of health concerns of this community. They have formed a Political Action Committee with the intent to support candidates in the next election that will oppose this Ordinance. He said they have about 200 people that want to work on these campaigns. He said there are two issues he wants to discuss. He said one is this issue that you can't vote against anything that would hurt the telecom companies because of health issue. He said this federal law is not just or legal, it is criminal. He asked how it passed at the federal level. He said it took millions of dollars on the part of the telecom industry to get that inserted into the bill. So you are now supposed to honor what he thinks is a criminal bill. He thinks we should follow in the steps of the sanctuary city movement and defy the federal government in terms of this particular law. The second related point, saying he disagrees with his fellow Michigan alumni, Councilor Harris, but the law the communities have been able to monitor of telecom activities is through zoning. The Courts have upheld zoning decisions by cities and counties. He said this proposal suggests is to eliminate any zoning regulatory capacity that you have. The last point is there is a cell tower on Agua Fria, and within 100 yards of the cell tower there are in excess of 20 cases of cancer for those residents. He asked if a baseline was set before that tower was installed to find out how much cancer there was, and has there been any City, County or State study of that area to see what the incidence of cancer is near that site, and do we have those same protections in the bill proposed by Councilor Harris. He said we will see much elevated levels of a range of brain malfunction and nervous system malfunction. He thanked the Councilors who met with him on this topic, and appreciates their cordiality, although we disagree.

Dr. Deborah Seis, 308 N. Guadalupe, said she sent the Governing Body a letter by email about some of the new research that has been found about EMF's and how they are opened up to health channels. She said she knows we aren't supposed to speak about the health effects. She wants the Governing Body to realize, from her perspective, she knows about genetic mutations. And there is a genetic mutation that is very high in Hispanics and Mexican Americans. This will detrimentally affect them even more. She said we have such a high population with this *[inaudible]* mutation that can be affected by EMF, by toxins, by any kind of environmental conditions because the people who have this mutation will impact the detoxification of their bodies. It will affect their ability to make serotonin and dopamine, and affect their ability to think and make healthy new cells. She commented, as an Asian American it is high in the Asian community. She said this critical, because nobody knows about this, but it should be in every policy in New Mexico. We should look into it and research it. She said, "Please do not make any rash

decisions because it is the population and she wants to help New Mexicans. I went to the Governor, I didn't talk to her, but I didn't get any information from her. She didn't even respond. Please, please, please be aware."

Diana Alex and her son, said their address is unknown, because 3 days ago they packed up their whole life and moved to a beautiful City of Santa Fe. They spent the last year researching the best City in the U.S. to move to, health conscious, conscious of living in every area, and they picked this wonderful town. They have been excited to be here. She said they heard through the grapevine that these cell towers may be put up. They don't own cell phones. Their business is on line, but they use Ethernet, and she said they wanted to say, "Please rethink what you're doing. I know for me and our family and couples like us, really aren't going to want to live here if this is past. And we actually will be leaving this wonderful town if this is passed, so please rethink in your heart the facts."

The Public Hearing Was Closed

Mayor Gonzales said there were statements made tonight, and the staff response seemed very different from what was is in the Ordinance and what was said tonight. He said you clearly heard some perspective as to what is believed it does, and he would like for Ms. Brennan and/or Mr. Martinez to address the issues as you understand may be in the Ordinance and which part may not be reflected in the Ordinance. There was a lot of testimony that expressed a lot of concern in terms of participation in this process, but he also knows that there are a series of comments in the packet that were responded to. He said he would like to see how much you feel you can address, particularly in the area of safeguards, before the Council starts moving into its questions.

Ms. Brennan said, "I'll try to address what I think you are asking. The material is fairly dense, but in the question of safeguards, since one of the questions that was raised was about a statutory requirement for certification by an electrical engineer. That refers to public work, which would be work performed by the governments who are required to have such a certification. The work that would be done, would be done by private parties, that statute would not be applicable, as an example."

Ms. Brennan continued, "I want to say that if anything the public rights of way for telecommunications has been over regulated on the zoning front. There has been more land use regulation applied in the rights-of-way than there have been on non-rights-of-way property, private property elsewhere, which is regulated under Chapter 14, under Section 14-6.2(e). And in that process there are no application required provisions. There are administrative approval provisions. There are Planning Commission review provisions, just like this 3-tier system tracks that significantly. So this has been brought more into line with how private property is regulated. And if you think about it, the rights-of-way are not regulated. The telephone poles, particularly, you know there aren't public hearings about telephone poles going in, or about generators going in and those kinds of things. The rights-of-way are admittedly not the most attractive part of the City. In fact, this Ordinance goes a long way to defining what has a reduced visual impact or a minimal visual impact and tries to control that."

Ms. Brennan continued, "With respect to the health matters, I understand, but I also have to advise you what federal law says, which I know you're very familiar with because you've heard it."

Mayor Gonzales said, "Excuse me real quick, before we go on, we've got to be able to get through consideration of this in a timely manner. Just asking the members of the public to please be respectful on comments that you hear, even if you disagree, to allow the Council to be able to hear the information and then begin to deliberate. So just asking that we allow for this to continue to happen in a respectful way. Ms. Brennan."

Ms. Brennan said, "I'm trying to flip back and forth here, and Marcos can add to this I'm sure. Someone said that there were no public hearings for pre-design. In fact, the pre-design approval category requires approval by the Planning Commission or the HDRB. So those would pre-approved by one of those bodies at a public hearing, specifically called for, and locations would then have to be approved as well. So that was inaccurate."

Ms. Brennan said, "I also... and while health is an issue, a large percentage of the commentary tonight was about health, and I want to make two comments about that. One, it is important to distinguish between studies that implicate the use of cell phones, particularly holding a cell phone next to your head and talking and EMF used from antennas, and there is a significant difference. And the science that was referred to about cancer, particularly glioblastomas, those are cell phone usage issues. Holding a phone close to your head for an extended period of time. And I also want to say though, and I think most of you know about this, the World Health Organization specifically studies EMF's and has for decades. They have an EMF project. There are tens of thousands of studies, and their conclusions to date are no major public health risks have emerged from several decades of EMF research."

Mayor Gonzales asked the audience to allow this conversation to take place. He said, "This is the second time that I've asked. Please refrain from any kind of verbal communication so they can speak and the Council can hear and we can deliberate appropriately. I don't want to ask a third time, because that means we have ask people to leave so we can conclude our business. So please allow for this conversation to happen in a respectful way, even when there is information that is presented that is different from a point of view, that we are allowed to go forward and consider."

Ms. Brennan said, "No major public health risks have emerged from several decades of EMF research, but uncertainties remain. The challenges. There is no clear understanding if..."

Mayor Gonzales said, "I'm going to ask the officers, we've asked 3 times, if this meeting is disrupted again if we can ask in a kind way to ask people to step out of the chambers, so the Council can consider it. Please continue."

Ms. Brennan continued, "The challenges. There is no clear understanding if and how EMF's at the low levels emitted by common appliances might cause damage to cells. If a common EMF exposure were found to cause a disease, it would likely be a rare one. Demonstrating such a relationship would require a complex population study. New EMF emitting technologies are constantly being introduced on the market, resulting in different types of exposure. The way forward is a global research effort key to clarifying health

risks. And the EMF project has been going on since, I believe, the 60's. And I only mention this to give you some balancing information."

Ms. Brennan continued, "Again, I can only reiterate the federal law is very clear on the point that in these cases, with the modification, placement or construction of wireless facilities, the decision cannot be made based on environment effects, include health effects of EMF. So this is really something you should disregard, together with the other information you've heard based on federal law."

Councilor Rivera asked if there is a way that we can keep towers away from schools and childcare facilities.

Ms. Brennan said, "I would say that is very hard to do, if you are not considering and evaluating the placement, construction and modification of facilities, if you were not considering the health effects."

Councilor Rivera said there was a question about collocation and what that would do, and asked if there is a possibility we could see many cell companies on one tower.

Ms. Brennan said, "I think that the Ordinance, this is one part of the Franchise Ordinances, the Ordinance overall and in this section favors collocation among other things, but it does not favor collation at the expense of visual impact. So I think if it were going to create a very unsightly effect, that then a new tower with a reduced visual impact would preferred in every case."

Councilor Ives said on page 6 of the packet, page 3 of the Memorandum, Ms. Brennan notes that in 2010, *federal law required only that municipalities act on telecommunications facilities request "within a reasonable period of time."* In the next paragraph she notes, that there is an *FCC order establishing presumptively reasonable periods to act of 90 and 150 days..* for various types of things. He asked which FCC Order established those presumptive time frames, and how did the City's processes in place at the time support or run afoul of those orders of the FCC.

Ms. Brennan said, "I can't give you the number, I can give you the date. Marcos, is that 154. Does that sound familiar. It's 154 or 155, 2014-155."

Mr. Martinez asked if that is the Shot Clock Order.

Ms. Brennan said, "No, this is the Order that addressed... well it did address the Shot Clock, but it addressed a lot of other things."

Mr. Martinez said he will look for that.

Ms. Brennan said, "Anyway I think that's a sideline. We can give you that information. It was adopted on October 17, 2014. And to speak to your question, in 2010, it was just whatever reasonable period of time *[inaudible]*, and we felt that we could, under that standard say that it was reasonable to go through multiple approval processes, and create a system of notice that far exceeded anything that we do under Chapter 14, for instance. Also, I think we expecting at that point different kinds of applications."

Ms. Brennan continued, "What happened in 2014, is the 90 day approval decision time is for a collocation and the 150 days is for new construction. And if you think about how our schedule works, a process like this for a small cell antenna, everything went through the Planning Commission. So there would be an application process, an ENN, notice requirements would be met. Then there would be a hearing, then there would be an interval while we waited for Findings to be adopted, and then, conceivably, there would be an appeal period. And by that time, we are way past any time frame. I'm trying to think when this Ordinance started to advance. Marcos, do you remember that. But I think it was in June, so it is 2½ months, and this is without the kind of plan review and those kinds of things that would be required."

Councilor Ives said he presumes it was Ms. Brennan's assessment that, without making these modifications, the City could be in peril for litigation from applicants for towers pursuant to federal law.

Ms. Brennan said, "Yes, particularly as the regulation was more stringent in the public rights-of-way than non-*[inaudible] property* which would be highly unusual."

Councilor Ives asked, in terms of the preemption issue between federal law, state law and local law on these types of issues, if she can address that for a moment so it is really clear.

Ms. Brennan said, "Federal law preempts State and local law on this particular subject, and Marcos may to have to say, we've litigated on that point, among others."

Mr. Martinez said, "The statute that governs this 47 USC 332, and that statute just established a reasonable time by which localities had to make a written decision on any siting of a wireless facility. Later, the FCC, as Kelley alluded to, issued a Shot Clock Order that tried to determine what reasonable would be for localities to make a decision. They determined that 90 days would be a reasonable shot clock. So the FCC determined that 90 days was a reasonable turnaround for certain types of locations, and 150 days for other types. We realize that the City would unable to process this franchise in 90 days or 150 days if pressed. And so, the remedy that telecommunications companies have sought around the country is that they are able to bring an action in Federal Court that gives them basically a Federal Permit to put up a tower in the absence of a locality, either meeting the deadline or having any kind of regulation that would require them to meet the deadline."

Councilor Ives asked, pursuant to the Federal Law, which preempts what we do here, if it is correct that are prohibited from preempted from evaluating health effects in connection with these technologies.

Ms. Brennan said that is correct.

Councilor Ives said we are allowed some leeway with the regulation of the esthetic values, and we propose to exercise that authority under this Ordinance in certain instances by looking at the pre-approval through a process that would involve public hearings of these types of devices that would have, hopefully, minimal impact on what we can appropriately regulate which are the esthetics, and asked if that is correct.

Ms. Brennan said, "That is correct, we retain zoning power except for the placement modification, construction of facilities, based on environmental effects. What I would say is the newer application required category includes the pre-approved design and location which is the only new construction it includes. It typically applies otherwise to as I said, repair, replacement and those kinds of things."

Councilor Ives said when we all take our oaths office to serve as City Councilors in Santa Fe, we swear and affirm to uphold the laws, both federal, State and local, and asked if he is recalling the oath of office correctly.

Ms. Brennan said, "I believe you, and as well as of course we take an oath to do....."

Councilor Ives said that is an entirely separate one.

Councilor Ives said we are caught in a bit of a conundrum. We do not have authority over those health effects, no matter how much we want to have positive impact. And the vast majority of the issues we have spoken of tonight deal with those effects. Of course, the science, and he has looked at those same WHO reports and others, certainly has not established with any clarity that the deleterious effects exist. In fact, they call them into question, and at best say that they are undecided and certainly subject to more study. He said he believes people track information regarding health effects associated with these facilities around town, because that is the type of information we can send to our Congressional representatives to say please change the law. And it will take a change to the law at the federal level to effect these laws in ways that resonate with so many of the comments we have heard tonight. It's not something we can do unilaterally. He said we simply don't have that power, and he doesn't doubt that a Federal Court would be happy that for us if we tried to ignore the law, avoid the law or act contrary to federal law on these matters.

Councilor Ives continued, saying, "To me, this Ordinance is a reasonable effort to try and find a way to accommodate federal law on the requirements of the speed with which hearings need to be held, and business needs to be conducted. And so, we will continue to try and regulate what we can. We cannot regulate what we can't. Again, I'm hopeful that folks will gather that information and get it to Congress. I'm certainly happy to send that off myself to our Congressional Representatives, but we simply don't have that power."

Councilor Villarreal thanked everyone for staying tonight, commenting the public can see that we have a whole gamut of issues we have to vote on. She said this one has been the most challenging, because the Ordinance and the regulations are very complex. She said it would take a lifetime to really dig in and understand all of the nuances. She said she has more worry about the National Laboratory having health effects on our community, and historically how it has affected our community.

Councilor Villarreal continued, saying the right-of-way is confusing to her, and asked Ms. Brennan to talk more about this. We know the basics about right-of-way, but someone asked about mapping the City rights-of-way, and asked if we have a good idea of where the rights-of-way are. We know there are telephone poles and we can identify those, and asked if there are others we need to know about. She asked Ms. Brennan how she identifies right-of-way.

Ms. Brennan said, "I'm just going to simply begin by saying there are ways used by the public to access property, and the public has the right to travel on them. And I think in Santa Fe, like in a lot of places, roadways have migrated over time. The rights of way are established and can be complex to map. I think the County is finding this in some circumstances now in relation to rights-of-way on Pueblo land. But I think it is enough established from the utilities that already are in the rights-of-way. As you say, there are telephone poles, water lines, sewer lines that are serving the private properties along the public way. And I think that there is a certain mapping which may not be a survey of a particular right-of-way, and I can't imagine the kinds of controversies that we might start if we said the right-of-way is here and by the way, it's 5 feet over in this direction, and 5 feet less in this direction. But somehow PNM has been putting telephone poles out there under a plan with the City, and we've been laying water lines and sewer lines in the rights-of-way since we started doing those things and it hasn't been an issue."

Councilor Villarreal said Ms. Brennan said in another meeting that service gaps would identified first, that there would be a need to look at service gaps, and those would be possibly collocation areas, and asked if that is correct.

Ms. Brennan said, "I think that, generally speaking, providers try to understand where their signal is weakest and to try to put a facility in a location where it will allow for the relay of signal without failure."

Councilor Villarreal said she just said locations will have to be approved by the Planning Commission.

Ms. Brennan said, "No. Depending on what category of approval they are on."

Councilor Villarreal said there is a comment about site specific leases, and asked for an explanation.

Ms. Brennan asked, "I'm going to ask you, do you want to address that, because we've been looking at some of those, and I'll talk for a minute. As you know this was litigated in a 1998 Ordinance with a lease format. And there are, and we are exploring an idea of using the franchise as basically a master lease, and allowing for fees to be computed on that kind of basis. But it's complex for a number of reasons, many of them legal. Marcos what can you add to that."

Mr. Martinez said, "I would say that if the City were to consider doing site specific leases, we would want to be very careful, given the precedent that has already been established. When the City passed an Ordinance in 1998, it was challenged in 2000, and was resolved ultimately in 2004, which basically struck large portions of the site specific lease approach to telecommunications franchise, well it wasn't even a franchise."

Ms. Brennan said, "Saying it was effectively prohibiting the delivery of telecommunications services."

Mr. Martinez said, "However, we are taking another look at that approach to see if could be worked with, modified, to avoid the pitfalls that the City fell into in the earlier incarnation of that Ordinance, so I don't want to commit anything right now, but it's something that we are actively looking at to see if that is a viable alternative for wireless facilities, specifically. It wouldn't make sense for wireline facilities like Qwest, now CenturyLink, or other entities that want to put in fiberoptic wire, because we really need the access to the entire length of the public rights-of-way. So we may think about a 2-tier system, but we still need to do more work."

Ms. Brennan said, "And that would have to be carefully thought through, and we would be talking about leasing like a pole area. It would be implausible to require a hearing and so forth for each recent event. Basically, it would be the same principle. There would be a master agreement, the franchise, very similar to this."

Councilor Villarreal said she heard Kate Singer speaking on the radio that we wouldn't be charging any franchise fees or any fees for that matter for new antennas coming up and asked Ms. Brennan to speak to that.

Mr. Martinez said, "The way the franchise fee provision has been written and adopted by the Council, is that telecommunication service providers pay a percentage of their gross revenues for customers that they have within the City limits of the City of Santa Fe. So if a provider doesn't have any customers in the City limits, then they would not be paying a percentage of revenue to the City. This is in response to fee provision that was struck in Federal Court in 2012."

Ms. Brennan said, "Yes. So it is responsive to the Federal Court's ruling in the most recent litigation."

Councilor Villarreal said there were comments about other places charging fees.

Mr. Martinez said, "We do have a fee. The Ordinance which based off a model ordinance simply only charges a percentage of revenue for those customers that exist in the local jurisdiction. So there is a fee imposed, but it is only if those companies have customers in the City limits."

Councilor Villarreal asked about application fees.

Ms. Brennan said, "These we think should be set in conjunction with the fee setting for the Land Use Department fees. So those would be application fees as opposed to franchise fees."

Councilor Villarreal said Mr. Pasqual commented about tapping into fiber and that it is under utilized in our City. She asked someone to speak to the difference between that option versus what we are doing here.

Mr. Martinez said, "I guess that my only response would be that the City can't dictate to the telecommunications company what technology they use. So fiber may be, in some people's views under utilized, it's not something that we can proscribe."

Ms. Brennan said, "That said, I think that we can ask the people that are looking at this now, and from the economic development viewpoint, to favor that. In fact our current Ordinance, and as I say this Land Use Review provision is only a part of it, actually always favors underground facilities and fiber."

Councilor Villarreal said there were a few questions about safety, we haven't really addressed pole safety, and asked who decides what poles can handle a certain number of antennas.

Ms. Brennan said, "As you know, one of the questions that came up was about who does the permitting on these. And we do not permit construction on our property. So, for instance, construction at the Airport is permitted through CID. These also would be permitted through CID. Typically, the permitting process addresses *[inaudible]*, the building codes, those kinds of issues."

Councilor Villarreal asked if there was an accident or something would happen on a pole or whatnot, who would be liable.

Ms. Brennan said, "I don't believe the City would be liable by virtue of licensing on those. I think probably the contractor. Or sometimes, in other words, the provider or the construction contractor conceivably, if they were mistakenly permitted or there were violations of building codes, it might flow to the permitting agency. Typically not."

Councilor Villarreal asked if we know for sure about liabilities.

Mr. Martinez said, "The Franchise Ordinance basically requires the telecommunication provider to indemnify the City in the event of any kind of tort type of claim."

Ms. Brennan said, "And in conjunction with constructions, there typically would be bonds or insurance requirements to insure those as well."

Councilor Villarreal said people talked about what has been happening in Ohio and California cases, and asked how this relates to our Ordinance and how does it differ.

Ms. Brennan said, "I'm actually going to point you on the grid if I can find it. Those are very distinguishable cases. In Ohio, the State Legislature passed a bill that stated it as regulating animal dog breeders and things like that, and morphed into a bill that addressed a few other things, including telecom. And in that bill, the State tried to take control and mandate that localities would have to allow small cell installations without their being able to approve them. So the litigation was on two points – unconstitutional log-rolling, in other words batching a number of unrelated into one and passing them all together which is not permitted. And I believe that was the primary basis for it being overturned. And the second cause was that the municipalities were understandably upset that the State was trying to preempt their rights to regulate their rights-of-way. And in a similar circumstance, we would advise the Council that the state was not permitted to do that."

Ms. Brennan continued, "The bill in California was very similar. The State was trying to mandate for localities that they allow certain facilities in their rights-of-way. And again, the opposition to it is really about municipal power over that decision making process. So, it is not because municipalities are fighting small cell antennas in their rights of way, they are fighting whether they have the right to regulate their facilities in their rights of way, and they do as long as they don't conflict with federal law."

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MOTION TO SUSPEND RULES: Councilor Dominguez moved, seconded by Councilor Ives, to suspend the rules and continue the meeting past midnight.

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

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Councilor Dominguez said he has been a part of this for many years, and appreciates the questions that have been asked. He thanked everyone who came this evening and all of those who stuck around, because it is a long night.

Councilor Dominguez continued, saying he keeps hearing about the idea that we are removing public oversight. Some of it may be because of the language of the agenda, where it talks about streamlining the Land Use process. However, he has heard Ms. Brennan say that we are not removing the public oversight. He asked, "Can you state that for the record again."

Ms. Brennan said, "We are streamlining the process by adopting a process more closely related to what happens in our regulation of private property, those zoning regulations. Typically zoning rules don't apply within the rights-of-way, so the kinds of rules that we have, have been more than stringent. So this brings it into close alignment with federal requirements, we believe. And also closer alignment with our Chapter 14 Rules. So, instead of everything having to be heard by the Planning Commission after an ENN, which is not even a requirement in our Chapter 14 Regulations, we have these 3 tiers of approval. One, is no application required. And as I said, the only new construction in that category is the pre-approved facility construction."

Ms. Brennan continued, "Then we have the administrative approval, and we define that as an area where the federal government says that it is not a substantial change to an existing facility in the rights-of-way, for example, if you increase its height by less than 10 feet, or less than 10% of existing height. So, it creates around a facility, a sort of envelope that we think of as permitted under federal law. The federal law says that you have to improve that modification. So that modification requires administrative approval. So within that envelope, it can be administratively approved, and basically, the federal government is already telling us you have to. We're evaluating it at that point for visual impact."

Mayor Gonzales asked, on that point, for the facility to have been erected originally, or the tower, would that, as opposed to what you just described, would it have required a public notification process and review. He understood she just said there is an administrative approval that allows modification to an existing cell tower if it is less than 10 feet or less than 10% of the height of the tower. He said for that tower to have been allowed originally into the private right-of-way, what was the process to get it to that point first. He thinks he understood the concern of those speaking tonight is that there would be unbridled opportunities for the telephone community to start throwing up cell towers in right-of-way that exists, without notification.

Ms. Brennan said, "They would have to fall within one of these categories of approval. So they would either have to be within the no application required, which as I said requires the pre-approved design. That's really the circumstance where there would be new construction in the rights-of-way, where they could go ahead based on a pre-approved design and an approved location."

Mayor Gonzales asked what needs to be done to have a pre-approved design.

Ms. Brennan said, "There is a public hearing, either before the Planning Commission or the H-Board, and as I say, it is a public hearing."

Mayor Gonzales asked, "And how much does the Planning Commission actually have to represent community concerns if that pre-approved design has a number of cell towers that people are objecting to, or there design issues."

Ms. Brennan said, "What would happen is the design would just go as a design to either of those bodies. So we could submit a design, someone, a provider could submit a design, like for instance, the mobility design that you saw tonight that they submitted. We could say this looks like a reasonable design and take it to the Planning Commission and the H-Board to get pre-approval for this design at the approved height in the area. And then, any additions to that subsequently, would be modifications that would either fall within that envelope, mandated by federal law, or if they were outside the envelope, would require Planning Commission approval."

Mr. Martinez said, "Kelley, may I interject here. Also, for all 3 tiers of review, an applicant is still going to need a franchise with the City. And that may be something that hasn't been clear from the discussions so far, which means an applicant will have to come forward, negotiate a franchise agreement with the City, they will have to describe their plans, in general, or in specifics to the City. That will have to be passed as an ordinance, will go through the committees. So, no applicant will be able to go forward with the no application process without having first gone through City committees and obtaining a franchise that has to be passed by an ordinance first, so we will know who all of our applicants are and have at least a general idea of their initial plans. And I think that has been missing from this discussion. This is just addressing expediting Land Use review in the public rights-of-way after they have obtained a franchise from the City having gone through the committee processes and approved ordinance."

Mayor Gonzales asked how many times does the public actually get to come in and weigh-in on a franchise.

Mr. Martinez said, "It would normally go through Public Works, Public Utilities, thence to Finance and Council where it would require a public hearing."

Mayor Gonzales asked what are "notification processes," because he understands that tonight people believe that the only notification would have to go on a website. He asked, "What are the notification requirements for a franchise agreement."

Mr. Martinez said it would be an Ordinance.

Ms. Brennan said, "So the process that Marcos described, the franchise is an ordinance, so it would follow that track. So through the committees, a request to publish and then the final hearing."

Mayor Gonzales said, "But it's just posted on the website."

Ms. Brennan said, "No. Not the franchise or the hearing before the Planning Commission."

Mayor Gonzales said people don't know our notification process, and asked, "What is the notification process to inform the public that a franchise agreement is being considered. Newspaper. Radio. What is the requirement."

Ms. Brennan said, "Typically agendas are posted and Yolanda can probably answer this better than I can, but 15 days in advance of a meeting agendas are published. And under some circumstance, notice is given to neighborhood associations and those kinds of things, depending on the rules. But generally, do you want to...."

Yolanda Vigil, City Clerk, said, "So, for City Council, we would have the notice in the paper if it would be an ordinance. So the bill would come in as a Request to Publish, and then it would be published in the newspaper, and would be 15 days in advance."

Ms. Brennan said, "And the Planning Commission hearings would require an ENN, and would require the typical Planning Commission notice, which again is at least 15 days published. This is also the one that would require notice to neighborhood associations and sometimes to *[inaudible]*, if those can be identified."

Mayor Gonzales said then the concern tonight that there would not be a public review, or an ability to weigh-in is not right, considering our regular requirements.

Ms. Brennan said that is correct.

Councilor Dominguez said he is glad the Mayor asked those questions so he didn't have to. He said his point was really to point out that we have fewer requirements for some private development and Land Use applications that we are actually requiring here, so that is something he thinks needs to be taken into consideration.

Councilor Dominguez said, "You've asked the questions, and I think that she answered that really articulates that, and I can, I guess, as a former Planning Commissioner and kind of knowing that process, and looking at land use for many, many many years, and actually being one of the main sponsors behind the ENN, right, there's lots of public oversight that is happening that doesn't even happen for some private development for private applications."

Councilor Dominguez said he thinks he heard Ms. Brennan say something to the effect..."Would it be safe to say that at one time we were more restrictive than we are now. In other words, at one time, we weren't allowing use of our rights-of-way for this kind of technology at all, and maybe not at all, but on a very limited basis and really that didn't work."

Ms. Brennan said, "I think that prior to 2010, after the 1998 Ordinance was overturned, that just sat on the books for years. Whether it showed applications or not, I can't really say. The 2010 Ordinance came about because there was a flurry of interest on the part of a number of people, and people realized we didn't have an ordinance, and that started that process, I think, as early as 2008. It took a long time to get to that Ordinance enactment. And after that, those people seemed to lose interest again. And so we were litigating for a couple of years as you know, and there has been renewed interest and we've actually been talking to people for an extended period of time, providers, who have been quite patient about understanding that, our process needed. It was not the most accessible, but were willing to talk to talk to use and wait. And I do want to correct the assertion tonight that bill is being initiated because there is litigation against us. There is not."

Councilor Dominguez said his third question is what instigated this, and he was going to turn to Councilor Harris and I *[inaudible]* was named as a sponsor, but said, "I wanted to find out a little bit more about what kind of instigated this. Because, every time the word telecommunication is on an agenda we get an interested group that show up."

Ms. Brennan said, "Frankly, after the conclusion of the Qwest litigation, in going back and looking at the Ordinance, it was our feeling that the land use provisions were unnecessarily restrictive. And I think I have certainly had in mind that they needed to be reviewed and discussed. And perhaps a year and a half ago, we began to get interest from providers which made it necessary to review it. At the same time, the Council, when this was beginning to be solidified, the Council passed the Economic Development Resolution in June which called for exactly these kinds of changes. So it was a fortuitous circumstance we did not get that Resolution and say, okay, let's modify it, Chapter 27 and turn this out in two weeks. But it has been sort of gelling in our minds and it became more of a priority when people started asking for franchises and wanting to put facilities in the rights of way."

Councilor Dominguez said this is complicated and there is a long history behind this, a lot of legalize, different levels of government, the private sector. He said staff is working hard. Every time this issue comes up there's a lot of thought, discussion and a lot of work behind it. He almost feels like we're not able to catch up. He doesn't know if that is a result of the industry changing, or instability at a different level of government.

Ms. Brennan said, "I think there are a number of factors at play. One is that the industry is a rapidly evolving industry, and changing. And as you noted when I read from the World Health Organization, they cited as one of the challenges that the industry is rapidly changing and adapting. Also, I think the federal government has taken an interest for reasons of the federal government related to the desire to bring broadband to everyone, and as a means of achieving connectivity. Also, because of security after 9/11. I think the State has been oddly out of it, and I think as the industry has changed, everybody has been trying to adapt. There is now under consideration by the FCC, an idea to impose a federal fee amount, similar to cable. The Cable Act says you can charge up to 5% for a cable providing their services in your locality and that's what we do. And if there were a similar law for telecommunications, it would really address a lot of these problems for us. So we are trying to sometimes set a round peg in a square hole."

Councilor Dominguez again thanked everyone for being here, commenting the crowd has thinned, and thanked staff for its work as well.

Councilor Lindell said all of her questions have been asked. She knows this has been a tremendous amount of work and thanked people for coming out, and yielded the floor.

Councilor Harris said Councilor Dominguez just asked one of the key questions he wants to make sure is understood. It has to do with if this Ordinance is in response to any current legal action against the City, and Ms. Brennan clarified that. He said the reason to step up, which he was doing as the initial sponsor, is because several months ago we dealt with the franchise portion of Chapter 27. However, there is still work to be done, most of which is embodied in the current Ordinance and how we will handle things in the rights-of-way, our constraints, our ability to effect what goes in the right-of-way. He said the Resolution we dealt with in mid-Summer, regarding Economic Development and what that meant, dealt with several issues. He said for all these reasons and that the City needs to take a stand – it is our responsibility to clarify and codify what we think is an appropriation regulation and Code. He said even though they weren't represented here this evening, there are a lot of issues related to cell phone coverage in different parts of the City. There are a lot of voices that believe we should adopt this. This is his reason, and trying to respond to Councilor Dominguez.

Councilor Harris continued, saying we heard a statement about the WHO, and Ms. Brennan read a statement. He asked when was that opinion rendered. He wants to know if it is a current opinion, or goes back a few years.

Ms. Brennan said, "I wish I could answer that with particularity. As you know, things on the internet, even on the World Health Organization website are not always clearly dated for their point of origin, and I certainly don't have the technical savvy to figure that out. I believe this is relatively current, if only because of the way it talks about the challenges. I have looked at the World Health Organization website over the course of years, and this seemed relatively new to me, but I could be wrong. I could have missed it before."

Councilor Harris said one of the arguments we heard tonight had to do with civil disobedience. He said we didn't use that language in our Resolution regarding Sanctuary, immigrant issues, and he thinks it is important to note that the Resolution we adopted was done so on the basis of the City Attorney's clear opinion that ours was a defensible, legal position given federal law. He wants to make that distinction, pointing out it was just a Resolution as opposed to the Ordinance being proposed here, where federal law actually is fairly clear, federal Regulations.

Ms. Brennan said, "You are correct Councilor, I felt we were on very good legal ground and that we were, in fact, in compliance with federal law, notwithstanding some things of federal officials that we might not be."

Councilor Harris said we do take our responsibilities seriously as stated by Councilor Ives regarding our responsibilities toward federal, State and local laws, and thinks we have been consistent, even though some may not view it that way.

Councilor Harris said the height language is specific to all zoning categories. If we look at the Land Use Code in the future, can height limitations vary from what is documented in that particular zoning district or the overlay.

Ms. Brennan said she doesn't understand the question.

Councilor Harris said he is speaking of the Midtown Linc, that recent overlay, and we raised the height limitations for Linc buildings, and he sponsored an amendment to go higher in a certain portion. He said what he is asking is if, in fact, we get further down the road and think that perhaps the higher limits are not appropriate for whatever reason, can they be changed.

Ms. Brennan said, "Yes, they can be changed, and I would say of course building height is one of the measures of height in the rights-of-way."

Councilor Harris asked, "Can you change for this telecommunication ordinance. Can you make it specific to telecommunication facilities, versus the buildings that are in that zoning."

Ms. Brennan said, "I think you could probably establish that the total height can't exceed the height of adjacent facilities in rights-of-way, for example telephone poles. So if there were a 5-story building height, it could be limited rationally, I think, within the rights-of-way to the highest thing adjacent."

Councilor Trujillo said, "I really don't have any questions that haven't been answered. The only thing that I have for you Kelley, is there any consideration or thought, for you Marcos, too, to underground *[inaudible]*, meaning within the right-of-way. Do you want to move on that, Kelley."

Mayor Gonzales asked Councilor Trujillo to explain his question further.

Councilor Trujillo said the underground role, technically, it's like within the sewers, the vault, the infrastructure would actually be placed in there instead of having a pole, or an esthetically pleasing looking tree."

Ms. Brennan said, "This bill, like the existing Ordinance, favors undergrounding. And the limitations are wherever practicable. Now obviously, antennas cannot be undergrounded. Certain infrastructure can. Sometimes it can't be because of other infrastructure in the area that means there is no space to do it, or other obstructions or pure cost. Some equipment generates so much heat that it's not practicable. There are considerations like that, but there is an overall preference for undergrounding embodied in the Ordinance."

Councilor Trujillo said he has the same concerns as Councilor Rivera, as it pertains to locations in schools, parks and places where kids play, so he wanted that answered.

Councilor Maestas said a lot of his issues have been addressed. He said this fight over federal preemption of local laws has been going on for a very very long time, and there doesn't seem to be an end to it. He said to think the federal government can require 90 days for collocation and 150 days for new facilities throughout the country is asinine. He thinks people need to understand that this is the kind of regulatory environment that we are a part of. He said the FCC created a Telecommunications Advisory Committee and they stacked it with industry. He said, "So, we're not going to get any relief folks, it's only going to get worse. And so preemption of local control, especially in the case of telecom, is a big problem, and it does take away our local authority. And by virtue of that, your voices. And so, I'm not blaming it on the big bad feds, but this environment is getting worse, and this is symptomatic of that."

Councilor Maestas continued, saying he realizes we are trying to streamline our process to reduce the time it takes to try and comply with this new FCC Order. He asked if we have estimated the savings in time by these recommended measures to streamline process, and will we comply with the 90 and 150 days.

Ms. Brennan said, "We believe these are doable deadlines. I will say that the 90 day and the 150 day timeframes are presumptively reasonable. If someone submits and application that is incomplete, we are required to tell them it's incomplete within X number of days and that stops the clock until they resubmit a complete application. However, if somebody submits a complete application and it's sufficient and we don't act on it, they do have a right to go to court to force approval, essentially, to get the Federal Court to approve it. So, when we looked at these, we tried to find a process that we believed would allow us to make these deadlines, based on experience we've had, the kinds of things that get submitted and the flexibility of providers. Providers can always agree to extend the time, but they're not always going to, especially if they feel that they are being deliberately slowed down. So yes, we think these are doable timeframes."

Councilor Maestas said in Section C, the part where no application is required, all the circumstances under which no application would be required are fine, with the exception of 1(a), and that is the construction of new telecom facilities, provided they conform to design parameters that would be approved of by our Land Use Committee from time to time as the Ordinance states. He asked if we have any design parameters to date where a facility could be evaluated based on those pre-approved parameters.

Mr. Martinez said, "No, we do not."

Councilor Maestas asked Ms. Brennan what is the prevalence of these circumstances. He is still concerned when he reads that we will allow new facilities as long as they conform to parameters that have been pre-approved, subject to a public involvement process. He asked, "If there is no prevalence, then why have it."

Ms. Brennan said, "The prevalence would be triggered by the adoption of the Ordinance. In other words, no we do not have pre-approved designs, because there isn't a process for pre-approved designs have value. This bill creates a process that says it's worthwhile to get... for instance if you are going to put 5 facilities in, submit something and ask us to pre-approve the design. We'll take it to the committees for pre-approval, then they can go forward in the future with approval of locations only, using that pre-approved design. This Ordinance creates that possibility. And it seems to make sense, particularly in the rights-of-way, where we have things like, you saw the design that was submitted after we rejected the first one, which was a streetlight with a cylinder mounted vertically on the pole. So if that were pre-approved, it would go through the hearing process, depending on both the Planning Commission and the H-Board, and then it would be an advantage to the provider, because it would simplify the process. So this bill creates that incentive and recognizes the peculiar quality of the likes of which I think we have to admit are not the prettiest parts of town."

Councilor Maestas said he thought there was a previous discussion where we talked about a scenario where we don't permit the construction of these facilities in our rights-of-way, it's done by CID, and asked if they just oversee the construction, and the City still has design approval.

Ms. Brennan said, "Yes. In other words it's the same as in all land use review. We have approval of design and so forth, but they have to get their construction permit from the.... in this kind of case, it's not a building design where they would be looking at all kinds of sub-trade issues like plumbing and electrical and things like that. It's a fairly straightforward process I think."

Councilor Maestas asked if the City would be liable if we approve these design parameters that could be used in the future for streamlining the approval of new facilities in our rights of way.

Ms. Brennan said, "I think, as a matter of course in pre-design, we would ask for structural loads and that kind of information. So I think that would just be part of the design drawings that would be pre-approved."

Councilor Maestas asked Ms. Brennan if she thinks this would save time, having the pre-approved design parameters.

Ms. Brennan said yes

Councilor Maestas said his last comment is this Ordinance deletes any provisions for a telecom advisory committee, and defers that role, or by default, to the Economic Development Department. He sees an inherent conflict there, because Economic Development is not going to really care about a lot of the issues we heard tonight. He asked if there is an appropriate department to which we can defer in lieu of the provision for a telecom advisory committee.

Ms. Brennan said, "I merely said that they have taken, sort of in terms of the Resolution you passed in June of this year, they took the initiative on that. I think that creating a committee within the framework of the Franchise Ordinance is not how committees are created in the City which is why I deleted it. If this body wanted to create a Telecommunications Committee and articulate its charge, and populate it and put it under some department, I think that would be completely appropriate. And I feel like Planning is one part of that along with Economic Development, and probably Engineering in Public Works."

Councilor Maestas said then you're saying, from a legal standpoint, this Ordinance is not the right mechanism to provide for the creation of a telecom advisory committee.

Ms. Brennan said, "That's correct."

Councilor Maestas said, "I just want to state, for the record, I think we should seriously consider that, based on what we've heard tonight. Maybe with your guidance we can maybe study how we can do that, explore it and maybe have an open discussion with the Governing Body Members. But I just wanted to state and make that clear, that we are not going to wipe out that provision. And I, for one now, after tonight, think we should really seriously consider establishing a telecom advisory committee."

Ms. Brennan said, "I think there is a lot to be gained by doing that, particularly in terms of planning, inventorying what resources there are. For example, what fiber is available. Perhaps getting more technical expertise. Perhaps the City would want to construct, someone here mentioned this tonight, towers of its own, and lease space on them, and a study about that. So, I think, Planning is a big part of it. As I said, I think Public Works Engineering is a part of it, and I think it can be an important feature of a better program going forward."

Councilor Maestas said Section (C)(1)(b), lists circumstances under which an application would not be required, allowing for the maintenance, repair and replacement of existing conforming and legally non-conform telecom facilities. He asked what is a legally non-conforming telecom facility, and if it pre-dates July 2010.

Ms. Brennan said, "It's correct. It pre-dates.... it was legal when it was built, but by virtue of subsequent enactment, became non-conforming. And this is a general rule that is applicable to all kinds of buildings. Some buildings are non-conforming, for instance, because they were built within what is now the setback, but it was legally built at the time it was built. It's just a basic legal principle of land use."

Councilor Maestas said we have been placed in a difficult position, and it is up to us, as decision makers, to try and achieve a sense of balance. It is difficult when the federal government has its thumb on us in this way and in this circumstance. "So, I just want to state for the record how frustrated I am, and how federal preemption is getting worse. It's not easing up. It's not static. It's getting worse. Thank you."

Mayor Gonzales said he would echo Councilor Maestas' frustration with the federal preemption requirements on telecommunications. It is something the federal government has taken on a very aggressive role in preempting local governments participation in whether the cellular industry, broadband industry can participate in communities or not. So there has been an aggressive move with very clear federal laws that require participation. It doesn't put us as a completely helpless community which means we have to look at how we work within the constraints of law within the authority given to us as a City to find the vehicles to create more of a public process. To be able to have a conversation in the community requires us to find that balance.

Mayor Gonzales continued, saying we have a responsibility for the health, safety and welfare of the community. Part of the welfare is the need to have an economy that is part of the knowledge based environment which requires a broadband strategy, where there are economic opportunities, and balance that with the health risks that people believe. As a governing body, we have to be able to listen to them and respond.

Mayor Gonzales continued, saying tonight, however the vote goes, he is in favor and support of, and would ask the Council to provide direction to the City Manager to come back with a process to develop a telecommunications committee for two reasons. One, this is a rapidly changing industry and we have to have our community eyes on how it is changing. He thinks having a committee that does what Ms. Brennan spoke about, would allow for participation by the City and the industry.

Mayor Gonzales continued, saying he also appreciates the community's concerns about all of the issues, which is the first step in a full public process in siting, locations, designs, which require notification and public process. He thinks that is the part of this that allows to exert action, some local control and authority in what is happening here. He said all of us find ourselves wanting to address and to deliver on policies important to our community, only to find we have huge preemption blocks. We have run into this over becoming a community with more solar, and State law prevents us from moving forward to develop community solar to be available to our community. That right is given solely to the monopoly in our public utility. There are preemptions at the State level with regard to progressive taxation as proposed by Councilor Maestas. He said Councilor Dominguez with Councilor Rivera and others advocated for ways to control the liquor sales in the City when the State preempts us if we deny an application.

Mayor Gonzales continued, saying he is glad the Federal Court today denied the efforts of the State of Texas to preempt local governments in passing laws similar to the ones brought forward by Councilor Maestas and Councilor Villarreal in terms of the welcoming City Resolution. The ideas of preemption are all over and "this is a fight I think that we all have to take on as a local government, to not just surrender, but to find ways that, within the constructs, we are able to continue to advance the interests of our community."

Mayor Gonzales continued, saying to Councilor Harris' point, it is important that we take proactive stances, and stand up and address these issues in a way that allows for full transparency and disclosure. He said a telecom committee would be the eyes and ears of the community on what is happing in the telecom industry.

Mayor Gonzales continued, recognizing Councilor Ives to close debate and offer a motion.

Councilor Ives said on packet page 25, at the provision on monitoring standards, which states, *That at all times the telecommunications provider shall ensure that its telecommunication facilities comply with the most current regulatory and operational standards, including, but not limited to, radiofrequency emission standards adopted by the FCC and antenna height standards adopted by the Federal Aviation* Administration. He asked how that is assessed, what kind of reporting is required by any regulatory body in connection with that, if any.

Ms. Brennan said, "Well, this is part of the problem. Of course, people are required to comply with the law in any event. So we're making clear that we expect them to comply with federal law, but we do not enforce that law, the FCC does. So, it is problematic. We have required certificates, I don't know if they've added any value to the application in the past, because we are not, from a practical viewpoint, equipped to monitor or check these technical matters over which we don't actually have direct jurisdiction."

Councilor Ives asked if there are any reports required to be filled with the FCC or the FAA on a regular or irregular basis, and if so, to please get that information to him.

Councilor Ives, referring to packet page 21, Subparagraph 27.2-2.19(g)(10) Community Information Availability, asked if we might go a step further. For example, if we could get the information out to entities such as the Neighborhood Network and the neighborhood association in a list served fashion, when we have a matter involving a telecommunications franchise ordinance. He said we get people saying they didn't notice something, and he wants to get the information for those who wish to participate, so they can participate.

Ms. Brennan said, "To the extent we create different and more stringent notice requirements for this than we do for our traditional process, I think questions could be raised about why we do that. What I would say, posting it on the website is more than is done right now under Chapter 14. In fact, for the administrative approval applications there is no way that an application has been filed, and people file an IPRA request every two weeks for everything in the prior two weeks, because of the peak period of 15 days on applications. So it actually is burdensome. This reduces the burden, and I, of course, am going to suggest to Land use that this be embodied in Chapter 14. I think that what would address what you are

saying, is that it be in a visible spot on the website, and be regularly maintained, so it's something people know they can go to and see the entire application."

Councilor Ives said he certainly would do that, and said he believes people can sign up for notification of various types of meetings on the website.

Ms. Brennan said she assumes we can add that element. She said she has aspirations that we can do this. And if we already do that on some things, it would make sense.

Councilor Ives said if we could look at this, Ms. Brennan can make recommendations and he can follow up with additional resolutions as might be necessary.

MOTION: Councilor Ives moved, seconded by Councilor Harris, to adopt Ordinance 2017-18, with direction to staff to bring forward a Resolution that would create a Telecommunications Committee and including Councilor Harris's amendments which are in the Governing Body packet.

FRIENDLY AMENDMENT: Councilor Maestas offered a friendly amendment to have staff explore an undergrounding policy in the City, to incentivize undergrounding utilities as a means to discourage a proliferation of telecommunications facilities.

DISCUSSION ON THE FRIENDLY AMENDMENT: Mayor Gonzales said Public Works is working on a policy that, as work is being done on streets, roads and replacement of water lines, that there are efforts to deliver broadband fiber.

Councilor Maestas said it would not be limited to new construction.

Ms. Brennan said, "What I would say is this Ordinance, already as a policy, endorses underground as a preference, so I am unsure it would be adding to it, unless you are talking about a general City policy for undergrounding.

Councilor Maestas said it would be a general City policy, noting this has been an issue, but utility companies are willing to underground existing facilities and help defray the cost, but we would pay. So he just wants to look at this to see if, in the end, it would be feasible to do that. It would help in so many regards, the esthetics, potential health effects. So it is a friendly amendment just to have them look at that.

Mayor Gonzales said it sounds like a great first job for our telecommunications committee.

Councilor Dominguez said we have gone through that exercise here before in this Governing Body, and he thinks the fiscal impact was pretty significant. He doesn't mind supporting that as a friendly amendment, but believes we need to look at that on a regular basis. However, the bottom line is it will cost a lot of money to do that, and maybe we should spend it.

THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.

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

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

Against: None.

Mayor Gonzales again thanked the public for staying with this evening on this issue, and for the thoughtful consideration of this issue by the Governing Body.

4) **CASE #2017-19. THE VILLAGE @ 599 GENERAL PLAN AMENDMENT. MONTOYA LAND USE CONSULTING, AGENT FOR DON JUAN'S LAND, LLC – CARLOS GARCIA, REQUESTS APPROVAL TO AMEND THE GENERAL PLAN FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF PROPERTY COMPRISING 19.99 ACRES OF LAND FROM LOW DENSITY RESIDENTIAL (3-7 DWELLINGS/ACRE) TO HIGH DENSITY RESIDENTIAL (12-29 DWELLINGS/ACRE). (DONNA WYNANT) (Postponed to September 13, 2017)**

5) **CASE #2017-10. THE VILLAGE @ 599 REZONING. MONTOYA LAND USE CONSULTING, AGENT FOR DON JUAN'S LAND, LLC – CARLOS GARCIA, REQUESTS APPROVAL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE, CHANGING THE ZONING CLASSIFICATION OF PROPERTY COMPRISING 19.99 ACRES OF LAND FROM R-2 (RESIDENTIAL, 2 DWELLINGS/ ACRE) TO R-21 (RESIDENTIAL, 21 DWELLINGS/ACRE) AND PROVIDING AN EFFECTIVE DATE). (DONNA WYNANT) (Postponed to September 13, 2017)**

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END OF PUBLIC HEARINGS

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15. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

17. MATTERS FROM THE CITY CLERK

Ms. Vigil reminded the Governing Body of the Special Fiesta presentation next Tuesday at 4:0p0 p. m. in the Council Chambers, with the Finance Committee meeting to follow.

Ms. Vigil said she will be releasing Candidates packets on Friday, September 2, 2017, from 8:00 a.m. to 5:00 p.m., in her office.

18. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of "*Bills and Resolutions scheduled for introduction by members of the Governing Body*," for the Governing Body meeting of August 30, 2017, is incorporated herewith to these minutes as Exhibit "11."

Councilor Maestas

Councilor Maestas had no communications.

Councilor Trujillo

Councilor Trujillo said he spoke with Mr. Snyder about Bienvenidos, and looking at this piece of property.

Councilor Trujillo sent a shout-out to everybody who has been cleaning along the highways, saying he saw a private company cleaning Cerrillos Road. He has gotten a lot of positive feedback, especially from his District that are very please with the results.

Councilor Harris

Councilor Harris introduced a Resolution acknowledging the importance of the College of Santa Fe and the Santa Fe University of Art and Design to the history of Santa Fe; recognizing the significance of the location of the University campus in the geographic center of Santa Fe and its connection to the recently created Midtown Linc Overlay District; acknowledging the City's investment in the University campus; calling for a renewed vision for the campus, integrating a forward-looking educational use with other community-centered uses built on existing strengths and capacity; and for the City of Santa Fe to act as the catalyst for change embodying the long-held values of the City.

Councilor Harris said he looked at the schedule noting, with Ms. Brennan on a well deserved vacation, he agrees that this would be an appropriate schedule for his bill.

Councilor Lindell

Councilor Lindell introduced the following:

1. An Ordinance amending Subsection 20-2.3 SFCC 1987, to prohibit panhandling within twenty feet of any business. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "12."

2. An Ordinance amending Section 23-5.3 SFCC 1987, regarding Plaza artists/artisans; licenses, requirements; selection process; and conditions of operations.

Mayor Gonzales

Mayor Gonzales introduced the following:

1. An Ordinance authorizing the issuance and sale of the City of Santa Fe, New Mexico Gasoline Tax/Subordinate Lien Gross Receipts Tax Improvement Revenue Bonds, Series 2017, in an aggregate principal amount not to exceed $13,500,000 for the purpose of defraying the cost, et al. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "13."

2. A Resolution establishing a Municipal Drug Strategy Task Force to develop new approaches to problems related to both drug addiction and policy responses to it by collaborating, studying, gathering input from the Santa Fe community and issue-experts, and proposing recommendations for a coordinated drug strategy rooted in public health and safety. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "14."

3. A Resolution to amend the City's Investment Policy to provide that the City's financial institutions or agents shall not invest City funds in fossil fuels.

Mayor Gonzales said he is looking forward to joining Councilor Trujillo and Councilor Harris tomorrow night at 6:00 p.m., at the Monica Lucero Park, to address some of the neighborhood issues in the development area on Avenida de las Campanas.

Mayor Gonzales said he wanted to clarify that the Ordinance relating to the Gasoline Tax is a debt strategy proposal, and proposes no new taxation.

Councilor Dominguez

Councilor Dominguez said he heard from Willie in South Houston, and he is doing well, and congratulations to him and his family for being safe.

Councilor Dominguez introduced the following:

1. A Resolution establishing a Homelessness Task Force to analyze and provide recommendations to the Governing Body in an effort to ensure that homelessness is prevented whenever possible or is otherwise a rare, brief and non-recurring experience. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "15."

2. An Ordinance amending Subsection 23-6.2 SFCC 1987, to dedicate General Fund Revenue in excess of that needed to satisfy the fiscal requirements of the amended budget to the Children and Youth Fund.

Councilor Villarreal

Councilor Villarreal said she is cosponsoring the Mayor's Resolution on the Drug Task Force..

Councilor Villarreal introduced the following:

1. A Resolution directing the City Manager to plan and design a long term integrated solution to homelessness to achieve consistency in interpretation and application; and to identify where collaborative efforts will result in more effective and efficient homelessness support programs for the benefit of people who are homeless in the City of Santa Fe and Santa Fe County. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "16."

2. A Resolution adopting the West Santa Fe River Corridor Plan as an official amendment to the General Plan and formally amending the future land use map, including proposed amendments made herein. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "17."

Councilor Ives

Councilor Ives said he would join as a cosponsor of the Mayor's Gasoline Tax Ordinance, and the Resolution amending the City's Investment Policy. He asked for the Public Works Committee to be included for Councilor Dominguez second Resolution. He said he would join as a cosponsor of Councilor Harris' Resolution, and Councilor Villarreal's Resolution on Homelessness.

Councilor Ives introduced the following:

1. A Resolution directing the City Manager to undertake a feasibility study to explore development of free walls for street artists on municipal properties; and presenting the study to the Governing Body within 90 days of adoption of this Resolution. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "18 ."

2. A Resolution directing staff to prepare undeveloped City-owned real property located at the northeast corner of Yucca Street and West Zia Road for donation to a qualified grantee as defined by the Ne Mexico Affordable Housing Act for the development of a multi-family, residential, low income housing tax credit project pursuant to the Affordable Housing Act. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "19."

Councilor Ives asked that this Resolution be sent to the Economic Development Review Committee for consideration, noting he will schedule meetings with various neighborhood associations in connection with this proposal.

Councilor Rivera

Councilor Rivera asked to be kept update on Bienvenidos.

Councilor Rivera wished everyone a Happy Labor Day, and for a safe and happy Fiestas.

Councilor Rivera asked to join as a cosponsor of the Mayor's Resolution regarding a Drug Strategy Task Force, Councilor Villarreal's Resolution Homelessness and Councilor Harris's Resolution.

16. EXECUTIVE SESSION:

IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT NMSA 1978, §§10-15-1(H) (2), (7) AND (8), DISCUSSION REGARDING ~~LIMITED PERSONNEL MATTERS, INCLUDING, WITHOUT LIMITATION, ON THE STATUS OF NEGOTIATIONS WITH AFSCME AND THE POA;~~ THREATENED AND PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS A PARTICIPANT, INCLUDING, WITHOUT LIMITATION, DISCUSSION REGARDING CASE NO. 1:17-CV-00355, *CNSP D/B/A NMSURF V. THE CITY OF SANTA FE* AND CASE NO. 1:17-CV-00768-SCY-CG, *RIO GRANDE FOUNDATION V. CITY OF SANTA FE;* AND DISCUSSION OF THE PURCHASE, ACQUISITION OR DISPOSAL OF REAL PROPERTY OR WATER RIGHTS BY THE CITY OF SANTA FE, INCLUDING WITHOUT LIMITATION, DISCUSSION RELATING TO THE PROPERTY LEASED TO SANTA FE UNIVERSITY OF ART AND DESIGN, LOCATED AT 1600 ST. MICHAEL'S DRIVE. (KELLEY BRENNAN)

MOTION: Councilor Rivera moved, seconded by Councilor Dominguez, that the Council go into Executive Session to discuss the matters listed on the Agenda in accordance with the recommendation of the City Attorney.

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

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

Against: None.

The Governing Body went into Executive Session at 12:20 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 1:05 a.m., Councilor Rivera moved, seconded by Councilor Ives, that the City Council come out of Executive Session and stating for the record that the discussion in Executive Session was limited to the matters noted on the agenda

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

For: Mayor Pro-Tem Lindell, Councilor Dominguez, Councilor Harris, Councilor Ives, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Councilor Villarreal.

Against: None.

I. ADJOURN

There was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately1:05 a.m.

Approved by:

Mayor Javier M. Gonzales

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:

Melessia Helberg, Council Stenographer

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VERBATIM TRANSCRIPT
OF PARAGRAPH 1, PAGE 63, ITEM H(3) ON THE EVENING AGENDA
CONSIDERATION OF BILL NO. 2017-22: ADOPTION OF ORDINANCE NO. 2017-18.
(COUNCILOR HARRIS AND COUNCILOR IVES).
AN ORDINANCE RELATING TO THE TELECOMMUNICATIONS
IN THE PUBLIC RIGHTS-OF-WAY ORDINANCE;
AMENDING SUBSECTION 27-2.19 SFCC 1987, TO STREAMLINE THE LAND
USE REVIEW PROCESS FOR TELECOMMUNICATIONS
FACILITIES IN THE PUBLIC RIGHTS OF WAY; AMENDING SUBSECTION 27-2.20.
CITY COUNCIL MEETING
August 30, 2017

KELLEY A. BRENNAN, CITY ATTORNEY: That is correct, we retain zoning power except for the placement modification, construction of facilities, based on environmental effects. What I would say is the ~~newer~~ no application required category includes the pre-approved design and location which is the only new construction it includes. It typically applies otherwise to as I said, repair, replacement and those kinds of things.

I certify that this is a true and accurate transcript of the requested portion of Item H(3), Page 63, Paragraph 1, of the City Council Meeting, August 30, 2017.

Melessia Helberg, Council Stenographer

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[redacted]

Wells Fargo 2015YE

Santa Fe, New Mexico

Home Mortgage[1,2]

In Santa Fe, New Mexico, Wells Fargo provided 239 mortgage loans (total HMDA), extending $74.6 million in credit.

- Of that, 29 mortgage loans were in LMI communities, providing $5.3 million in credit and 28 mortgage loans were made to LMI borrowers, providing $4.3 million in credit.

Originated and Purchased HMDA Totals by Tract Income ($000)

	Total		Low Income		Moderate Income		Middle Income		Upper Income	
	#	$	#	$	#	$	#	$	#	$
Tract Total	239	$74,637	4	$768	25	$4,543	77	$16,462	133	$52,864
Home Purchase	110	$38,948	1	$243	10	$1,646	33	$7,653	66	$29,406
Home Improvement	14	$2,807	0	$0	0	$0	3	$415	11	$2,392
Home Refinance	115	$32,882	3	$525	15	$2,897	41	$8,394	56	$21,066

Originated and Purchased HMDA Totals by Borrower Income ($000)

	Total		Low Income		Moderate Income		Middle Income		Upper Income	
	#	$	#	$	#	$	#	$	#	$
Borrower Total	239	$74,637	11	$1,769	17	$2,515	42	$7,794	138	$54,953
Home Purchase	110	$38,948	3	$387	7	$1,291	19	$3,773	71	$31,350
Home Improvement	14	$2,807	0	$0	1	$7	3	$355	10	$2,445
Home Refinance	115	$32,882	8	$1,382	9	$1,217	20	$3,666	57	$21,158

Originated and Purchased HMDA Totals by Loan Type ($000)

	Total HMDA		Home Purchase		Home Improvement		Home Refinance	
	#	$	#	$	#	$	#	$
Total	**239**	**$74,637**	**110**	**$38,948**	**14**	**$2,807**	**115**	**$32,882**

Originated HMDA Totals by Tract Income ($000)

	Total		Low Income		Moderate Income		Middle Income		Upper Income	
	#	$	#	$	#	$	#	$	#	$
Tract Total	190	$60,815	3	$525	16	$2,955	62	$13,218	109	$44,117
Home Purchase	86	$33,017	0	$0	5	$720	27	$6,274	54	$26,023
Home Improvement	13	$2,667	0	$0	0	$0	2	$275	11	$2,392
Home Refinance	91	$25,131	3	$525	11	$2,235	33	$6,669	44	$15,702

Exhibit "I"

Originated HMDA Totals by Borrower Income ($000)

	Total		Low Income		Moderate Income		Middle Income		Upper Income	
	#	$	#	$	#	$	#	$	#	$
Borrower Total	190	$60,815	11	$1,769	14	$1,797	30	$5,256	123	$49,157
Home Purchase	86	$33,017	3	$387	5	$848	12	$2,276	61	$28,325
Home Improvement	13	$2,667	0	$0	1	$7	2	$215	10	$2,445
Home Refinance	91	$25,131	8	$1,382	8	$942	16	$2,765	52	$18,387

Originated HMDA Totals by Loan Type ($000)

	Total HMDA		Home Purchase		Home Improvement		Home Refinance	
	#	$	#	$	#	$	#	$
Total	**190**	**$60,815**	**86**	**$33,017**	**13**	**$2,667**	**91**	**$25,131**

Small Business[2]

In Santa Fe, New Mexico, Wells Fargo provided 416 small business loans, extending $15.0 million in credit.

- Of that, 78 small business loans were in LMI communities, providing $2.2 million in credit.

Small Business by Loan Size ($000)

	Total		Low Income		Moderate Income		Middle Income		Upper Income	
	#	$	#	$	#	$	#	$	#	$
Total	**416**	**$14,967**	**43**	**$1,565**	**35**	**$645**	**171**	**$6,251**	**167**	**$6,507**
$100,000 or less	395	$10,595	40	$1,085	34	$536	165	$4,955	156	$4,020
>$100,000 to $250,000	16	$2,724	3	$480	1	$109	4	$625	8	$1,510
>$250,000 to $1,000,000	5	$1,648	0	$0	0	$0	2	$671	3	$977

Small Business by Annual Gross Revenue ($000)

	Total		Low Income		Moderate Income		Middle Income		Upper Income	
	#	$	#	$	#	$	#	$	#	$
Total	**416**	**$14,967**	**43**	**$1,565**	**35**	**$645**	**171**	**$6,251**	**167**	**$6,507**
$1 Million	332	$9,819	32	$809	29	$342	141	$4,575	130	$4,094
>$1 Million	48	$3,614	7	$520	3	$174	23	$1,429	15	$1,491
Revenue Not Known	36	$1,534	4	$236	3	$129	7	$247	22	$922

Community Development[3,4]

In Santa Fe, New Mexico, Wells Fargo provided 2 community development loans totaling $1.2 million.

Community Development Lending ($000)

	Total		Low Income		Moderate Income		Middle Income		Upper Income	
	#	$	#	$	#	$	#	$	#	$
Total	**2**	**$1,150**	**0**	**$0**	**0**	**$0**	**1**	**$500**	**1**	**$650**
Community Services	2	$1,150	0	$0	0	$0	1	$500	1	$650

In Santa Fe, New Mexico, Wells Fargo provided 9 community development investments totaling $59,000.

Community Development Investments ($000)

	Total		Affordable Housing		Community Services		Economic Development		Revitalize/ Stabilize	
	#	$	#	$	#	$	#	$	#	$
Total	**9**	**$59**	**4**	**$33**	**5**	**$27**	**0**	**$0**	**0**	**$0**
Grant	9	$59	4	$33	5	$27	0	$0	0	$0

In Santa Fe, New Mexico, Wells Fargo team members recorded 23 community development service activities totaling 56 hours.

Community Development Services

	Total		Affordable Housing		Community Services		Economic Development		Revitalize/ Stabilize	
	#	# Hours	#	# Hours	#	# Hours	#	# Hours	#	# Hours
Total	**23**	**56**	**10**	**19**	**13**	**38**	**0**	**0**	**0**	**0**
Board Activity	13	25	10	19	3	6	0	0	0	0
Financial Education	10	32	0	0	10	32	0	0	0	0

Locations[2,5]

In Santa Fe, New Mexico, Wells Fargo has 7 branch locations.

- Of that, 1 is in an LMI communitiy.

Branches	Total	Low Income	Moderate Income	Middle Income	Upper Income
Total	**7**	**0**	**1**	**5**	**1**

In Santa Fe, New Mexico, Wells Fargo has 11 ATM locations.

- Of that, 1 is in an LMI communitiy.

ATMS	Total	Low Income	Moderate Income	Middle Income	Upper Income
Total	**11**	**0**	**1**	**7**	**3**

[1]Mortgage includes home purchase, home improvement, home refinance, and multifamily originated and purchased loans.

[2]Totals include low, moderate, middle, upper and unclassified income levels. All totals in $(000)

[3]Some Community Development activity cannot be tracked at the city level.

[4]Community Development activity is subject to change as updates are received.

[5]Location data as of year end

Fact Sheets should not be used to determine CRA Exam performance.

New Mexico

Home Mortgage[1,2]

In New Mexico, Wells Fargo provided 4,167 mortgage loans (total HMDA), extending $771.7 million in credit.

- Of that, 668 mortgage loans were in LMI communities, providing $78.1 million in credit and 619 mortgage loans were made to LMI borrowers, providing $60.8 million in credit.

Originated and Purchased HMDA Totals by Tract Income ($000)

	Total		Low Income		Moderate Income		Middle Income		Upper Income	
	#	$	#	$	#	$	#	$	#	$
Tract Total	4,167	$771,737	56	$5,399	612	$72,660	1,557	$226,448	1,942	$467,230
Home Purchase	2,062	$411,519	24	$2,572	272	$35,538	744	$121,815	1,022	$251,594
Home Improvement	437	$47,064	10	$318	103	$2,428	175	$8,351	149	$35,967
Home Refinance	1,668	$313,154	22	$2,509	237	$34,694	638	$96,282	771	$179,669

Originated and Purchased HMDA Totals by Borrower Income ($000)

	Total		Low Income		Moderate Income		Middle Income		Upper Income	
	#	$	#	$	#	$	#	$	#	$
Borrower Total	4,167	$771,737	167	$12,492	452	$48,307	766	$106,084	1,979	$439,055
Home Purchase	2,062	$411,519	65	$5,944	212	$27,171	381	$60,689	1,057	$268,468
Home Improvement	437	$47,064	37	$709	70	$1,906	100	$3,347	217	$15,509
Home Refinance	1,668	$313,154	65	$5,839	170	$19,230	285	$42,048	705	$155,078

Originated and Purchased HMDA Totals by Loan Type ($000)

	Total HMDA		Home Purchase		Home Improvement		Home Refinance	
	#	$	#	$	#	$	#	$
Total	**4,167**	**$771,737**	**2,062**	**$411,519**	**437**	**$47,064**	**1,668**	**$313,154**

Originated HMDA Totals by Tract Income ($000)

	Total		Low Income		Moderate Income		Middle Income		Upper Income	
	#	$	#	$	#	$	#	$	#	$
Tract Total	2,483	$461,735	30	$2,598	378	$41,324	904	$120,502	1,171	$297,311
Home Purchase	926	$202,770	8	$886	116	$14,172	308	$52,042	494	$135,670
Home Improvement	413	$43,485	10	$318	98	$1,819	166	$7,133	139	$34,215
Home Refinance	1,144	$215,480	12	$1,394	164	$25,333	430	$61,327	538	$127,426

Originated HMDA Totals by Borrower Income ($000)

	Total		Low Income		Moderate Income		Middle Income		Upper Income	
	#	$	#	$	#	$	#	$	#	$
Borrower Total	2,483	$461,735	134	$8,972	302	$26,813	499	$60,223	1,358	$293,682
Home Purchase	926	$202,770	44	$3,795	97	$10,568	177	$25,516	582	$156,276
Home Improvement	413	$43,485	37	$709	69	$1,786	97	$2,850	206	$13,408
Home Refinance	1,144	$215,480	53	$4,468	136	$14,459	225	$31,857	570	$123,998

Originated HMDA Totals by Loan Type ($000)

	Total HMDA		Home Purchase		Home Improvement		Home Refinance	
	#	$	#	$	#	$	#	$
Total	**2,483**	**$461,735**	**926**	**$202,770**	**413**	**$43,485**	**1,144**	**$215,480**

Small Business[2]

In New Mexico, Wells Fargo provided 4,197 small business loans, extending $235.6 million in credit.

- Of that, 1,016 small business loans were in LMI communities providing $74.2 million in credit.

Small Business by Loan Size ($000)

	Total		Low Income		Moderate Income		Middle Income		Upper Income	
	#	$	#	$	#	$	#	$	#	$
Total	**4,197**	**$235,650**	**184**	**$16,002**	**832**	**$58,150**	**1,348**	**$73,774**	**1,287**	**$61,090**
$100,000 or less	3,875	$126,481	159	$5,805	735	$21,996	1,248	$38,673	1,211	$36,283
>$100,000 to $250,000	178	$28,923	11	$1,853	47	$8,519	55	$8,676	41	$6,966
>$250,000 to $1,000,000	144	$80,246	14	$8,344	50	$27,636	45	$26,425	35	$17,841

Small Business by Annual Gross Revenue ($000)

	Total		Low Income		Moderate Income		Middle Income		Upper Income	
	#	$	#	$	#	$	#	$	#	$
Total	**4,197**	**$235,650**	**184**	**$16,002**	**832**	**$58,150**	**1,348**	**$73,774**	**1,287**	**$61,090**
$1 Million	3,157	$113,647	119	$6,513	596	$19,642	1,019	$35,872	993	$32,371
>$1 Million	685	$106,111	38	$8,371	186	$35,139	206	$32,541	170	$23,961
Revenue Not Known	355	$15,892	27	$1,118	50	$3,369	123	$5,362	124	$4,758

Small Farm[2]

In New Mexico, Wells Fargo provided 179 small farm loans, extending $8.1 million in credit.

- Of that, 28 small farm loans were in LMI communities providing $926,400 in credit.

Small Farm by Tract Income ($000)

	Total		Low Income		Moderate Income		Middle Income		Upper Income	
	#	$	#	$	#	$	#	$	#	$
Total	**179**	**$8,109**	**1**	**$70**	**27**	**$856**	**64**	**$3,828**	**28**	**$1,254**

Community Development[3,4]

In New Mexico, Wells Fargo provided 12 community development loans totaling $21.5 million.

Community Development Lending ($000)

	Total		Low Income		Moderate Income		Middle Income		Upper Income	
	#	$	#	$	#	$	#	$	#	$
Total	**12**	**$21,482**	**1**	**$750**	**4**	**$2,839**	**4**	**$12,359**	**2**	**$3,160**
Affordable Housing	6	$9,082	0	$0	3	$2,539	1	$1,659	1	$2,510
Community Services	5	$2,400	1	$750	1	$300	2	$700	1	$650
Revitalize/Stabilize	1	$10,000	0	$0	0	$0	1	$10,000	0	$0

In New Mexico, Wells Fargo provided 48 community development investments totaling $11.9 million.

Community Development Investments ($000)

	Total		Affordable Housing		Community Services		Economic Development		Revitalize/ Stabilize	
	#	$	#	$	#	$	#	$	#	$
Total	**48**	**$11,901**	**13**	**$8,824**	**27**	**$262**	**8**	**$2,815**	**0**	**$0**
Bond	4	$8,599	4	$8,599	0	$0	0	$0	0	$0
EQ2	1	$2,425	0	$0	0	$0	1	$2,425	0	$0
Grant	43	$877	9	$225	27	$262	7	$390	0	$0

In New Mexico, Wells Fargo team members recorded 188 community development service activities totaling 476 hours.

Community Development Services

	Total		Affordable Housing		Community Services		Economic Development		Revitalize/ Stabilize	
	#	# Hours	#	# Hours	#	# Hours	#	# Hours	#	# Hours
Total	**188**	**476**	**44**	**82**	**111**	**331**	**33**	**64**	**0**	**0**
Board Activity	102	200	43	80	38	80	21	40	0	0
Financial Education	71	248	1	2	70	246	0	0	0	0
Outreach	15	29	0	0	3	5	12	24	0	0

Locations[2,5]

In New Mexico, Wells Fargo has 92 branch locations.

- Of that, 33 are in LMI communities.

Branches	Total	Low Income	Moderate Income	Middle Income	Upper Income
Total	**92**	**5**	**28**	**40**	**19**

In New Mexico, Wells Fargo has 167 ATM locations.

- Of that, 69 are in LMI communities.

ATMS	Total	Low Income	Moderate Income	Middle Income	Upper Income
Total	**167**	**17**	**52**	**61**	**37**

[1]Mortgage includes home purchase, home improvement, home refinance, and multifamily originated and purchased loans.

[2]Totals include low, moderate, middle, upper and unclassified income levels. All totals in $(000)

[3]Some Community Development activity cannot be tracked at the state level.

[4]Community Development activity is subject to change as updates are received.

[5]Location data as of year end

Fact Sheets should not be used to determine CRA Exam performance.

Wells Fargo & Company
420 Montgomery Street
San Francisco, California 94104
1-866-878-5865 wellsfargo.com

Our Vision:
We want to satisfy our customers' financial needs and help them succeed financially.

Nuestra Visión:
Queremos satisfacer las necesidades financieras de nuestros clientes y ayudarles a alcanzar el éxito financiero.

我們的願景：
我們希望滿足客戶的理財需求，並協助他們取得財務上的成功。

Notre Vision:
Satisfaire les besoins financiers de nos clients et les aider à réussir financièrement.

MIX
Paper from responsible sources
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CCM6649 (Rev 00, 1/each)

Together we'll go far

Our Commitment

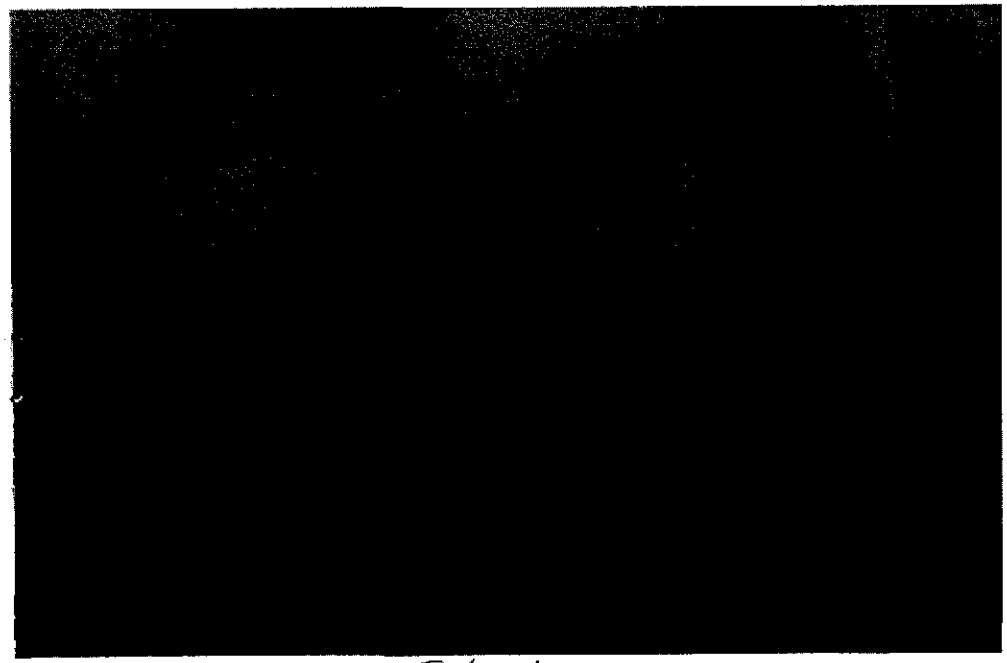
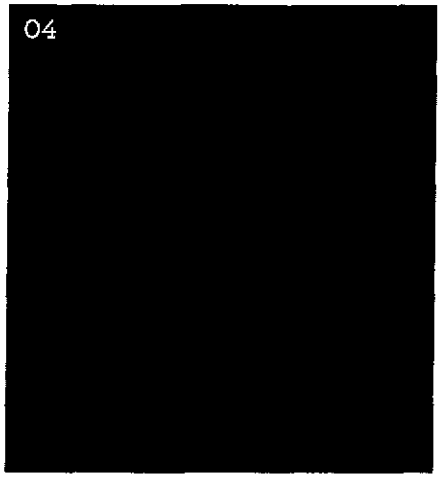
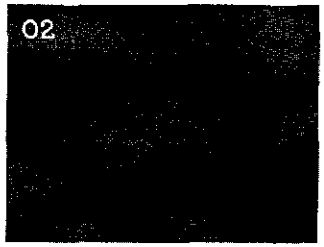
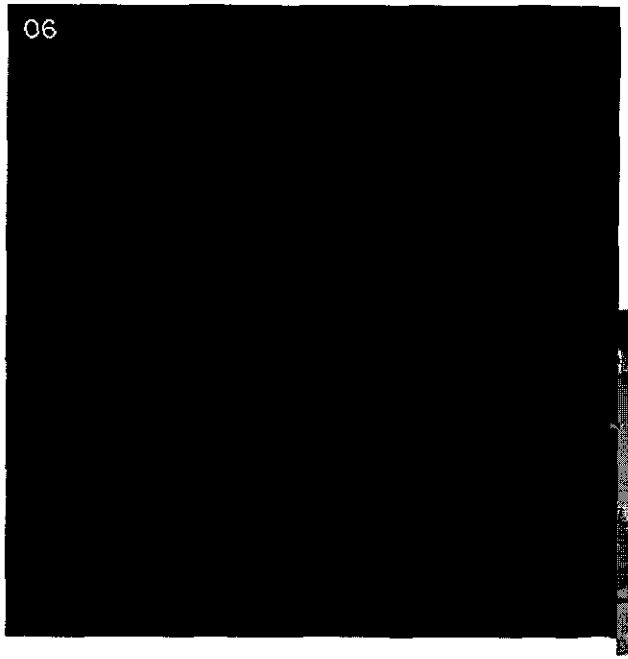


Exhibit "2"







AWARDS AND RECOGNITION

Corporate Equality Index (2017, 14th year)
Human Rights Campaign
Perfect Score 100

Disability Equality Index
Best Places to Work (2016)
Perfect Score 100

Board Diversity Initiative in NYSE Governance Services (2016)
Best Company

Best Company for Latinas (2016)
LATINA Style
13th

Top Company for Diversity (2016)
DiversityInc
12th

The Chronicle of Philanthropy (2016)
No. 3

Points of Light Civic 50 (2016)
Most Community-Minded Companies in the U.S.

Out and Equal Workplace Advocates (2016)
Outie Award: Best LGBT Employee Resource Group

CDP (2016) S&P 500 Climate Performance Leadership Index and Climate Disclosure Leadership Index
A-

United Way Worldwide (2016, 8th consecutive year)
Largest workplace employee giving campaign (U.S.)

About this report

This interim report is one of the ways Wells Fargo & Company voluntarily communicates programs and activities related to supporting and achieving the CSR commitments we've made to our businesses, communities, and key stakeholders. It covers highlights of company activities and related data for our global operations during calendar year 2016, unless otherwise noted. Financial data is presented in U.S. dollars.

Wells Fargo issues a full CSR report in accordance with the Global Reporting Initiative every two years and a succinct update report in interim years. Our last full report was published in April 2016, reflecting fiscal year 2015 activities. Previous reports can be found at *wellsfargo.com/about/corporate-responsibility/goals-and-reporting/*.

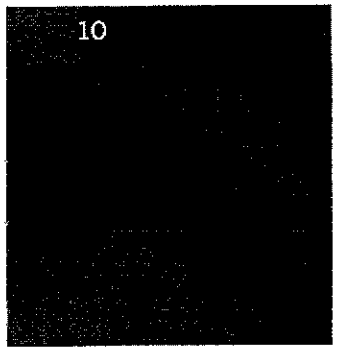
By taking action in support of our strategic CSR priorities, Wells Fargo also contributes to advancing the United Nations Sustainable Development Goals (UN SDGs). Additional information about how our strategic priorities align with the UN SDGs can be found at *wellsfargo.com/assets/pdf/about/corporate-responsibility/sustainable-development-goals.pdf*.

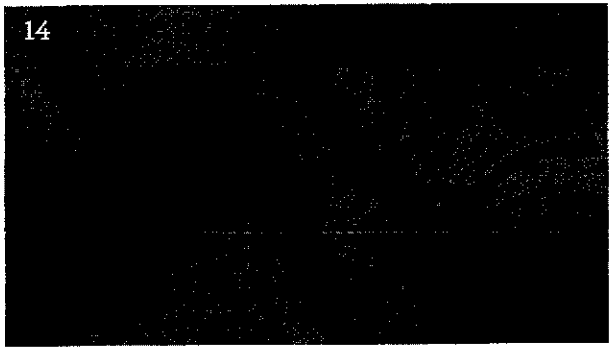
Please visit our Environmental, Social, and Governance Guide at *wellsfargo.com/about/investor-relations/environmental-social-governance-guide* for additional information about our standards, statements, reports, and other information associated with the ways in which we conduct business.

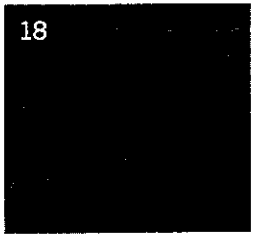
Any questions or comments about this report can be sent to: SocialResponsibility@wellsfargo.com.

Company profile
Wells Fargo & Company (NYSE: WFC) is a diversified, community-based financial services company with $1.9 trillion in assets. Founded in 1852 and headquartered in San Francisco, Wells Fargo provides banking, insurance, investments, mortgage, and consumer and commercial finance through more than 8,600 locations, 13,000 ATMs, the internet (wellsfargo.com), and mobile banking, and has offices in 42 countries and territories to support customers who conduct business in the global economy. With approximately 269,000 team members, Wells Fargo serves one in three households in the United States. Wells Fargo & Company was ranked No. 27 on Fortune's 2016 rankings of America's largest corporations. Wells Fargo's vision is to satisfy our customers' financial needs and help them succeed financially. News, insights, and perspectives from Wells Fargo are also available at Wells Fargo Stories.

Forward-looking statements
This CSR report contains forward-looking statements about our future activities and expectations. Forward-looking statements can be identified by words such as "anticipates," "intends," "plans," "seeks," "believes," "estimates," "expects," "target," "projects," "outlook," "forecast," "goal," "will," "may," "could," "should," "can," and similar references to future periods. Because forward-looking statements are based on our current expectations and assumptions regarding the future, they are subject to inherent risks and uncertainties. Do not unduly rely on forward-looking statements as actual results could differ materially from expectations. Forward-looking statements speak only as of the date made, and we do not undertake to update them to reflect changes or events that occur after that date. For more information about factors that could cause actual results to differ materially from expectations, refer to our reports filed with the SEC, including the discussion under "Forward-Looking Statements" and "Risk Factors" in our Annual Report on Form 10-K for the year ended Dec. 31, 2016, as filed with the SEC and available on its website at www.sec.gov.







Contents

02 | **Leadership perspective**

04 | **2020 goals and progress report**

06 | **Diversity and social inclusion**

10 | **Economic empowerment**

14 | **Environmental sustainability**

18 | **Strategy and governance**

Leadership perspective

Our commitment:

"Our challenges in 2016 were among the toughest in our company's history. Our top priority is rebuilding trust through a comprehensive plan that includes making things right for our customers and team members, ensuring we fix the problems at their root cause, and building a better bank for the future. We engage in ongoing dialogue with community partners and other stakeholders because we want to be part of the work they do to strengthen communities. Though more work lies ahead, we are fully committed to making every community in which we do business better because we are there — through our products and services, culture and operations, and philanthropy."

- Timothy J. Sloan
Chief Executive Officer and President

Read more about the steps we are taking to build a better bank at *stories.wf.com/betterbank*.

Strengthening our culture

Our work to rebuild trust and build a better bank includes a wide variety of initiatives focused on strengthening our culture of ethics and integrity across our operations:

Code of Ethics and Business Conduct

The Wells Fargo Code of Ethics and Business Conduct (the Code) was updated in April 2016 to provide more detailed guidance on our ethics policies and expectations. In 2016, 99% of our team members completed annual required training and recertification of compliance with the Code and The Vision Values of Wells Fargo, and 99.96% of team members required to do so completed additional anti-bribery and corruption training.

Team Member EthicsLine

The Wells Fargo EthicsLine is a third-party-operated phone service and online channel for team members to confidentially and anonymously ask questions or express concerns about company practices. In 2016, we launched an independent review of our EthicsLine administration with a goal of improving processes for researching, investigating, and tracking ethical concerns, as well as protecting team members from retaliation.

Office of Ethics, Oversight, and Integrity

In January 2017, we formed the Office of Ethics, Oversight, and Integrity within Corporate Risk that is responsible for ensuring a consistent process for identifying, assessing, investigating, controlling, escalating, and reporting on practices that do not align with our expectations for high ethical standards and excellence in conduct risk management. This new group combines our existing enterprise sales practices oversight, global ethics and integrity program, complaints oversight, and internal investigations groups to organize, coordinate and enhance enterprise-wide conduct risk management activities.

Workplace culture surveys

In October 2016, we launched a series of research initiatives intended to examine our culture and provide team members with a safe platform for sharing feedback. This benchmarking includes a regular sentiment survey, focus groups, and an Ethics & Integrity Survey to help us better understand how team members experience ethics in the workplace and ways to improve and refine our processes.

Meeting face to face

Between September 2016 and January 2017, our CEO and members of the Operating Committee participated in 50 in-person sessions with team members in 40 cities as part of our commitment to communicating more frequently and with more transparency.

CSR management and governance

The Corporate Responsibility Committee of our Board of Directors has primary oversight for the company's policies, programs, and strategies regarding significant CSR matters.

Consistent with our commitment to ethics, diversity and inclusion, and environmental sustainability, the Board's Human Resources Committee considers compliance with the Wells Fargo Code of Ethics and Business Conduct (the Code) in determining annual compensation awards for our CEO and the other executive officers named in our proxy statement. The Code discusses Wells Fargo's commitment to ethical business dealings, supporting communities, respecting human rights, and protecting the environment. In addition, several of Wells Fargo's business functions and product teams have performance metrics that are directly linked to sustainability. For example, environmental performance is considered when assessing the compensation of key leaders in our Supply Chain Management, Corporate Properties, Government and Community Relations, and clean technology corporate banking groups.

Strategy and governance

Our challenges in 2016 were among the toughest in our company's history. Unacceptable sales practices occurred in our retail bank that were contrary to our values, raised questions about our culture, and damaged our reputation and the trust of our many stakeholders. We are facing these problems head-on and invite you to learn more about the steps we are taking to build a better Wells Fargo in our 2016 Annual Report and 2017 Proxy Statement at *wellsfargo.com/about/investor-relations/annual-reports/*.

Building on our commitments to human rights and indigenous peoples

We believe in upholding and respecting human rights throughout our business operations and supply chain, and regularly assess our practices in light of changing global policies.

In 2016, our involvement as one of 17 participants in the financing of the Dakota Access Pipeline became the focus of an intense and nuanced national dispute. Stakeholders on all sides of the issue voiced their concerns and, in some cases, took action against the company.

As a result of issues that have arisen in this case, we have enhanced our due diligence in sectors subject to our Environmental and Social Risk Management policy to include more focused research on the potential impact and/or need to consult with indigenous communities. We have also engaged with stakeholders from indigenous communities and their representatives in the development of an Indigenous Peoples Statement, which was published in early 2017 at *wellsfargo.com/about/corporate-responsibility/indigenous-peoples-statement/*.

Beyond this, we have continued our commitment to human rights by joining the Shift Project's Business Learning program. We deepened our understanding of potential human rights impacts by engaging with experts, academics, and other companies implementing the United Nations Guiding Principles on Business and Human Rights. We also formed three working groups to identify opportunities for strengthening our approach to managing human rights impacts across our employment and supplier engagement practices, and business and investment activities.

Read more about Wells Fargo's involvement in funding the Dakota Access Pipeline at *stories.wf.com/wells-fargos-involvement-funding-dakota-access-pipeline/*.

"We understand the increasing expectations for Wells Fargo to take a leadership role in addressing long-term and complex global issues. We're committed to providing support and helping the company effectively integrate corporate social responsibility (CSR) strategies, policies, and programs throughout its global business operations — with an eye toward conducting business responsibly and advancing the economic prosperity of our communities."

- Federico Peña
Chair of Corporate Responsibility Committee
Wells Fargo Board of Directors

"In recent years, we have taken significant steps to actively and authentically integrate the principles of corporate citizenship into our business. This approach is more important now than ever as we work across the enterprise and with all of our stakeholders to rebuild trust and strengthen our company for the future. This interim report highlights some of the progress our team members made during 2016 toward achieving our five-year CSR goals across three areas of strategic focus — fostering a diverse and inclusive culture that drives innovation; creating economic opportunities in underserved communities; and doing our part to reduce the impacts of climate change. We're grateful to all of our team members, customers, community partners, suppliers, and others who work alongside us every day to help create stronger, more resilient communities."

- Jon R. Campbell
Executive Vice President
Government and Community Relations

Read more from Jon Campbell at *stories.wf.com/continuing-commitment-creating-stronger-communities/*.

2020 Goals

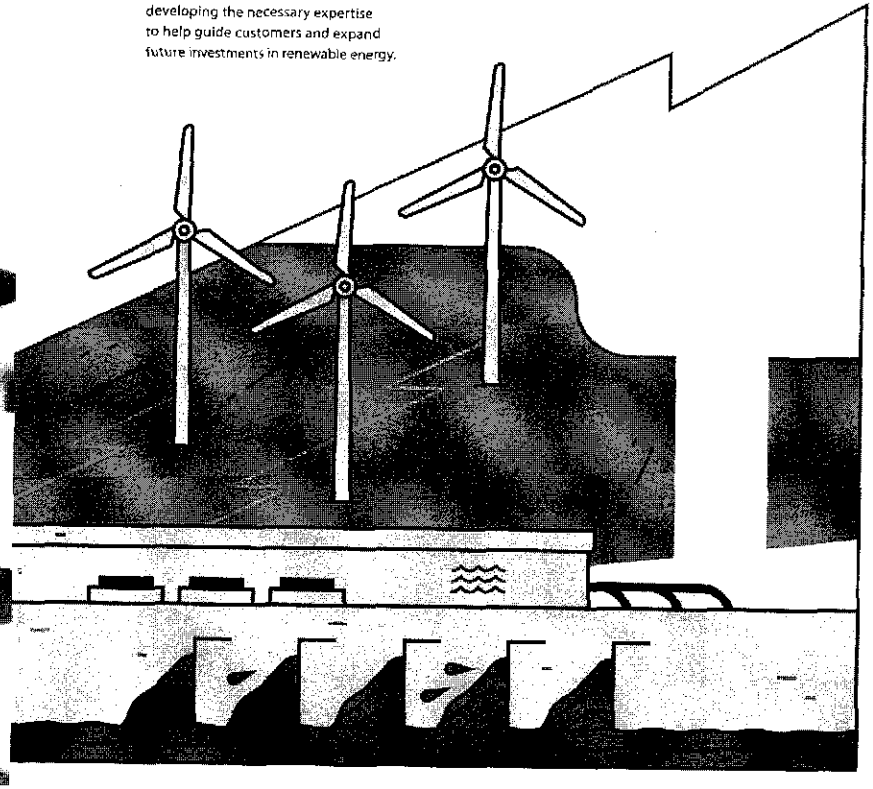
In 2016, we made strong progress toward achieving many of our five-year CSR goals, which are focused on creating solutions to complex global challenges and strengthening communities through our products and services, culture and operations, and philanthropy.

Investing in renewable energy

Through tax equity investing, direct leases and loans, and construction financing, we are helping expand the amount of renewable energy generated in the U.S. and are working to reduce the national appetite for power generated by burning fossil fuels. In 2016, 8% of all wind and solar energy generated in the U.S. came from projects owned wholly or in part by Wells Fargo[1]. We're proud to bring more renewable energy to our communities every year, and we are developing the necessary expertise to help guide customers and expand future investments in renewable energy.

Increasing our operational efficiency

We have committed to purchase renewable electricity to power 100% of our global operations by the close of 2017, with a transition to long-term agreements that fund new sources of green power by 2020. We work to meet or exceed LEED sustainability requirements for all construction projects in leased and owned buildings and in our ongoing operations, and today we have over 25 million square feet of LEED-certified projects. Smart irrigation and LED lighting and controls have helped lower our operating costs while also decreasing our environmental footprint.



[1] *Projected results at the time of the production of this report.*

Building a clean-tech ecosystem

We're accelerating the transition to a lower-carbon economy through our leadership in advancing cleaner, more energy efficient technologies, developing solutions to sustainability challenges, and reducing energy use in our own operations.

Community engagement

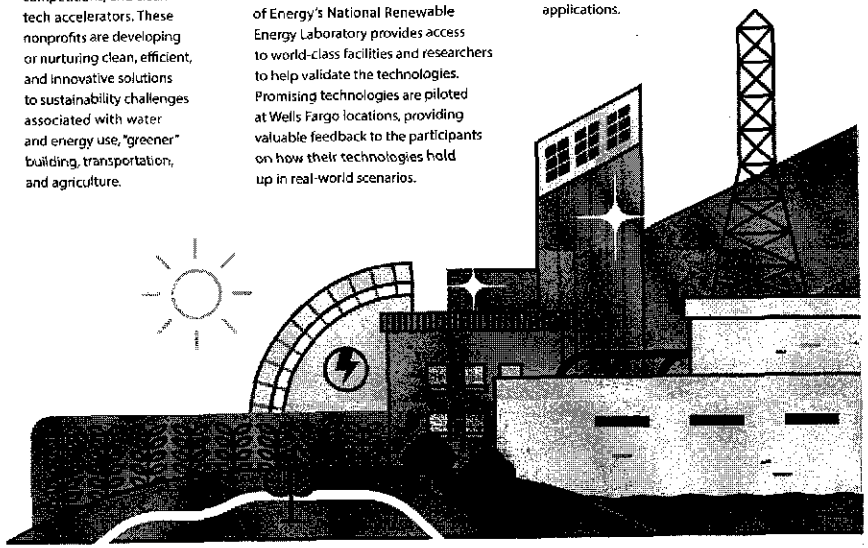
Our Clean Technology and Innovation grant program contributed $2 million in 2016 to 40 clean-tech channel partners, including universities, business plan competitions, and clean-tech accelerators. These nonprofits are developing or nurturing clean, efficient, and innovative solutions to sustainability challenges associated with water and energy use, "greener" building, transportation, and agriculture.

Advancing emerging clean technologies

By focusing on the longer-term impact of our philanthropic giving, we can support promising early-stage businesses that traditional investors may not. The Wells Fargo Innovation Incubator (IN^2) supports clean-tech companies that provide scalable solutions to reduce energy use in commercial buildings. Participants receive up to $250,000 in cash and in-kind technical consultation and services, and the U.S. Department of Energy's National Renewable Energy Laboratory provides access to world-class facilities and researchers to help validate the technologies. Promising technologies are piloted at Wells Fargo locations, providing valuable feedback to the participants on how their technologies hold up in real-world scenarios.

Financing clean energy

Since 2012, we've financed $3.2 billion for companies that are bringing to the forefront new technologies that advance environmental sustainability and resource efficiency. Wells Fargo's CleanTech group supports companies specializing in renewable energy generation, energy storage and efficiency, water and agriculture technologies, electric and low-emissions vehicles, and smart-grid applications.



2016 Progress report

	PRODUCTS AND SERVICES	CULTURE AND BUSINESS PRACTICES	PHILANTHROPY
Diversity and social inclusion	Deliver products and services that meet the needs, values, and preferences of our customers **IN PROGRESS**	Ensure diversity, inclusion, respect, and engagement are fully woven into the fabric of the Wells Fargo culture and business practices **ON TRACK**	Provide $100 million in support to critical societal needs **ON TRACK**
Economic empowerment	Expand access to high-quality, affordable, and responsible products and services **ON TRACK**	Strengthen the financial capabilities of underbanked customers and our team members **IN PROGRESS**	Provide $500 million in support to critical economic needs **ON TRACK**
Environmental sustainability	Develop and deliver products and services that advance clean technology and environmental solutions **ON TRACK**	Enhance the environmental performance of our operations **ON TRACK**	Provide $65 million in support to critical environmental needs **ON TRACK**

Read more about our goals and progress at *wellsfargo.com/about/corporate-responsiblity/goals-and-reporting/*.

Diversity and social inclusion

Meeting the increasingly diverse needs of Wells Fargo's global customer base is critical for our company's long-term growth and success. Our 2020 goals prioritize driving innovation in ways that advance diversity and social inclusion across our workforce, our communities, and our supply chain. In 2016, we continued to focus our efforts on hiring and developing women and other diverse talent, increasing team member engagement and volunteerism, developing relationships with businesses owned by veterans and people with disabilities, and investing in emerging technologies to meet evolving customer preferences.

Learn more about our efforts to advance diversity and social inclusion at *stories.wf.com/category/diversity-inclusion/*.

2016 performance highlights[1]

Our priority: Accelerate the transition to a lower-carbon economy and help reduce the impacts of climate change on our customers and communities.

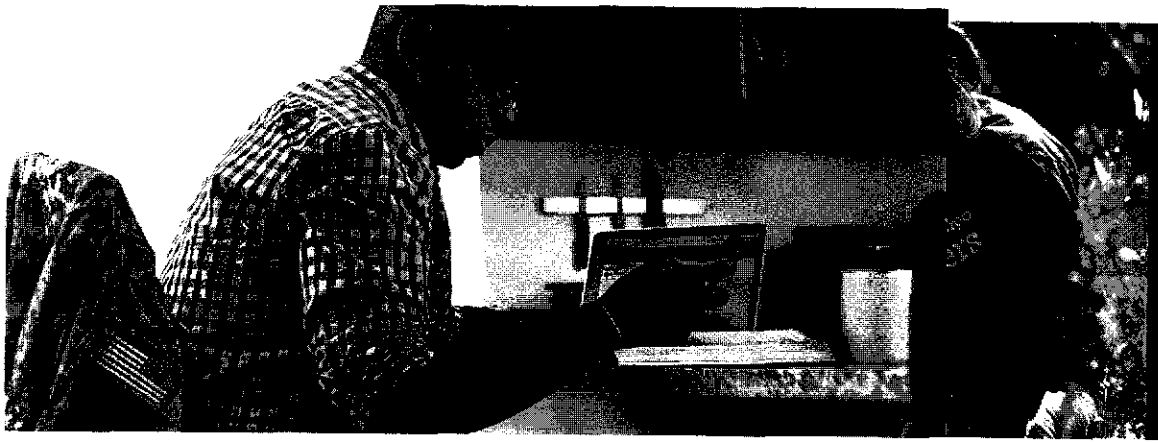
36%
REDUCTION
In greenhouse gas emissions (since 2008)

52%
INCREASE
In water efficiency (since 2008)

$15.6M
Donated to support clean technology, environmental education, and strengthening community resiliency

$17.6 B+
In financing for renewable energy, clean technology, and other sustainable businesses

21%
LEED®-certified square footage in leased and owned buildings, promoting team member health, well-being, and productivity



Supporting conservation in our communities

In 2016, Wells Fargo and the National Fish and Wildlife Foundation completed its Environmental Solutions for Communities grant program — a five-year, $15 million initiative that supported 312 projects nationwide. Over the life of the program, grantees restored more than 94,000 acres of habitat, planted more than a million trees, and engaged more than 900,000 volunteers in land and water conservation, environmental education, and water efficiency projects. Read more at *stories.wf.com/category/environment/*.

[1] *Data for Jan. 1, 2016 – Dec. 31, 2016, unless otherwise noted.*

Environmental sustainability

At Wells Fargo, we deliver value to our shareholders, team members, and other stakeholders by integrating environmental sustainability throughout our value chain. We use our size, our expertise, and the passion of our team members to help create healthier, more resilient communities, conserve resources, advance cleaner technologies, and reduce the impacts of climate change. In 2016, we made strong progress toward our 2020 goals to increase our operational efficiency, advance clean technology solutions and renewable energy through environmental and clean-technology financing, and give back to our communities through our strategic philanthropy and community engagement efforts.

Learn more about how we are driving environmental sustainability across our operations and communities at *stories.wf.com/category/environment/*.

2016 performance highlights[1]

Our priority: Advance diversity and social inclusion by helping ensure that all people feel valued and respected and have equal access to resources, services, products, and opportunities to succeed.

13% Increase in volunteer group participation from 2015

1.9K Military veterans hired, for a total of nearly 8,500 veteran team members

79.8K Team members participated in Volunteer Chapters, Green Teams, and Team Member Networks (resource groups)

$36.4M Donated to advance diversity and social inclusion, the development of women and diverse leaders, and other critical social needs

1.73M Hours volunteered by team members, including 165,000 hours of service on nonprofit boards

$1.1B Spent with diverse suppliers, representing 11.9% of our total procurement budget[2]

Opportunities for returning veterans

Since 2012, we've donated more than $75 million to support returning military veterans and their families through stable housing, career transition programs, and financial education. In 2016, we launched the Wells Fargo Veterans Scholarship and Wells Fargo Veterans Emergency Grant programs to help veterans and spouses of disabled veterans complete post-secondary education or vocational training and succeed in civilian life. The four-year, $2 million initiative with Scholarship America has awarded 22 scholarships and 25 emergency grants to date. Learn more at *blogs.wf.com/collegeplanning/2017/02/gi-bill-isnt-enough/*.

[1] *Data for Jan. 1, 2016 – Dec. 31, 2016, unless otherwise noted.*
[2] *Includes our 2016 spending with certified first- and second-tier diverse suppliers, which was finalized on Feb. 20, 2017.*

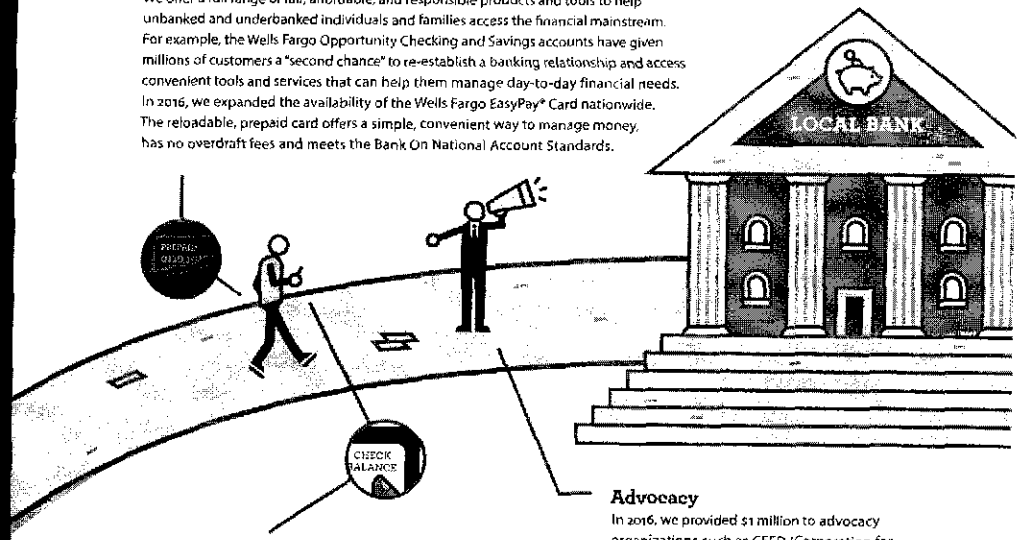
Responding to communities in the wake of social unrest

At Wells Fargo, we strive to be a leader in promoting an inclusive and supportive culture — not only for our team members and customers, but across all of our communities — and especially when an unexpected crisis escalates a need for our support.

Some of the most critical issues faced by communities are also the most complex and emotionally charged. In recent years, as conflicts related to social equality and civil rights, income mobility, and access to economic opportunities have emerged in communities across the country, we've made it a priority to promote dialogue, advocate for inclusion, and create opportunities for economic equity. Through our financial support and the hands-on engagement of our team members who live and work in affected communities, we seek to play a part in helping build a brighter, more unified future.

Access to financial services

We offer a full range of fair, affordable, and responsible products and tools to help unbanked and underbanked individuals and families access the financial mainstream. For example, the Wells Fargo Opportunity Checking and Savings accounts have given millions of customers a "second chance" to re-establish a banking relationship and access convenient tools and services that can help them manage day-to-day financial needs. In 2016, we expanded the availability of the Wells Fargo EasyPay® Card nationwide. The reloadable, prepaid card offers a simple, convenient way to manage money, has no overdraft fees and meets the Bank On National Account Standards.



Mobile banking technology

To help underbanked customers with access to mobile banking stay on top of their finances and avoid fees, we offer free low-balance and other account alerts, and text message banking so that both smartphone and regular cell phone users can easily manage their accounts. In 2016, we launched Daily Change℠, a mobile app that helps customers manage spending and establish good saving habits. We also launched our proprietary Wells Fargo Wallet™, which allows customers who use Android to conveniently check their account balance before and after making a mobile payment, putting customers in better control of their finances.

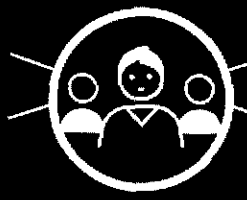
Advocacy

In 2016, we provided $1 million to advocacy organizations such as CFED (Corporation for Enterprise Development), the Cities for Financial Empowerment Fund, and the National Association of Latino Community Asset builders to help promote policies at the federal, state, and local levels to create and support Asset Building programs that improve financial stability in low-and moderate- income communities.

Understanding the underbanked[1]

47.9% of underbanked households have earnings below $30,000

21.4% of underbanked households are working families



29.4% of underbanked households are aged 15 - 24

75.5% of underbanked households have smartphone access

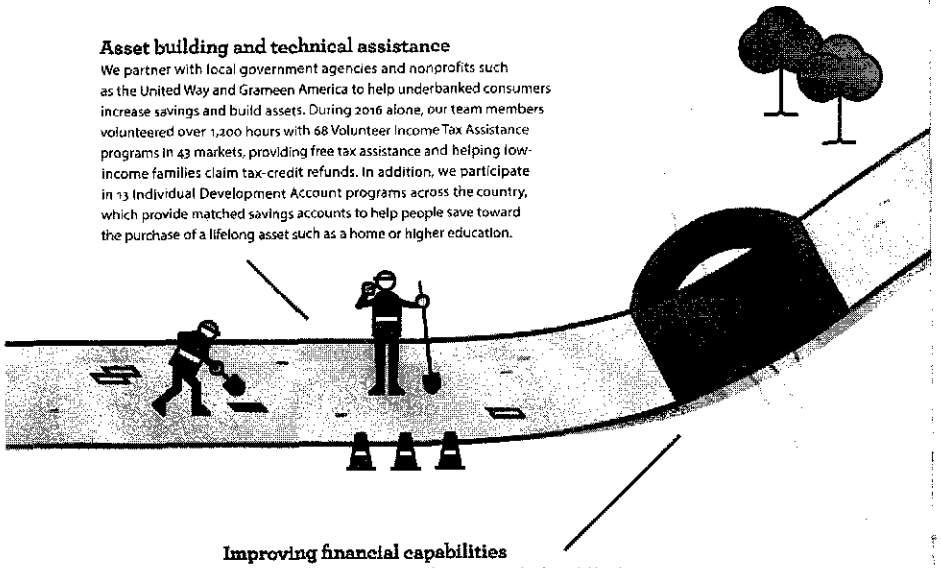
[1] *Source: 2015 FDIC National Survey of Unbanked and Underbanked Households*

Path to the banking mainstream

In the U.S., 51 million adults, or approximately 20% of the population, are considered "underbanked," which means they have a basic checking or savings account, but may lack any meaningful savings or rely on costly alternative financial services like credit cards.[1] At Wells Fargo, we understand that in order to bring underserved customers into the banking mainstream, our products and services must be as diverse as the needs of the underbanked population. We take a hands-on, 360-degree approach to listen, understand, and engage underbanked households to promote financial capability and create long-term solutions for increasing opportunities for income mobility.

Asset building and technical assistance

We partner with local government agencies and nonprofits such as the United Way and Grameen America to help underbanked consumers increase savings and build assets. During 2016 alone, our team members volunteered over 1,200 hours with 68 Volunteer Income Tax Assistance programs in 43 markets, providing free tax assistance and helping low-income families claim tax-credit refunds. In addition, we participate in 13 Individual Development Account programs across the country, which provide matched savings accounts to help people save toward the purchase of a lifelong asset such as a home or higher education.



Improving financial capabilities

For many underbanked households, navigating the financial landscape can be overwhelming. Translating financial knowledge into financial capability — the ability to make and exercise money management decisions that best fit one's life circumstances — presents additional challenges. In 2016, our team members reached 206,300 people through Wells Fargo's Hands on Banking® program which provides free financial education workshops, resources, and tools for everyone — from children to senior citizens. In addition, since 2012, Wells Fargo and the United Way Financial Capability Network have provided 42,000 low- and moderate-income families with financial coaching. As a result, 32,500 people increased their income, met a long-term savings goal, or reduced their debt.

FERGUSON, MISSOURI

Since social unrest swept through Ferguson in 2014, our team members have been volunteering with the Urban League of Greater St. Louis' Save Our Sons workforce training program. As a result of our support, including $500,000 in grants, the program helped more than 300 young African-American men find employment and earn livable wages through job-readiness training, career coaching, and networking opportunities.

BALTIMORE, MARYLAND

Following protests in April 2015, we established the Wells Fargo Baltimore Working Forward Fund, a workforce development grant program that trains, prepares, and provides access to employment opportunities for Baltimore residents. Grants totaling $300,000 funded the launch of three programs — Humanim's Details program, the Greater Baltimore Urban League's Save Our Future initiative, and the BioTechnical Institute of Maryland BioSTART program. Each program graduated its first group of participants in 2016, and 40 local residents have already gone on to secure employment.

ORLANDO, FLORIDA

After the Pulse nightclub tragedy in June 2016, our PRIDE and Latin Connection Team Member Networks, along with Volunteer Chapters and other team members across the state, rallied around the community to donate blood, food, money, and other support. Wells Fargo donated $300,000 to the OneOrlando Fund set up by the City of Orlando to support the victims and their families.

CHARLOTTE, NORTH CAROLINA

In September 2016, we donated $250,000 to help create Unite Charlotte, a community fund established by the United Way of Central Carolinas with community organizations, activists, and businesses in response to social unrest that occurred that year. The coalition selected recipients from an applicant pool of 225 local community groups, neighborhood associations, and nonprofits to receive grants up to $25,000 to implement programs addressing access, equity, and inclusion across the city.

Learn more about our efforts to promote an inclusive and welcoming culture for all people at *stories.wf.com/category/diversity-inclusion*.

Economic empowerment

The financial success of our customers and our business starts with the success of local communities. Throughout 2016, we helped create economic opportunities in underserved communities by empowering individuals and small businesses with the products, services, knowledge, and tools needed to ensure financial self-sufficiency and income mobility. We worked with a wide range of community organizations and local governments to expand access to financial products and services, and strengthen low- to moderate-income neighborhoods through affordable housing and other community development projects.

Learn more about our efforts to create economic opportunities in underserved communities at *stories.wf.com/category/economic-opportunity*.

2016 performance highlights[1]

Our priority: Strengthen financial self-sufficiency and economic opportunities in underserved communities.

4.1M

Customers helped to manage their credit scores and overall financial health through free credit score program

$14B

Provided in new mortgages to low- and moderate-income households

$35B

Provided in new mortgages to minority households

12.9K

New homeowners created in 48 communities through $327 million in down payment assistance and support through Wells Fargo LIFT programs since 2012

$87.9M

Donated to support financial education, sustainable housing, small businesses, and other critical economic needs

Helping diverse small businesses start, grow, and succeed

Diverse businesses often lack access to the full spectrum of resources necessary for growth and success. The **Wells Fargo Works for Small Business: Diverse Community Capital** program has distributed $38 million in grants and lending capital to 30 Community Development Financial Institutions (CDFIs) since launching in 2015. Working with CDFIs, we're able to provide more than just capital — we also help with technical assistance, financial services, mentoring, and other resources for diverse-owned small businesses that may not qualify for conventional bank loans.

[1] *Data for January 1, 2016 – December 31, 2016, unless otherwise noted.*

City of Santa Fe

Agenda

MAYOR'S COMMITTEE ON DISABILITY
THURSDAY, AUGUST 17, 2017
10:00 A.M.
CITY COUNCIL CHAMBERS
200 LINCOLN AVENUE, SANTA FE, N.M.

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF THE AGENDA
4. APPROVAL OF MINUTES: FOR THE JULY 20, 2017 MEETING
5. PUBLIC COMMENTS (15 MIN. TOTAL)
6. NEW BUSINESS
   a) WELCOME NEW MEMBER ROBERT MOHR-KELLY
   b) QUESTIONS & ANSWERS – BRIAN SNYDER (TENTATIVE)
7. OLD BUSINESS
   a) MCD SUB-COMMITTEE REPORTS

ITEMS FROM MEMBERS AND STAFF (3 MINUTES)

8. ADJOURN

NEXT MEETING SEPTEMBER 21, 2017;

PERSONS WITH DISABILITIES IN NEED OF ACCOMMODATIONS, CONTACT THE CITY CLERK'S OFFICE AT 955-6520, FIVE (5) WORKING DAYS PRIOR TO MEETING DATE.

THIS IS A FRAGRANCE FREE MEETING

**Please notify Aurore Bleck, Chair at (505)473-2060 and/or David A. Chapman, ADA Coordinator/Liaison, at (505)955-2012 if you are unable to attend.

Exhibit "3"

H-2

U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

NHTSA
www.nhtsa.gov

DOT HS 811 059

July 2008

National Motor Vehicle Crash Causation Survey

Report to Congress

This document is available to the public from the National Technical Information Service, Springfield, Virginia 22161

Exhibit "4"

warn a driver about an imminent violation of the traffic control device at the intersection. Among other such critical events, about 22 percent went off the edge of the road, and about 11 percent were running over the lane line. While the knowledge about the former is valuable in evaluating ESC systems, that of the latter is critical in the development of new lane departure warning systems. Regarding the role of the other case vehicle, in about 12 percent of the crashes the critical reason was the other vehicle stopped prior to the critical pre-crash event, 4.8 percent had the other case vehicle traveling in the same direction, and only a small percentage (0.1) traveling in the opposite direction. In about 9 percent of the crashes, the critical pre-crash event was the loss of vehicle control. This type of information collected on crashes will be beneficial in the development of collision-avoidance/warning systems that warn a driver of possible collisions.

Table 8. Critical Pre-Crash Event of Vehicles with Critical Reasons

Critical Pre-Crash Event		Number of Crashes		Weighted Percentage
		Unweighted	Weighted	
Vehicle traveling	**Turning or crossing at intersection**	2,185	791,768	**36.2%**
	Off the edge of the road	1,080	485,518	22.2%
	Over the lane line	583	237,241	10.8%
	Others	33	16,401	0.7%
	Subtotal	3,881	1,530,928	69.9%
Other vehicle in lane	Stopped	643	267,821	12.2%
	Traveling in same direction	312	105,766	4.8%
	Traveling in opposite direction	7	2,510	0.1%
	Others	7	3,005	0.1%
	Subtotal	969	379,102	17.3%
Vehicle control loss	**Traveling too fast**	195	109,932	**5.0%**
	Poor road condition	84	43,541	2.0%
	Vehicle problem	68	25,304	1.2%
	Others	41	15,212	0.7%
	Subtotal	388	193,989	8.9%
Other vehicle encroachment	From crossing street	39	11,524	0.5%
	From adjacent lane	33	11,175	0.5%
	From opposite direction	18	6,023	0.3%
	From driveway	5	539	~ 0%
	Subtotal	95	29,261	1.3%
Object or animal		72	30,025	1.4%
Others		61	24,490	1.1%
Unknown		5	1,372	0.1%
Total		5,471	2,189,166	100.0%

~ 0.0: percentage close to zero
Estimates may not add up to totals due to independent rounding.
Data source: NMVCCS (July 3, 2005 – December 31, 2007), NHTSA, compiled as of April 30, 2008

6.6 Critical Reason for the Critical Pre-Crash Event

The critical reason is the immediate reason for the critical pre-crash event and is often the last failure in the causal chain. The information about these critical reasons as collected in NMVCCS can be useful in evaluating the effectiveness of vehicle-based countermeasures in mitigating the effects of various driver performance, recognition, and decision errors. A critical reason can be attributed to a

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KNX1070

5 Most Common Reasons For Driving Accidents

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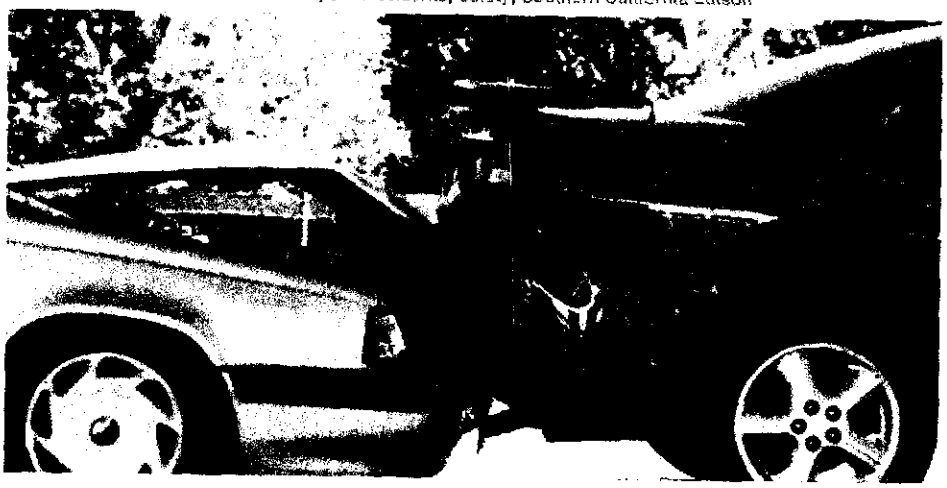
January 11, 2016 3:24 PM

Filed Under: California car accidents, Car Accidents, Safety, Southern California Edison



Even with all the advances made in the automobile industry and in road safety over the last 100 years, **the insurance Institute of Highway safety** reports that nearly 3,000 Californians die in car accidents every year. As such, drivers all over the country should view car accidents as a legitimate health and safety hazard. We've taken a look at the most common causes of car accidents and some practical steps you can take to avoid ending up in one.

Bad Weather

Although most car accidents are caused by driver error, poor conditions created by bad weather are to blame for thousands of collisions every year. The presence of rain or snow on the roads impairs a driver's ability to control their vehicle, as it's difficult for even a top-of-the-line anti-lock braking system to stop a vehicle that is traveling on a slippery surface. Additionally, thick fog and heavy rain can reduce visibility to an unsafe level. When driving in bad weather, it's usually important that you drive cautiously and pull off the road if you can no longer maintain control of your vehicle.

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Reckless Driving

Reckless drivers are people who drive with a blatant disregard for the rules of the road. People who **change lanes without signaling**, ignore traffic signs and lights and **make improper turns** are a danger to themselves and their fellow commuters. Whether you're driving on the 101 or a small residential street, it's imperative that you obey any and all traffic signs and adhere to every driving law outlined in regionally appropriate guidebooks, such as the California Driver Handbook.

Speeding

One of one of the most dangerous causes of car accidents is speeding. It is problematic in that it increases a driver's likelihood of getting into a crash and reduces their ability to react quickly to a potential accident. By simply following posted speed limits on roads and freeways, you can avoid becoming one of the 2.35 million people who are injured or killed in car accidents every year.

Drunk Driving

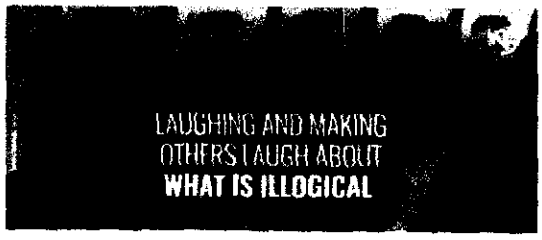
According to the National Highway Traffic Safety Administration, 10,076 people were killed in accidents involving a driver who had a blood alcohol volume over the legal limit in 2013. That means every 52 minutes, someone was killed in an alcohol-related car accident. Driving under the influence of alcohol causes drivers to become a serious threat to themselves and all other commuters, so there is absolutely no excuse for getting behind the wheel when intoxicated. Make sure to call a friend that can drive you instead, or take a taxi.

Distracted Driving

The Centers for Disease Control and Prevention reports that in 2012, 421,000 people were injured in car accidents caused by distracted drivers. The most common cause of car accidents in the U.S. is due to drivers sending or receiving text messages, eating, talking on the phone, grooming, adjusting their radios or admiring the scenery. While experienced drivers may feel comfortable behind the wheel that they don't need to monitor the road constantly, false assumption claims more than 3,000 lives a year. The truth is it is never safe to take your eyes off the road while driving.

Article by Mario McKellop.

Comments



Milwaukie photo radar produces 13,000 tickets; impact on safety unclear

By **Bobby Allyn, The Oregonian**
Follow on Twitter
on August 19, 2010 at 6:25 AM, updated August 20, 2010 at 12:30 AM

MILWAUKIE – Despite producing more than 13,000 speeding tickets since the program began two years ago, the city's photo radar program seems to be having marginal effect on traffic safety.

On McLoughlin Boulevard, for example, the city recorded an annual average of 33.8 accidents from 2003 through 2006, roughly equivalent to the 33 accidents reported along the same corridor in 2009. Milwaukie started using photo radar in March 2008. Statistics from 2007 and 2008 were not broken down to show accident rates before and after the program started.

Milwaukie officials said the program does more than catch speeders.

"We introduced photo radar to make our community much safer by reducing accidents and freeing patrol officers to handle more productive, serious activities," Councilman Greg Chaimov said. "And from our understanding, those expectations have proven to be true."

Officer Ulli Neitch, Milwaukie police spokeswoman, noted that a decline in motorcycle patrols in 2009 could have offset gains made by the radar program.

Statistics from Oregon 224, the other major photo radar corridor, show improvement, an annual average of 26 accidents from 2003 through 2006 compared with 12 in 2009.

The program deploys a white police van equipped with an automated camera to catch speeders in construction sites and near businesses and schools. Most of the time, the van dwells along McLoughlin Boulevard or Oregon 224, sites of many of the city's worst accidents.

The Oregon Legislature has authorized 10 cities to use photo radar, but only three besides Milwaukie use the program: Portland, Beaverton and Medford.

The city operates the program through a contract with Affiliated Computer Services of Dallas, Texas, which runs similar photo radar programs across the country. According to ACS spokesman Chris Gilligan, the company processes more than 20 million speeding tickets a year nationwide.

The program's economic value to Milwaukie is also hard to gauge.

Since it began, Milwaukie has issued 13,645 tickets to drivers exceeding the speed limit by at least 11 mph. If all the drivers paid

hose fines. Milwaukie's portion of the revenue would total $2.2 million, about $163 per ticket.

3ut how much money actually has been generated is unknown.

he city has not isolated photo radar revenue from that generated from other sources and has not analyzed the economic impact of the program.

Costs of the program are easier to identify.

The city pays $2,000 a month to lease the photo radar equipment. They city also pays the company $27 per ticket to process up to 800 tickets a month, with the price declining for larger numbers.

Milwaukie usually issues about 480 tickets a month, which means the city receives no volume discounts.

Neitch said the police department receives more complaints about speeding vehicles than any other issue. But some drivers question the program and its purpose.

I think its ridiculous to get a ticket without a cop being there," said Chris Fridley, 44, an Oak Grove resident who often drives McLoughlin Boulevard through Milwaukie. "Everyone is kind of hurting right now, and it's pretty blatant that they're doing this to make money."

When the city's radar van detects a speeder, it snaps images of the driver and the vehicle's license plate. Many times -- 10,000 during the past two years -- photos do not generate tickets because of windshield glare, photo opacity and failures in matching identification, according to Neitch.

Occasional errors also crop up.

Glenn Nickelson, 65, of Vancouver received a $288 photo radar speeding ticket last February. Nickelson, who said he has not been in Milwaukie in years, was baffled by the citation.

It wasn't my car. The picture was a Pontiac. Ours was a Kia," Nickelson said. "After three weeks it was straightened out. But it seems pretty haphazard, doesn't it?"

Gilligan did not have an explanation for what happened in Nickelson's case but said such cases are rare and correctable through the courts.

Unlike Milwaukie, other cities nationwide that have implemented photo radar programs have experienced a concerted opposition

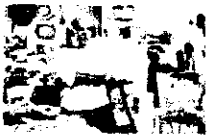
Photo radar cameras are used by 300 communities in 25 states, according to a **New York Times report**. Arizona halted its program in July after a citizen backlash reached a fever pitch with the fatal shooting of the operator of a photo radar van.

Neitch said in spite of complaints lodged by some motorists who receive tickets, many residents have called to support the program.

- **Bobby Allyn**

CBSN LIVE »

Newsmakers
Prisoner 760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The Picasso Portfolio

CBSN On Assignment
"CBSN: On Assignment"

CBS NEWS / *August 17, 2015, 6:59 AM*

New laws aim to put brakes on nation's speed traps

85 Comments / Share / Tweet / Stumble / Email

One of the nation's most notorious speed trap towns is on lawmakers' radar, reports CBS News correspondent Kris Van Cleave.

Small towns often use money from speeding tickets to help pay their bills, and the AAA believes some of those citations are a form of policing for profit. Federal legislation has been proposed to stop towns from profiting from speed traps, but it faces fierce opposition from municipalities.

One 2-mile stretch of Interstate 295 in Hopewell, Virginia, is dubbed "The Million-Dollar Mile."

Play VIDEO

Drivers blame "addiction" for phone use while driving

For years, Hopewell has used the sliver of highway that runs not through, but along the town's border, as its personal cash register - ringing up over $1 million a year by writing more than 1,000 tickets per month.

Last year, Hopewell collected $1.8 million from tickets. The AAA said it's one of the worst speed traps in the nation, despite the fact that traffic experts say there no safety concerns along that stretch of I-295.

AAA Mid-Atlantic spokesman John Townsend said the majority of any town's budget should not come from speed trap fines.

"We see communities across the country, attempting to balance their city budget or local budget. That is not only wrong-headed, it's mean spirited and unfair," he said.

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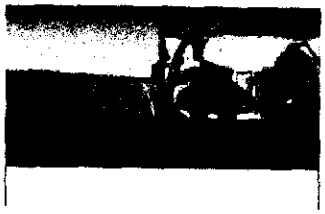
In Stringtown, Oklahoma, population 400, 76 percent of the town's 2013 budget came from traffic tickets. A state investigation found excessive speed trapping, and the police department was disbanded last year.

Waldo, Florida, is just two square miles, and Highway 301 runs right through the village, but the highway speed limit changed six times, enabling police to write thousands of tickets a year. The AAA put up a billboard warning drivers.

"It was right out of something that you saw in the 1950s, or something in 'Smokey and the Bandit.' This was law enforcement gone amok to take advantage of motorists, especially to take advantage of tourists passing through their area," Townsend said.



Play Video

AAA: Distracted driving is worse than previously thought

The speed traps prompted seven states, including Florida and Oklahoma, to impose limits on the percentage of revenue a municipality can keep from traffic citations. Missouri and Virginia added laws this year.

Virginia State Senator Bill Carrico, a retired state trooper, sponsored a state budget amendment that took effect in July because of complaints about Hopewell's speed enforcement. It caps the revenue for Virginia towns like Hopewell at 30 percent.

"They can't exceed a certain amount of money regardless of how much they are out there on the highway," Carrico said.

In Hopewell, the mayor, sheriff and town manager all declined CBS News requests for interviews, but Assistant City Manager Charles Dane gave more insight into their law.

"We ticket at more than 10 mph over the speed limit. If you think that's unreasonable, you should probably watch your speed when they come through," Dane said.

He said they didn't change the law because it was illegal.

"They wanted a portion of the proceeds. That's all it was," Dane said.

The Commonwealth of Virginia will put the money from Hopewell's speed trap cap into a state literary fund. The AAA hopes that this year, that law will put the brakes on Hopewell's Million-Dollar Mile.

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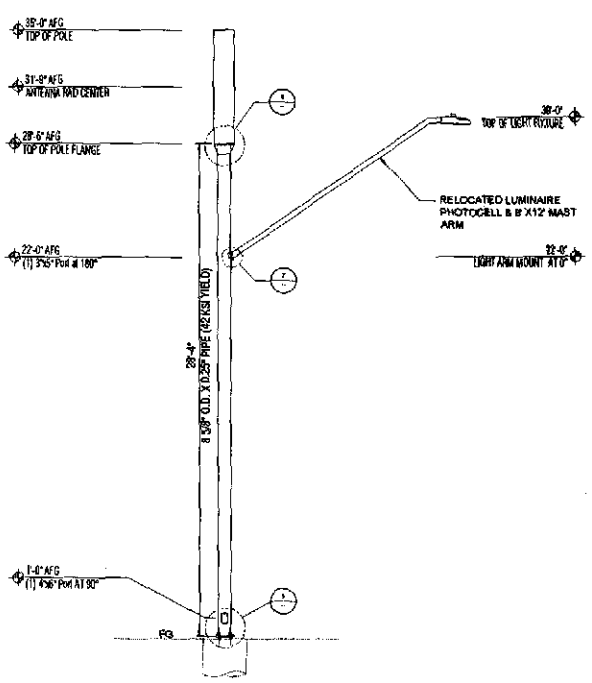
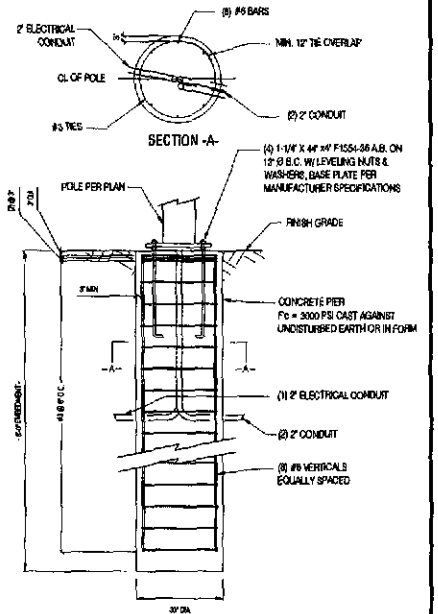


1 POLE ELEVATION — SCALE: N.T.S.



2 PIER FOUNDATION — SCALE: N.T.S.

GENERAL NOTES

1. ALL STEEL SHALL MEET THE REQUIREMENTS OF THE "STANDARD SPECIFICATIONS FOR STRUCTURAL STEEL" ASTM, AISC UNLESS OTHERWISE NOTED ON THE STRUCTURAL PLANS OR DETAILS.
2. ALL ROUND STEEL PIPE SHALL MEET THE TESTING REQUIREMENTS OF ASTM A53 TYPE E OR S GRADE B (35,000 PSI YIELD POINT MINIMUM) OR ASTM A500 GR B (42 KSI YIELD POINT MINIMUM).
3. ALL BARE STEEL (EXCEPT OR PAINTED) AND SHALL MEET THE REQUIREMENTS OF ASTM A653 GRADE 33 (33,000 YIELD POINT MINIMUM).
4. ALL POLYCARBONATE USED, SHAFTS SHALL MEET THE REQUIREMENTS OF ASTM A572 GRADE 55 (55,000 YIELD POINT MINIMUM).
5. ALL WELDED CONNECTIONS SHALL CONFORM TO THE LATEST VERSION OF THE AMERICAN WELDING SOCIETY (AWS) D1.1 CODE. ALL WELDED BOLTED CONNECTIONS SHALL BE A MINIMUM CONFORM TO TYPE ELECTRODES (60 KSI YIELD).
6. ALL STEEL SHAPES AND PLATES SHALL BE HOT-DIPPED GALVANIZED ACCORDING TO ASTM A123. ALL STEEL NUTS AND BOLTS AND ASSOCIATED HARDWARE SHALL BE HOT-DIPPED ACCORDING TO ASTM A153.
7. NOT USED.
8. THE MAIN MONOPOLE STRUCTURE SHALL BE FABRICATED BY A JURISDICTION CERTIFIED FABRICATOR OF COMMERCIAL STEEL STRUCTURES.
9. SPECIAL INSPECTION SHALL BE PERFORMED IN ACCORDING TO SECTION 17 OF THE IBC 2012 REFER TO TABLE "SUMMARY OF SPECIAL INSPECTION" OR SIMILAR.
10. IT IS THE CONTRACTORS SOLE RESPONSIBILITY TO NOTIFY THE SPECIAL INSPECTOR OR INSPECTION AGENCY OR ENGINEER AND GEOTECHNICAL ENGINEER, AT LEAST ONE WORKING DAY PRIOR TO PERFORMING ANY WORK THAT REQUIRES SPECIAL INSPECTION PER IBC 2012 AND WORK THAT REQUIRES SPECIAL INSPECTION SHALL BE PROHIBITED OR CONCRETE PLACED WITHOUT APPROVAL OF THE SPECIAL INSPECTION AS REQUIRED BY REMARK.
11. THE LIST OF SPECIAL INSPECTIONS IN ACCORDANCE TO INSPECTIONS ACCURED BY SECTION 1705 OF THE IBC 2012. SPECIAL INSPECTIONS NOT A GUIDED BY REMARK FOR INSPECTION BY A CITY INSPECTION.
12. THE SPECIAL INSPECTOR SHALL BE APPROVED BY THE LOCAL JURISDICTION IN PERFORMING THE TYPES OF INSPECTION REQUIRED.
13. CONTINUOUS INSPECTION IS ALWAYS REQUIRED DURING THE PERFORMANCE OF THE WORK UNLESS OTHERWISE SPECIFIED.
14. ANY SUPPORT SCHEDULE PERFORMED BY THE ENGINEER OF RECORD DURING CONSTRUCTION SHALL BE REMOVED EXCEPTION CONTINUOUS MANUFACTURED INSPECTION SPECIAL WINDOWS PERFORMED BY ENGINEER OF RECORD ARE ONLY FOR THE PURPOSE OF ASSESSING THE QUALITY CONTROL AND IN ACHIEVING CONFORMANCE WITH THE CONTRACT DOCUMENTS. THIS SUPERVISION DOES NOT RELIEVE THE CONTRACTOR'S NON-COMPLIANCE AND SHALL NOT BE CONSTRUED AS SUPERVISION OF CONSTRUCTION.

FOUNDATION NOTES

1. FOUNDATION DESIGN PER ASCE 2017 TABLE 1806.2 - MATERIAL CLASSES ASSUMED 5 MATCHING BEARING = 2000 PSF/FT AND 2K PSF/MAX PER HEIGHT
2. ALL CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 3000 PSI AT 28 DAYS. ALL CONCRETE WORK SHALL CONFORM TO UNITED SECTION ACI 318, "BUILDING CODE REQUIREMENTS FOR STRUCTURAL CONCRETE" FOUNDATION CONSTRUCTION SHALL CONFORM TO ACI 336, "STANDARD SPECIFICATIONS FOR CONSTRUCTION OF CAISSON PIERS".
3. REINFORCING STEEL SHALL CONFORM TO:
   #3 BARS AND LARGER - ASTM A 615, GRADE 60
4. CONTRACTOR SHALL READ THE GEOTECHNICAL REPORT AND CONSULT WITH GEOTECHNICAL ENGINEER PRIOR TO CONSTRUCTION FOR HAZARDS AND SPECIAL CONSIDERATIONS.
5. ESTIMATED CONCRETE VOLUME: 1.8 CY
6. SPECIAL INSPECTION REQUIRED FOR:
   CAISSON PIER EXCAVATION - CONTINUOUS
   CONCRETE STRENGTH > 3000 PSI - CONTINUOUS
   REINFORCING STEEL, ANCHOR BOLTS - WORKING.

PROJECT NOTES

1. AFTER EXCAVATION THE POLE SHALL BE CAREFULLY PLUMBED TO ENSURE THE LEVELING NUT, BASE, CONNECTION PROTRUDES, GREASE, OILS AND OTHER FOREIGN PRODUCTS CLEAN POLE PER A MINIMUM OF "COMMERCIAL GRADE" SSPC SP-6.
2. AFTER SHIMS, NUTS AND POLE SHALL BE GALVANIZED. THE GALVANIZING SHALL COMPLY WITH ASTM A123, LATEST EDITION, AND WHEN GALVANIZED COATING IS APPLIED TO FERROUS MATERIALS FINISHED, AND FORMED STEEL PLATES, BARS, AND SHAPES AND APPLICABLE FOR THE GALVANIZING OF PARTICULAR MANUFACTURER POLES.
3. ELECTRICAL LIGHT ARM AND BE MEASURED FROM FINISH ELEVATION.
4. INSTALL ENGINEER LIGHT FIXTURE TO VIEW POLE FOR ORIGINAL LIGHT FIXTURE MOUNTING DETAILS.
5. POLES SHALL BE CONSIDERED COMPOSITE AT ANCHOR BASE PLATE AREA.

INSPECTION NOTES

1. ALL ANTENNA COAXIAL CABLES SHALL BE FILM MARKED THE MONOPOLE SHAFT.
2. THE CONTRACTOR SHALL INSTALL ANY ANTENNA AND MOUNTS AS REQUIRED BY THE OWNER.
3. ALL ANCHOR BOLT NUTS SHALL BE TIGHTENED TO MINIMUM SNUG TIGHT REQUIREMENTS. ARE SHALL EQUAL DIMENSION AS SHOWN AS THE THICKNESS THAT CONSECUTIVELY ALL POSITIVE CONTACT WILL BE WELL-COATING. THIS MAY BE ATTAINED BY A FEW IMPACTS OF AN IMPACT WRENCH OR THE FULL EFFORT OF A MAN USING AN ORDINARY SPUD WRENCH.
4. ALL GALVANIZED SURFACES WHICH ARE DAMAGED BY WELDING, CUTS, GRILLING OR FIELD WELDING DURING ERECTION SHALL BE TOUCHED UP WITH INSPECTION OR BY A COLD GALVANIZING COMPOUND MEETING THE REQUIREMENTS OF ASTM A780.
5. "BE ANCHOR BOLT TEMPLATES AND BASE PLATE WILL TYPICALLY HAVE AN ALIGNMENT NOTCH OR A HOLE INDICATING THE CORRECT ORIENTATION OF THE ANCHOR BOLTS. IT IS NECESSARY TO PROPERLY ORIENT THE MONOPOLE WITH HOLES.
6. ALL SLIP SPLICES SHALL BE LOCATED WITHIN THE SLIP SPLICE DESIGN OR TOTAL AS SHOWN ON THE DRAWINGS. IF THE DESIGN SPLICE CANNOT BE ATTAINED SEE INC. SHALL BE CONTACTED.
7. ALL SUB IMPACTS (NO) AND U-BOLTS SHALL BE TIGHTENED TO MEET SNUG REQUIREMENTS. BE SNUG TIGHT CONDITION IS DEFINED AS THE TIGHTNESS WHICH EXIST WHEN ALL PLIES IN A JOINT ARE IN FIRM CONTACT. THIS MAY BE ATTAINED BY A FEW IMPACTS OF AN IMPACT WRENCH OR THE FULL EFFORT OF A MAN USING AN ORDINARY SPUD WRENCH. AND NUTS AND BOLTS DESIGNED DO NOT REQUIRE SPECIAL INSPECTION.

PROJECT INFORMATION

Date: March 10, 2017
ISE Job No.: 11780 By: MG
Customer: CEM-TEC
Product: 39'-0" Light Pole
Site ID: SAZB0014415 / PH90XSD73C

Location: CAMELBACK RD & 91ST AVE
GLENDALE, AZ 85305

DESIGN CRITERION:

2012 IBC 115 MPH Ultimate Wind Speed-Reducible per 1609.1.1
EIA/TIA-222-G (2006) 90 MPH (3-Sec Gust) Design Wind Speed
120° C, Topo Class 1, Ice Class II

DESIGN LOADS (Unfactored Base Wind Reactions)

Moment	=	11.818	Ft-Kips
Shear	=	0.498	Kips
Axial	=	0.614	Kips

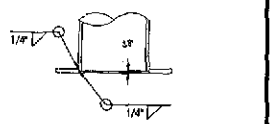
POLE SPECIFICATIONS

Pole Section Shape	8.625" OD X 0.25" Pipe
Pole Length	37-8.625"
Pole Material	API-5LX-42
Base Plate	1.25" Thk. X 13" Square, ASTM A36
Anchor Bolts	1.25"Ø x 44" X 4", ASTM F1554-36

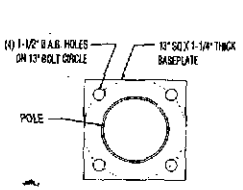
All Other Steel Shapes & Plates - ASTM A36 U.N.O.

APPURTENANCES

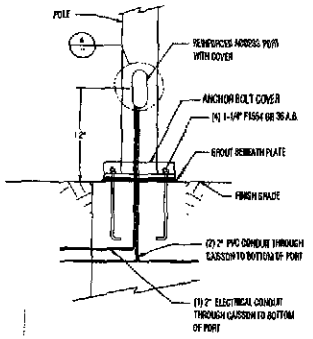
Elevation (ft.)	(Qty)	Description
31'-9"	(1)	Radome
39'-0"	(1)	Top of Light Fixture
22'-0"	(1)	8' x 12' Mast Arm connection



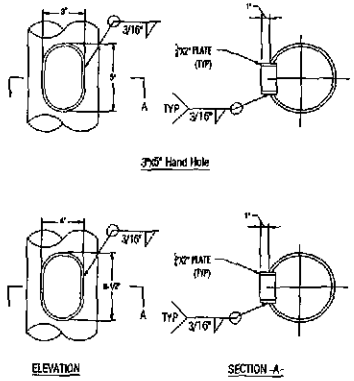
3 POLE TO BASEPLATE WELD — SCALE: N.T.S.



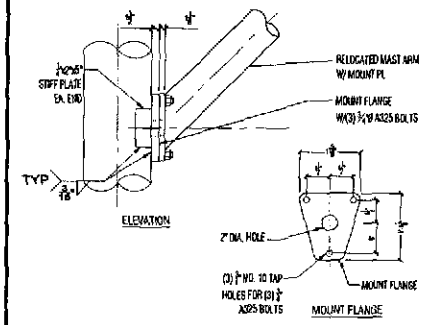
4 BASEPLATE — SCALE: N.T.S.



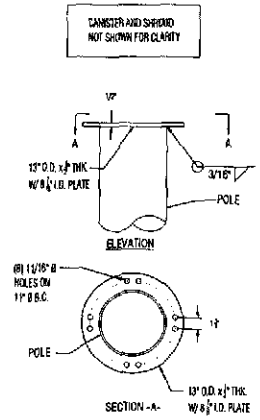
5 BASE DETAIL — SCALE: N.T.S.



6 HAND HOLE DETAIL — SCALE: N.T.S.



7 LIGHT FIXTURE ATTACHMENT — SCALE: N.T.S.



8 POLE TOP FLANGE DETAIL — SCALE: N.T.S.

mobilitie

CEM-TEC CORPORATION
Steel Manufacturing Light Standards
3745 South 7th Avenue
Phoenix, Arizona 85041
(602) 268-0888 (Tel)
(602) 276-7251 (Fax)
Web: http://www.cem-tec.com

ISE Incorporated
Structural Engineers
P.O. Box 18000
Phoenix, Arizona 85005
(602) 957-8515 Voice
(602) 957-8516 Fax

ISE JOB #: 11780

MOBILITIE PH90XSD73C

POLE DETAILS

CAMELBACK RD & 91ST AVE
GLENDALE, AZ 85305

Glendale "45"

PROGRESS LOG

0	ISSUED TO CLIENT	MG

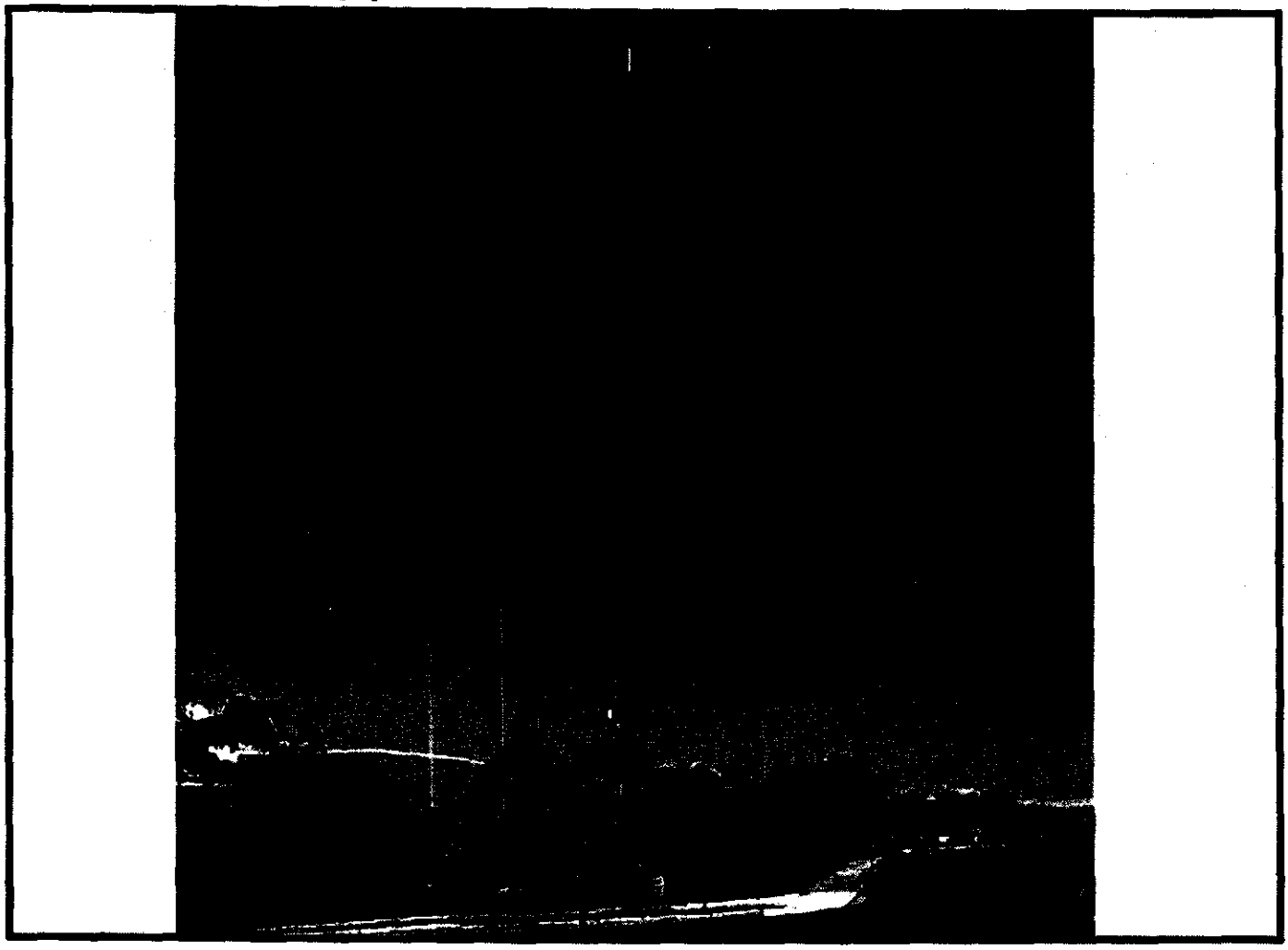
SHEET NUMBER: S1.0
PROGRESS: 0

DRAWING DATE: March 10, 2017

tion Proposal
NMB000497/EP90XS715A
:/20/17

Location: Harkler Rd & Hospital Dr
Santa Fe, NM 87505

Pole Type: New Wood Pole



Sample Proposed Configuration

:ion Proposal

:ended as a visual guide only.
purposes, and should be used
:he proposed installation.

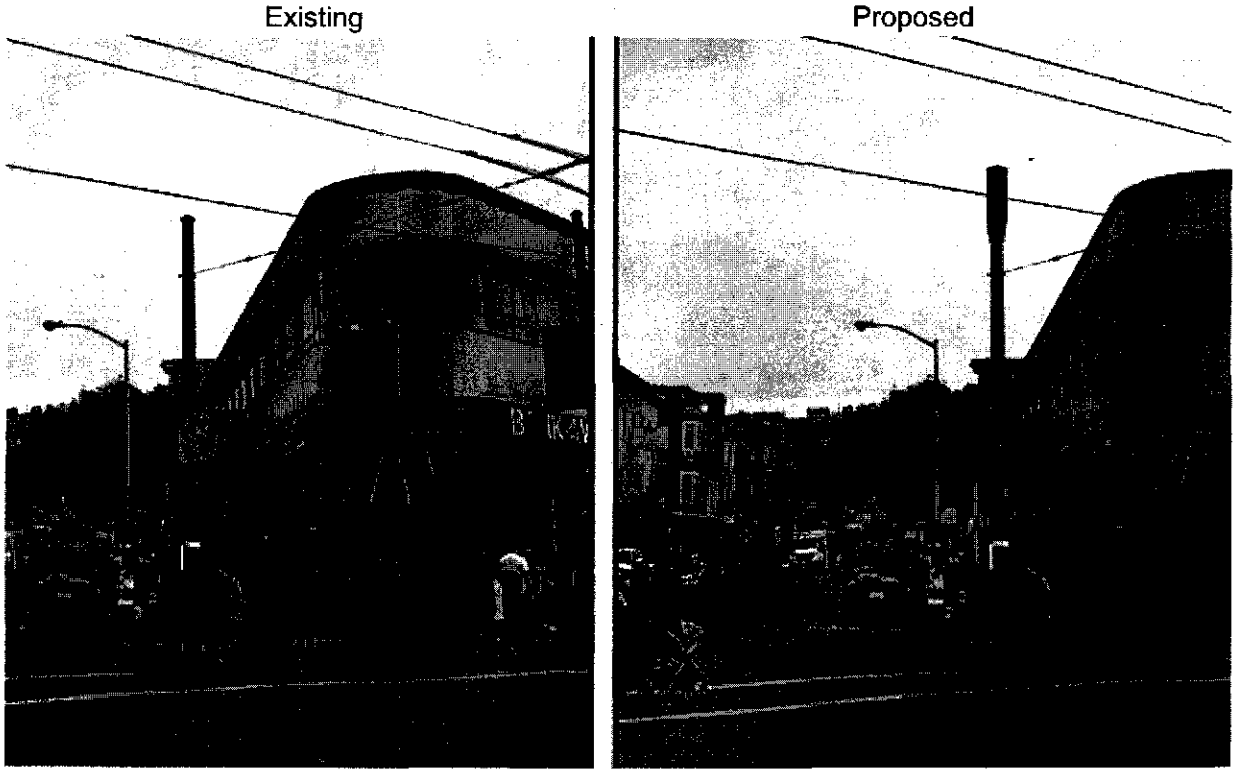
Site ID: **9NMB000497**
Candidate ID: **EP90XS715A**
Pole Type: New Wood Pole
Location: Harkler Rd & Hospital Dr
Santa Fe, NM 87505

Did these proposals go through design, historic preservation or environmental review? Yes. The Planning Department went through extensive review and redesign (see photos on last two pages) of these Small Cells. Planning staff worked with City agencies such as SFPUC, and SFMTA, along with wireless carriers on improving the designs so as to ensure they are thoughtfully integrated into our City's streetscapes.

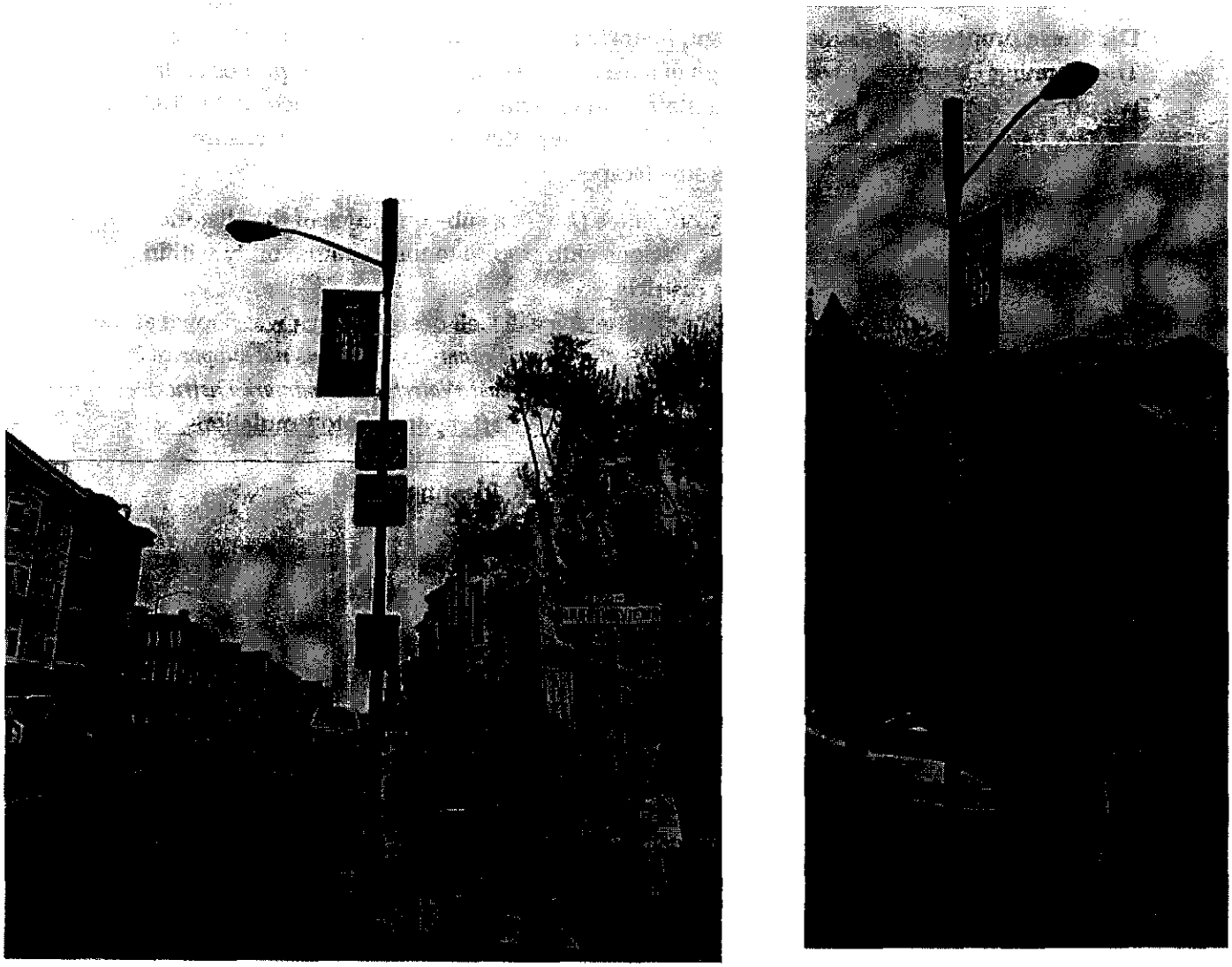
In addition, the Architectural Review Committee (ARC), a sub-committee of the Historic Preservation Commission, reviewed the designs with respect to their compatibility within historic conservation and preservation districts.

- Link to presentation slides for the proposed Small Cell design, which was shown at the March 4, 2015 ARC hearing *(these slides also include examples of designs not supported by Planning, and two wooden pole sites within the Northeast Waterfront Landmark District)*
- Link to Architectural Review Committee (ARC) staff report, photo simulations, & sample project plans
- Link to audio recording of the March 4, 2015 ARC Hearing

Lastly, the facilities underwent environmental review and were determined to be categorically exempt (sample link), per the California Environmental Quality Act (CEQA).



Existing transit pole on the left and a proposed Small Cell (on Columbus Avenue) on the right. The Italian flag tri-colors painted on the existing pole (below sign) would be retained.



Existing facility at Bay Street and North View Court in the Russian Hill neighborhood. Planning Department staff worked with the carrier to place the existing road signs in front of the two equipment enclosures.

Do these systems generate noise or light? No. The antennas themselves do not generate noise or vibration. Noise is typically created by cooling fans; however the proposed equipment enclosures use passive cooling, without cooling fans. There are no lights used by the equipment or antennas.

Are new cabinets proposed on sidewalks? No new above ground sidewalk cabinets (surface mounted facilities), and no major street trenching is proposed. Fiber-optic cables would connect from the antenna, through the pole, then to existing underground pathways (conduit), and onto centralized switch locations.

SAN FRANCISCO
PLANNING DEPARTMENT

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

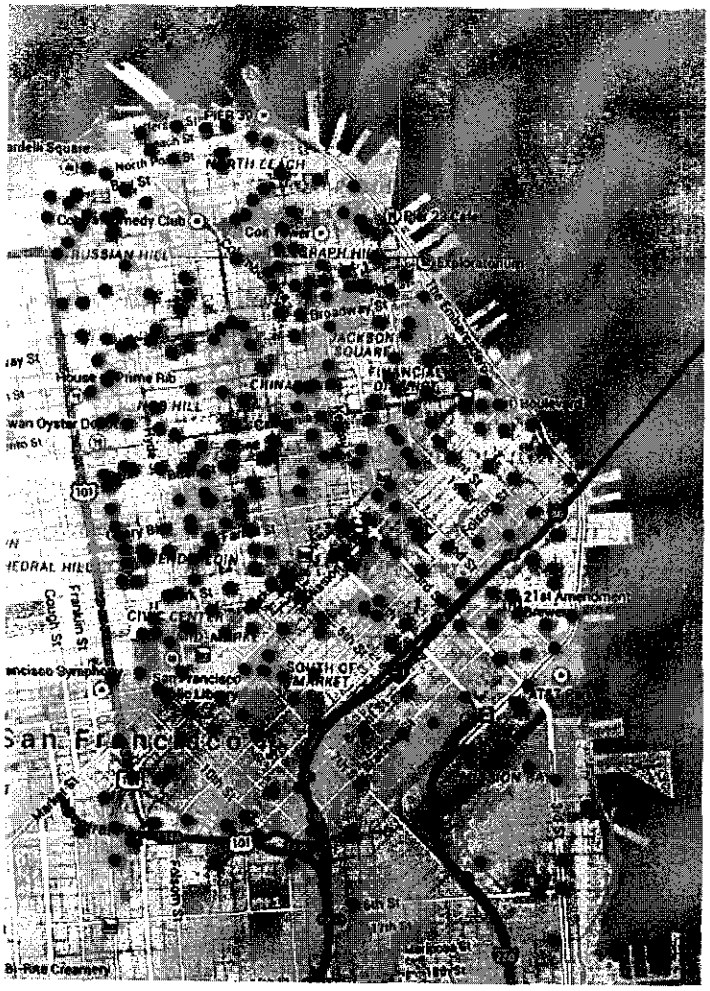
Planning
Information:
415.558.6377

FAQs for Small Cells (wireless) on Steel Light and Transit Poles

This flyer is intended to provide answers to Frequently Asked Questions regarding the proposed addition of Personal Wireless Services Facilities (or Small Cells) to Steel Light and Transit Poles

- Wireless carriers propose to place a single ("Small Cell") antenna, shrouding, and equipment on 300+ steel light and transit poles primarily in SOMA, and the northeastern part of the City (east of Van Ness Avenue, and north of Market Street).
- These systems are referred to as "Small Cells" and are used to provide faster data coverage and capacity for mobile phone and device users.
- If a specific pole is tentatively approved, residents within 150 feet (as well as neighborhood groups within 300 feet) of a pole would receive a notice by mail; with a photo simulation and other information.
- The photo simulation below shows a proposed antenna on top of the pole; and two equipment enclosures midway down the pole (with signage affixed in front of one of the enclosures).
- Various City agencies, including Planning, Public Works, SFPUC, SFMTA (MUNI), and the Department of Technology have been working extensively on this proposed project, to ensure the design and siting is compatible with the surrounding neighborhoods.

What is being proposed at this time? Wireless carriers are proposing to add a single antenna & equipment to existing steel light and transit poles, with the first locations in the South of Market Area (SOMA), and the northeastern parts of the City (east of Van Ness Avenue and north of Market Street). An initial concept deployment map is provided further below. The initial proposal would serve the Verizon Wireless network. A separate proposal (discussed further below) would serve the T-Mobile network.



Initial Steel Pole "Concept" Deployment Map for Extenet Systems & Verizon Wireless

Who owns the poles? ***Steel*** poles along public streets that only feature a street light are generally owned by the San Francisco Public Utilities Commission (SFPUC)[1]. Transit poles that support electric lines for buses and light rail vehicles (including those with a street light) are generally owned by the San Francisco Municipal Transportation Agency (SFMTA, or "MUNI").

Wood poles are not typically owned by the City, but by either the Northern California Joint Pole Association (a consortium of utility providers), or Pacific Gas & Electric (typically wood poles only holding up a street light). Link to FAQs about wireless facilities on wooden poles.

Will the antennas & equipment be added to decorative or historic poles? No wireless facilities (antennas and equipment) are proposed on poles which are either historic (e.g. Path of Gold poles along Market Street in Downtown or historic poles along Mission Street & Columbus Avenue); or are decorative in nature (e.g. fluted poles in Jackson Square).

[1] Approximately 30 steel light poles, where Small Cells are proposed, in the northeastern part of the City, are owned by Pacific Gas & Electric (instead of SFPUC) An additional (small) shut off switch box may also be added to the pole and mounted between the two radio relay units.

MY VIEW: JOHN McPHEE

Help us keep excessive radiation out of Santa Fe

Please join us at the Santa Fe City Council meeting at 7 p.m. Wednesday, Aug. 30, to hear the discussion and witness the vote on a proposed telecommunications ordinance that would strip away many of our rights to protect our health, safety and property. We desperately need far greater attendance from our residents to get the attention of our policymakers and for them to take our concerns seriously. If you are unable to attend, at least voice your concern to your own council representative via phone or email. Protecting our democracy requires constant participation.

The proposed ordinance would enable the wireless industry to put 5G cell tower transmitters on every block in front of people's homes without their consent or their ability to object for any reason. Ordinance No. 2017-22 would repeal most zoning regulations that now protect us and allow cell tower transmitters to be built on any street or sidewalk.

Cities all over the country are opposing similar legislation. An Ohio law that repealed zoning regulations for wireless facilities throughout Ohio was challenged by 70 cities and was overturned by a court. A California bill that would do the same thing in California, S.B. 649, is being opposed by cities, counties, and health, environmental and consumer justice organizations.

We already have approximately 35 cell towers and 250 antennas citywide, despite hundreds of studies that clearly indicate increases in the incidence of cancer within the proximity of these transmitters, particularly within a mile. The American Cancer Society continues to maintain that this is not an issue, but they received a "C" rating as a nonprofit this year, and they constantly receive donations from corporate interests, including telecommunications.

The Environmental Protection Agency conducted 15 years of research with 30 scientists, from 1970 to 1985, in order to establish standards for exposure to electromagnetic radiation, and then tried to have their proposed standards endorsed by Congress for eight consecutive years, from 1987 until 1995. However, as usual, the agenda of the industry lobbyists took precedent over any public safety concerns, and they successfully pressured Congress not only to disregard any recommendations from the EPA, but disband their dedicated team of scientists and defund their research laboratory.

If you go to the website for the Federal Communications Commission, it still clearly states that there are "no federally mandated radiofrequency standards," and this is despite ubiquitous deployment of the technology nationwide. Adding insult to injury, a $25 million study completed in 2016 by the National Toxicology Program of the National Institutes of Health clearly indicates the harmful effects of this technology, yet it is being entirely ignored by Congress as well. Please come to the City Council meeting on Wednesday, as your mere presence without testimony will make the right statement of concern, and visit the following websites for more information regarding the issues: www.ehtrust.org; www.c4st.org; www.babysafeproject.org; www.iarc.org/emr; www.emfhelp.net; www.magdahavas.com and many, many others.

John McPhee is a member of the Santa Fe Alliance for Public Health and Safety.

Exhibit "9"

MY VIEW ARTHUR FIRSTENBERG

Cellphone tower debate coming Wednesday

The telecommunications industry's plans to intensify its national footprint will be debated locally in a public hearing before the Santa Fe City Council at 7 p.m. Wednesday, Aug. 30. On that day, the City Council will vote on a proposed ordinance to make it easier to place cell towers on the public rights of way.

The new technology that is driving legislation like this is called 5G, and its purpose is to implement the "Internet of Things," which the industry wants to roll out nationally by 2019. If successful, this could turn hundreds of ordinary consumer products into "smart" products: smart appliances, smart bicycles, smart jewelry, even smart clothing. Smart milk cartons will tell smart refrigerators when it is time to order milk for you.

The industry estimates that 50 billion objects soon will be connected to the internet. Millions of small cell towers on our streets and sidewalks — one or more on every block, nationwide — are necessary to make this possible. The Cellular Telecommunications and Internet Association and the Wireless Infrastructure Association are lobbying hard for laws that will remove all obstacles to their plans. This effort, which will change the appearance of our streets and seriously affect our environment, is receiving scant attention in the media.

Senate Bills S.19, the Mobile Now Act, and S.88, the DIGIT Act, passed the U.S. Senate on Aug. 3 and are being debated in the House of Representatives. These bills would make the development of 5G and the Internet of Things national policy. State bills have had varying success. Arizona and Colorado already have passed legislation exempting "small wireless facilities" from zoning regulations statewide. In California, a similar proposal, Senate Bill S.B. 649 is being opposed by cities, counties and health, environmental and consumer justice organizations. In Ohio, 70 cities challenged similar legislation, and the new law was overturned by a court.

Legislation has been introduced in New York to restrict the placement of antennas on utility poles. The city of San Francisco passed an ordinance, which has been upheld by the California Court of Appeal, requiring a separate lease for every wireless facility and requiring a public hearing if any citizen objects to any proposed antenna or tower.

No 5G legislation has been introduced in the New Mexico Legislature, but the city of Santa Fe is proposing to hand over the keys to its streets and sidewalk anyway. Bill No. 2017-22 would repeal most zoning regulations that now protect us in Santa Fe. The antennas in front of our homes will be similar to the antennas that we already are used to seeing on cell towers. The main difference is that instead of being mounted on tall towers, they will be mounted on street lamps and traffic lights — and there will be many more of them, much closer to where we all live and work. We will all be exposed to a dramatic increase in radiation. This will be a threat to our health and our environment, including birds and bees and everything else that is alive.

Arthur Firstenberg is a resident of Santa Fe.

International Agency for Research on Cancer

World Health Organization

PRESS RELEASE
N° 208

31 May 2011

IARC CLASSIFIES RADIOFREQUENCY ELECTROMAGNETIC FIELDS AS POSSIBLY CARCINOGENIC TO HUMANS

Lyon, France, May 31, 2011 -- The WHO/International Agency for Research on Cancer (IARC) has classified radiofrequency electromagnetic fields as **possibly carcinogenic to humans (Group 2B)**, based on an increased risk for **glioma**, a malignant type of brain cancer[1], associated with wireless phone use.

Background

Over the last few years, there has been mounting concern about the possibility of adverse health effects resulting from exposure to radiofrequency electromagnetic fields, such as those emitted by wireless communication devices. The number of mobile phone subscriptions is estimated at **5 billion globally**.

From **May 24–31 2011, a Working Group of 31 scientists from 14 countries has been meeting at IARC in Lyon, France, to assess the potential carcinogenic hazards from exposure to radiofrequency electromagnetic fields**. These assessments will be published as Volume 102 of the IARC *Monographs*, which will be the fifth volume in this series to focus on physical agents, after **Volume 55** (Solar Radiation), **Volume 75** and **Volume 78** on ionizing radiation (X-rays, gamma-rays, neutrons, radio-nuclides), and **Volume 80 on non-ionizing radiation (extremely low-frequency electromagnetic fields)**.

The IARC Monograph Working Group discussed the possibility that these exposures might induce long-term health effects, in particular an increased risk for cancer. This has relevance for public health, particularly for users of mobile phones, as the number of users is large and growing, particularly among young adults and children.

The IARC Monograph Working Group discussed and evaluated the available literature on the following exposure categories involving radiofrequency electromagnetic fields:

- occupational exposures to radar and to microwaves;
- environmental exposures associated with transmission of signals for radio, television and wireless telecommunication; and
- personal exposures associated with the use of wireless telephones.

International experts shared the complex task of tackling the **exposure data, the studies of cancer in humans, the studies of cancer in experimental animals, and the mechanistic and other relevant data.**

[1] **237 913 new cases of brain cancers** (all types combined) occurred around the world in 2008 (gliomas represent 2/3 of these). Source: **Globocan 2008**

Exhibit "7"

IARC CLASSIFIES RADIOFREQUENCY ELECTROMAGNETIC FIELDS AS POSSIBLY CARCINOGENIC TO HUMANS

Results

The evidence was reviewed critically, and overall evaluated as being *limited*[2] among users of wireless telephones for glioma and acoustic neuroma, and *inadequate*[3] to draw conclusions for other types of cancers. The evidence from the occupational and environmental exposures mentioned above was similarly judged inadequate. The Working Group did not quantitate the risk; however, one study of past cell phone use (up to the year 2004), showed a 40% increased risk for gliomas in the highest category of heavy users (reported average: 30 minutes per day over a 10-year period).

Conclusions

Dr Jonathan Samet (University of Southern California, USA), overall Chairman of the Working Group, indicated that "the evidence, while still accumulating, is strong enough to support a conclusion and the **2B classification**. The conclusion means that there could be some risk, and therefore we need to keep a close watch for a link between cell phones and cancer risk."

"Given the potential consequences for public health of this classification and findings," said IARC Director Christopher Wild, "it is important that additional research be conducted into the long-term, heavy use of mobile phones. Pending the availability of such information, it is important to take pragmatic measures to reduce exposure such as hands-free devices or texting. "

The Working Group considered hundreds of scientific articles; the complete list will be published in the Monograph. It is noteworthy to mention that several recent in-press scientific articles[4] resulting from the **Interphone study** were made available to the working group shortly before it was due to convene, reflecting their acceptance for publication at that time, and were included in the evaluation.

A concise report summarizing the main conclusions of the IARC Working Group and the evaluations of the carcinogenic hazard from radiofrequency electromagnetic fields (including the use of mobile telephones) will be published in **The Lancet Oncology in its July 1 issue, and in a few days online.**

---

[2] '***Limited evidence of carcinogenicity***': A positive association has been observed between exposure to the agent and cancer for which a causal interpretation is considered by the Working Group to be credible, but chance, bias or confounding could not be ruled out with reasonable confidence.

[3] '***Inadequate evidence of carcinogenicity***': The available studies are of insufficient quality, consistency or statistical power to permit a conclusion regarding the presence or absence of a causal association between exposure and cancer, or no data on cancer in humans are available.

[4] a. 'Acoustic neuroma risk in relation to mobile telephone use: results of the INTERPHONE international case-control study' (the Interphone Study Group, in Cancer Epidemiology, *in press*)
b. 'Estimation of RF energy absorbed in the brain from mobile phones in the Interphone study' (Cardis et al., Occupational and Environmental Medicine, *in press*)
c. 'Risk of brain tumours in relation to estimated RF dose from mobile phones – results from five Interphone countries' (Cardis et al., Occupational and Environmental Medicine, *in press*)
d. 'Location of Gliomas in Relation to Mobile Telephone Use: A Case-Case and Case-Specular Analysis' (American Journal of Epidemiology, May 24, 2011. [Epub ahead of print].

IARC, 150 Cours Albert Thomas, 69372 Lyon CEDEX 08, France - Tel: +33 (0)4 72 73 84 85 - Fax: +33 (0)4 72 73 85 75
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IARC CLASSIFIES RADIOFREQUENCY ELECTROMAGNETIC FIELDS AS POSSIBLY CARCINOGENIC TO HUMANS

For more information, please contact
Dr Kurt Straif, IARC Monographs Section, at +33 472 738 511, or straif@iarc.fr; Dr Robert Baan, IARC Monographs Section, at +33 472 738 659, or baan@iarc.fr; or Nicolas Gaudin, IARC Communications Group, at com@iarc.fr (+33 472 738 478)
Link to the **audio file** posted shortly after the briefing:
http://terrance.who.int/mediacentre/audio/press_briefings/

About IARC

The International Agency for Research on Cancer (IARC) is part of the World Health Organization. Its mission is to coordinate and conduct research on the causes of human cancer, the mechanisms of carcinogenesis, and to develop scientific strategies for cancer control. The Agency is involved in both epidemiological and laboratory research and disseminates scientific information through publications, meetings, courses, and fellowships.

If you wish your name to be removed from our press release e-mailing list, please write to com@iarc.fr.

Nicolas Gaudin, Ph.D.
Head, IARC Communications
International Agency for Research on Cancer
World Health Organization
150, cours Albert-Thomas
69008 Lyon
France

Email com@iarc.fr
http://www.iarc.fr/

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IARC CLASSIFIES RADIOFREQUENCY ELECTROMAGNETIC FIELDS AS POSSIBLY CARCINOGENIC TO HUMANS

ABOUT THE IARC MONOGRAPHS

What are the IARC Monographs?

The ***IARC Monographs*** identify environmental factors that can increase the risk of human cancer. These include chemicals, complex mixtures, occupational exposures, physical and biological agents, and lifestyle factors. National health agencies use this information as scientific support for their actions to prevent exposure to potential carcinogens. Interdisciplinary working groups of expert scientists review the published studies and evaluate the weight of the evidence that an agent can increase the risk of cancer. The principles, procedures, and scientific criteria that guide the evaluations are described in the **Preamble** to the IARC Monographs.

Since 1971, more than 900 agents have been evaluated, of which approximately 400 have been identified as **carcinogenic or potentially carcinogenic** to humans.

Definitions

Group 1: The agent is *carcinogenic to humans*.

This category is used when there is *sufficient evidence of carcinogenicity* in humans. Exceptionally, an agent may be placed in this category when evidence of carcinogenicity in humans is less than *sufficient* but there is *sufficient evidence of carcinogenicity* in experimental animals and strong evidence in exposed humans that the agent acts through a relevant mechanism of carcinogenicity.

Group 2.

This category includes agents for which, at one extreme, the degree of evidence of carcinogenicity in humans is almost *sufficient*, as well as those for which, at the other extreme, there are no human data but for which there is evidence of carcinogenicity in experimental animals. Agents are assigned to either Group 2A (*probably carcinogenic to humans*) or Group 2B (*possibly carcinogenic to humans*) on the basis of epidemiological and experimental evidence of carcinogenicity and mechanistic and other relevant data. The terms *probably carcinogenic* and *possibly carcinogenic* have no quantitative significance and are used simply as descriptors of different levels of evidence of human carcinogenicity, with *probably carcinogenic* signifying a higher level of evidence than *possibly carcinogenic*.

Group 2A: The agent is *probably carcinogenic to humans*.

This category is used when there is *limited evidence of carcinogenicity* in humans and *sufficient evidence of carcinogenicity* in experimental animals. In some cases, an agent may be classified in this category when there is *inadequate evidence of carcinogenicity* in humans and *sufficient evidence of carcinogenicity* in experimental animals and strong evidence that the carcinogenesis is mediated by a mechanism that also operates in humans. Exceptionally, an agent may be classified in this category solely on the basis of *limited evidence of carcinogenicity* in humans. An agent may be assigned to this category if it clearly belongs, based on mechanistic considerations, to a class of agents for which one or more members have been classified in Group 1 or Group 2A.

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IARC CLASSIFIES RADIOFREQUENCY ELECTROMAGNETIC FIELDS AS POSSIBLY CARCINOGENIC TO HUMANS

Group 2B: The agent is *possibly carcinogenic to humans*.

This category is used for agents for which there is *limited evidence of carcinogenicity* in humans and less than *sufficient evidence of carcinogenicity* in experimental animals. It may also be used when there is *inadequate evidence of carcinogenicity* in humans but there is *sufficient evidence of carcinogenicity* in experimental animals. In some instances, an agent for which there is *inadequate evidence of carcinogenicity* in humans and less than *sufficient evidence of carcinogenicity* in experimental animals together with supporting evidence from mechanistic and other relevant data may be placed in this group. An agent may be classified in this category solely on the basis of strong evidence from mechanistic and other relevant data.

Group 3: The agent is *not classifiable as to its carcinogenicity to humans*.

This category is used most commonly for agents for which the evidence of carcinogenicity is *inadequate* in humans and *inadequate* or *limited* in experimental animals.

Exceptionally, agents for which the evidence of carcinogenicity is *inadequate* in humans but *sufficient* in experimental animals may be placed in this category when there is strong evidence that the mechanism of carcinogenicity in experimental animals does not operate in humans.

Agents that do not fall into any other group are also placed in this category.

An evaluation in Group 3 is not a determination of non-carcinogenicity or overall safety. It often means that further research is needed, especially when exposures are widespread or the cancer data are consistent with differing interpretations.

Group 4: The agent is probably not carcinogenic to humans.

This category is used for agents for which there is *evidence suggesting lack of carcinogenicity* in humans and in experimental animals. In some instances, agents for which there is *inadequate evidence of carcinogenicity* in humans but *evidence suggesting lack of carcinogenicity* in experimental animals, consistently and strongly supported by a broad range of mechanistic and other relevant data, may be classified in this group.

Definitions of evidence, as used in IARC Monographs for studies in humans

The evidence relevant to carcinogenicity from studies in humans is classified into one of the following categories:

Sufficient evidence of carcinogenicity: The Working Group considers that a causal relationship has been established between exposure to the agent and human cancer. That is, a positive relationship has been observed between the exposure and cancer in studies in which chance, bias and confounding could be ruled out with reasonable confidence. A statement that there is *sufficient evidence* is followed by a separate sentence that identifies the target organ(s) or tissue(s) where an increased risk of cancer was observed in humans. Identification of a specific target organ or tissue does not preclude the possibility that the agent may cause cancer at other sites.

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IARC CLASSIFIES RADIOFREQUENCY ELECTROMAGNETIC FIELDS AS POSSIBLY CARCINOGENIC TO HUMANS

Limited evidence of carcinogenicity: A positive association has been observed between exposure to the agent and cancer for which a causal interpretation is considered by the Working Group to be credible, but chance, bias or confounding could not be ruled out with reasonable confidence.

Inadequate evidence of carcinogenicity: The available studies are of insufficient quality, consistency or statistical power to permit a conclusion regarding the presence or absence of a causal association between exposure and cancer, or no data on cancer in humans are available.

Evidence suggesting lack of carcinogenicity: There are several adequate studies covering the full range of levels of exposure that humans are known to encounter, which are mutually consistent in not showing a positive association between exposure to the agent and any studied cancer at any observed level of exposure. The results from these studies alone or combined should have narrow confidence intervals with an upper limit close to the null value (e.g. a relative risk of 1.0). Bias and confounding should be ruled out with reasonable confidence, and the studies should have an adequate length of follow-up. A conclusion of *evidence suggesting lack of carcinogenicity* is inevitably limited to the cancer sites, conditions and levels of exposure, and length of observation covered by the available studies. In addition, the possibility of a very small risk at the levels of exposure studied can never be excluded.

In some instances, the above categories may be used to classify the degree of evidence related to carcinogenicity in specific organs or tissues.

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FEARLESS PARENT™
Thinking ... For a Change

Cell Tower Hypocrisy: Rescuing Firefighters Not Kids

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Cell Tower Hypocrisy: Rescuing Firefighters Not Kids

Fearless Parent

by Susan Foster

*Editor's note: California is **once again** in a trendsetting legislative battle with dramatic implications for our collective public health. Big Telecom wants fewer impediments to deliver next generation connectivity: more, faster, e-ver-y-where. It's time to say: NO. The technology we love is harming us and, most of all, our precious children who **absorb ten***

Exhibit "8"

times more radiation than adults, *with their thinner skulls and higher water- and ion-content brains. Please share this post widely.*

Dear Gov. Jerry Brown,

I have a story to share with you. It involves inside information from the telecommunications industry; firefighters and what their brains look like following a five-year exposure to a cell tower outside their station; and a bill currently flying through the California Senate and Assembly.

SB 649 is going to land on your desk sometime in early September.

Veto this bill

As you know, many of us don't like SB 649. More than half the cities in California comprising more than 2/3 of California's citizens don't want this bill to become law.

SB 649 would essentially deregulate the telecommunications industry by giving them the right to force cities and counties to lease available lampposts, buildings, and the right-of-way for cell towers and transmitting antenna which will blanket our neighborhoods and our cities with 5G millimeter waves. 5G, or 5th generation wireless, is virtually untested on human beings. Electrical equipment the size of refrigerators will be allowed, along with back-up generators filled with diesel fuel.

Our exposure to radiation from towers has increased exponentially. With SB 649, California is about to add 50,000 more "small cells" to approximately 300,000 cell towers currently in existence nationwide.

The digital divide will remain a chasm

One of the selling points in legislatures across the country is that 5G will help close the **digital divide**. That sounds great.

The truth, however, is communications providers have repeatedly demonstrated that they will not make advanced services available to low-income or rural areas unless they are required to do so. SB 649 contains no such requirement.

Driverless cars over children

Most of all, we're worried about the most vulnerable among us – our children. In the name of faster downloads, appliances that communicate with smartphones in the **Internet of Things (IoT)**, and driverless cars, what good is all this progress if you are putting our children with their developing brains and rapidly dividing cells at risk?

We don't want to sacrifice our children's health just so we can preheat the oven with the touch of our phones allowing us to pop a chicken in to roast the minute we walk in the door after a quick trip to the store in a car that just drove itself.

Wireless radiation and DDT have in common

SB 649 would increase harmful radiation that the World Health Organization's cancer committee IARC classified a **2b "possible human" carcinogen** in May 2011.

This verdict put everything on the RF – EMF spectrum into the same category as DDT, which has been banned in the U.S. since 1972. The vote on wireless radiation wasn't even close. It was 29 to 1.

The only thing that kept this radiation from being classified as a 2a "probable human" carcinogen was a lack of unbiased animal studies.

Reasons why the NTP study is such a big deal

Well, Gov. Brown, now we have one. And for a country with a paucity of government research on RF radiation since Ronald Reagan **defunded the EPA's research** around the same time the cell phone industry was taking in the early 1980s, the U.S. really came through big time with a rat study from NIH's National Toxicology Program (NTP).

The **$25 million NTP study** found brain cancer and heart cancer when rats were exposed to full body cell phone radiation, not unlike the 24/7 exposure our children will be receiving if you sign SB 649 into law.

DNA damage from wireless radiation

And speaking of children, we have a profound desire not only for them to be healthy, but for their children to be healthy, as well. According to Microwave News, there was evidence of **DNA damage** coming out of the NTP study.

Please keep that, and the protection of our children in mind, when SB 649 hits your desk.

The firefighter exemption tells the tale

In a move that strikes me as a lesson for all of us to absorb, one group of Californians is already protected from SB 649. One's mind leaps immediately to the unborn, to children, to the elderly, to those who are infirm or disabled.

It is none of these groups.

The legislature has granted an exemption after a 17 year fight for recognition that cell towers were causing them harm, and that group is among the strongest, healthiest among us – the firefighters.

Why? Because they deserve it.

How do I know? Here's where the story I promised you comes in.

Telecom insider emerges from the shadows

Almost 20 years ago, I was walking our family dog after watching the school bus disappear from sight. From behind a small cluster of palm trees a woman stepped out of the shadows. She asked if we could speak, but insisted on doing so out of sight of passersby. She confirmed who I was, and asked if she had her information correct that I was a medical writer. I said I was, and suddenly the vaguely familiar face had more meaning.

She was the young wife of a telecom executive who lived several streets over. Our children went to the same school. I was then asked by the stranger if I could lead the neighborhood fight against a proposed cell tower being permitted for the golf course surrounding our neighborhood.

I responded with a question that seems almost inconceivable today. "What's a cell tower?" I was clueless. I'm embarrassed to say I didn't even question how voice data traveled from one cell phone to another.

The executive's wife told me she would point out a few faux metal palm trees to me, yet cautioned once I started recognizing these tall metal conduits for radiation from one point to another, I would never stop seeing them. Data was carried on the back of microwaves, she explained, and they could penetrate every living thing – plant, animal. and human.

I asked if she had any science to support this. "Yes," was her one syllable response. How do I get my hands on the studies, I wanted to know. She reassured me it would be taken care of, and then asked me to tell no one we had talked. Her husband's job was at risk.

As I was about to continue on a walk that was already in the process of changing my life, I turned back and asked an uncommonly bold question for me, "Am I correct that you were diagnosed with cancer several years ago?" Yes, she had been. My next question was answered even before I asked.

"It's the children I'm most worried about"

"Some of my husband's colleagues have had brain cancer. It feels beyond coincidence. They all know at some level it's dangerous, but they're making so much money." She paused, "It's the children I'm most worried about." I nodded in agreement about the children. More information was shared before I followed my dog out of the shadows. I struggled to assimilate what I had just heard. The industry knew this stuff caused cancer and they were still permitting cell towers for neighborhoods?

A numbness overcame me the rest of my walk through the neighborhood. The telecom executive's wife had left me with a daunting challenge. I had to lead a neighborhood fight against a cell tower, yet we had to kill this permit without bringing up health before a city or county council.

Bureaucratic capture of the FCC ties our hands

The Telecom Act of 1996 forbade localities from opposing cell towers on health grounds, only aesthetics. In America?

Seriously? Yes, seriously.

It's called the preemption clause. As long as the FCC says it's okay – and that means under 1000 uW/cm2 of radiation for a cell tower – it is presumed safe. Yet the FCC wasn't a health agency and they didn't do their own studies. It seems there was a **revolving door** between the FCC and the CTIA – The Wireless Lobby, leaving me with no reassurance of safety at all.

I was swimming in a sea of new information that I wished I didn't know, yet the parent in me longed to know more. My wish was about to come true.

Secret agent in the night, with the science

For the next six weeks, perhaps two mornings a week, I would open the front door to let our dog outside before waking the children. There, placed squarely on the doormat, would be an unmarked manila envelope with two or three scientific studies inside.

This was my first glimpse into what the telecom industry knew in 2001, and has failed to this day to share with the public. A **1994 study by Henry Lai and N.P. Singh** of the University of Washington struck me as the most worrisome.

RF radiation could damage DNA in the brain cells of rats.

We beat back the neighborhood cell tower

After an intense six week campaign, we prevailed with the help of a former union official who coached us in planning a march along a boulevard leading to the golf club at the back of the neighborhood. It was strategically timed for the weekend of the former San Diego Chargers' quarterback Stan Humphrey's celebrity golf tournament.

We created bad PR for the golf club willing to lease land to telecom, and bad PR for the wireless carrier.

The permit was pulled the day before our march.

Firefighters wanted help, too

Following our success, we were interviewed on TV. A few weeks later, I received a telephone call from a firefighter who had seen me speaking for the neighborhood group. He said their fire station in San Diego was getting hit with 24 antennae on the roof of the station. They were out of money and out of time.

Could I write an appeal?

I said I would try, but explained we couldn't do so based on health concerns. The firefighters were stunned. These guys risk their lives for us every day of the week and they did not have a right to say they didn't want 24 antennae on the roof of their fire station because the radiation was a health risk?

How could this be?

Telecom Act of 1996 preempts our rights

Check out **Section 332(c)(7)(B)(iv) of The Telecommunications Act of 1996**. It preempts zoning authority from local governments. Aside from aesthetics, a city has no voice.

I wrote the firefighters' appeal using a safety angle. It bought us time. One cell carrier went elsewhere.

We then worked to educate the fire chief about the dangers of wireless radiation. Fire chiefs often rent out space on the stations. By bringing in more revenue for the city, a chief's' job is more secure. But the rank and file pay the price.

It comes down to the age old issue of money.

Canaries in the coal mine... with red fire hats

I began hearing more stories of firefighters who literally could not function in their jobs, as guardians of society. Once cell towers were activated on or adjacent to their stations, many

– depending on the location of the tower and the direction the beam of radiation was following — developed severe headaches, insomnia, and foggy thinking.

These are not symptoms we wish to see in our First Responders.

Exposing the truth is what parents do

And so, as parents who care passionately about our children's futures know to do, I decided to take matters into my own hands. If my own government didn't care enough to fund studies into the hazards of RF radiation, and if the telecom industry was allowed to get away with **threatening universities and funding** where good science was taking place, we had to find other ways of exposing the truth.

In 2004, I organized a **SPECT brain scan pilot study of firefighters** who had been exposed to a cell tower on their station for over five years. We found brain abnormalities in all firefighters tested.

Res. 15 banned cell towers on fire stations

In 2004, I co-authored **Resolution 15,** which was passed overwhelmingly by the International Association of Firefighters. Res. 15 urging a moratorium on the placement of cell towers on fire stations in the US and Canada based not only on the SPECT scan study of California firefighters, but on **existing science**.

I then helped the Los Angeles **IAFF** locals as they aligned with law enforcement unions to **fight FirstNET towers** on their stations.

There is a solid history of firefighters becoming ill in close proximity to cell towers. There are human and financial costs associated and the state needs to hear their story, Gov. Brown.

The whole country needs to hear their story.

Supermen's kryptonite: brain damage, infertility

The symptoms experienced by the firefighters who participated in the SPECT brain scan study were similar to firefighters in other stations who live in the shadow of cell towers.

It is important to note that all the men we studied had passed rigorous physical and cognitive exams prior to being hired by the fire department. In California you have to score in the top 98th or 99th percentile to even be hired by the fire service. These were extremely bright, healthy men. For testing purposes we excluded men who had worked HazMat, as we did not want chemical exposure clouding the picture.

The firefighters' symptoms after a five-year exposure to a cell tower adjacent to their station included:

- headaches
- extreme fatigue
- cognitive impairment
- anesthesia-like sleep where the men woke up for 911 calls "as if they were drugged"
- inability to sleep
- depression
- anxiety
- unexplained anger
- infertility
- immune-suppression manifest in frequent colds and flu-like symptoms

Shocking stories of cognitive and other damage

Here is how these symptoms translated to real-life responses when we, as a society, need our firefighters the most:

- On several occasions firefighters got lost on 911 calls in the town they grew up in. They used to ride their bikes down these streets. Yet they got lost driving a fire engine.
- In another instance, the emergency bell sounded, and four firefighters awakened from what can only be described as a severe stupor. They got dressed in their protective gear as quickly as they could, slid down the pole, climbed in the truck – two in front and two

in back – and just sat in the rig with the alarm sounding in the background. Finally the captain turned to the engineer who was holding the keys in his hand and said, "Hey, aren't we supposed to be doing something?"

- A medic with 20 years of experience who had never made a mistake and prided himself on that fact forgot basic CPR in the midst of resuscitating a coronary victim. Because the men knew they were struggling to function in the face of the classic radiation poisoning, they looked out for each other. The captain had been counting chest compressions and took over, but it was a potential risk to the victim and a shattering personal experience for the medic.

- This is a relatively small fire department, but most of the men were at an age where they were starting families or adding to them. Yet for three years there were no live births among their wives. There appeared to be an inability to conceive, and there were several miscarriages. Three years after the tower was installed, a healthy son was born to one firefighter and his wife. At age two he was diagnosed with autism.

The brain scans of these six men revealed a pervasive, hyper-excitability of the neurons, which suggested the exposure to RF (microwave) radiation was causing the neurons to continually fire without benefit of rest. When neurons (brain cells) cannot rest, they ultimately die.

Yet more immediately, we found cognitive impairment, delayed reaction time, and lack of impulse control in all six men tested.

Holy smokes!

Gov. Brown, if we found this degree of damage in big, strong, previously healthy firefighters, just imagine what SPECT brain scans might reveal in children with thinner skulls, developing brains, and rapidly dividing cells.

FCC guidelines permit even more radiation

The fire station cell tower measured at 1 to 2/1000th of the allowable FCC limit of non-ionizing radiation. That means the towers could be almost 1000 times more powerful than

the level the firefighters were exposed to, and still be considered within FCC guidelines. And yet even at these "low" levels of radiation, we found brain abnormalities and measureable neurological deficits.

If your children or other family members become ill as a result of a 5G transmitting antenna on a lamppost outside your child's bedroom window, the carrier is protected from a lawsuit.

Even more terrifying?

The cell tower that radiated the firefighters was 2G, or 2nd generation technology. With SB 649 we're talking 5G with its untested millimeter wave used in airport body scanners and the military.

Lesson learned from six brave men

The firefighters' most important lesson to us as a state, and as a society, may be that if we allow the buildout of cell towers so they become commonplace in front of homes and schools, just as they are now on fire stations, we will be facing not just a growing risk of cancer for ourselves and our children, but a neurological tsunami of illnesses from ADHD to autism to Alzheimer's.

Do I have statistics to back up the theory that the firefighters whose stations have long been targeted for cell tower placement are harbingers of what is happening to society?

Yes, I do.

Rising ADHD, autism, Alzheimer's, anxiety

More than **one in ten children received an ADHD diagnosis** in 2011 according to the CDC, and that represents a 42 percent rise from a decade earlier. Most of the costs were incurred by adults due to productivity and income losses and they're staggering. CHADD, the **National Resource on ADHD, evaluated the costs** based on a review of 19 research studies and found for children and adults a range between $143 billion to $266 billion (adjusted to 2010 U.S. dollars).

The Autism Society puts the **prevalence of autism in U.S. children** as having increased by 119.4 percent from 2000 (1 in 150) to 2010 (1 in 68), extrapolating from CDC stats. ~~Autism services cost U.S. citizens~~ $236 – $262 billion annually.

The rate of **people dying from Alzheimer's disease in the United States** rose by 55% over a 15-year period according to new data from the Centers for Disease Control (May 2017).

According to the Alzheimer's Organization, Alzheimer's is the most expensive disease in America, costing more than cancer and heart disease. In 2017, the **direct costs to American society of caring for those with Alzheimer's** and other dementias will total an estimated $259 billion. The Alzheimer's costs to Medicare and Medicaid alone, for the same year, are staggering; together they will spend an estimated $175 billion caring for those with Alzheimer's and other dementias – 68 percent of total costs.

If that didn't make you anxious enough...

The National Institute of Mental Health reported 25% of kids between ages 13 and 18 will experience an anxiety disorder. This is a ~~20-fold increase fold~~ over the last 30 years.

ADHD, autism, Alzheimer's, anxiety. And this is just the A's.

Radioactive isotopes and technicolor brains

Six firefighters had radioactive isotopes injected into their bloodstreams that lit their brains up in diagnostically-meaningful colors. Gov. Brown, you might ask what this has to do with these statistics and numbers? I suggest they may have a lot to do with explaining how the incidence rates of these neurological diseases and disorders got so inexplicably high.

These bold, fearless firefighters may not be your typical canaries in the coal mine, but we brought the coal mine to these grand men and women of the fire service. Many of them are ill, and we need to see them as possible harbingers of what is to come to the rest of us.

Explosion of wireless a causal factor?

Independent research has shown a host of adverse neurological and immunological effects from **cell towers**.

Is there a correlation of increases in ADHD, autism and Alzheimer's with an increase in the number of cell towers? The increase in mobile phone subscribers gives a better sense of the trend. There were just over 44,000,000 wireless subscriber connections in 1996. By 2016, 20 years later, there were 395,881,497 **subscriber connections according to the CTIA**.

Our exposure to radiation from towers has increased exponentially. With SB 649, California is about to add 50,000 more "small cells" to approximately 300,000 cell towers currently in existence nationwide.

An exemption for firefighters but not for kids?

The state clearly honors the sacrifice of California's firefighters and is concerned about the health risks they face from cell towers. After all, it granted them an exemption from SB 649.

Yet, firefighters are the strongest of the strong. What does that imply for the rest of us?

Gov. Brown, shouldn't we weigh the risk to our children of untested 5G before deployment of cell towers in front of homes, schools, parks, playgrounds such that our children are bathed in millimeter waves 24/7?

When did wireless become oxygen? There's nothing we cannot do wired that we're presently doing utilizing wireless technologies except talk on a cell phone. Let's consider the risk in that context.

Leading the world, not just California

Your voice was heard around the world in July when crowds cheered in Hamburg, Germany as you announced California would gather leaders from around the world for a global warming summit next year. The *New York Times* called you America's **de facto leader on climate change**.

You will have the power to march in lockstep with half the other states in this country attempting to fast track 5G infrastructure. Or you can tell California – and everyone listening – that we will pause, test, and protect first.

Veto the bill + a moratorium on 5G and IoT

We are asking you to be that leader now, and study the **5G millimeter wave** that has the ability to heat skin, eyes, and testes. 5G will be a ubiquitous presence in our lives and in our homes, 24/7, with no "off" switch, no reprieve, and it has never been studied on a human population. Consider all the phones, WiFi, tablets, and a disquieting number of cell towers already in existence.

We do not want a telecom usurpation of local control over our communities, and a blanket of radiation over our homes and our children.

Gov. Brown, put your pen down (please)

Before you sign, we beseech you to pause, bring in independent experts from all over the world, and make California a leader in children's health over the Internet of Things. Study the effects. Do not let our children become guinea pigs any more than they already are. Please put your pen down, Gov. Brown.

You've got mail

I'm asking every concerned parent to mail, email, or fax this letter to you and just say NO to SB 649 and 5G everywhere:

Governor Jerry Brown
c/o State Capitol, Suite 1173
Sacramento, CA 95814

Fax: (916) 558-3160

Email link (or manually enter: https://govapps.gov.ca.gov/gov39mail/)

Respectfully yours, Susan Foster

ps. For more information about radiation risks, check out some great FP posts **here** and **here**.

Susan Foster is a medical writer who has worked with firefighters on health, safety and policy with respect to cell towers on their stations since 2000. She organized a brain study of California firefighters in 2004 and was the original author of Resolution 15 passed by the IAFF in 2004. She is an Honorary Firefighter with the San Diego Fire Department and a U.S. Adviser to the UK's Radiation Research Trust.

August 27, 2017
Avoiding Toxins, Evidence-based Care, Health & Wellness, Health Revolution, Healthy Children, Parenting Dilemmas, Personal Rights
2b, 5G, ADHD, Alzheimer's, anxiety, autism, children's health, cognitive, fatigue, firefighters, headaches, infertility, IoT, Jerry Brown, Millimeter, SB 649, sleep, telecom

2 Comments

Eric Windheim BBEC, EMRS
August 28, 2017 at 1:11 pm *Reply*

This is a truly astounding article: thank you Susan Foster!

Of course we should immediately call our State Assembly Member and demand they Vote No on SB 649 and call Governor Brown urging him not so sign it.

If this SB 649 madness is allowed, this article will be a testament to and indictment of our State legislators and Governor Brown who are ignorant of the 1,000s of peer reviewed scientific research documenting pain, suffering, injury and higher mortality directly related to proximity to and duration of exposure to a Cell Tower Antenna.

Sadly, Political Science seems to trump all other sciences.

Ellie Marks

August 28, 2017 at 2:21 pm ***Reply***

Fabulous article- so helpful in the battle against this horrific SB 649. Thank you!!!!

Leave a Reply

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Cancer Expert Declares Cell Phone and Wireless Radiation as Carcinogenic to Humans

Longtime World Health Organization advisor updates opinion linking wireless exposures to cancer based on new scientific evidence.

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Teton Village, WY -- (SBWIRE) -- 08/16/2017 -- An expert cancer researcher and advisor to the World Health Organization International Agency for Research on Cancer (WHO/IARC) has issued his scientific opinion that radiofrequency (RF) radiation from any source – such as the signals emitted by cell phones, other wireless and cordless and sensor devices, and wireless networks – fully meets criteria to be classified as a "Group 1 carcinogenic to humans" agent, based on scientific evidence associating RF exposure to cancer development and cancer promotion.

"The evidence indicating wireless is carcinogenic has increased and can no longer be ignored," stated Dr. Anthony B. Miller at a July 31, 2017 lecture in Jackson Hole, Wyoming sponsored by the Environmental Health Trust where international experts presented the best available science on cell phone and wireless radiation. In 2011, WHO/IARC classified RF radiation from any source as a "Group 2B possibly carcinogenic to human" agent. Miller believes the evidence published since 2011 fulfills the requirements to re-classify RF radiation as a "Group 1 carcinogenic to humans" agent.

Miller explained that the basis for his opinion includes recent scientific publications which include the 2017 re-analysis of data from the Interphone study, the 2014 French National CERENAT Study, several new publications on Swedish cancer data, and the 2016 results of the National Toxicology Program.

Dr. Anthony B. Miller is a physician epidemiologist who specializes in cancer etiology, prevention, and screening. Miller is Professor Emeritus at the Dalla Lana School of Public Health of the University of Toronto and Senior Medical Advisor to the Environmental Health Trust. He has been a longtime advisor to the World Health Organization (WHO) and was Senior Epidemiologist for the International Agency for Research on Cancer (IARC). He served as Director of the Epidemiology Unit of the National Cancer Institute of Canada, Chair of the Department of Preventive Medicine and Biostatistics at the University of Toronto, Head of the Division of Cancer Epidemiology at the German Cancer Research Centre, and Consultant to the Division of Cancer Prevention of the U.S. National Cancer Institute. He has performed research about electromagnetic fields and cancer and has served on many committees assessing carcinogenicity of various exposures. Miller was visiting Senior Scientist in the IARC Monographs programme as a reviewer to the scientific literature supporting designation of Radiofrequency Electromagnetic Fields (RF-EMF) as a Group 2B possible carcinogen in 2011.

Other experts agree that the increased evidence now establishes RF radiation as a human carcinogen. For example, researchers Dr. Lennart Hardell and Michael Carlberg have published several epidemiological studies that found increased brain cancer associated with long-term cell phone use and conclude that "RF radiation should be regarded as a human carcinogen causing glioma." In addition, published epidemiological research has also found persons diagnosed with brain cancer had

Exhibit "9"

decreased survival rates associated with higher wireless phone use.

In response to skeptics who claim, "There is no evidence," researchers point to published research that has consistently found increased cancer risk in well-designed case control studies that have looked at persons who used cell phones for more than ten years.

The July 31, 2017 panel presentation included international experts. Dr. Annie Sasco presented the WHO/IARC process used to classify carcinogenic agents. Dr. Devra Davis presented research finding wireless radiation results in sperm damage and alters brain development. Dr. Moe Mellion presented Dr. Iris Udasin's clinical cases of World Trade Center first responders who developed brain cancer after combined environmental exposures to chemical toxins and wireless radiation. Theodora Scarato, MSW presented policies enacted by governments worldwide to reduce RF radiation exposures. Dr. Marc Arazi presented data released by the cell phone radiation test program of the Government of France, which found that when cell phones are tested in body contact positions, RF radiation exposure exceeds regulatory limits. Environmental Health Trust plans to post all lectures and videos from the July 31, 2017 presentation online.

About Environmental Health Trust
Environmental Health Trust (EHT) educates individuals, health professionals and communities about controllable environmental health risks and policy changes needed to reduce those risks. Currently EHT is raising health concerns about cell phones and wireless in schools and recommends practical steps to reduce exposures. The Environmental Health Trust maintains a regularly updated database of worldwide precautionary policies on cell phone radiation and health. The foundation's website is the go-to place for clear, science-based information to prevent disease.

View and Download Dr. Anthony Miller's July 31, 2017 Presentation from the Symposium
https://ehtrust.org/wp-content/uploads/Dr.-Anthony-Miller-Presentation-July-31-2017.pdf

Scientific Publications on Cell Phone Radiation and Cancer Referenced in Dr. Miller's Presentation
https://ehtrust.org/references-cell-phone-radio-frequency-radiation-cancer/

Watch an excerpt from Dr. Anthony Miller's lecture on July 31, 2017
https://www.youtube.com/watch?v=bgGJeOVEdQs

Source: **Environmental Health Trust**
Posted Wednesday, August 16, 2017 at 2:51 PM CDT - **Permalink**

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BRENNAN, KELLEY A.

From: Sig Lindell <sigforthecity@gmail.com>
Sent: Tuesday, August 29, 2017 8:27 AM
To: BRENNAN, KELLEY A.
Subject: Fwd: Telecom Land Use Review
Attachments: Telecom City Council.pdf; ATT00001.htm

Please review and send to Council if appropriate.

Sent from my iPhone

Begin forwarded message:

> **From:** Mike Mellon <mmellon@earthlink.net>
> **Date:** August 28, 2017 at 6:31:47 PM MDT
> **To:** Sig Lindell <Sigforthecity@gmail.com>, rdvillarreal@santafenm.gov
> **Cc:** Rick Torcasso <rick@torcasso.com>
> **Subject: Telecom Land Use Review**
>
> Hello Sig and Rene,
>
> After receiving a flyer from Authur Firstenberg a couple of neighbors with professional experience in building and operating wireless network put together a response which is attached.
>
> There was an enormous amount of misinformation in the opinion section of The New Mexican on Sunday. It would be very helpful to have staff specifically address these in a short presentation before public comment at Wednesday's meeting. The short staff presentation should eliminate most of the concerns that were voiced. There will always be those who are concerned with "electromagnetic fields" no matter what is said.
>
> We support the proposal and amendments by Councilor Harris.
>
> Mike Mellon
> 1201 Calle de Agua
> Santa Fe, NM 87501

Exhibit "10"

- This is a response to a request sent to Neighborhood Associations and Homeowners Associations by Authur Firstenberg asking us to send what we thought was misleading and unfactual information regarding proposed bill # 2017-22 to our members. The following facts more accurately portrays the issues surrounding telecom land use in Santa Fe.

- Citing Ohio and California opposition is mute. First, these situations, circumstances, "similarities" unknown, the culture, and environment in those states have no bearing on Santa Fe. The issue in Ohio and California is local control for the cities vs state control. Those communities have not set precedent.

- Cell antennas must follow strict regulations set by the FCC. Street and sidewalks throughout America have cell antennas, but they are at least 50 feet above ground and usually higher. Companies operating cell antennas want as much height as they can get because these antennas do not use ground waves, they are strictly emitting line of sight signals. Higher is better. Additionally, while they generally are low power, they are in a bandwidth that has been researched and used for almost 100 years without any meaningful incidence. You would not want to stand a couple feet from these for a couple of hours. But that's just common sense like not trying to install a fan belt while the engine is running.

- Why would you need a public hearing for use of the public right of way? These antennas are non-obtrusive. They are not talking about building a tower here. Towers likely need a public hearing, but antennas can be placed on any number of objects like buildings, currently standing towers, telephone poles, etc. They look like small rectangular object.

- Same for neighbors. These units are not obtrusive, are not a nuisance, and emit less radio waves than what people are experiencing from FM, TV and many other signals using a variety of bandwidths at very high power in operations now and for many years.

- The statement about "without application" is simply untrue. These antennas and transmitters must go through a substantial review by the FCC before getting a license to operate. The FCC uses extremely strict safety and construction guidelines that come from years of empirical study and trial. The city and state has no jurisdiction over communications. This is a Federally regulated body.

- 5G will use the EHF band which is used for more modern inventions like radio astronomy, microwave radio relay which is the process of sending line of sight digital signals at low powers, microwave remote sensing which is used to find objects or movement of objects without touching them, amateur radio, and other instruments. The use of this spectrum for 5G makes it possible to transmit data faster while using less power. Because 5G's high frequencies have correspondingly low wavelengths, they have difficulty penetrating solid objects like walls, windows, and even trees. The near-term result will be "pockets" of 5G deployed in heavily trafficked areas — think public parks, coffee shops, and airports. This is the future of communication because it is greatly efficient, but also safer at lower power than conventional 100,000 watt terrestrial analog broadcasting of the past, and which is quickly disappearing. The 5G bandwidth is actually available because analog transmissions, which take substantially greater bandwidth is being taken back by the FCC.

- Lastly, what makes Mr. Firstenberg an expert to make these contentions? Is he a radio engineer licensed with the FCC? Does he belong to a majority group of experts that share his view? I believe the overwhelming majority of experts in this field, which I don't believe he is, would disagree with his assertions. I think if you stand in front of an antenna radiating radio waves for any length of time, that is just plain uniformed. But regulations about how these antennas operate and are constructed make that pretty impossible (unless you are licensed by the FCC to do so). 5G and the EHF bandwidth is in our future with everything including automatic safety features on cars, and wireless activity inside your home.

CITY COUNICL MEETING OF
August 30, 2017
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
BY MEMBERS OF THE GOVERNING BODY

Mayor Javier Gonzales		
Co-Sponsors	**Title**	**Tentative Committee Schedule**
	AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF SANTA FE, NEW MEXICO GASOLINE TAX / SUBORDINATE LIEN GROSS RECEIPTS TAX IMPROVEMENT REVENUE BONDS, SERIES 2017 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $13,500,000 FOR THE PURPOSE OF DEFRAYING THE COST OF CONSTRUCTING, RECONSTRUCTING, RESURFACING, MAINTAINING, ACQUIRING RIGHTS OF WAY, REPAIRING AND OTHERWISE IMPROVING MUNICIPAL BUILDINGS, ALLEYS, STREETS, PUBLIC ROADS AND BRIDGES OR ANY COMBINATION OF THE FOREGOING PURPOSES; PROVIDING THAT THE BONDS WILL BE PAYABLE AND COLLECTIBLE FROM GASOLINE TAX REVENUES AND CERTAIN GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY; DELEGATING AUTHORITY TO THE CITY FINANCE DIRECTOR TO APPROVE THE FINAL PRINCIPAL AMOUNT, INTEREST RATES AND OTHER DETAILS OF THE BONDS WITHIN THE PARAMETERS SET FORTH IN THIS AUTHORIZING ORDINANCE; DELEGATING AUTHORITY TO THE CITY FINANCE DIRECTOR TO EXECUTE AND DELIVER A BOND PURCHASE AGREEMENT FOR THE SALE OF THE BONDS TO THE NEW MEXICO FINANCE AUTHORITY; PROVIDING FOR THE COLLECTION OF CERTAIN GROSS RECEIPTS TAX REVENUES; APPROVING CERTAIN OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION WITH THE BONDS; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND RELATED MATTERS.	Finance Committee - 9/5/17 Public Works Committee - 9/11/17 City Council (request to publish) - 9/13/17 City Council (public hearing) - 10/11/17
Lindell Villarreal Maestas Ives	A RESOLUTION ESTABLISHING A MUNICIPAL DRUG STRATEGY TASK FORCE TO DEVELOP NEW APPROACHES TO PROBLEMS RELATED TO BOTH DRUG ADDICTION AND POLICY RESPONSES TO IT BY COLLABORATING, STUDYING, GATHERING INPUT FROM THE SANTA FE COMMUNITY AND ISSUE-EXPERTS, AND PROPOSING RECOMMENDATIONS FOR A COORDINATED DRUG STRATEGY ROOTED IN PUBLIC HEALTH AND SAFETY.	Public Safety Committee - 9/19/17 Public Works Committee - 9/25/17 Finance Committee - 10/16/17 City Council - 10/25/17

This document is subject to change.

Exhibit "1"

	A RESOLUTION TO AMEND THE CITY'S INVESTMENT POLICY TO PROVIDE THAT THE CITY'S FINANCIAL INSTITUTIONS OR AGENTS SHALL NOT INVEST CITY FUNDS IN FOSSIL FUELS.	Finance Committee – 9/18/17 Public Works Committee – 9/25/17 City Council – 9/27/17

Councilor Carmichael Dominguez

Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION ESTABLISHING A HOMELESSNESS TASK FORCE TO ANALYZE AND PROVIDE RECOMMENDATIONS TO THE GOVERNING BODY IN AN EFFORT TO ENSURE THAT HOMELESSNESS IS PREVENTED WHENEVER POSSIBLE OR IS OTHERWISE A RARE, BRIEF AND NON-RECURRING EXPERIENCE.	Human Services Committee - TBD Public Works Committee - 9/25/17 Finance Committee - 10/16/17 City Council - 10/25/17
	AN ORDINANCE AMENDING SUBSECTION 23-6.2 SFCC 1987 TO DEDICATE GENERAL FUND REVENUE IN EXCESS OF THAT NEEDED TO SATISFY THE FISCAL REQUIREMENTS OF THE AMENDED BUDGET TO THE CHILDREN AND YOUTH FUND.	Children and Youth Commission – TBD Finance Committee – TBD City Council - TBD

Councilor Mike Harris

Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION ACKNOWLEDGING THE IMPORTANCE OF THE COLLEGE OF SANTA FE AND THE SANTA FE UNIVERSITY OF ART AND DESIGN TO THE HISTORY OF SANTA FE; RECOGNIZING THE SIGNIFICANCE OF THE LOCATION OF THE UNIVERSITY CAMPUS IN THE GEOGRAPHIC CENTER OF SANTA FE AND ITS CONNECTION TO THE RECENTLY-CREATED MIDTOWN LINC OVERLAY DISTRICT; ACKNOWLEDGING THE CITY'S INVESTMENT IN THE UNIVERSITY CAMPUS; CALLING FOR A RENEWED VISION FOR THE CAMPUS INTEGRATING A FORWARD-LOOKING EDUCATIONAL USE WITH OTHER COMMUNITY-CENTERED USES BUILT ON EXISTING STRENGTHS AND CAPACITY; AND FOR THE CITY OF SANTA FE TO ACT AS THE CATALYST FOR CHANGE EMBODYING THE LONG-HELD VALUES OF THE CITY.	Public Works Committee - 9/25/17 Economic Development Advisory Committee - 10/11/17 Finance Committee - 10/16/17 City Council - 10/25/17

Councilor Peter Ives

Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION DIRECTING THE CITY MANAGER TO UNDERTAKE A FEASIBILITY STUDY TO EXPLORE DEVELOPMENT OF FREE WALLS FOR STREET ARTISTS ON MUNICIPAL PROPERTIES; AND PRESENTING THE STUDY TO THE GOVERNING BODY WITHIN 90 DAYS OF ADOPTION OF THIS RESOLUTION.	Public Works Committee - 9/11/17 Arts Commission - 9/11/17 Finance Committee - 9/18/17 Parks and Recreation Advisory Committee - 9/19/17 City Council - 9/28/17

This document is subject to change.

	A RESOLUTION DIRECTING CITY STAFF TO PREPARE UNDEVELOPED CITY-OWNED REAL PROPERTY LOCATED AT THE NORTHEAST CORNER OF YUCCA STREET AND WEST ZIA ROAD FOR DONATION TO A QUALIFIED GRANTEE AS DEFINED BY THE NEW MEXICO AFFORDABLE HOUSING ACT FOR THE DEVELOPMENT OF A MULTI-FAMILY RESIDENTIAL LOW INCOME HOUSING TAX CREDIT PROJECT PURSUANT TO THE AFFORDABLE HOUSING ACT.	Community Development Commission - 9/26/17 Public Works Committee - 10/10/17 Finance Committee - 10/16/17 City Council - 10/25/17

Councilor Signe Lindell

Co-Sponsors	Title	Tentative Committee Schedule
Villarreal	AN ORDINANCE AMENDING SUBSECTION 20-2.3 SFCC 1987 TO PROHIBIT PANHANDLING WITHIN TWENTY FEET OF ANY BUSINESS.	Public Safety Committee - 9/19/17 Public Works Committee - 9/25/17 City Council (request to publish) - 9/27/17 Finance Committee - 10/16/17 City Council (public hearing) - 10/25/17
Villarreal	AN ORDINANCE AMENDING SECTION 23-5.3 SFCC 1987 REGARDING PLAZA ARTISTS/ARTISANS; LICENSES; REQUIREMENTS; SELECTION PROCESS; AND CONDITIONS OF OPERATIONS.	Public Works Committee - 9/11/17 City Council (request to publish) - 9/13/17 Finance Committee - 9/18/17 City Council (public hearing) - 10/11/17

Councilor Joseph Maestas

Co-Sponsors	Title	Tentative Committee Schedule

Councilor Chris Rivera

Co-Sponsors	Title	Tentative Committee Schedule

Councilor Ron Trujillo

Co-Sponsors	Title	Tentative Committee Schedule

This document is subject to change.

Councilor Renee Villarreal		
Co-Sponsors	**Title**	**Tentative Committee Schedule**
	A RESOLUTION DIRECTING THE CITY MANAGER TO PLAN AND DESIGN A LONG TERM INTEGRATED SOLUTION TO HOMELESSNESS TO ACHIEVE CONSISTENCY IN INTERPRETATION AND APPLICATION; AND TO IDENTIFY WHERE COLLABORATIVE EFFORTS WILL RESULT IN MORE EFFECTIVE AND EFFICIENT HOMELESSNESS SUPPORT PROGRAMS FOR THE BENEFIT OF PEOPLE WHO ARE HOMELESS IN THE CITY OF SANTA FE AND SANTA FE COUNTY.	Human Services Committee - TBD Public Works Committee - 9/25/17 Finance Committee - 10/16/17 City Council - 10/25/17
	A RESOLUTION ADOPTING THE WEST SANTA FE RIVER CORRIDOR PLAN AS AN OFFICIAL AMENDMENT TO THE GENERAL PLAN AND FORMALLY AMENDING THE FUTURE LAND USE MAP INCLUDING PROPOSED AMENDMENTS MADE HEREIN.	Public Works Committee - 9/25/17 Planning Commission - 10/5/17 Finance Committee - 10/16/17 City Council - 10/25/17

Introduced legislation will be posted on the City Attorney's website, under legislative services. If you would like to review the legislation prior to that time or you would like to be a co-sponsor, please contact Jesse Guillen, (505) 955-6518, jbguillen@santafenm.gov or Rebecca Seligman at (505) 955-6501, rxseligman@santafenm.gov .

This document is subject to change.

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2017-__

INTRODUCED BY:

Councilor Signe I. Lindell

Councilor Renee D. Villarreal

AN ORDINANCE

AMENDING SUBSECTION 20-2.3 SFCC 1987 TO PROHIBIT PANHANDLING WITHIN TWENTY FEET OF ANY BUSINESS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. Subsection 20-2.3 SFCC 1987 (being Ord. #2010-31, as amended) is amended to read:

20-2.3 Regulations.

Panhandlers may engage in an act of panhandling on public property in the city provided that the panhandler complies with the following regulations.

A. Panhandling is prohibited on any day after sunset or before sunrise within the Business-Capitol District, as shown on the official zoning map of the city of Santa Fe.

B. Panhandling is prohibited involving any operator or occupant of a motor vehicle that is in traffic, on or entering any street, street intersection, alley or other public passageway in any manner that obstructs the operation of any vehicle by any motorist.

C. Panhandling is prohibited when either the panhandler or the person being solicited

Exhibit "2"

is located at any of the following locations:

(1) At a bus stop;

(2) Within twenty feet (20') of any entrance or exit of a public transportation facility;

(3) In any public transportation vehicle or public transportation facility;

(4) In or on any private vehicle or conveyance;

(5) In a sidewalk café;

(6) Within twenty feet (20') in any direction from an automatic teller machine;

(7) Within twenty feet (20') of [~~an entrance to a bank when the bank is open for~~] any business;

(8) In off-street public parking lots or public parking structures;

(9) Within the median of a street; [~~or~~]

(10) On school property and within one hundred fifty feet (150') from the property line of a school.

D. Panhandling in an aggressive manner is prohibited, including any of the following actions:

(1) Touching the solicited person without the solicited person's consent;

(2) Panhandling a person while such person is standing in line and waiting to be admitted to a commercial establishment;

(3) Blocking the path of a person being solicited or the entrance to any building or vehicle;

(4) Following behind, ahead or alongside a person who walks away from the panhandler after being solicited;

(5) Using profane or abusive language, either during the solicitation or

following a refusal to make a donation, or making any statement, gesture, or other communication which would cause a reasonable person to be fearful or feel compelled; or

(6) Panhandling in a group of two (2) or more persons.

E. Panhandling with a sign exceeding four (4) square feet is prohibited.

F. Panhandlers shall not block, or cause the blocking of, any sidewalk, passageway, street, or entrance to a building.

G. Panhandling at one location longer than two (2) hours is prohibited and the panhandler shall stay a minimum of one hundred fifty feet (150') away from such location and shall not return to that same location for two (2) hours.

APPROVED AS TO FORM:

_____

KELLEY A. BRENNAN, CITY ATTORNEY

M/Legislation/Bills 2017/Panhandler Update

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2017-____

INTRODUCED BY:

Mayor Javier M. Gonzales

Councilor Peter Ives

AN ORDINANCE

AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF SANTA FE, NEW MEXICO GASOLINE TAX / SUBORDINATE LIEN GROSS RECEIPTS TAX IMPROVEMENT REVENUE BONDS, SERIES 2017 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $13,500,000 FOR THE PURPOSE OF DEFRAYING THE COST OF CONSTRUCTING, RECONSTRUCTING, RESURFACING, MAINTAINING, ACQUIRING RIGHTS OF WAY, REPAIRING AND OTHERWISE IMPROVING MUNICIPAL BUILDINGS, ALLEYS, STREETS, PUBLIC ROADS AND BRIDGES OR ANY COMBINATION OF THE FOREGOING PURPOSES; PROVIDING THAT THE BONDS WILL BE PAYABLE AND COLLECTIBLE FROM GASOLINE TAX REVENUES AND CERTAIN GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY; DELEGATING AUTHORITY TO THE CITY FINANCE DIRECTOR TO APPROVE THE FINAL PRINCIPAL AMOUNT, INTEREST RATES AND OTHER DETAILS OF THE BONDS WITHIN THE PARAMETERS SET FORTH IN THIS AUTHORIZING ORDINANCE; DELEGATING AUTHORITY TO THE CITY FINANCE DIRECTOR TO EXECUTE AND DELIVER A BOND PURCHASE AGREEMENT FOR THE SALE OF THE

Exhibit "3"

BONDS TO THE NEW MEXICO FINANCE AUTHORITY; PROVIDING FOR THE COLLECTION OF CERTAIN GROSS RECEIPTS TAX REVENUES; APPROVING CERTAIN OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION WITH THE BONDS; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND RELATED MATTERS.

Capitalized terms used in the following preambles have the same meaning as set forth in Section 1 of this Ordinance unless the context requires otherwise.

WHEREAS, the City of Santa Fe, New Mexico (the "City") is a legally created, established, organized and existing incorporated city under the constitution and laws of the State of New Mexico; and

WHEREAS, pursuant to Sections 7-1-6.9 and 7-6-1 NMSA 1978, the City receives a monthly distribution of General Gasoline Tax Revenues (the "General Gasoline Tax Revenues") from the New Mexico Department of Taxation and Revenue currently equal to ten and thirty-eight hundredths percent of the net receipts attributable to gasoline taxes, exclusive of penalties and interest, imposed pursuant to the Gasoline Tax Act, Sections 7-13-1 through 7-13-15 NMSA 1978, as amended, as such distribution is calculated pursuant to Section 7-1-6.9 NMSA 1978, subject to any increase or decrease made pursuant to Section 7-1-6.15 NMSA 1978; and

WHEREAS, pursuant to Sections 7-1-6.27 and 7-1-6.1 NMSA 1978, the City receives a monthly distribution of Municipal Road Gasoline Tax Revenues (the "Municipal Gasoline Tax Revenues", and together with the General Gasoline Tax Revenues, the "Pledged Gasoline Tax Revenues") from the New Mexico Department of Taxation and Revenue currently set at a rate equal to five and seventy-six hundredths percent of the net receipts attributable to the gasoline tax, as such distribution is calculated pursuant to Section 7-1-6.27, subject to any increase or decrease made pursuant to Section 7-1-6.15, NMSA 1978; and

WHEREAS, the Pledged Gasoline Tax Revenues are not pledged to the payment of any bonds or other obligations which are presently outstanding and unpaid; and

WHEREAS, pursuant to Section 7-1-6.4 NMSA 1978 the City receives monthly State-Shared Gross Receipts Tax Revenues from the New Mexico Department of Taxation and Revenue equal to one and two hundred and twenty-five thousandths percent (1.225%) of the gross receipts of persons engaging in business within the City, as determined and adjusted under the Gross Receipts and Compensating Tax Act, Chapter 7, Article 9 NMSA 1978; and

WHEREAS, pursuant to the Municipal Local Option Gross Receipts Taxes Act, Sections 7-19D-1 through 7-19D-18, NMSA 1978, and the One-Half Percent Municipal Gross Receipts Tax Ordinance, the City has imposed a municipal gross receipts tax on persons engaging in business in the City in the amount of one-half of one percent (0.50%) and receives monthly One-Half Percent Municipal Gross Receipts Tax Revenues from the New Mexico Department of Taxation and Revenue, as determined and adjusted under the Municipal Local Option Gross Receipts Taxes Act. The One-Half Percent Municipal Gross Receipts Tax was imposed by City Ordinance No. 1981-45 and is dedicated for capital improvements to City facilities and street and road construction and reconstruction as authorized by the Municipal Local Option Gross Receipts Taxes Act. Other increments of Municipal Local Option Gross Receipts Tax are imposed by the City which are not pledged for payment of Superior Obligations, Parity Obligations or Subordinate Obligations; and

WHEREAS, pursuant to Section 7-19D-11 NMSA 1978 and City Ordinance No. 1993-21, the City has imposed an infrastructure gross receipts tax on persons engaging in business in the City and receives monthly distributions of Infrastructure Gross Receipts Tax Revenues from the New Mexico Department of Taxation and Revenue equal to 1/16th of one percent (0.0625%) of the gross receipts of persons engaging in business within the City, as determined and adjusted under the Municipal Local Option Gross Receipts Taxes Act and the Tax Administration Act. The Infrastructure Gross Receipts Tax is dedicated for purposes authorized by Section 7-19D-11 NMSA

1978; and

WHEREAS, pursuant to Section 7-19D-10 NMSA 1978, and City Ordinance No. 1993-20, the City has imposed an environmental services gross receipts tax on persons engaging in business in the City and receives monthly distributions of Environmental Services Gross Receipts Tax Revenues from the New Mexico Department of Taxation and Revenue equal to 1/16th of one percent (0.0625%) of the gross receipts of persons engaging in business within the City, as determined and adjusted under the Municipal Local Option Gross Receipts Taxes Act and the Tax Administration Act. The Environmental Services Gross Receipts Tax is dedicated for purposes authorized by Section 7-19D-10 NMSA 1978; and

WHEREAS, the Environmental Services Gross Receipts Tax Revenues are not pledged to the repayment of the Bonds; and

WHEREAS, pursuant to Ordinance No. 2008-11, passed and adopted by the Governing Body on February 27, 2008, the City issued its "City of Santa Fe Gross Receipts Tax Revenue Bonds, Series 2008" (herein the "Series 2008 Bonds") in an aggregate principal amount of $28,705,000, payable from and constituting a first (but not an exclusive first) lien on the State-Shared Gross Receipts Tax Revenues, the One-Half Percent Municipal Gross Receipts Tax Revenues and the Infrastructure Gross Receipts Tax Revenues (of which $1,800,000 of such Series 2008 Bonds remain outstanding); and

WHEREAS, pursuant to Ordinance No. 2008-35, passed and adopted by the Governing Body on June 25, 2008, the City entered into a Loan Agreement dated August 1, 2008, with the New Mexico Finance Authority in an aggregate principal amount of $3,610,000 (herein the "2008 Land Acquisition Finance Authority Loan") payable from and constituting a subordinate (but not an exclusive subordinate) lien on the State-Shared Gross Receipts Tax Revenues, the One-Half Percent Municipal Gross Receipts Tax Revenues and the Infrastructure Gross Receipts Tax Revenues (of which $170,975 of such 2008 Land Acquisition Finance Authority Loan remains unpaid); and

WHEREAS, pursuant to Ordinance No. 2009-35, passed and adopted by the Governing Body on July 29, 2009, Resolution No. 2009-85 adopted on August 26, 2009 and Resolution 2009-94 adopted on September 30, 2009, the City entered into a Loan Agreement dated September 14, 2009, with the New Mexico Finance Authority in an aggregate principal amount of $29,615,000 (herein the "2009 College Acquisition Finance Authority Loan") payable from and constituting a subordinate (but not an exclusive subordinate) lien on the State-Shared Gross Receipts Tax Revenues, the One-Half Percent Municipal Gross Receipts Tax Revenues and the Infrastructure Gross Receipts Tax Revenues (of which $24,915,000 of such 2009 College Acquisition Finance Authority Loan remains unpaid); and

WHEREAS, pursuant to Ordinance No. 2010-26, passed and adopted by the Governing Body on November 10, 2010, the City issued its "City of Santa Fe, New Mexico Subordinate Lien Gross Receipts Tax Refunding Revenue Bonds, Series 2010B" (herein the "Series 2010B Bonds") in an aggregate principal amount of $10,490,000 payable from and constituting a subordinate (but not an exclusive subordinate) lien on the State-Shared Gross Receipts Tax Revenues, the One-Half Percent Municipal Gross Receipts Tax Revenues, and the Infrastructure Gross Receipts Tax Revenues (of which $7,170,000 of such Series 2010B Bonds remains outstanding); and

WHEREAS, pursuant to Ordinance No. 2012-7, passed and adopted by the Governing Body on January 25, 2012, the City issued its "City of Santa Fe, New Mexico Gross Receipts Tax Improvement and Refunding Revenue Bonds, Series 2012A" (herein the "Series 2012A Bonds") in an aggregate principal amount of $32,725,000 payable from and constituting a first (but not an exclusive first) lien on the State-Shared Gross Receipts Tax Revenues, the One-Half Percent Municipal Gross Receipts Tax Revenues, and the Infrastructure Gross Receipts Tax Revenues (of which $22,690,000 of such Series 2012A Bonds remain outstanding); and

WHEREAS, pursuant to Ordinance No. 2012-6, passed and adopted by the Governing Body on January 25, 2012, the City issued its "City of Santa Fe, New Mexico Gross Receipts Tax

(Subordinate Lien)/Wastewater Systems Refunding Revenue Bonds, Series 2012B" (herein the "Series 2012B Bonds") in an aggregate principal amount of $14,280,000 payable from and constituting a subordinate (but not an exclusive subordinate) lien on the State-Shared Gross Receipts Tax Revenues, the One-Half Percent Municipal Gross Receipts Tax Revenues, the Environmental Services Gross Receipts Tax Revenues, and the Infrastructure Gross Receipts Tax Revenues and a first (but not an exclusive first) lien on the Wastewater System Revenues (of which $8,230,000 of such Series 2012B Bonds remain outstanding); and

WHEREAS, pursuant to Ordinance No. 2013-18, passed and adopted by the Governing Body on June 18, 2013, the City issued its "City of Santa Fe, New Mexico Gross Receipts Tax Refunding Revenue Bonds, Series 2013A" (herein the "Series 2013A Bonds") in an aggregate principal amount of $10,880,000 payable from and constituting a first (but not an exclusive first) lien on the State-Shared Gross Receipts Tax Revenues, the One-Half Percent Municipal Gross Receipts Tax Revenues, and the Infrastructure Gross Receipts Tax Revenues (of which $4,805,000 of such Series 2013A Bonds remain outstanding); and

WHEREAS, pursuant to Ordinance No. 2013-19, passed and adopted by the Governing Body on May 8, 2013, the City issued its "City of Santa Fe, New Mexico Subordinate Lien Gross Receipts Tax Refunding Revenue Bonds, Series 2013B" (herein the "Series 2013B Bonds") in an aggregate principal amount of $13,780,000 payable from and constituting a subordinate (but not an exclusive subordinate) lien on the State-Shared Gross Receipts Tax Revenues, the One-Half Percent Municipal Gross Receipts Tax Revenues, and the Infrastructure Gross Receipts Tax Revenues (of which $13,015,000 of such Series 2013B Bonds remain outstanding); and

WHEREAS, pursuant to Ordinance No. 2014-27, passed and adopted by the Governing Body on August 27, 2014, the City issued its "City of Santa Fe, New Mexico Gross Receipts Tax Improvement Revenue Bonds, Series 2014" (herein the "Series 2014 Bonds") in an aggregate principal amount of $15,460,000 payable from and constituting a first (but not an exclusive first) lien

on the State-Shared Gross Receipts Tax Revenues, the One-Half Percent Municipal Gross Receipts Tax Revenues and the Infrastructure Gross Receipts Tax Revenues (of which $15,460,000 of such Series 2014 Bonds remain outstanding); and

WHEREAS, pursuant to Ordinance No. 2016-21, passed and adopted by the Governing Body on May 25, 2016, as supplemented by Resolution No. 2016-50 passed and adopted by the Governing Body on June 23, 2016, the City issued its "City of Santa Fe, New Mexico Senior Lien Gross Receipts Tax Refunding Revenue Bonds, Series 2016A" (herein the "Series 2016A Bonds) in an aggregate principal amount of $6,700,000 payable from and constituting a first (but not an exclusive first) lien on the State-Shared Gross Receipts Tax Revenues, the One-Half Percent Municipal Gross Receipts Tax Revenues and the Infrastructure Gross Receipts Tax Revenues (of which $5,840,000 of such Series 2016A Bonds remain outstanding); and

WHEREAS, pursuant to Ordinance No. 2016-21, passed and adopted by the Governing Body on May 25, 2016, as supplemented by Resolution No. 2016-50 passed and adopted by the Governing Body on June 23, 2016, the City issued its "City of Santa Fe, New Mexico Senior Lien Gross Receipts Tax Refunding Revenue Bonds, Series 2016B" (herein the "Series 2016B Bonds) in an aggregate principal amount of $21,900,000 payable from and constituting a first (but not an exclusive first) lien on the State-Shared Gross Receipts Tax Revenues, the One-Half Percent Municipal Gross Receipts Tax Revenues and the Infrastructure Gross Receipts Tax Revenues (of which $21,865,000 of such Series 2016B Bonds remain outstanding); and

WHEREAS, pursuant to Ordinance No. 2016-21, passed and adopted by the Governing Body on May 25, 2016, as supplemented by Resolution No. 2016-50 passed and adopted by the Governing Body on June 23, 2016, the City issued its "City of Santa Fe, New Mexico Subordinate Lien Gross Receipts Tax Refunding Revenue Bonds, Series 2016C" (herein the "Series 2016C Bonds) in an aggregate principal amount of $9,480,000 payable from and constituting a subordinate (but not an exclusive subordinate) lien on the State-Shared Gross Receipts Tax Revenues, the One-

Half Percent Municipal Gross Receipts Tax Revenues and the Infrastructure Gross Receipts Tax Revenues (of which $7,815,000 of such Series 2016C Bonds remain outstanding); and

WHEREAS, pursuant to Ordinance No. 2016-21, passed and adopted by the Governing Body on May 25, 2016, as supplemented by Resolution No. 2016-50 passed and adopted by the Governing Body on June 23, 2016, the City issued its "City of Santa Fe, New Mexico Subordinate Lien Gross Receipts Tax Refunding Revenue Bonds, Series 2016D" (herein the "Series 2016D Bonds") in an aggregate principal amount of $2,020,000 payable from and constituting a subordinate (but not an exclusive subordinate) lien on the State-Shared Gross Receipts Tax Revenues, the One-Half Percent Municipal Gross Receipts Tax Revenues and the Infrastructure Gross Receipts Tax Revenues (of which $2,020,000 of such Series 2016D Bonds remain outstanding); and

WHEREAS, pursuant to Ordinance No. 2017-8, passed and adopted by the Governing Body on April 26, 2017, the City issued its "City of Santa Fe, New Mexico Taxable Subordinate Lien Gross Receipts Tax Refunding Revenue Bonds, Series 2017" (herein the "Series 2017 Taxable Bonds") in an aggregate principal amount of $4,530,000 payable from and constituting a subordinate (but not an exclusive subordinate) lien on the State-Shared Gross Receipts Tax Revenues, the One-Half Percent Municipal Gross Receipts Tax Revenues and the Infrastructure Gross Receipts Tax Revenues (of which $4,530,000 of such Series 2017 Taxable Bonds remain outstanding); and

WHEREAS, except for the outstanding Series 2008 Bonds, the 2008 Land Acquisition Finance Authority Loan, the 2009 College Acquisition Finance Authority Loan, the Series 2010B Bonds, the Series 2012A Bonds, the Series 2012B Bonds, the Series 2013A Bonds, the Series 2013B Bonds, the Series 2014 Bonds, the Series 2016A Bonds, the Series 2016B Bonds, the Series 2016C Bonds, the 2016D Bonds, and the Series 2017 Taxable Bonds, there are no obligations presently outstanding to which the State-Shared Gross Receipts Tax Revenues, the One-Half Percent Municipal Gross Receipts Tax Revenues, the Infrastructure Gross Receipts Tax Revenues or the Environmental Services Gross Receipts Tax Revenues have been pledged by the City; and

WHEREAS, the Governing Body hereby determines that issuance of the "City of Santa Fe, New Mexico Gasoline Tax / Subordinate Lien Gross Receipts Tax Improvement Revenue Bonds, Series 2017" (the "Bonds"), to construct, reconstruct, resurface, maintain, acquire rights of way, repair and otherwise improve municipal buildings, alleys, streets, public roads and bridges or any combination of the foregoing purposes (collectively, the "Improvement Project"), will provide for the public health, peace and safety of the City and its citizens; and

WHEREAS, the Bonds shall be issued pursuant to Sections 3-31-1 through 3-31-12 NMSA 1978, and with a first (but not an exclusive first) lien on the Pledged Gasoline Tax Revenues and a subordinate (but not an exclusive subordinate) lien on the Pledged Gross Receipts Tax Revenues (collectively, the Pledged Revenues"); and

WHEREAS, the Governing Body expects to receive an offer from the New Mexico Finance Authority to purchase the Bonds pursuant to a Bond Purchase Agreement to be executed by the City Finance Director pursuant to Laws 2017, chapter 120, §2, all within the parameters set forth in this Bond Ordinance; and

WHEREAS, Section 3-31-6(C) NMSA 1978, provides:

> "C. Any law which authorizes the pledge of any or all of the pledged revenues to the payment of any revenue bonds issued pursuant to Sections 3-31-1 through 3-31-12 NMSA 1978, or which affects the pledged revenues, or any law supplemental thereto or otherwise appertaining thereto, shall not be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair adversely any such outstanding revenue bonds, unless such outstanding revenue bonds have been discharged in full or provision has been fully made therefor;" and

WHEREAS, the Exchange Act permits a municipality, including the City, that has issued or proposes to issue bonds to enter into an agreement for an exchange of interest rates as provided therein; and

WHEREAS, in connection with the Bonds, Senior Obligations or Parity Subordinate Obligations which may be issued in the future by the City, the Governing Body may determine to enter into a Qualified Exchange Agreement for all or a portion of the Bonds, Senior Obligations or Parity Subordinate Obligations which may provide for the payment by the City of a Variable Exchange Rate or a Fixed Exchange Rate and the payment by the Qualified Counterparty of a Fixed Exchange Rate or Variable Exchange Rate; and

WHEREAS, forms of a Contingent Intercept Agreement and a Bond Purchase Agreement have been presented to the Governing Body in connection with this Ordinance; and

WHEREAS, all required authorization, consents or approvals of any State, governmental body, agency or authority in connection with the authorization, execution and delivery of the Bonds (i) which are required to have been obtained by the date of the adoption of the Bond Ordinance have been obtained, and (ii) which will be required to be obtained prior to any Closing Date, will have been obtained by that date.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE, NEW MEXICO:

Section 1. Definitions. The terms in this section are defined for all purposes of this Ordinance and of any ordinance amendatory hereof or supplemental hereto, or relating hereto, and of any instrument or document appertaining hereto, except where the context by clear implication herein otherwise requires, shall have the following meanings:

"Acquisition Account" means the "City of Santa Fe, New Mexico Gasoline Tax / Subordinate Lien Gross Receipts Tax Improvement Revenue Bonds, Series 2017, Improvement Project Acquisition Account" established in Section 17 hereof and to be maintained by the City or the trustee for the Purchaser.

"Act" means the general laws of the State, including Sections 3-31-1 through 3-31-12 NMSA 1978, as amended, and enactments of the Governing Body relating to the issuance of the Bonds,

including this Ordinance.

"Authorized Officer" means the following officers of the City: Mayor, City Manager, City Finance Director, or other officer of the City when designated by a certificate signed by the Mayor of the City from time to time, a certified copy of which shall be delivered to the Paying Agent and the Registrar.

"Bond Counsel" means an attorney or firm of attorneys nationally recognized for expertise in the area of municipal bonds and the exemption of interest on municipal bonds from federal income taxation.

"Bond Purchase Agreement" means the bond purchase agreement between the City and the Purchaser.

"Bonds," "2017 Bonds" or "Series 2017 Bonds" means the "City of Santa Fe, New Mexico Gasoline Tax / Subordinate Lien Gross Receipts Tax Improvement Revenue Bonds, Series 2017", which are authorized by this Bond Ordinance.

"Business Day" means any day other than (i) a Saturday or Sunday, (ii) any day on which the following offices are authorized or required to remain closed: offices of the City and of banks located in the cities in which the principal offices of the Paying Agent and Registrar are located or (iii) a day on which the New York Stock Exchange is closed.

"City," "Municipal," or "Municipality" means the municipal corporation and body corporate and politic known as the City of Santa Fe, Santa Fe County, New Mexico.

"Contingent Intercept Agreement" means the Intercept Agreement, if any, between the City and the Purchaser dated the Closing Date.

"Continuing Disclosure Undertaking" means, if applicable, the continuing disclosure undertaking with respect to the Bonds to be executed on the day of issuance and delivery of the Bonds to the Purchaser.

"Costs of Issuance" means all costs relating to issuance of the Bonds, including, without

limitation, costs of advertising and publication, costs of preparing the Bonds, fees and expenses of the financial advisor, bond counsel, the Paying Agent, the Registrar, the rating fees and other reasonable and necessary fees and costs, including applicable gross receipts taxes, related to the issuance of the Bonds.

"Credit Facility" means a letter of credit, standby bond purchase agreement, line of credit, bond insurance policy or reserve account insurance policy, guaranty or similar agreement provided by a bank, insurer or other provider of a Credit Facility rated, at the time the Credit Facility is provided, "A" or better by Fitch and S&P (if such rating agencies are then rating the Bonds), including any substitute therefor, to provide support to pay the purchase price of, or the payment of the principal of and interest on, Obligations.

"Cross-over Refunding Bonds" means bonds or obligations issued for the purpose of refunding Obligations if the proceeds thereof are irrevocably deposited in escrow to secure repayment on an applicable redemption date or maturity date of the principal of and redemption premium on the related Obligations being refunded and the earnings on such escrow are required to be used to pay interest on the Cross-over Refunding Bonds.

"Debt Service Requirements" for any period means the sum of: (i) the amount required to pay the interest, or to make reimbursements for payments of interest, becoming due on the applicable Obligations during such period; plus (ii) the amount required to pay the principal or accreted value, or to make reimbursements for the payment of principal or accreted value, becoming due on the applicable Obligations during that period, whether at maturity, an accretion term date or upon mandatory sinking fund redemption dates, plus (iii) any net periodic payments on a notional amount required to be made by the City pursuant to a Qualified Exchange Agreement minus (iv) any net periodic payments on a notional amount to be received by the City pursuant to a Qualified Exchange Agreement.

(a) No payments required on the applicable Obligations shall be included in any

computation of Debt Service Requirements for any computation period prior to the maturity or otherwise certain due dates thereof which may occur because of the exercise of an option by the City, or which may otherwise become due by reason of any other circumstance or contingency, including acceleration, which constitute other than regularly scheduled payments of principal, accreted value, interest or other regularly scheduled payments on the applicable Obligations.

(b) Debt Service Requirements required to be made pursuant to a Qualified Exchange Agreement shall be based upon the actual amount required to be paid by the City, if any, to the Qualified Counterparty. In determining that amount, any payments required to be made by either party to the Qualified Exchange Agreement at a Variable Exchange Rate shall be computed, in determining the obligation of the City under the Qualified Exchange Agreement, using the procedures set forth in the applicable sections of this Ordinance.

(c) The computation of interest for the purposes of this definition shall be made without considering the interest rate payable pursuant to a Credit Facility, unless, at the time of computation of Debt Service Requirements, payments on Obligations are owed to, or Obligations are owned or held by, the provider of a Credit Facility pursuant to the provisions of that Credit Facility.

(d) The accreted value of capital appreciation bonds shall be included in the calculation of interest and principal only for the applicable year during which the accreted value becomes payable.

(e) In any computation of Debt Service Requirements relating to the issuance of additional Parity Obligations:

(i) There shall be deducted from that computation (i) amounts on deposit in an escrow account related to an issue of Cross-over Refunding Bonds and (ii) proceeds of a series of Obligations deposited to the credit of an account for the payment of capitalized interest on Obligations included as part of the computation during the applicable period.

(ii) There may be made the adjustment to the Debt Service Requirements

applicable to Bond Anticipation Notes described in Paragraph E of Section 21 of this Ordinance.

(f) Except as provided in Paragraph F of Section 21, the purchase or tender price of Put Obligations resulting from the optional or mandatory tender or presentment for purchase of those Put Obligations shall not be included in any computation of Debt Service Requirements.

"Depository" means The Depository Trust Company, New York, New York, or such other securities depository as may be designated by an officer of the City.

"Environmental Services Gross Receipts Tax" means the environmental services gross receipts tax imposed pursuant to Section 7-19D-10 NMSA 1978 by the Environmental Services Gross Receipts Tax Ordinance on persons engaging in business in the City in the amount of 1/16th of one percent (0.0625%) of the gross receipts of such persons.

"Environmental Services Gross Receipts Tax Ordinance" means City Ordinance No. 1993-20 imposing the Environmental Services Gross Receipts Tax, as amended.

"Environmental Services Gross Receipts Tax Revenue Fund" means the "City of Santa Fe, New Mexico Environmental Services Gross Receipts Tax Revenue Fund," maintained by the City and continued in Section 17 of this Ordinance, into which the City shall deposit the Environmental Services Gross Receipts Tax Revenues.

"Environmental Services Gross Receipts Tax Revenues" means the environmental services gross receipts tax revenues received by the City pursuant to Section 7-19D-10 NMSA 1978 and the Environmental Services Gross Receipt Tax Ordinance.

"Exchange Act" means Section 6-18-8.1 NMSA 1978, as amended and supplemented.

"Exchange Termination Payment" means the net amount payable pursuant to a Qualified Exchange Agreement by the City or a Qualified Counterparty to compensate the other party for any losses and costs that such other party may incur as a result of the early termination of the obligations, in whole or in part, of the parties under such Qualified Exchange Agreement.

"Federal Securities" means direct obligations of, or obligations the principal of and interest

on which are unconditionally guaranteed by the United States of America.

"Fiscal Year" for the purposes of this Ordinance means the twelve months commencing on the first day of July of any calendar year and ending on the last day of June of the next calendar year; but it may mean any other 12-month period which the City hereafter may establish.

"Fitch" means Fitch Ratings Group, its successors and their assigns, and, if such corporation is dissolved or liquidated or no longer performs the functions of a securities rating agency, any other nationally recognized securities rating agency designated by the City.

"Fixed Exchange Rate" means a fixed rate of interest payable by the City or a Qualified Counterparty pursuant to a Qualified Exchange Agreement.

"General Gasoline Tax Revenues" means the revenues distributed monthly to the City by the New Mexico Department of Taxation and Revenue calculated pursuant to Section 7-1-6.9 NMSA 1978, at the rate authorized (currently ten and thirty-eight hundredth's percent of the net receipts attributable to gasoline taxes, exclusive of penalties and interest) from the proceeds of the gasoline tax imposed by the Gasoline Tax Act, Section 7-13-1 through 7-13-15 NMSA 1978.

"Governing Body" means the members of the governing body designated as councilors who, together with the mayor, are the governing body of the City.

"Government Obligations" means direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America or certificates or receipts established by the United States Government or its agencies or instrumentalities representing direct ownership of future interests or principal payments on direct obligations of, or obligations fully guaranteed by, the United States of America or any of its agencies or instrumentalities the obligations of which are backed by the full faith and credit of the United States.

"Historic Test Period" means any twelve consecutive calendar months designated by an Authorized Officer from time to time out of the eighteen-calendar months next preceding the date of adoption of the City ordinance authorizing the issuance of additional Obligations without regard to

any resolution or ordinance supplementing or amending the authorizing ordinance.

"Improvement Project" means constructing, reconstructing, resurfacing, maintaining, acquiring rights of way, repairing and otherwise improving municipal buildings, alleys, streets, public roads and bridges or any combination of the foregoing purposes and paying the costs of issuance of the Bonds.

"Independent Accountant" means (A) an accountant employed by the State of New Mexico and under supervision of the State Auditor of the State of New Mexico, or (B) any registered or certified public accountant or firm of such accountants duly licensed to practice and practicing as such under the laws of the State of New Mexico, appointed and paid by the City, who (1) is, in fact, independent and not under the domination of the City, (2) does not have any substantial interest, direct or indirect, with the City, and (3) is not connected with the City as an officer or employee of the City, but who may be regularly retained to make annual or similar audits of the books or records of the City.

"Infrastructure Gross Receipts Tax" means the infrastructure gross receipts tax imposed pursuant to Section 7-19D-11 NMSA 1978 by the Infrastructure Gross Receipts Tax Ordinance on persons engaged in business in the City in an amount of 1/16th of one percent (0.0625%) of the gross receipts of such persons.

"Infrastructure Gross Receipts Tax Ordinance" means City Ordinance No. 1993-21 imposing the Infrastructure Gross Receipts Tax, as amended.

"Infrastructure Gross Receipts Tax Revenue Fund" means the "City of Santa Fe Infrastructure Gross Receipts Tax Revenue Fund" maintained by the City and continued in Section 17 of this Ordinance, into which the City shall deposit the Infrastructure Gross Receipts Tax Revenues.

"Infrastructure Gross Receipts Tax Revenues" means the infrastructure gross receipts tax revenues received by the City pursuant to Section 7-19D-11 NMSA 1978 and the Infrastructure Gross Receipts Tax Ordinance.

"Insured Bank" means any federally or state-chartered savings and loan association or federally or state-chartered commercial bank, the deposits of which are insured by the Federal Deposit Insurance Corporation and which has, or is the lead bank of a parent holding company which has (i) unsecured, uninsured and unguaranteed obligations which are rated AA or better by Fitch and S&P or (ii) combined capital, surplus and undivided profits of not less than $10,000,000.

"Moody's" means Moody's Investors Service, its successors and their assigns, and, if such corporation is dissolved or liquidated or no longer performs the functions of a securities rating agency, any other nationally recognized securities rating agency designated by the City.

"Municipal Road Gasoline Tax Revenues" means the revenues distributed monthly to the City by the New Mexico Department of Taxation and Revenue calculated pursuant to pursuant to Section 7-1-6.27 NMSA 1978 at the rate authorized (currently five and seventy-six hundredths percent of the net receipts attributable to the gasoline tax) subject to any increase or decrease made pursuant to Section 7-1-6.15 NMSA 1978.

"Obligations" means bonds, notes or any other instrument which evidences a borrowing or other obligation of the City, including Qualified Exchange Agreements, secured by Pledged Gasoline Tax Revenues and/or the Pledged Gross Receipts Tax Revenues, as applicable, issued or incurred for any purpose permitted by the Act or the Exchange Act, as amended from time to time.

"One-Half Percent Municipal Gross Receipts Tax Ordinance" means City of Santa Fe Ordinance No. 1981-45 imposing a one-half of one percent municipal gross receipts tax.

"One-Half Percent Municipal Gross Receipts Tax Revenue Fund" means the "City of Santa Fe, New Mexico One-Half Percent Municipal Gross Receipts Tax Revenue Fund" maintained by the City and continued in Section 17 of this Ordinance, into which the City shall deposit the One-Half Percent Municipal Gross Receipts Tax Revenues.

"One-Half Percent Municipal Gross Receipts Tax Revenues" means those revenues received by the City pursuant to the Municipal Local Option Gross Receipts Taxes Act, Sections 7-19D-1

through 7-19D-12 NMSA 1978, and the One-Half Percent Municipal Gross Receipts Tax Ordinance.

"Ordinance" means this City Ordinance as amended or supplemented from time to time.

"Parity Gasoline Tax Obligations" means obligations issued with a first lien, but not an exclusive first lien, on the Pledged Gasoline Tax Revenues on a parity with lien thereon of the Bonds.

"Paying Agent" means BOKF, NA, as agent for the City for the payment of the Bonds, the interest thereon, and any successor.

"Permitted Investments" means any of the following which at the time of such investment are legal investments for the City pursuant to adopted City investment policies and the laws of the State:

(a) Government Obligations;

(b) Obligations of, or obligations guaranteed as to principal and interest by any agency or instrumentality of the United States which are backed by the full faith and credit of the United States, including, but not limited to: General Services Administration--participation certificates; Government National Mortgage Association (GNMA)--GNMA guaranteed mortgage-backed securities and GNMA guaranteed participation certificates; U.S. Department of Housing & Urban Development--local authority bonds; and U.S. Export-Import Bank--all fully guaranteed obligations;

(c) Obligations of the following government-sponsored agencies: Federal Home Loan Mortgage Corporation--participation certificates and senior debt obligations; Farm Credit System--consolidated system-wide bonds and notes; Federal Home Loan Banks--consolidated debt obligations; Federal National Mortgage Association--senior debt obligations and mortgage-backed securities (excluding stripped mortgage securities which are valued greater than par on the portion of unpaid principal); Student Loan Marketing Association--senior debt obligations (excluding securities that do not have a fixed par value and/or whose terms do not promise a fixed dollar amount at maturity or call date) and letter of credit backed issues; Financing Corporation--debt obligations; and Resolution Funding Corporation--debt obligations;

(d) Bank time deposits evidenced by certificates of deposit and bankers acceptances issued by an Insured Bank, provided that such time deposits and bankers' acceptances (1) do not exceed at any one time in the aggregate five percent (5%) of the combined total of the capital, surplus and undivided profits of such Insured Bank, or (2) are secured by obligations described in paragraphs (a), (b), (c) and (h) of this definition which obligations at all times have a market value (exclusive of accrued interest) at least equal to 102% of such time deposits so secured;

(e) Obligations, other than specified private activity bonds (as defined in Section 57(a)(5)(C) of the Internal Revenue Code, as amended (the "Tax Code")), the interest on which is excluded from gross income of the recipient for federal income tax purposes and any other instrument which does not constitute "investment property" under Section 148 of the Tax Code (excluding securities that do not have a fixed par value and/or whose terms do not promise a fixed dollar amount at maturity or call date), as amended from time to time, which is rated in the highest major Rating Category by S&P and Fitch (if such rating agency is then rating the Bonds);

(f) Money market instruments and other securities of commercial banks, broker-dealers or recognized financial institutions, which securities or instruments are rated in the highest Rating Category by S&P and Fitch, (if such rating agency is then rating the Bonds), or which securities are guaranteed by a person or entity whose long-term debt obligations are rated in the highest Rating Category by S&P and Fitch (if such rating agency is then rating the Bonds) including, without limitation, securities of, or other interests in, any open-end or closed-end management type investment company or investment trust registered under the provisions or 15 U.S.C. Sections 80(a)-1 et. seq., which invest only in, or whose securities are secured only by, obligations of the type set forth in paragraphs (a), (b), (c) and (h) of this definition;

(g) Stripped Securities: (1) U.S. Treasury STRIPS and (2) REFCORP STRIPS (stripped by Federal Reserve Bank of New York);

(h) Repurchase agreements involving the purchase and sale of, and guaranteed

investment contracts, the par value of which is collateralized by a perfected first pledge of, or security interest in, or the payments of which are unconditionally guaranteed by, securities described in parts (a), (b), (c) and (h) of this definition, which collateral is held by the City, or for the benefit of the City, by a party other than the provider of the guaranteed investment contract or repurchase agreement, with a collateralized value of at least 102% of the par value of such repurchase agreement or guaranteed investment contract or 102% of the market value thereof, valued at intervals of no less than monthly and which collateral is not subject to any other pledge or security interest; and

(i) Such other investments as are now or may be hereafter authorized as legal investments for the City by the legislature of the State under Section 6-10-10 NMSA 1978, or a similar statutory provision applicable to the City, provided that such investment is rated, at the time of purchase, "A" or better by Fitch and "A" or better by S&P (if such rating agency is then rating the Bonds).

"Pledged Gasoline Tax Revenues" means, collectively, the General Gasoline Tax Revenues and the Municipal Road Gasoline Tax Revenues.

"Pledged Gross Receipts Tax Revenues" means, collectively, (1) the State-Shared Gross Receipts Tax Revenues; (2) the One-Half Percent Municipal Gross Receipts Tax Revenues; (3) the Infrastructure Gross Receipts Tax Revenues; (4) the portion of the gross receipts tax distribution to the City made pursuant to Section 7-1-6.46 NMSA 1978, which represents the amount of State-Shared Gross Receipts Tax Revenues, One-Half Percent Municipal Gross Receipts Tax Revenues, and Infrastructure Gross Receipts Tax Revenues that would have been remitted to the City but for the deductions provided by Section 7-9-92 and 7-9-93 NMSA 1978 and any similar distributions made to the City in lieu of State-Shared Gross Receipts Tax Revenues, One-Half Percent Municipal Gross Receipts Tax Revenues and Infrastructure Gross Receipts Tax Revenues pursuant to law; and (5) any other gross receipts tax revenues received by the City, whether from distribution by the State or pursuant to gross receipts taxes imposed by the City, and hereafter (i.e. after the adoption of this

Ordinance) pledged to the payment of the Bonds by affirmative act of the Governing Body.

"Pledged Revenues" means, collectively, the Pledged Gasoline Tax Revenues and the Pledged Gross Receipts Tax Revenues.

"Preliminary Official Statement" and "Official Statement" means, if applicable, the disclosure documents utilized by the Purchaser in connection with the offer and sale of the Bonds to investors.

"Purchaser" means the New Mexico Finance Authority, or its successors and assigns.

"Put Obligations" means any Obligations which have put or similar features requiring the City to purchase such Obligations upon notice from the owners thereof.

"Qualified Counterparty" means, with respect to a Qualified Exchange Agreement, any party whose senior long term debt obligations, or whose obligations under a Qualified Exchange Agreement are guaranteed by a party whose senior long term debt obligations, are rated (at the time of execution of the Qualified Exchange Agreement) in one of the top two Rating Categories by Fitch and S&P.

"Qualified Exchange Agreement" means any financial arrangement between the City and a Qualified Counterparty which satisfies the requirements of the Exchange Act at the time the agreement is entered into.

"Rating Category" means a generic securities rating category, without regard, in the case of a long-term rating category, to any refinement or gradation of such long-term rating category by a numerical modifier or otherwise.

"Registrar" means BOKF, N.A., as registrar and transfer agent for the Bonds, and any successor.

"Regular Record Date" means the 15th day of the calendar month (whether or not a business day) preceding each regularly scheduled interest payment date on the Bonds.

"Related Documents" means the Bond Purchase Agreement, the Continuing Disclosure

Undertaking (if applicable), the Contingent Intercept Agreement, and any other document or agreement containing an obligation of the City as may be required in connection with the issuance of the Bonds.

"S&P" means S&P Global, its successors and their assigns, and, if such entity is dissolved or liquidated or no longer performs the functions of a securities rating agency, any other nationally recognized securities rating agency designated by the City.

"Sale Price" means the amount paid by the Purchaser for its purchase of the Bonds, set forth in the Bond Purchase Agreement.

"Series 2017 Bond Fund" means the "City of Santa Fe Gasoline Tax / Subordinate Lien Gross Receipts Tax Improvement Revenue Bonds, Series 2017, Bond Fund," established in Section 17 of this Ordinance.

"Series Date" means the date of issuance and delivery of the Bonds to the Purchaser.

"Special Record Date" means a special date fixed to determine the names and addresses of registered owners of the Bonds for purposes of paying interest on a special interest payment date for the payment of defaulted interest thereon, all as further provided in Section 5B hereof.

"State-Shared Gross Receipts Tax Revenues" means the revenues distributed to the City monthly by the New Mexico Department of Taxation and Revenue pursuant to Sections 7-1-6 and 7-1-6.4 NMSA 1978, at the rate authorized (currently 1.225% of the gross receipts of persons doing business within the City) from the proceeds of a state-wide gross receipts tax imposed pursuant to Chapter 7, Article 9, NMSA 1978.

"State-Shared Gross Receipts Tax Revenue Fund" means the "City of Santa Fe, New Mexico State-Shared Gross Receipts Tax Revenue Fund" maintained by the City and continued in Section 17 of this Ordinance, into which the City shall deposit the State-Shared Gross Receipts Tax Revenues.

"Subordinate Lien Gross Receipts Tax Obligations" means the Bonds, the Series 2017 Taxable Bonds, the Series 2016C Bonds, the Series 2016D Bonds, the Series 2013B Bonds, the

Series 2012B Bonds, the Series 2010B Bonds, the 2009 College Acquisition Finance Authority Loan, the 2008 Land Acquisition Finance Authority Loan, any scheduled periodic payments (but not Exchange Termination Payments) required to be made by the City pursuant to a Qualified Exchange Agreement, and any other Obligations hereafter issued or incurred payable from the Pledged Gross Receipts Tax Revenues and issued with a lien on the Pledged Gross Receipts Tax Revenues on parity with the lien thereon of the Subordinate Lien Gross Receipts Tax Obligations.

"Superior Lien Gross Receipts Tax Obligations" means the Series 2016A Bonds, the Series 2016B Bonds, the Series 2014 Bonds, the Series 2013A Bonds, the Series 2012A Bonds, the Series 2008 Bonds, and any other Obligations hereafter issued or incurred payable from the Pledged Gross Receipts Tax Revenues and issued with a lien on the Pledged Gross Receipts Tax Revenues prior and superior to the lien thereon of the Bonds.

"Variable Exchange Rate" means a Variable Interest Rate payable by the City or a Qualified Counterparty pursuant to a Qualified Exchange Agreement.

"Variable Interest Rate" means an interest rate which varies or fluctuates from time to time.

Any provision of this Ordinance regarding a Qualified Counterparty shall be deemed to be of no effect if no Qualified Exchange Agreement is in effect or if a Qualified Counterparty is in default in its obligations under a Qualified Exchange Agreement and no amount is due and owing under a Qualified Exchange Agreement.

Section 2. Ratification. All action heretofore taken (not inconsistent with the express provisions of this Ordinance) by the Governing Body and officers of the City directed toward the Improvement Project, and toward the authorization, sale and issuance of the Bonds to the Purchaser herein authorized, including, without limitation, the publication of a notice of public meeting and intent to adopt this Ordinance authorizing issuance of the Bonds in an aggregate principal amount not to exceed $13,500,000 be, and the same hereby is ratified, approved and confirmed, notwithstanding any inconsistent prior action.

Section 3. **Authorization of the Improvement Project**. The Improvement Project is hereby authorized at a total cost not to exceed the proceeds of the Bonds, excluding any such cost defrayed or to be defrayed by any source other than proceeds of the Bonds and the necessity thereof is hereby so declared.

Section 4. **Authorization of Bonds; Sale to Purchaser pursuant to Bond Purchase Agreement.**

A. For the purpose of protecting the public health, conserving the property and advancing the general welfare of the citizens of the City, and for the purpose of defraying the cost of the Improvement Project, it is hereby declared that the interest and necessity of the City and the inhabitants of the City require the issuance by the City of its fully registered (i.e., registered as to payment of both principal and interest) revenue bonds without coupons to be designated "City of Santa Fe Gasoline Tax / Subordinate Lien Gross Receipts Tax Improvement Revenue Bonds, Series 2017," in an aggregate principal amount not to exceed thirteen million five hundred thousand dollars ($13,500,000). The Bonds shall be payable and collectible, both as to principal and interest, solely from the Pledged Revenues. The Bonds shall be sold by a private sale to the Purchaser at a sale price and upon the terms set forth in the Bond Purchase Agreement within the parameters set forth below:

(1) The Bonds shall be issued for the Improvement Project and to pay the costs of issuance of the Bonds.

(2) The maximum par amount of the Bonds shall not be more than $13,500,000.

(3) The final maturity of the Bonds shall be no later than June 1, 2030.

(4) The maximum interest rate on the Bonds shall be no greater than 12% per annum.

(5) The Bond shall be payable solely from the Pledged Revenues.

(6) The Bonds shall be sold to the Purchaser pursuant to a private sale.

(7) The maximum sales price of the Bonds shall be not more than $14,000,000.

(8) The Purchasers' discount shall not exceed 1% of the aggregate principal amount of the Bonds.

(9) The Bonds shall be in substantially the form set forth in this Ordinance.

(10) The City hereby appoints BOKF, NA as the paying agent and registrar for the Bonds.

B. The City Finance Director is hereby authorized pursuant to this Ordinance to determine the final terms of the Bonds as permitted by Laws 2017, chapter 120, §2.

Section 5. Bond Details.

A. Basic Details. The Bonds shall be dated the date of their issuance and delivery to the Purchaser (herein "Series Date"), and are issuable in the denomination of $5,000 each or any integral multiple thereof (provided that no Bond may be in a denomination which exceeds the principal coming due on any maturity date and no individual Bond will be issued for more than one maturity). The Bonds shall be numbered consecutively from 1 upwards.

The Bonds shall bear interest from the Series Date, payable semi-annually on June 1 and December 1 each year, commencing on December 1, 2018, until their respective maturities and shall bear the rates of interest and shall mature on June 1 in each of the designated amounts and years as set forth in the Bond Purchase Agreement.

B. Payment-Regular Record Date. The principal of any Bond shall be payable to the registered owner thereof as shown on the registration books kept by the Registrar which is hereby appointed as registrar (and transfer agent) for the Bonds, upon maturity or prior redemption thereof and upon presentation and surrender at the Paying Agent which also is hereby appointed as the paying agent for the Bonds. If any Bond shall not be paid upon such presentation and surrender at

or after maturity or on a designated prior redemption date on which the City may have exercised its right to prior redeem any Bond pursuant to Section 6 of this Ordinance, it shall continue to draw interest at the rate borne by the Bond until the principal thereof is paid in full. Payment of interest on any Bond shall be made to the registered owner of the Bond as of the Regular Record Date by check or draft mailed by the Paying Agent, on or before each interest payment date (or, if such interest payment date is not a Business Day, on or before the next succeeding Business Day), to the registered owner thereof on the Regular Record Date at his address as it last appears on the registration books kept by the Registrar on the Regular Record Date (or by such other arrangements as may be mutually agreed to by the Paying Agent and any registered owner on such Regular Record Date). All such payments shall be made in lawful money of the United States of America. The person in whose name any Bond is registered at the close of business on any Regular Record Date with respect to any interest payment date shall be entitled to receive the interest payable thereon on such interest payment date notwithstanding any transfer or exchange thereof subsequent to such Regular Record Date and prior to such interest payment date; but any such interest not so timely paid or duly provided for shall cease to be payable as provided above and shall be payable to the person in whose name any Bond is registered at the close of business on a Special Record Date fixed by the Registrar for the payment of any such defaulted interest. Such Special Record Date shall be fixed by the Registrar whenever moneys become available for defaulted interest, and notice of any such Special Record Date shall be given not less than ten days prior thereto in the manner required by the Depository or by first-class mail, to the registered owners of the Bonds as of a date selected by the Registrar, stating the Special Record Date and the date fixed for the payment of such defaulted interest.

C. Book-Entry. The Bonds may be issued or registered, in whole or in part, in book-entry form from time to time with no physical distribution of bond certificates made to the public, with a Depository acting as securities depository for the Bonds. A single certificate for each maturity date of the Bonds issued in book-entry form will be delivered to the Depository and

immobilized in its custody. The book-entry system will evidence ownership of the Bonds in authorized denominations, with transfer of ownership effected on the books of the Depository and its participants ("Participants"). As a condition to delivery of the Bonds in book-entry form, the Purchaser will, immediately after acceptance of delivery thereof, deposit, or cause to be deposited, the Bond certificates with the Depository, registered in the name of the Depository or its nominee. Principal and interest will be paid to the Depository or its nominee as the registered owner of the Bonds. The transfer of principal and interest payments to Participants will be the responsibility of the Depository; the transfer of principal and interest payments to the beneficial owners of the Bonds (the "Beneficial Owners") will be the responsibility of Participants and other nominees of Beneficial Owners maintaining a relationship with Participants (the "Indirect Participants"). The City will not be responsible or liable for maintaining, supervising or reviewing the records maintained by the Depository, Participants or Indirect Participants.

If (i) the Bonds are not eligible for the services of the Depository, (ii) the Depository determines to discontinue providing its services with respect to the Bonds or (iii) the City determines that a continuation of the system of book-entry transfers through the Depository ceases to be beneficial to the City or the Beneficial Owners, the City will either identify another Depository or certificates for the Bonds will be delivered to the Beneficial Owners or their nominees, and the Beneficial Owners or their nominees, upon authentication of Bonds and registration of those Bonds in the Beneficial Owners' or nominees' names, will become the owners of the Bonds for all purposes. In that event, the City shall mail an appropriate notice to the Depository for notification to Participants, Indirect Participants and Beneficial Owners of the substitute Depository or the issuance of bond certificates to Beneficial Owners or their nominees, as applicable.

Authorized Officers of the City are authorized to sign agreements with Depositories relating to the matters set forth in this Section.

Notwithstanding any other provision of this Ordinance, so long as all of the Bonds

are registered in the name of the Depository or its nominee, all payments of principal and interest on the Bonds, and all notices with respect to the Bonds, shall be made and given by the Paying Agent, Registrar or the City to the Depository as provided in this Ordinance and by the Depository to its Participants or Indirect Participants and notices to the Beneficial Owners of the Bonds in the manner provided in an agreement or letter of the City to the Depository.

Section 6. Redemption.

A. Optional Redemption. The Bonds may be subject to prior redemption at the City's option in one or more units of principal of $5,000 on at the price and on the dates established in the Bond Purchase Agreement. Redemption shall be made upon prior notice mailed to each registered owner of each bond selected for redemption as shown on the registration books kept by the Registrar in the manner and upon the conditions provided in the Bond Ordinance.

B. Notice by City. At least 45 days prior to any date selected by the City for optional redemption of any of the Bonds, the City shall give written instructions to the Registrar with respect to the optional redemption. The Registrar shall not be required to give notice of any optional redemption unless the Registrar has received written instructions from the City in regard thereto at least 45 days prior to such redemption date (unless such deadline is waived by the Registrar). Additionally, notice of optional redemption shall be given by the City by sending a copy of such notice by first-class, postage prepaid mail, not less than thirty days prior to the optional redemption date to the Paying Agent, if the Registrar is not the Paying Agent.

C. Notice by Registrar. Additionally, notice of redemption shall be given by the Registrar by sending a copy of such notice in the manner required by the Depository or by first-class, postage prepaid mail, not more than 60 days and not less than 30 days prior to the redemption date to each registered owner of each Bond selected for redemption as shown on the registration books kept by the Registrar as of the date of mailing of notice. Failure to give such notice by mailing to the registered owner of any Bond, or any defect therein, shall not affect the validity of the proceedings for

the redemption of any of the Bonds.

D. Other Redemption Details. The notice required by paragraph C of this Section shall specify the number or numbers of the Bond or Bonds or portions thereof to be so redeemed (if less than all are to be redeemed); and all notices required by this Section shall specify the date fixed for redemption, and shall further state that on such redemption date there will become and be due and payable upon each $5,000 unit of principal so to be redeemed at the Paying Agent the principal thereof, accrued interest, if any, to the redemption date, and the applicable prior redemption premium thereon (if any), and that from and after such date interest will cease to accrue. Accrued interest to the redemption date will be paid by check or draft mailed to the registered owner (or by alterative means if so agreed to by the Paying Agent and the registered owner). Notice having been given in the manner hereinbefore provided, the Bond or Bonds so called for redemption shall become due and payable on the redemption date so designated; and upon presentation thereof at the Paying Agent, the City will pay the Bond or Bonds so called for redemption and the applicable prior redemption premium (if any). In the event that only a portion of the principal amount of a Bond is so redeemed, a new Bond representing the unredeemed principal shall be duly completed, authenticated and delivered by the Registrar to the registered owner pursuant to Section 9 of this Ordinance and without charge to the registered owner thereof. The Registrar and Paying Agent shall comply with any other terms regarding redemption and notice of redemption as required by any applicable agreement with a Depository.

E. Conditional Redemption. If money or Government Obligations sufficient to pay the redemption price of the Bonds to be called for redemption are not on deposit with the Paying Agent prior to the giving of notice of redemption pursuant to Paragraph D of this Section 6, such notice shall state such Bonds will be redeemed in whole or in part on the redemption date in a principal amount equal to that part of the redemption price received by the Paying Agent on the applicable redemption date. If the full amount of the redemption price is not received as set forth in

the preceding sentence, the notice shall be effective only for those Bonds for which the redemption price is on deposit with the Paying Agent. If all Bonds called for redemption cannot be redeemed, the Bonds to be redeemed shall be selected in a manner deemed reasonable and fair by the City and the Registrar shall give notice, in the manner in which the original notice of redemption was given, that such money was not received and the information required by paragraph E of this Section. In that event, the Registrar shall promptly return to the Owners thereof the Bonds or certificates which it has received evidencing the part thereof which have not been redeemed.

Section 7. **Negotiability.** Subject to the provisions specifically made or necessarily implied herein, the Bonds shall be fully negotiable, and shall have all the qualities of negotiable paper, and the registered owner or owners thereof shall possess all rights enjoyed by the holders of negotiable instruments under the provisions of the Uniform Commercial Code.

Section 8. **Execution.**

A. Filing Manual Signatures. Prior to the execution and authentication of any Bond pursuant to Sections 6-9-1 through 6-9-6, NMSA 1978, the Mayor and City Clerk may each forthwith file with the Secretary of State of New Mexico, his or her manual signature certified by him or her under oath; provided, that such filing shall not be necessary for any officer where any previous such filing may have legal application to the Bonds.

B. Method of Execution. Each Bond of the issue shall be signed and executed by the facsimile or manual signature of the Mayor under facsimile or manual imprint of the seal of the City, which shall be printed, stamped, engraved or otherwise placed thereon; each Bond shall be executed and attested with the facsimile or manual signature of the City Clerk; and each Bond shall be authenticated by the manual signature by an Authorized Officer of the Registrar as hereafter provided. The Bonds bearing the facsimile or manual signature of the officers in office at the time of the authorization thereof shall be the valid and binding obligations of the City (subject to the requirement of authentication by the Registrar as hereinafter provided) notwithstanding that before

the delivery thereof and payment therefor, or before the issuance thereof upon transfer or exchange, any or all of the persons whose facsimile signatures appear thereon shall have ceased to fill their respective offices. The Mayor and City Clerk of the City shall, by the execution of a signature certificate pertaining to the Bonds, adopt as and for their respective signatures the facsimiles thereof appearing on the Bonds; and, at the time of the execution of the signature certificate, the Mayor and City Clerk may each adopt as and for his or her facsimile signature the facsimile signature of his or her predecessor in office in the event that such facsimile signature appears upon any of the Bonds.

C. Certificate of Authentication. No Bond shall be valid or obligatory for any purpose unless the certificate of authentication, substantially in the form hereinafter provided, has been duly executed by the Registrar. The Registrar's certificate of authentication shall be deemed to have been duly executed by it if manually signed by an Authorized Officer of the Registrar, but it shall not be necessary that the same officer sign the certificate of authentication on all of the Bonds issued under this Ordinance.

Section 9. Provisions Relating to Registration, Transfer, Replacement and Cancellation of and Registration Records for the Bonds.

A. Registration Books -- Transfer and Exchange -- Authentication. Books for the registration and transfer of the Bonds shall be kept by the Registrar. Upon the surrender for transfer of any Bonds at the Registrar, duly endorsed for transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing, the Registrar shall authenticate and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount and of the same maturity, bearing a number or numbers not contemporaneously outstanding. Bonds may be exchanged at the Registrar for an equal aggregate principal amount of Bonds of the same maturity of other authorized denominations. The Registrar shall authenticate and deliver a Bond or Bonds which the registered owner making the exchange is entitled to receive, bearing a number or numbers not contemporaneously outstanding. Exchanges and

transfers of Bonds as provided in this Ordinance shall be without charge to the owner or any transferee, but the Registrar may require the payment by the owner of any Bond requesting exchange or transfer of any tax or other governmental charge required to be paid with respect to such exchange or transfer.

B. Times When Transfer or Exchange Not Required. The Registrar shall not be required (1) to transfer or exchange all or a portion of any Bond subject to prior redemption during the period of fifteen days next preceding the mailing of notice to the registered owners calling any Bonds for prior redemption pursuant to Section 6 of this Ordinance or (2) to transfer or exchange all or a portion of a Bond after the mailing to registered owners of notice calling such Bond or portion thereof for prior redemption.

C. Payment - Registered Owners. The person in whose name any Bond is registered on the registration books kept by the Registrar shall be deemed and regarded as the absolute owner thereof for the purpose of making payment thereof and for all other purposes except as may otherwise be provided with respect to payment of defaulted interest as provided in Section 5B of this Ordinance; and payment of or on account of either principal or interest on any Bond shall be made only to or upon the written order of the registered owner thereof or his legal representative, but such registration may be changed upon transfer of such Bond in the manner and subject to the conditions and limitations provided in this Ordinance. All such payments shall be valid and effectual to discharge the liability upon the Bond to the extent of the sum or sums so paid.

D. Replacement Bonds. If any Bond shall be lost, stolen, destroyed or mutilated, the Registrar shall, upon receipt of such evidence, information or indemnity relating thereto as it may reasonably require, authenticate and deliver a replacement Bond or Bonds of a like aggregate principal amount and of the same subseries and maturity, bearing a number or numbers not contemporaneously outstanding. If such lost, stolen, destroyed or mutilated Bond shall have matured, the Registrar may direct the Paying Agent to pay such Bond in lieu of replacement.

E. Delivery of Bond Certificates to Registrar. The officers of the City are authorized to deliver to the Registrar fully executed but unauthenticated Bonds in such quantities as may be convenient to be held in custody by the Registrar pending use as provided in this Ordinance.

F. Cancellation of Bonds. Whenever any Bond shall be surrendered to the Paying Agent upon payment of the Bond, or to the Registrar for transfer, exchange or replacement as provided in this Ordinance, the Bond shall be promptly canceled by the Paying Agent or Registrar, and counterparts of a certificate of such cancellation shall be furnished by the Paying Agent or Registrar to the City.

Section 10. Successor Registrar or Paying Agent. If the Registrar or Paying Agent initially appointed under this Ordinance shall resign or is prohibited by law from continuing as Registrar or Paying Agent, or if the City shall reasonably determine that the Registrar or Paying Agent has become incapable of fulfilling its duties under this Ordinance, the City may, upon notice mailed to each registered owner of Bonds at the address last shown on the registration books, appoint a successor Registrar or Paying Agent, or both. Every such successor Registrar or Paying Agent shall be a bank or trust company located in and in good standing in the United States and having a shareholder's equity (e.g., capital stock, surplus and undivided profits), however denominated, not less than $50,000,000. It shall not be required that the same institution serve as both Registrar and Paying Agent hereunder, but the City shall have the right to have the same institution serve as both Registrar and Paying Agent hereunder.

Section 11. Special Limited Obligations. The Bonds and all payments of principal and interest thereon, (whether at maturity or on a redemption date) and the obligations of the City for all other payments, fees, costs, interest and expenses of the City under this Ordinance and under the Related Documents, including all payments due from the City under a Qualified Exchange Agreement, shall be special limited obligations of the City. The principal of and interest on the Bonds and all obligations of the City under the Related Documents shall be payable solely from the

Pledged Revenues after payment of any superior Obligations (and in the case of Exchange Termination Payments, after payment of the Bonds and any Parity Subordinate Obligations), which revenues are hereby pledged.

Owners of the Bonds and other parties to the Related Documents, including a Qualified Counterparty, may not look to any general or other fund of the City for the payment of the principal of or interest on, or the fees, costs and expenses relating to, such obligations, except the designated special funds pledged therefor. Neither the Bonds nor the obligations of the City under the Related Documents shall constitute an indebtedness of the City within the meaning of any constitutional, charter or statutory prohibition or limitation, nor shall they be considered or held to be general obligations of the City, and the Bonds, any Related Document and any Qualified Exchange Agreement shall recite that they are payable and collectable solely out of the Pledged Revenues (and in the case of Exchange Termination Payments, after payment of Parity Subordinate Obligations and Subordinate Obligations), and from the other sources stated in this Section, and that the Owners of the Bonds, any other party or a Qualified Counterparty may not look to any general or other municipal fund for the payment of the principal or interest, as applicable, on the Bonds or for the payment of any amounts owed under the Related Documents.

Nothing herein shall prevent or prohibit the City from applying other funds of the City legally available therefor to the payment or redemption of the Bonds or to the payment of any amounts owed under a Related Document, in its sole discretion.

Section 12. Form of Bonds, Certificate of Authentication and Assignment.

The Bonds, Registrar's Certificate of Authentication and Form of Assignment shall be in substantially the form set forth in this Section, with such changes therein as are not inconsistent with this ordinance.

(Form of Series 2017 Bond)

UNITED STATES OF AMERICA

COUNTY OF SANTA FE

STATE OF NEW MEXICO

No._____ $_____

CITY OF SANTA FE

GASOLINE TAX / SUBORDINATE LIEN GROSS RECEIPTS TAX

IMPROVEMENT REVENUE BOND,

SERIES 2017

INTEREST RATE	MATURITY DATE	SERIES DATE	CUSIP
____% per annum	June 1, ___	___, 2017	

REGISTERED OWNER: _____

PRINCIPAL AMOUNT: _____ DOLLARS

The City of Santa Fe (herein "City"), in the County of Santa Fe and State of New Mexico, for value received, hereby promises to pay upon presentation and surrender of this bond, solely from the special funds provided therefor as hereinafter set forth, to the registered owner named above, or registered assigns, on the Maturity Date specified above (unless this bond, if subject to prior redemption, shall have been called for prior redemption in which case on such redemption date), upon the presentation and surrender hereof at BOKF, NA, Albuquerque, New Mexico, as paying agent, or its successor (herein the "Paying Agent"), the Principal Amount stated above, in lawful money of the United States of America, and to pay to the registered owner hereof as of the Regular Record Date

(being the 15th day of the calendar month whether or not a business day preceding each regularly scheduled interest payment date as defined in Ordinance No. _____, adopted October 11, 2017, which authorizes this bond and which is referred to herein as the "Bond Ordinance"), by check or draft mailed to such registered owner, on or before each interest payment date as hereinafter provided (or, if such interest payment date is not a business day, on or before the next succeeding business day), at his address as it last appears on the Regular Record Date on the registration books kept for that purpose by BOKF, NA, Albuquerque, New Mexico, as registrar (i.e., transfer agent) for the bonds, or its successor (herein the "Registrar") or by such other arrangement as may be agreed to by the Paying Agent and the registered owner hereof, interest on such sum in lawful money of the United States of America from the Series Date specified above or the most recent interest payment date to which interest has been fully paid or duly provided for in full (as more fully provided in the Bond Ordinance) until maturity at the per annum Interest Rate specified above, payable on December 1, 2018 and semiannually thereafter on June 1 and December 1 in each year. Any such interest not so timely paid or duly provided for shall cease to be payable to the registered owner as of the Regular Record Date and shall be payable to the registered owner as of a Special Record Date (as defined in the Bond Ordinance), as further provided in the Bond Ordinance. If upon presentation and surrender to the Paying Agent at or after maturity or on a designated prior redemption date on which the City may have exercised its right to prior redeem this bond pursuant to the Bond Ordinance, payment of this bond is not made as herein provided, interest hereon shall continue at the rate herein designated until the principal hereof is paid in full. If the Bonds are issued in book-entry only form, an authorized officer of the City and the applicable securities depository ("Depository") may make other arrangements for the payments on the Bonds.

The bonds of the series of which this bond is a part maturing on and after June 1, ____, are subject to prior redemption at the City's option in one or more units of principal of $5,000 on an after June 1, ____, in whole or in part at any time, in such order of maturities as the City may determine

(and by lot if less than all of the Bonds of such maturity is called, such selection by lot to be made by the Registrar in such manner as he shall consider appropriate and fair), at a redemption price equal to the principal amount of the Bonds or the portion thereof to be redeemed plus accrued interest, if any, to the redemption date.

Redemption shall be made upon mailed notice to each registered owner of each bond selected for redemption as shown on the registration books kept by the Registrar in the manner and upon the conditions provided in the Bond Ordinance.

The bonds of the series of which this is one are fully registered (i.e., registered as to payment of both principal and interest), and are issuable in the denomination of $5,000 or any denomination which is an integral multiple of $5,000 (provided that no bond may be in a denomination which exceeds the principal coming due on any maturity date and no individual bond will be issued for more than one maturity). Upon surrender of any of such bonds at the Registrar with a written instrument satisfactory to the Registrar duly executed by the registered owner or his duly authorized attorney, such bond may, at the option of the registered owner or his duly authorized attorney, be exchanged for an equal aggregate principal amount of such bonds of the same maturity of other authorized denominations, subject to such terms and conditions as set forth in the Bond Ordinance.

This bond is fully transferable by the registered owner hereof in person or by his duly authorized attorney on the registration books kept by the Registrar upon surrender of this bond together with a duly executed written instrument of transfer satisfactory to the Registrar. Upon such transfer a new fully registered bond of authorized denomination or denominations of the same aggregate principal amount and maturity will be issued to the transferee in exchange for this bond, subject to such terms and conditions as set forth in the Bond Ordinance. The City and the Registrar and Paying Agent may deem and treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of making payment and for all other purposes.

This bond is one of a series of bonds designated "City of Santa Fe Gasoline Tax / Subordinate Lien Gross Receipts Tax Improvement Revenue Bonds, Series 2017," of like tenor and date, except as to interest rate, number and maturity, authorized for the purpose of constructing, reconstructing, resurfacing, maintaining, acquiring rights of way, repairing and otherwise improving municipal buildings, alleys, streets, public roads and bridges or any combination of the foregoing purposes (collectively, the "Project"), as set forth in the Bond Ordinance.

This bond is issued pursuant to and in strict compliance with the Constitution and laws of the State of New Mexico.

This bond does not constitute an indebtedness of the City within the meaning of any constitutional or statutory provision or limitation, shall not be considered or be held to be a general obligation of the City, and is payable and collectible solely out of the City's Pledged Gasoline Tax Revenues and a subordinate lien on the Pledged Gross Receipts Tax Revenues pursuant to the Bond Ordinance, which revenues are so pledged; and the holder of this bond may not look to any general or other fund for the payment of the principal and interest on this obligation, except the special funds pledged therefor. Payment of the bonds of the series of which this bond is one and the interest thereon shall be made solely from, and is secured by (1) a first lien, but not an exclusive first lien, on the Municipal Gasoline Tax Revenue Fund and the General Gasoline Tax Revenue Fund (collectively, the "Pledged Gasoline Tax Revenues") and (2) a subordinate lien, but not an exclusive subordinate lien on the "One-Half Percent Gross Receipts Tax Revenue Fund," the "Infrastructure Gross Receipts Tax Revenue Fund" and the "State-Shared Gross Receipts Tax Revenue Fund" (collectively, the "Pledged Gross Receipts Tax Revenues", and, together with the Pledged Gasoline Tax Revenues, the "Pledged Revenues") into which the City covenants to pay the Pledged Revenues, concurrently with debt service payments for outstanding parity bonds, sums sufficient to pay when due the principal of and the interest on the bonds of the series of which this bond is one. For a description of the funds, the nature and extent of the security afforded thereby for the payment of the

principal of and interest on the bonds, and other details concerning the bonds, reference is made to the Bond Ordinance. Additional bonds and other obligations, in addition to the series of which this bond is one, may be issued and made payable from (1) the City's Pledged Gasoline Revenues having a lien thereon on a parity with, or junior to the lien of the bonds of the series of which this bond is one, in accordance with the provisions of the Bond Ordinance and (2) the City's Pledged Gross Receipts Tax Revenues having a lien thereon on a parity with, superior to, or junior to the lien of the bonds of the series of which this bond is one, in accordance with the provisions of the Bond Ordinance and the ordinances authorizing the issuance of the outstanding Superior Gross Receipts Tax Obligations.

The City covenants and agrees with the registered owner of this bond and with each and every person who may become the registered owner hereof that it will keep and perform all of the covenants of the Bond Ordinance.

This bond is subject to the conditions, and every registered owner hereof by accepting the same agrees with the obligor and every subsequent registered owner hereof that the principal of and the interest on this bond shall be paid, and this bond is transferable, free from, and without regard to any equities between the obligor and the original or any intermediate registered owner hereof for any setoffs or cross-claims.

It is further certified, recited and warranted that all the requirements of law have been fully complied with by the City Council and officers of the City in the issuance of this bond; and that it is issued pursuant to and in strict conformity with the Constitution and laws of the State of New Mexico, and particularly the terms and provisions of Sections 3-31-1 through 3-31-12, NMSA 1978, as amended, and all laws thereunto enabling and supplemental thereto.

This bond shall not be valid or obligatory for any purpose until the Registrar shall have manually signed the certificate of authentication herein.

IN WITNESS WHEREOF, the City of Santa Fe has caused this bond to be signed, subscribed, and executed, and attested with the facsimile signatures of its Mayor and its City Clerk,

respectively and has caused the facsimile of its corporate seal to be affixed on this bond, all as of the Series Date.

CITY OF SANTA FE

[(FACSIMILE SEAL)] By (Facsimile Signature)

Mayor

ATTEST:

By (Facsimile Signature)

City Clerk

(Form of Registrar's Certificate of Authentication)

REGISTRAR'S CERTIFICATE OF AUTHENTICATION

Date of Authentication: ___, 2017

This is one of the bonds described in the within-mentioned Bond Ordinance, and this bond has been duly registered on the registration books kept by the undersigned as Registrar for such Bonds.

BOKF, NA,

Albuquerque, New Mexico, as Registrar

By_____

Authorized Officer

(End of Form of Registrar's Certificate of Authentication)

(Form of Assignment)

ASSIGNMENT

For value received, _____ hereby sells, assigns and transfers unto _____ the within bond and hereby irrevocably constitutes and appoints _____ attorney, to transfer the same on the books of the Registrar, with full power of substitution in the premises.

Signature Guaranteed:

_____

Name and Address of Transferee

_____

_____

_____

Dated:_____

Social Security Number or other

Tax Identification Number

_____

_____

(End of Form of Assignment)

(End of Form of Series 2017 Bond)

Section 13. **Period of Project's Usefulness.** It is hereby determined and recited that the useful life of the Improvement Project financed with proceeds of the Bonds is not less than the final maturity date of the Bonds.

Section 14. **Delivery of Bonds and Initial Registration.** When the Bonds have been duly executed, authenticated, registered and sold, the City Finance Director shall deliver them to the Purchaser on receipt of the agreed purchase price. The Registrar shall initially register the Bonds in the name of the Purchaser.

Section 15. **Approval and Execution of Documents and Delegated Authority.**

A. Approval of Documents; Ratification. The form, terms and provisions of the Bond Purchase Agreement between the City and the Purchaser, Contingent Intercept Agreement, in substantially the forms presented at this meeting, are in all respects approved, authorized and confirmed, with such changes therein not inconsistent with this Ordinance as the Authorized Officers of the City deem necessary or desirable.

B. Delegated Authority and Execution of Documents. The officers, agents and employees of the City are authorized, empowered and directed to take all action required by this

Ordinance, and all such other action as may be necessary or appropriate to effectuate the provisions of this Ordinance, the Related Documents and any other documents as may be necessary or appropriate to carry out and comply with the provisions of this Ordinance. The City Finance Director is hereby authorized pursuant to this Ordinance to determine the final terms of the Bonds within the parameters set forth herein as permitted by Laws 2017, chapter 120, §2

Section 16. Use of Bond Proceeds; Purchaser Not Responsible. Except as herein otherwise specifically provided in this Ordinance, the proceeds from the sale of the Bonds shall be used and paid solely for the valid costs of the Improvement Project.

A. Acquisition Account. An amount of proceeds received from the sale of the Bonds shall be deposited in the Acquisition Account held by the trustee for the Purchaser and used to pay the costs of the Improvement Project.

B. Payment of Costs of Issuance. An amount of proceeds received from the sale of the Bonds shall be used to pay Costs of Issuance, and to the extent not needed to pay Costs of Issuance, shall be deposited in the Series 2017 Bond Fund, as applicable.

C. Project Completion. As soon as practicable after completion of the Improvement Project, and in any event not more than 60 days after completion of the Improvement Project, any proceeds remaining unspent (other than any amount retained by the City for any Improvement Project costs not then due and payable) shall be transferred and deposited in the Debt Service Fund and used by the City to pay principal and interest on the Bonds as same become due.

D. Purchaser Not Responsible. The validity of the Bonds is not dependent on nor affected by the validity or regularity of any proceedings related to the completion of the Improvement Project as defined in this Ordinance. The Purchaser of the Bonds, and any subsequent owner of any Bonds, shall in no manner be responsible for the application or disposal by the City or by any officer or any employee or other agent of the City of the moneys derived from the sale of the Bonds or of any other moneys designated in this Ordinance.

Section 17. **Establishment and Continuance of Funds and Accounts.** The City hereby creates, or continues, as applicable, the following special and separate trust funds:

A. Acquisition Account. The Acquisition Account to be maintained by the City or the Trustee for the Purchaser is hereby created for the deposit of a portion of the proceeds of the Bonds for the Improvement Project.

B. Gasoline Tax Revenue Fund. The "City of Santa Fe, New Mexico Gasoline Tax Revenue Fund" is hereby created to be maintained by the City for the deposit of the Pledged Gasoline Tax Revenues.

C. State-Shared Gross Receipts Tax Revenue Fund. The "City of Santa Fe, New Mexico State-Shared Gross Receipts Tax Revenue Account of the General Fund of the City," is hereby continued to be maintained by the City and deposited in an Insured Bank, into which the City shall deposit the State-Shared Gross Receipts Tax Revenues.

D. One-Half Percent Municipal Gross Receipts Tax Revenue Fund. The "City of Santa Fe, New Mexico One-Half Percent Municipal Gross Receipts Tax Revenue Fund," is hereby continued to be maintained by the City and deposited in an Insured Bank, into which the City shall deposit the One-Half Percent Municipal Gross Receipts Tax Revenues.

E. Infrastructure Gross Receipts Tax Revenue Fund. The "City of Santa Fe, New Mexico Infrastructure Gross Receipts Tax Revenue Fund," is hereby continued to be maintained by the City and deposited in an Insured Bank, into which the City shall deposit the Infrastructure Gross Receipts Tax Revenues.

F. Environmental Services Gross Receipts Tax Revenue Fund. The "City of Santa Fe, New Mexico Environmental Services Gross Receipts Tax Revenue Fund," is hereby continued to be maintained by the City and deposited in an Insured Bank, into which the City shall deposit the Environmental Services Gross Receipts Tax Revenues.

G. Series 2017 Bond Fund. The "City of Santa Fe Gasoline Tax / Subordinate

Lien Gross Receipts Tax Improvement Revenue Bonds, Series 2017, Bond Service Fund" is hereby created to be maintained by the City and deposited in an Insured Bank.

Section 18. Administration of Pledged Gasoline Tax Revenue Fund and Pledged Gross Receipts Tax Revenue Fund.

So long as any Bonds are outstanding, the Pledged Gasoline Tax Revenues shall, immediately upon receipt thereof by the City, be set aside and deposited into the Pledged Gasoline Tax Revenue Fund. All money deposited into the Pledged Gasoline Tax Revenue Fund shall be held separate and apart from the City's general fund and applied only in accordance with the provisions of this ordinance and any other City ordinance authorizing the issuance of Obligations payable from the Pledged Gasoline Tax Revenues.

So long as any Bonds are outstanding, the Pledged Gross Receipts Tax Revenues shall, immediately upon receipt thereof by the City, be set aside and deposited into the proper funds for each component of the Pledged Gross Receipts Tax Revenues. All money deposited into such funds shall be held separate and apart from the City's general fund and applied only in accordance with the provisions of this ordinance and any other City ordinance authorizing the issuance of outstanding Obligations payable from the Pledged Gross Receips Tax Revenues.

So long as any of the Bonds shall be outstanding, either as to principal or interest or both, the following payments shall be made monthly from the Pledged Revenues:

A. Bond Service Fund Payments. (1) First, as a first charge on the Pledged Gasoline Tax Revenues, on a parity with any Parity Gasoline Tax Obligations now outstanding or hereafter issued, the amounts necessary to pay the Debt Service Requirements on the Bonds, or to fund any reserve account as required by the terms of any ordinance authorizing the issuance of Parity Gasoline Tax Obligations, shall be withdrawn first from the Pledged Gasoline Tax Revenue Fund and credited to the Bond Fund:

(1) Interest Payments. Monthly, commencing on the first day of the first

month following the delivery of the Bonds, an amount in equal monthly installments necessary, together with any moneys therein and available therefor, to pay the next maturing installment of interest on the Bonds then outstanding and monthly thereafter commencing on each interest payment date, one-sixth (1/6th) of the amount necessary to pay the next maturing installment of interest on the outstanding Bonds, and

(2) Principal Payments. Monthly, commencing on the first day of the first month following delivery of the Bonds, an amount in equal monthly installments necessary, together with any moneys therein and available therefor, to pay the next maturing installment of principal on the Bonds then outstanding and monthly thereafter commencing on the first day of the twelfth month preceding each principal payment date, one-twelfth (1/12th) of the amount necessary to pay the next maturing installment of principal on the Bonds.

If prior to any interest payment date or principal payment date, there has been accumulated in the Bond Fund the entire amount necessary to pay the next maturing installment of interest or principal, or both, the payment required in subparagraphs 1(a) and 1(b) (whichever is applicable) of this paragraph, may be appropriately reduced and the required monthly amounts again shall be so credited to such account commencing on such interest payment date or principal payment date (whichever is applicable).

If prior to any interest payment date or principal payment date, the Pledged Gasoline Tax Revenues are insufficient to make the payments set forth in subparagraphs A(1) and A(2) of this Section 18, and so long as any of the Bonds shall be outstanding, either as to principal or interest or both, after payment of the Debt Service Requirements on the outstanding Superior Gross Receipts Tax Obligations and on a parity with the outstanding Subordinate Lien Gross Receipts Tax Obligations, there shall be withdrawn and credited to the Bond Fund such amounts needed to pay the Debt Service Requirements on the Bonds in the following order: first from the One-Half Percent Municipal Gross Receipts Tax Revenue Fund, then from the Infrastructure Gross Receipts Tax

Revenue Fund if the moneys in the One-Half Percent Municipal Gross Receipts Tax Revenue Fund are not sufficient, and, if such moneys are still insufficient, then from the State-Shared Gross Receipts Tax Revenue Fund (unless the City determines that such amounts shall be withdrawn from such funds in some other order).

B. Debt Service Reserve Fund. No debt service reserve fund will be created or required for the Bonds.

C. Termination Upon Deposits to Maturity. No payment need be made into the Series 2017 Bond Fund if the amount in such fund totals a sum at least equal to the entire amount of the 2017 Bonds then outstanding, both as to principal and interest to their respective maturities, and both accrued and not accrued, in which case, moneys in the Series 2017 Bond Fund in an amount at least equal to such principal and interest requirements shall be used solely to pay such as the same accrue and any moneys in excess thereof in the Series 2017 Bond Fund and any other moneys derived from the Pledged Revenues may be used in any lawful manner determined by the City.

D. Defraying Delinquencies in the Series 2017 Bond Fund; Use of Moneys in the Series 2017 Bond Fund. If, in any month, amounts in the Gasoline Tax Revenue Fund are insufficient to make the payments into the Series 2017 Bond Fund required by subparagraphs A(1) and A(2), amounts shall be withdrawn from the Pledged Gross Receipts Tax Revenue Fund after payment of the Superior Gross Receipts Tax Obligations and on a parity with the outstanding Subordinate Lien Gross Receipts Tax Obligations: first from the One-Half Percent Municipal Gross Receipts Tax Revenue Fund, and if the amounts available therein are insufficient to make the payments into the Series 2017 Bond Fund required by subparagraphs A(1) and A(2) of this Section 18, then from the Infrastructure Gross Receipts Tax Revenue Fund, and then from the State-Shared Gross Receipts Tax Revenue Fund, and deposited in the Series 2017 Bond Fund the additional amounts necessary to make the payments into the Series 2017 Bond Fund required by Paragraph A of this Section 18. The moneys in the Series 2017 Bond Fund shall be used solely and only for the

purpose of paying the principal of and the interest on the Bonds issued under this Ordinance; provided, however, that any moneys in the Series 2017 Bond Fund in excess of accrued and unaccrued principal and interest requirements to the respective maturities of the outstanding Bonds may be used in any lawful manner.

E. Payment of Additional Obligations and Qualified Exchange Agreements. Either prior to, concurrently with or subsequent to the payments required by Paragraph A of this Section 18, depending upon whether the additional Obligations are Parity Gasoline Tax Obligations, Superior Gross Receipts Tax Obligations or Parity Subordinate Lien Gross Receipts Tax Obligations or Super Subordinate Gross Receipts Tax Obligations as provided in this Ordinance, the Pledged Gasoline Tax Revenues and Pledged Gross Receipts Tax Revenues, as applicable, shall be used by the City for the payment of Debt Service Requirements on additional Obligations, if any, hereafter authorized to be issued and payable from the Pledged Revenues as the same accrue. In the event that such obligations are Parity Subordinate Lien Gross Receipts Tax Obligations, the payments of Debt Service Requirements on such additional Subordinate Lien Gross Receipts Tax Obligations shall be made concurrently with the payments required by Paragraphs A(2), A(3) and D of this Section 18 (provided that such payments may be made at any intervals as may be provided in the ordinance or resolution authorizing such additional Obligations). The following amounts required to be paid by the City shall be paid from Pledged Gross Receipts Tax Revenues with the same priority as other payments of Debt Service Requirements on parity Subordinate Lien Gross Receipts Tax Obligations:

(1) Any amount to reimburse or pay a bond insurer or reserve account insurer or guarantor, or to make payments or reimbursements pursuant to another Credit Facility, for payments of Debt Service Requirements made on Parity Subordinate Obligations; and amounts payable to a Qualified Counterparty under a Qualified Exchange Agreement, excluding Exchange Termination Payments, if such payments are designated in a City ordinance relating to that Qualified Exchange Agreement as having a lien on Pledged Revenues on a parity with the lien thereon of parity

Subordinate Lien Gross Receipts Tax Obligations;

(2) Reimbursement of any reserve fund Credit Facility obtained for any issue of parity Subordinate Lien Gross Receipts Tax Obligations; and

(3) Cash deposits to any required reserve fund established with respect to any issue of parity Subordinate Lien Gross Receipts Tax Obligations.

Each payment of Debt Service Requirements on parity Subordinate Lien Gross Receipts Tax Obligations shall be transferred to the Paying Agent for payment of parity Subordinate Lien Gross Receipts Tax Obligations, or directly to a Qualified Counterparty, bond insurer, reserve account insurer or guarantor or other provider of a Credit Facility entitled to receive payments on parity Subordinate Lien Gross Receipts Tax Obligations, on or before the due date of such payment.

F. Payment of Expenses and Certain Obligations which are not parity Subordinate Lien Gross Receipts Tax Obligations. After and subject to the payments required, and provisions contained in, any of the preceding paragraphs of this Section, any remaining Pledged Gross Receipts Tax Revenues shall be used, to the extent necessary, for payment of: (i) any other amounts, expenses, fees and interest owed by the City relating to the issuance, delivery, servicing, payment, redemption and refunding of parity Subordinate Lien Gross Receipts Tax Obligations and (ii) other Obligations relating to parity Subordinate Lien Gross Receipts Obligations owed by the City pursuant to the Related Documents, any Qualified Exchange Agreement (excluding Exchange Termination Payments), bond insurance policy, reserve fund insurance policy or similar documents which are not payable pursuant to any other prior paragraph of this Section.

G Rebate Fund. There is hereby created a separate account to be known as the "City of Santa Fe, New Mexico Gasoline Tax / Subordinate Lien Gross Receipts Tax Improvement Revenue Bonds, Series 2017, Rebate Fund" (the "Rebate Fund"), to be held by the City. All of the amounts on deposit in the accounts created and established by this ordinance and all amounts pledged

to the payment of debt service for the Bonds shall be invested in compliance with the requirements of Section 25J of this ordinance. There shall be transferred into the Rebate Fund from the Pledged Revenues, such amounts as are required to be deposited therein to meet the City's obligations under the covenant contained in Section 25J of this Ordinance, in accordance with Section 148(f) of the Internal Revenue Code of 1986, as amended (the "Tax Code"). Amounts on deposit in the Rebate Fund shall not be subject to the lien and pledge of this ordinance to the extent such amounts are required to be paid to the United States Treasury. The City hereby finds and determines that payment to the United States in an amount equal to interest and other gain from the investment of moneys accumulated in the Bond Fund and any other account into which Pledged Revenues are transferred, to the extent such interest or other gain is subject to the rebate requirements of Section 148(f) of the Tax Code, shall be subject to a lien thereon in favor of the United States Treasury and pledged to the United States Treasury for the benefit of the owners of the Bonds from time to time. From time to time, if the City determines that there is on deposit in the Rebate Fund more money than is needed to satisfy the rebate obligation, then such excess shall be transferred and credited to the Bond Fund and used to pay Debt Service Requirements.

H. Use of Surplus Revenues. After making the payments required to be made by Paragraphs A to F of this Section 18, the remaining Pledged Gasoline Tax Revenues and Pledged Gross Receipts Tax Revenues, if any, may be applied to any other lawful purposes. The One-Half Percent Municipal Gross Receipts Tax Revenues received by the City pursuant to the One-Half Percent Municipal Gross Receipts Tax Ordinance shall be used only for the purposes authorized by that ordinance. The Infrastructure Gross Receipts Tax Revenues received by the City pursuant to the Infrastructure Gross Receipts Tax Ordinance shall be used only for the purposes authorized by that ordinance. The Environmental Services Gross Receipts Tax Revenues received by the City pursuant to the Environmental Services Gross Receipts Tax Ordinance shall be used only for the purposes authorized in that ordinance.

1. Variable Interest Rate. In making the computations required by this Section, interest on Obligations which bear a Variable Interest Rate shall be computed: (i) at the actual Variable Interest Rate or Variable Exchange Rate for the computation period, if such rate can be computed exactly, or (ii) if the Variable Interest Rate or Variable Exchange Rate cannot be computed exactly, at the actual rate for the immediately preceding computation period.

Section 19. General Administration of Funds. The funds and accounts designated in Sections 16 through 18 of this Ordinance shall be administered as follows:

A. Investment of Money. Any moneys in any fund designated in Sections 16 through 18 may be invested in any Permitted Investments. The obligations so purchased as an investment of moneys in a fund shall be deemed at all times to be part of the fund, and the interest accruing thereon and any profit realized therefrom shall be credited to the fund, and any loss resulting from each investment shall be charged to the fund. The City Finance Director shall present for redemption or sale on the prevailing market any obligations so purchased as an investment of moneys in the fund whenever it shall be necessary to do so in order to provide moneys to meet any payment or transfer from such fund.

B. Deposits of Funds. Except for direct investments in Permitted Investments allowed by Paragraph A of this Section 19, the moneys and investments comprising each of the funds and accounts hereinabove designated in Sections 16 through 18 of this Ordinance shall be maintained and kept separate from all other funds and accounts in an Insured Bank or Insured Banks. The amounts prescribed shall be paid to the appropriate funds as specified in Sections 16 through 18. Each payment shall be made into the proper bank account and credited to the proper fund not later than the last day designated; provided that when the designated date is a Sunday or a legal holiday, then such payment shall be made on the next preceding secular day. Nothing in this Ordinance shall prevent the establishment of one such bank account or more (or consolidation with any existing bank account), for all of the funds and accounts in Sections 16 through 18 of this Ordinance.

Section 20. **First Lien on Pledged Gasoline Tax Revenues; Subordinate Lien on Pledged Gross Receipts Tax Revenues.** The Pledged Revenues and the amounts and securities on deposit in the Bond Fund, and the proceeds thereof, are hereby authorized to be pledged to, and are hereby pledged, and the City grants a security interest therein, for the payment of the principal of and interest on the Bonds, subject to the uses thereof permitted by, and the priorities set forth in, this Ordinance. The Bonds constitute an irrevocable first lien (but not an exclusive first lien) on the Pledged Gasoline Tax Revenues and a subordinate lien (but not an exclusive subordinate lien) on the Pledged Gross Receipts Tax Revenues subordinate to the lien thereon of Superior Gross Receipts Tax Obligations, and co-equal with the lien thereon of the outstanding Subordinate Lien Gross Receipts Tax Obligations.

Section 21. **Additional Obligations.**

A. Limitations Upon Issuance of Additional Superior Lien Gross Receipts Tax Obligations and Subordinate Lien Gross Receipts Tax Obligations. No provision of this Ordinance shall be construed in such a manner as to prevent the issuance by the City of additional Obligations payable from Pledged Gross Receipts Tax Revenues and constituting a lien upon such revenues prior and superior to the lien of the Bonds on Pledged Gross Receipts Tax Revenues. Before any additional Superior Gross Receipts Tax Obligations are issued or Obligations refunding outstanding Superior Gross Receipts Tax Obligations, the conditions set forth in the ordinances authorizing the issuance of the outstanding Superior Gross Receipts Tax Obligations or refunding Superior Gross Receipts Tax Obligations, as applicable, must be satisfied.

Before any additional parity Subordinate Lien Gross Receipts Tax Obligations are actually issued (excluding refunding bonds the proceeds of which are used to refund parity Subordinate Lien Gross Receipts Tax Obligations as provided in Section 22, but including parity Subordinate Lien Gross Receipts Tax Obligations which are refunding bonds which refund subordinate obligations), the following conditions shall be met:

(1) The parity Subordinate Lien Gross Receipts Tax Obligations must be Gross Receipts Tax Obligations; and

(2) The City shall then be current in all of the deposits required to be made with respect to the parity Subordinate Lien Gross Receipts Tax Obligations (including, if applicable, any obligation to fund any reserve account required by the terms of any ordinance authorizing the issuance of any such Obligations); and

(3) (a) No additional parity Subordinate Lien Gross Receipts Tax Obligations shall be issued unless the Pledged Gross Receipts Tax Revenues for the Historic Test Period shall have been sufficient to pay an amount representing two hundred percent (200%) of the combined maximum annual Debt Service Requirements coming due in any subsequent Fiscal Year on the then outstanding Superior Gross Receipts Tax Obligations, outstanding parity Subordinate Lien Gross Receipts Tax Obligations and the parity Subordinate Lien Gross Receipts Tax Obligations proposed to be issued (excluding the accumulation of any reserves therefor); and

(b) In making the computations required by this subparagraph (iii) other gross receipts tax revenues, including without limitation, the Environmental Services Gross Receipts Tax Revenues, received by the City, whether from distribution by the State or pursuant to gross receipts taxes imposed by the City (other than State-Shared Gross Receipts Tax Revenues) pledged to the Superior Gross Receipts Tax Obligations, parity Subordinate Lien Gross Receipts Tax Obligations and the parity Subordinate Lien Gross Receipts Tax Obligations proposed to be issued, may be included only to the extent such gross receipts tax revenues are pledged to a particular series of such outstanding Gross Receipts Tax Obligations or proposed parity Subordinate Lien Gross Receipts Tax Obligations and only to the extent of the maximum annual Debt Service Requirements on such outstanding Gross Receipts Tax Obligations or proposed parity Subordinate Lien Gross Receipts Tax Obligations.

B. Super Subordinate Gross Receipts Tax Obligations Permitted; Certain

Obligations Prohibited. No provision of this Ordinance shall be construed in such a manner as to prevent the issuance by the City of additional Gross Receipts Tax Obligations payable from the Pledged Gross Receipts Tax Revenues with a lien on Pledged Gross Receipts Tax Revenues subordinate and junior to the lien of the Bonds thereon, nor to prevent the issuance of Gross Receipts Tax Obligations refunding all or part of the Bonds as permitted by Section 22.

C. Variable Interest Rate. In making the computations required by this Section 21 and Section 22, Obligations which bear a Variable Interest Rate shall be deemed to bear interest at the maximum rate permitted for those Obligations.

D. Certificate of City Finance Director. A written certificate or opinion of the City Finance Director that the Pledged Revenues for the applicable Historic Test Period are sufficient to pay the amounts required in this Section 21 shall be required in making a determination that the requirements set forth in this Section have been satisfied and shall be conclusively presumed to be accurate in determining that such requirements have been satisfied.

E. Bond Anticipation Notes. Whenever the City shall have authorized the issuance of Superior Gross Receipts Tax Obligations or Parity Subordinate Lien Gross Receipts Tax Obligations under the Act and the City shall, at the time, be permitted by the laws of the State to issue notes representing loans in anticipation of the sale of such Superior Gross Receipts Tax Obligations or parity Subordinate Lien Gross Receipts Tax Obligations ("Bond Anticipation Notes"), the City may by resolution or ordinance authorize the issuance of Bond Anticipation Notes in anticipation of the sale of such Superior Gross Receipts Tax Obligations or parity Subordinate Lien Gross Receipts Tax Obligations, provided, however, that before any Bond Anticipation Notes are actually issued, the conditions of Section 21A shall be met. Bond Anticipation Notes shall not be issued in an amount exceeding the principal amount of the Superior Gross Receipts Tax Obligations or parity Subordinate Lien Gross Receipts Tax Obligations in anticipation of the sale of which such notes are proposed to be issued.

For the purposes of determining compliance with this Section, as of the date of issuance of any Bond Anticipation Notes, the aggregate principal amount of all outstanding Bond Anticipation Notes (including such proposed Bond Anticipation Notes) shall never exceed the principal amount of a hypothetical issue of Superior Gross Receipts Tax Obligations or parity Subordinate Lien Gross Receipts Tax Obligations which could be issued hereunder having an assumed final maturity of twenty (20) years, bearing an assumed rate of interest equal to the highest rate then borne by any Bond Anticipation Note then outstanding (or, if none, the interest rate borne by the proposed Bond Anticipation Notes to be issued) and having debt service due in each Fiscal Year in approximately equal amounts.

F. Put Obligations. In making the computations required by this Section 21 and Section 22, the principal amount of any Put Obligations to be outstanding in the Fiscal Year when the combined maximum annual Debt Service Requirements come due shall be excluded from the maximum annual Debt Service Requirements only if the Credit Facility providing liquidity or standby purchase support for Put Obligations is rated, on the date the computations are made, "A" or better by Fitch or S&P (if such rating agencies are then rating the Bonds). If there is no Credit Facility for the Put Obligations or the rating requirement for the Credit Facility set forth in the preceding sentence is not satisfied, the principal amount of the Put Obligations to be outstanding in the Fiscal Year when combined maximum annual Debt Service Requirements come due shall be considered in computing maximum annual Debt Service Requirements.

Section 22. Additional Parity Gasoline Tax Obligations.

A. Limitations Upon Issuance of Additional Parity Gasoline Tax Obligations. No provision of this ordinance shall be construed in such a manner as to prevent the issuance by the City of additional Obligations payable from Pledged Gasoline Tax Revenues and constituting a lien upon such revenues on a parity with the lien of the Bonds. Before any additional parity Gasoline Tax Revenue Obligations are actually issued, it must be determined that:

(1) The City is then current in the accumulation of all amounts which are required to have been accumulated in the Bond Fund as required by Section 18 of this ordinance; and

(2) The requirements of either of the following subparagraphs (a) or (b) of this Section are met and a certificate or opinion as provided for in paragraph B of the Section has been obtained:

(a) The annual Pledged Gasoline Tax Revenues for the Fiscal Year immediately preceding the date of the ordinance authorizing the issuance of any Parity Bonds shall have been sufficient to pay an amount representing at least 125% of the maximum annual principal and interest coming due in subsequent Fiscal Years on (1) the outstanding Bonds, (2) other outstanding Parity Bonds payable from and constituting a lien upon the Pledged Gasoline Tax Revenues, and (3) the Parity Gasoline Tax Revenue Bonds proposed to be issued, excluding reserves therefor; or

(b) If, during the period beginning on the first day of the completed Fiscal Year immediately preceding the date of the ordinance authorizing the issuance of the Parity Bonds proposed to be issued and ending on the date of such ordinance, a change in the rate of Pledged Gasoline Tax Revenues has been adopted by law, the estimate of the Pledged Gasoline Tax Revenues (sometimes herein the "Estimated Revenues"), determined by changing the actual Pledged Gasoline Tax Revenues for the preceding Fiscal Year by the percentage of rate increase or decrease in the gasoline tax rate, shall have been sufficient to pay an amount representing at least 125% of the maximum annual principal and interest coming due in subsequent Fiscal Years on (1) the outstanding Bonds, (2) other outstanding Parity Gasoline Tax Revenue Bonds payable from and constituting a lien upon the Pledged Gasoline Tax Revenues, and (3) the Parity Gasoline Tax Revenue Bonds proposed to be issued, excluding reserves therefor. The preceding Fiscal Year shall be determined as aforesaid from the date of adoption of the ordinance authorizing the issuance of additional Parity Gasoline Tax Revenue Bonds and shall not be determined from the date of

publication of such ordinance or adoption of any ordinance which amends or supplements such ordinance.

B. Certification or Opinion Regarding Revenues. A written certificate by the City Finance Director showing that the Pledged Gasoline Tax Revenues or the Estimated Revenues, when determined as provided in Paragraph A of this Section, are sufficient to pay the required amounts under the applicable test in Paragraph A of this Section, shall conclusively determine the right of the City to issue additional Parity Gasoline Tax Revenue Bonds.

C. Subordinate Obligations Permitted. Nothing in this Bond Ordinance shall prevent the City from issuing bonds or other obligations payable from the Pledged Gasoline Tax Revenues pledged by this Bond Ordinance and having a lien on the Pledged Gasoline Tax Revenues subordinate to the lien of the Bonds.

D. Superior Obligations Prohibited. The City shall not issue any obligation having a lien on the Pledged Gasoline Tax Revenues pledged by this Bond Ordinance which is prior and superior to the Bonds.

E. The requirements set forth in this Section shall only apply in the event the City does not pledge the Pledged Gross Receipts Tax Revenues as additional security to the proposed Parity Gasoline Tax Obligations.

Section 23. Refunding Bonds. The provisions of Sections 21 and 22 hereof are subject to the following exceptions:

A. Privilege of Issuing Refunding Obligations. If at any time after the Bonds, or any part thereof, shall have been issued and remain outstanding, the City shall find it desirable to refund any outstanding obligations payable from the Pledged Revenues, the bonds or other obligations or any part thereof, may be refunded (but only with the consent of the registered owner or owners thereof, unless the bonds or other obligations, at the time of their required surrender for payment, shall then mature, or shall then be callable for prior redemption at the City's option),

regardless of whether the priority of the lien for the payment of the refunding obligations on the Pledged Revenues is changed (except as provided in paragraphs A of Sections 21 and 22 and in Paragraphs B and C of this Section 23).

B. Limitations Upon Issuance of Refunding Obligations. No refunding bonds or other refunding obligations payable from the Pledged Revenues shall be issued on parity with the 2017 Bonds herein authorized, unless:

(1) The lien on the Pledged Revenues of the outstanding obligations so refunded is on parity with the lien thereon of the Bonds herein authorized; or

(2) The refunding bonds or other refunding obligations are issued in compliance with Paragraphs A of Section 21 and Section 22 of this Ordinance.

C. Refunding Part of an Issue. The refunding bonds or other obligations so issued shall enjoy complete equality of lien with the portion of any bonds or other obligations of the same issue which is not refunded, if any there be; and the registered owner or owners of such refunding bonds or such other refunding obligations shall be subrogated to all of the rights and privileges enjoyed by the registered owner or owners of the bonds or other obligations of the same issue refunded thereby.

D. Limitations Upon Issuance of any Refunding Obligations. Any refunding bonds or other refunding obligations payable from the Pledged Revenues shall be issued with such details as the City may by ordinance provide, subject to the inclusion of any such rights and privileges designated in Paragraph C of this Section 23, but without any impairment of any contractual obligations imposed upon the City by any proceedings authorizing the issuance of any unrefunded portion of such outstanding obligations of any one or more issues (including but not necessarily limited to the issue herein authorized). If only a part of the outstanding bonds and any other outstanding obligations of any issue or issues payable from the Pledged Revenues are refunded, then such obligations may not be refunded without the consent of the registered owner or owners of the

unrefunded portion of such obligations, unless:

(1) The refunding bonds or other refunding obligations do not increase any aggregate annual principal and interest requirements evidenced by such refunding obligations and by the outstanding obligations not refunded on and prior to the last maturity date of such unrefunded obligations, or

(2) The refunding bonds or other refunding obligations are issued in compliance with Paragraphs A of Section 21 and 22 hereof, or

(3) The lien on the Pledged Revenues for the payment of the refunding obligations is subordinate to each such lien for the payment of any obligations not refunded.

E. Cross-over Refunding Bonds. If the refunding bonds to be issued are Cross-over Refunding Bonds, the ordinance providing for the issuance thereof shall provide (1) that until the date on which the principal portion of the related Obligations being refunded is to be paid or redeemed from the proceeds of such Cross-over Refunding Bonds, the Cross-over Refunding Bonds shall not be Parity Obligations and shall be payable solely from the escrow provided for in the related ordinance, and (2) a certificate of an Independent Accountant shall be prepared to demonstrate the sufficiency of the moneys and investments in the escrow to pay the principal of and interest on the Cross-over Refunding Bonds until the date on which the principal portion of the related Parity Subordinate Obligations being refunded is to be paid or redeemed and to pay or redeem the related Obligations being refunded.

Section 24. Equality of Bonds. The Bonds authorized to be issued hereunder and from time to time outstanding shall not be entitled to any priority one over the other in the application of the Pledged Revenues, regardless of the time or times of their issuance, it being the intention of the Governing Body that there shall be no priority among the Bonds regardless of the fact that they may be actually issued and delivered at different times.

Section 25. Protective Covenants. The City hereby covenants and agrees with each and

every registered owner of the Bonds that:

A. Payment of Bonds Herein Authorized. The City will promptly pay the principal of and the interest on every Bond issued hereunder and secured hereby at the place, on the dates and in the manner specified herein and in the Bonds according to the true intent and meaning hereof. Such principal and interest are payable solely from the Pledged Revenues. Nothing in the Bonds, any Qualified Exchange Agreement or this Ordinance shall be construed as obligating the City to pay principal or interest on any of the Bonds from, and the holders of the Bonds and any Qualified Counterparty may not look to, any general or other fund of the City, except those specifically set forth herein.

B. Records. So long as any of the Bonds remain outstanding, proper books of record and account will be kept by the City, separate and apart from all other records and accounts, showing complete and correct entries of all transactions relating to the Pledged Revenues.

C. Audits. The City further agrees that it will, within 270 days following the close of each Fiscal Year, cause an audit of such books and accounts to be made by an Independent Accountant, showing the revenues and expenditures of the Pledged Revenues. The City agrees to furnish forthwith a copy of each of such audits and reports to the Purchaser upon request. Any registered owner of a Bond shall have the right to discuss, with the Independent Accountant or person making the audit, the report and the contents thereof and to ask for such additional information as he may reasonably require.

D. Extending Interest Payments. In order to prevent any accumulation of claims for interest after maturity, the City will not directly or indirectly extend or assent to extension of time for the payment of any claim for interest on any of the Bonds and it will not directly or indirectly be a party to or approve any arrangement for any such extension or for the purpose of keeping alive any of such interest.

E. Performing Duties. The City will faithfully and punctually perform all duties

with respect to the Bonds required by the Constitution and laws of the State of New Mexico and the ordinances and resolutions of the City including but not limited to the proper segregation of the Pledged Revenues and their application of the respective funds.

F. Other Liens. Other than the outstanding Superior Gross Receipts Tax Obligations, the outstanding Parity Subordinate Lien Gross Receipts Tax Obligations and the Bonds as recited in this Ordinance, there are no liens or encumbrances of any nature whatsoever on or against the Pledged Revenues. This Ordinance does not prohibit the issuance of Superior Gross Receipts Tax Obligations with a lien on the Pledged Revenues prior and superior to the lien thereon of the Bonds nor the issuance of Parity Subordinate Lien Gross Receipts Tax Obligations or Parity Gasoline Tax Revenue Bonds with a lien on the Pledged Revenues on parity with the lien thereon of the Bonds.

G. City's Existence. The City will maintain its corporate identity and existence so long as any of the Bonds herein authorized remain outstanding unless another political subdivision by operation of law succeeds to the liabilities and rights of the City, without affecting to any substantial degree the privileges and rights of any registered Owner of any outstanding Bonds.

H. Duty With Respect to Pledged Revenues. If the statutes or any ordinance which materially affects the Pledged Revenues or any part of such ordinances, shall ever be held to be invalid or unenforceable, it shall be the duty of the City, to the extent authorized by law, to immediately take any action necessary to produce sufficient Pledged Revenues to comply with the contracted obligations of this Ordinance, except as provided in Paragraph I of this Section 25.

I. Impairment of Contract. The City agrees that any law or ordinance or resolution of the City in any manner affecting the Pledged Revenues or the Bonds, or otherwise appertaining thereto, shall not be repealed or otherwise directly or indirectly modified, in such a manner as to impair adversely any Bonds outstanding, unless such Bonds have been discharged in full or provision has been fully made therefor, or unless the consent of the required percentage of the

registered owners of the then outstanding Bonds is obtained pursuant to Section 33 of this Ordinance.

J. Tax Covenant. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Tax Code, including applicable regulations, rulings and judicial decisions, or (ii) be treated other than as bonds to which Section 103(a) of the Tax Code applies, and (b) the interest thereon will not be treated as a preference item under Section 57 of the Tax Code. The City further covenants (a) that it will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) that it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) that it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purposes of the borrowings, (ii) restrict the yield on investment property, (iii) make timely and adequate rebate payments, yield reduction payments or payments of alternative amounts in lieu of rebate to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Tax Code.

Authorized Officers of the City are hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in or available under Section 148 of the Tax Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Bonds or interest thereon or assisting in the compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount, yield reduction payments or payments of penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate or yield reduction payments,

or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, including amounts required to be rebated to the United States pursuant to Section 148(f) of the Tax Code, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of the proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds.

K. Limitation on Obligations with Variable Interest Rates. The City shall not issue Superior Gross Receipts Tax Obligations or Parity Gross Receipts Tax Obligations with a Variable Interest Rate which, at the time of issuance, are assigned a lower rating than the rating then assigned to the Bonds, as applicable, by Fitch or S&P, unless the written consent of such rating agency to a lower rating is obtained prior to issuance of such Superior Gross Receipts Tax Obligations or Parity Gross Receipts Tax Obligations.

L. Notice of Qualified Exchange Agreements to Rating Agencies. The City shall not enter into a Qualified Exchange Agreement which is a Parity Obligation or with respect to any Parity Obligations without first providing notice of such Qualified Exchange Agreement to Fitch and S&P and without first receiving written confirmation from Fitch and S&P that entering into such Qualified Exchange Agreement, in and of itself, would not result in a reduction of the ratings then assigned to the Bonds, as applicable, by Fitch and S&P.

M. Continuing Disclosure Undertaking. Authorized Officers of the City are authorized to sign such documents with respect to the City's continuing disclosure obligations as are necessary or desirable to comply with the Continuing Disclosure Undertaking and requirements of

Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended.

Section 26. **Defeasance.** When all principal and interest in connection with the Bonds hereby authorized have been duly paid, the pledge and lien and all obligations hereunder shall thereby be discharged and the Bonds shall no longer be deemed to be outstanding within the meaning of this Ordinance. There shall be deemed to be such due payment as to any Bond when the Governing Body has placed in escrow and in trust with a commercial bank located within or without the State of New Mexico and exercising trust powers, an amount sufficient (including the known minimum yield from Federal Securities in which such amount may initially be invested, if applicable) to meet all requirements of principal and interest as the same become due to its maturity or designated redemption date as of which the City shall have exercised or obligated itself to exercise its option to call the Bond. The Federal Securities shall become due prior to the respective times on which the proceeds thereof shall be needed, in accordance with a schedule established and agreed upon between the Governing Body and such bank at the time of the creation of the escrow or the Federal Securities shall be subject to the redemption at the option of the holders thereof to assure such availability as so needed to meet such schedule. Federal Securities within the meaning of this Section 26 shall include only direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America and which are not callable prior to maturity by the issuer of such obligations.

Section 27. **Events of Default.** Each of the following events is hereby declared an "event of default":

A. Nonpayment of Principal. If payment of the principal of any of the Bonds herein authorized to be issued shall not be made when the same become due and payable; or

B. Nonpayment of Interest. If payment of any installment of interest shall not be made when the same becomes due and payable; or

C. Incapable to Perform. If the City shall for any reason be rendered incapable of fulfilling its obligations (but not including any obligation of the City under any Qualified Exchange Agreement) hereunder; or

D. Default of any Provision. If the City shall default in the due and punctual performance of its covenants or conditions, agreements and provisions contained in the Bonds or in this Ordinance on its part to be performed (other than defaults described in Subparagraphs A, B and C of this Section 27), and if such default shall continue for 60 days after written notice specifying such default and requiring the same to be remedied shall have been given to the City by the registered owners of 25% in principal amount of the Bonds then outstanding.

E. Bankruptcy or Insolvency of City. (1) The City shall (a) apply for or consent to the appointment of or the taking of possession by, a receiver, custodian, trustee, liquidator or the like of the City or of all or a substantial part of its property, (b) commence a voluntary case under the Federal Bankruptcy Code, or (c) file a petition seeking to take advantage of any other law relating to bankruptcy, insolvency, or reorganization, or (2) a proceeding or case shall be commenced, without application or consent of the City, in any court of competent jurisdiction seeking (a) the liquidation, reorganization, dissolution, winding-up or adjustment of debts of the City, (b) appointment of a trustee, receiver, custodian, liquidator or the like of the City or of all or a substantial part of its assets, or (c) similar relief in respect of the City under any law relating to bankruptcy, insolvency, reorganization, winding-up or adjustment of debts.

Section 28. Remedies of Defaults. Upon the happening and continuance of any of the events of default as provided in Section 27 of this Ordinance, then and in every case the registered owner or owners of not less than 25% in principal amount of the Bonds then outstanding, including but not limited to a trustee or trustees, may proceed against the City, its Governing Body, and its agents, officers and employees to protect and enforce the rights of any registered owner of Bonds under this Ordinance by mandamus or other suit, action or special proceedings in equity or at law, in

any court of competent jurisdiction, either for specific performance of any covenant or agreement contained herein or award or execution of any power herein granted for the enforcement of any power, legal or equitable remedy as such registered owner or owners may deem most effectual to protect and enforce the rights aforesaid, or thereby to enjoin any act or thing which may be unlawful or in violation of any right of any registered owner, or to require the Governing Body of the City to act as if it were the trustee of an expressed trust, or any combination of such remedies. All such proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all registered owners of the Bonds then outstanding. The failure of any such registered owner so to proceed shall not relieve the City or any of its officers, agents or employees of any liability for failure to perform any duty. Each right or privilege of any such registered owner (or trustee thereof) is in addition and cumulative to any other right or privilege, and the exercise of any right or privilege by or on behalf of any registered owner shall not be deemed a waiver of any other right or privilege thereof.

Section 29. **Duties Upon Default.** Upon the happening of any of the events of default as provided in Section 27 of this Ordinance, the City, in addition, will do and perform all proper acts on behalf of and for the registered owners of the Bonds to protect and preserve the security created for the payment of the principal of and interest on the Bonds promptly as the same become due. All proceeds derived from the Pledged Revenues, so long as any of the Bonds herein authorized, either as to principal or interest, are outstanding and unpaid, shall be paid into the proper fund and used for the purposes therein provided. In the event the City fails or refuses to proceed as in this Section 29 provided, the registered owner or registered owners of not less than 25% in principal amount of the Bonds then outstanding, after demand in writing, may proceed to protect and enforce the rights of the registered owners as hereinabove provided.

Section 30. **Enforcement.** Any registered owner of any one or more of the Bonds, may, either by law or in equity, by suit, action, mandamus or other appropriate proceedings in any court of competent jurisdiction enforce the payment of principal of, and interest on, any Bond on or after the

date on which such payment is due, and may by suit, action, mandamus or other appropriate proceeding or proceedings enforce and compel the performance of such payment in accordance with the provisions of this Ordinance.

Section 31. **Severability.** If any Section, paragraph, clause or provision of this Ordinance shall be held to be invalid or unenforceable, the invalidity or unenforceability of such Section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 32. **Repealer Clause.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or part of any ordinance heretofore repealed.

Section 33. **Amendment.**

A. Limitations upon Amendments. This Ordinance may be amended or supplemented by ordinance or resolution of the Governing Body without the consent of registered owners:

(1) To cure any ambiguity, or to cure, correct or supplement any defect or inconsistent provision contained in this Ordinance;

(2) To grant to the registered owners any additional rights, remedies, powers or authority that may lawfully be granted to them;

(3) To obtain or maintain a rating on the Bonds from any rating agency which amendment, in the judgment of Bond Counsel, does not materially adversely affect the registered owners of the Bonds;

(4) To achieve compliance with federal securities or tax laws, as applicable;

(5) To make any other changes in this Ordinance which, in the opinion of Bond Counsel, is not materially adverse to the registered owners; and

(6) To make any other changes in this Ordinance in connection with the execution of a Qualified Exchange Agreement, which changes do not adversely affect the rating(s) assigned to the Bonds by Fitch and S&P (if such rating agencies are then rating the Bonds) and do not adversely affect the registered owners.

B. Additional Amendments. Except as provided above, this Ordinance may only be amended or supplemented by ordinance adopted by the Governing Body in accordance with the laws of the State, without receipt by the City of any additional consideration, but with the written consent of the registered owners of a majority of the principal amount of the outstanding Bonds which are affected by the amendment or supplement (not including Bonds which are then owned by or for the account of the City); provided, however, that, without first obtaining the consent of all registered owners of the outstanding Bonds, no such ordinances shall have the effect of permitting:

(1) An extension of the maturity of any Bond; or

(2) A reduction in the principal amount of or interest rate on any Bond; or

(3) The creation of a lien on or a pledge of Pledged Gasoline Tax Revenues ranking prior to the lien or pledge of the Pledged Gasoline Receipts Tax Revenues on the Bonds; or

(4) A reduction of the principal amount of Bonds required for consent to such amendment or supplement.

C. Proof of Instruments. The fact and date of the execution of any instrument under the provisions of this Section may be proved by the certificate of any officer in any jurisdiction who by the laws of that jurisdiction is authorized to take acknowledgments of deeds within that jurisdiction that the person signing the instrument acknowledged before him the execution of that instrument, or may be proved by an affidavit of a witness to the execution sworn to before such officer.

D. Proof of Bonds. The principal amount and number of Bonds owned by any person executing such instrument and the date of holding that instrument may be proved by a certificate executed by a bank or trust company showing that on the date mentioned that person had on deposit with the bank or trust company the Bonds described in the certificate.

Section 34. Ordinance Irrepealable. After any of the Bonds herein authorized are issued, this Ordinance shall be and remain irrepealable until the Bonds and interest thereon shall be fully paid, canceled and discharged as therein provided, or there has been defeasance as provided in Section 26 of this Ordinance.

Section 35. Effective Date, General Summary for Publication. Upon due adoption of this Ordinance, the ordinance shall be recorded and preserved by the City Clerk, authenticated by the signature of the Mayor and City Clerk, and the seal of the City impressed hereon, and the title and general summary of the subject matter contained in this Ordinance (set out below) shall be published in a newspaper which maintains an office and is of general circulation in the City and this Ordinance shall be in full force and effect after its publication in accordance with law.

Pursuant to Section 3-17-5 NMSA 1978, as amended, the title and a general summary of the subject matter contained in this Ordinance shall be published in substantially the following form:

(Form of Summary of Ordinance for Publication)

CITY OF SANTA FE, NEW MEXICO

NOTICE IS HEREBY GIVEN of the title and of a general summary of the subject matter contained in an ordinance duly adopted and approved by the Governing Body of the City of Santa Fe on October 11, 2017. A complete copy of the ordinance is available for public inspection during the normal and regular business hours of the City Clerk in the office of the City Clerk, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

The title of the ordinance is:

AN ORDINANCE

AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF SANTA FE, NEW MEXICO GASOLINE TAX / SUBORDINATE LIEN GROSS RECEIPTS TAX IMPROVEMENT REVENUE BONDS, SERIES 2017 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $13,500,000 FOR THE PURPOSE OF DEFRAYING THE COST OF CONSTRUCTING, RECONSTRUCTING, RESURFACING, MAINTAINING, ACQUIRING RIGHTS OF WAY, REPAIRING AND OTHERWISE IMPROVING MUNICIPAL BUILDINGS, ALLEYS, STREETS, PUBLIC ROADS AND BRIDGES OR ANY COMBINATION OF THE FOREGOING PURPOSES; PROVIDING THAT THE BONDS WILL BE PAYABLE AND COLLECTIBLE FROM GASOLINE TAX REVENUES AND CERTAIN GROSS RECEIPTS TAX REVENUES DISTRIBUTED TO THE CITY; DELEGATING AUTHORITY TO THE CITY FINANCE DIRECTOR TO APPROVE THE FINAL PRINCIPAL AMOUNT, INTEREST RATES AND OTHER DETAILS OF THE BONDS WITHIN THE PARAMETERS SET FORTH IN THIS AUTHORIZING ORDINANCE; DELEGATING AUTHORITY TO THE CITY FINANCE DIRECTOR TO EXECUTE AND DELIVER A BOND PURCHASE AGREEMENT FOR THE SALE OF THE BONDS TO THE NEW MEXICO FINANCE AUTHORITY; PROVIDING FOR THE COLLECTION OF CERTAIN GROSS RECEIPTS TAX REVENUES; APPROVING CERTAIN OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION WITH THE BONDS; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND RELATED MATTERS.

A general summary of the subject matter contained in such ordinance is set forth in the title. COMPLETE COPIES OF THE ORDINANCE ARE ON FILE IN THE OFFICE OF THE CITY CLERK AT THE CITY HALL, 200 LINCOLN AVENUE, SANTA FE, NEW MEXICO, AND ARE AVAILABLE FOR INSPECTION AND/OR PURCHASE DURING REGULAR OFFICE HOURS.

THIS NOTICE ALSO CONSTITUTES COMPLIANCE WITH SECTION 3-17-5 AND SECTIONS 6-14-4 THROUGH 6-14-7, NMSA 1978.

WITNESS my hand and the seal of the City on _____, 2017.

CITY OF SANTA FE

(SEAL)

_____

Yolanda Y. Vigil, City Clerk

(End of Form of Ordinance for Publication)

PASSED, APPROVED and ADOPTED this _____ day of _____, 2017.

GOVERNING BODY OF THE

CITY OF SANTA FE

(SEAL)

_____

JAVIER M. GONZALES, MAYOR

ATTEST:

_____

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

_____

KELLEY A. BRENNAN, CITY ATTORNEY

M/Legislation/Bills 2017/Gas Tax-Sub Lien GRT

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2017-__

INTRODUCED BY:

Mayor Javier M. Gonzales	Councilor Signe I. Lindell
Councilor Renee D. Villarreal	Councilor Joseph M. Maestas
Councilor Peter N. Ives	Councilor Christopher M. Rivera

A RESOLUTION

ESTABLISHING A MUNICIPAL DRUG STRATEGY TASK FORCE TO DEVELOP NEW APPROACHES TO PROBLEMS RELATED TO BOTH DRUG ADDICTION AND POLICY RESPONSES TO IT BY COLLABORATING, STUDYING, GATHERING INPUT FROM THE SANTA FE COMMUNITY AND ISSUE-EXPERTS, AND PROPOSING RECOMMENDATIONS FOR A COORDINATED DRUG STRATEGY ROOTED IN PUBLIC HEALTH AND SAFETY.

WHEREAS, the City of Santa Fe has been long concerned about the high rates of problematic drug use and dependency and the impact on the people of Santa Fe; and

WHEREAS, in 2016, 45 people in Santa Fe County died of a drug overdose resulting in an overdose death rate of 32.9 deaths per 100,000; and

WHEREAS, overdose death rates now outnumber traffic fatality rates; and

WHEREAS, between July 1, 2016 and May 31, 2017 there were 229 arrests for possessing a controlled substance other than marijuana, 61 arrests for trafficking and/or distributing a controlled substance, and 156 arrests for possessing drug paraphernalia by the Santa Fe Police Department; and

Exhibit "14"

WHEREAS, the Santa Fe Police Department began carrying and administering Naloxone, commonly known as Narcan, a medication used to block the effects of opioids especially in overdoes situations, in 2017; and

WHEREAS, the Santa Fe Fire Department averages between .43 and .58 EMS trips per day with Naloxone as an intervention between 2012 and 2017; and

WHEREAS, the City of Santa Fe experiences high numbers of documented incidents for property crime related to problematic drug and alcohol use; and

WHEREAS, drug abuse and dependence is a complex issue that requires innovative approaches to harm reduction in drug use; and

WHEREAS, the Governing Body recognizes that the City cannot arrest its way out of problematic drug use and understands that the underlying problems related to some crimes are associated with persons who have problematic drug and alcohol use and is intent on breaking the cycle of drug use, crime, and incarceration; and

WHEREAS, there is a need to explore and discuss multidisciplinary approaches to treating addictions and problematic drug/alcohol use that lead to criminal activity and a need to increase the availability of prevention and education, social service, treatment, and harm reduction resources; and

WHEREAS, in 2014, the City of Santa Fe established the 2nd Law Enforcement Assisted Diversion (LEAD) program in the country, a pre-booking diversion program and an example of a municipal drug strategy rooted in harm reduction and public safety; and

WHEREAS, early evaluation results of the Santa Fe LEAD program show a reduction in jail and court costs as well as recidivism back into jail for clients who remain engaged in the LEAD; and

WHEREAS, in 2014/2015, the mayor of the City of Ithaca convened a group of community experts and initiated a process to develop new approaches to problems related to both drug addiction and the cities policy responses to it; and

WHEREAS, a report was generated from the process titled, "The Ithaca Plan: A Public

Health and Safety Approach to Drugs and Drug Policy" that presented findings and recommendations in four domains: Prevention, Treatment, Harm Reduction and Law Enforcement; and

WHEREAS, the Ithaca plan could serve as a model for the city of Santa Fe's MDS Task Force; and

WHEREAS, the Governing Body desires to invite representatives from local governmental entities, state agencies, law enforcement agencies, the judiciary, social service, harm reduction and medical providers, business community, drug policy experts, immigration and human rights, and representatives of people most impacted by problematic drug use from Santa Fe to participate in a Task Force to join the City of Santa Fe's efforts to explore and recommend solutions to address public safety and public health related to problematic drug and alcohol use in the domains of prevention, treatment, harm reduction and law enforcement.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that the Governing Body hereby creates a Municipal Drug Strategy ("MDS") Task Force.

Section 1. NAME: The task force shall be called the Municipal Drug Strategy Task Force ("MDS Task Force").

Section 2. PURPOSE: The purpose of the MDS Task Force is to collaborate across different areas of focus (prevention, treatment, harm reduction, law enforcement), in order to explore and recommend long-term solutions in a Community Strategic Plan for addressing the issues arising from persons struggling with problematic drug and alcohol use.

Section 3. DUTIES AND RESPONSIBILITIES: The MDS Task Force shall develop a Community Strategic Plan within 6 months that includes any necessary requests for funding and shall:

A. Study the drug related problems in the city of Santa Fe.

B. Explore and discuss multidisciplinary approaches to treating addictions that lead to

criminal activity.

C. Form four working groups (Prevention, Treatment, Harm Reduction, and Law Enforcement).

D. Host a series of community conversations to gather insight into the concerns and ideas of community members to ensure that the City's drug strategy is guided by community input.

E. Convene a series of focus groups around the city to learn how drug use – and current drug use – affects communities, families and individuals and how current drug policies can be improved. Focus groups should represent a specific constituency, i.e. law enforcement personnel; physicians, nurses and pharmacists; people who use drugs; young people; people of color; undocumented people; parents; business owners; and people in recovery.

F. The MDS Task Force shall consult with Santa Fe Opiate Safe (SOS), a committee of the Santa Fe Prevention Alliance, and other related groups when preparing the formal report to the Governing Body as noted below.

G. In a formal report to the Governing Body, recommend policies and practices in the four domains (Prevention, Treatment, Harm Reduction, Law Enforcement) the city could adopt to improve responses to drug use.

H. Any other related issues that may be identified by the MDS Task Force.

Section 4. MEMBERSHIP; OFFICERS; TERMS:

A. *Membership.* The MDS Task Force membership shall consist of twenty members appointed by the mayor with the approval of the Governing Body. The MDS Task Force will be comprised of representatives from the City of Santa Fe, Santa Fe Police Department, Santa Fe Fire Department, Santa Fe County, Santa Fe County Sheriff's Office, the District Attorney's Office, the Public Defender's Office, local area schools, a local area medical center, the Magistrate Court and the District Court, local social, medical and harm reduction service providers, including youth organizations, drug and alcohol prevention and education experts, drug and alcohol treatment centers,

individuals with expertise and research experience in the field of addictions, individuals with expertise in drug policy, business leaders, individuals with expertise in immigration reform and other human and civil rights issues, individual and families most impacted by problematic drug and alcohol use, and any other stakeholders that may be determined by the Governing Body or the MDS Task Force.

B. *Officers.* The mayor shall appoint the chairperson. The chairperson shall appoint a vice chairperson.

D. *Terms.* Members shall serve until they complete their duties and responsibilities as set forth above.

E. *Compensation.* Members shall serve without compensation

Section 5. VACANCIES: Vacancies on the MDS Task Force shall be filled in the same manner as initial appointments.

Section 6. MEETINGS; DURATION: The MDS Task Force shall conduct a series of public conversations and, at least once per month thereafter shall conduct public meetings in accordance with the Open Meetings Act and adopted city policy and procedures. Unless further extended by the Governing Body, MDS Task Force meetings shall conclude no more than 8 months from the date of adoption of this resolution.

Section 7. STAFF LIAISON: Community Services department staff shall serve as the liaison to the Task Force.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2017.

_____

JAVIER GONZALES, MAYOR

ATTEST:

_____

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

_____

KELLEY BRENNAN, CITY ATTORNEY

1

2 *M/Legislation/Resolutions 2017/Municipal Drug Task Force*

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2017-__

INTRODUCED BY:

Councilor Carmichael A. Dominguez

Councilor Signe I. Lindell

A RESOLUTION

ESTABLISHING A HOMELESSNESS TASK FORCE TO ANALYZE AND PROVIDE RECOMMENDATIONS TO THE GOVERNING BODY IN AN EFFORT TO ENSURE THAT HOMELESSNESS IS PREVENTED WHENEVER POSSIBLE OR IS OTHERWISE A RARE, BRIEF AND NON-RECURRING EXPERIENCE.

WHEREAS, the United States Interagency Council on Homelessness defines an end to homelessness as every community having a systematic response in place that ensures homelessness is prevented whenever possible; and

WHEREAS, planning and implementing an optimized homeless crisis response system that assures homelessness is rare, brief and non-recurring for people in the City of Santa Fe; and

WHEREAS, the City of Santa Fe is committed to affordable housing opportunities for all of its residents; and

WHEREAS, in late 2016 the United States Interagency on Homelessness, Department of Housing and urban Development, and Department of Veterans Affairs confirmed that the City of Santa Fe had effectively ended homelessness among veterans; and

Exhibit "5"

WHEREAS, the City of Santa Fe achieved this result by working with a broad coalition of partners that included the City of Santa Fe Affordable Housing and Community Services Department, the Veterans Advisory Board, the New Mexico Coalition to End Homelessness, the Department of Veterans Affairs, Lifelink, Goodwill, Healthcare for the Homeless, the Interfaith Community Shelter, St. Elizabeth's Shelter, the New Mexico Veterans Integration Center, and the Housing Trust; and

WHEREAS, homelessness continues to exist among the general population in Santa Fe; and

WHEREAS, the City of Santa Fe deems it necessary to identify the gaps in service and funding that exist among the various providers in the city, and provide recommendations for wrap around services that would continue the effort to combat and eliminate homelessness; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that the mayor will appoint, with the approval of the Governing Body, members of a Homelessness Task Force.

PURPOSE: To convene a group of professionals within the homelessness profession to strategically analyze the following and provide recommendations to the City of Santa Fe in an effort to make homelessness rare, brief and non-recurring:

1. Service providers and their current capacity;
2. Housing needs and gaps (shelters, transitional housing, rapid rehousing and permanent housing);
3. Transportation;
4. Service and program needs and gaps;
5. Care and referral mapping;
6. Funding; and
7. Assessment of partnerships and collaborations.

DUTIES AND RESPONSIBILITIES: The task force shall consider and develop a strategic road map that outlines the purpose above and works from a holistic model to provide stability and platform growth from being homeless to independence for our homeless population throughout Santa Fe.

MEMBERSHIP; OFFICERS; TERMS: The task force shall consist of representatives from homeless shelters, judicial and law enforcement agencies, the City of Santa Fe, Santa Fe County, affordable housing providers, and key funders towards combatting homelessness. The mayor shall designate the chairperson; the vice chairperson shall be designated by the chairperson. The members shall serve until they complete their duties and responsibilities as set forth above. Members shall serve without compensation.

VACANCIES: Vacancies on the Homelessness Task Force shall be filled in the manner as initial appointments.

MEETINGS; DURATION: The Homelessness Task Force will hold bi-monthly meetings with any subcommittees meeting monthly to research, discuss, evaluate and provide recommendations or an overall report on designated items. The Task Force shall report to the Governing Body within 6 months of adoption of this resolution.

STAFF LIAISON: The Youth and Family Services Division Director for the City of Santa Fe shall serve as the staff liaison for the Task Force.

PASSED, APPROVED AND ADOPTED this _____day of _____, 2017.

_____

JAVIER M. GONZALES, MAYOR

ATTEST:

_____

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

_____

KELLEY A. BRENNAN, CITY ATTORNEY

M/Legislation/Resolutions 2017/Homelessness Task Force

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2017-__

INTRODUCED BY:

Councilor Renee D. Villarreal

Councilor Peter N. Ives

Councilor Christopher M. Rivera

A RESOLUTION

DIRECTING THE CITY MANAGER TO PLAN AND DESIGN A LONG TERM INTEGRATED SOLUTION TO HOMELESSNESS TO ACHIEVE CONSISTENCY IN INTERPRETATION AND APPLICATION; AND TO IDENTIFY WHERE COLLABORATIVE EFFORTS WILL RESULT IN MORE EFFECTIVE AND EFFICIENT HOMELESSNESS SUPPORT PROGRAMS FOR THE BENEFIT OF PEOPLE WHO ARE HOMELESS IN THE CITY OF SANTA FE AND SANTA FE COUNTY.

WHEREAS, the City of Santa Fe and the County of Santa Fe share the common goal of achieving solutions to homelessness; and

WHEREAS, the homeless population in the City of Santa Fe and Santa Fe County is steadily increasing and expected to further increase as automation and foreign outsourcing reduce job opportunities for those with limited skills; and

WHEREAS, the number of people who are homeless will increase significantly in the event of another economic downturn; and

Exhibit "16"

WHEREAS, agencies that currently serve people who are homeless are located throughout the City and County, making it difficult for those who are homeless, who more often than not lack access to appropriate transportation to travel from one agency to another, to utilize these services; and

WHEREAS, agencies that serve the homeless in the City and County are developing a plan to create a campus where the homeless population can obtain the integrated services they need at or through one location; and

WHEREAS, research shows that the "Hub and Spoke" holistic approach to serving individuals and families experiencing homelessness promotes the creation of a campus where services are both centralized and integrated for more comprehensive, coordinated, efficient and holistic service to those who are homeless including providing information about, and transportation to services located in other parts of the City and County; and

WHEREAS, the "Hub and Spoke" approach has been found to be an effective method of serving those who are homeless, and reducing homelessness in other cities including Austin, TX, San Antonio, TX and Denver, CO; and

WHEREAS, the City of Santa Fe has undeveloped property and various unoccupied tracts and buildings throughout the City; and

WHEREAS, the Governing Body of the City of Santa Fe and the Santa Fe County Board of County Commissioners desire to evaluate and develop long-term strategies for providing housing, medical assistance and other services that will reduce homelessness in our community.

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that the City Manager study the feasibility of providing land, transportation and support to establish a campus and integrated care system to provide services for the homeless that will serve as a focal point for those services, both on and off campus, and report back to the Governing Body within XXX days.

BE IT FURTHER RESOLVED that the City Manager work with Santa Fe County to identify collaborative efforts to strengthen homelessness support programs.

PASSED, APPROVED AND ADOPTED this _____day of _____, 2017.

_____

JAVIER M. GONZALES, MAYOR

ATTEST:

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YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

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KELLEY A. BRENNAN, CITY ATTORNEY

M/Legislation/Resolutions 2017/One Door Campus

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2017-

INTRODUCED BY:

Councilor Renee D. Villarreal

A RESOLUTION

ADOPTING THE WEST SANTA FE RIVER CORRIDOR PLAN AS AN OFFICIAL AMENDMENT TO THE GENERAL PLAN AND FORMALLY AMENDING THE FUTURE LAND USE MAP INCLUDING PROPOSED AMENDMENTS MADE HEREIN.

WHEREAS, City Council Resolution No. 2015-93 directed staff to engage in a planning process with area residents and business owners which would result in a Plan that would be adopted as an amendment to the city's General Plan; and

WHEREAS, city staff engaged a 9-member Working Group of area residents and business owners during a six month period between October, 2015 and April, 2016 to develop a draft "West Santa Fe River Corridor Plan" and a companion draft Overlay Zoning District Bill to bring forward to the governing body for consideration; and

WHEREAS, the West Santa Fe River Corridor Plan reflects the following stated objectives of City Council Resolution 2015-93:

(1) Enhance the quality of life by ensuring that development is in character with the surrounding neighborhoods, and that social equity, physical growth, redevelopment,

Exhibit "17"

historical, agricultural and cultural practices, natural resource conservation and protection are balanced; and

(2) Foster a Santa Fe tradition that enriches everyday life by providing urban space conducive to public life, establish an ecological base for urban design, while continuing to build and preserve in accordance with the history of Santa Fe including the historic "El Camino Real" and the neighborhoods surrounding it which is integral to the West Santa Fe River Corridor; and

(3) Follow the wishes of the voters who added neighborhood preservation as a critical value in the City's Charter; and

(4) The city wishes to work with landowners that have land uses and existing conditions that do not currently meet the city's zoning regulations; and

(5) Create predictability of future growth and development of the area, especially around use and scale of development; and

(6) Maintain and allow a mix of uses in the neighborhood; and

(7) Assess needed infrastructure in the area, especially roads and utilities; and

WHEREAS, the General Plan goals and procedures for community area planning call for comprehensive citizen involvement intended to generate and apply concepts and ideas through a series of citizen participation workshops within smaller, related neighborhood units.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that the West Santa Fe River Corridor Plan is hereby adopted by reference as an amendment to the city's General Plan and that the Future Land Use Map is specifically amended to reflect all future land use categories approved as part of the West Santa Fe River Corridor Plan.

PASSED, APPROVED AND ADOPTED this ___ day of _____, 2017.

JAVIER M. GONZALES, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

KELLEY A. BRENNAN, CITY ATTORNEY

M/Legislation/Resolutions 2017/West Santa Fe River Corridor Plan Adoption

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2017-__

INTRODUCED BY:

Councilor Peter N. Ives

Councilor Signe I. Lindell

A RESOLUTION

DIRECTING THE CITY MANAGER TO UNDERTAKE A FEASIBILITY STUDY TO EXPLORE DEVELOPMENT OF FREE WALLS FOR STREET ARTISTS ON MUNICIPAL PROPERTIES; AND PRESENTING THE STUDY TO THE GOVERNING BODY WITHIN 90 DAYS OF ADOPTION OF THIS RESOLUTION.

WHEREAS, nationally the cost of graffiti removal is estimated to be $12 billion per year; and

WHEREAS, research in Seattle, Washington found that 60% of graffiti is found on public property; and

WHEREAS, during the first six months of 2017, the City of Santa Fe removed 550 instances of graffiti from across the City; and

WHEREAS, historically, graffiti abetment has occurred through criminalization and repair; and

WHEREAS, the establishment of graffiti "free walls" in public spaces have been used to offer legal opportunities for graffiti artists to learn and develop their skills; and

Exhibit "18"

WHEREAS, such free walls may help foster a feeling of ownership and pride in the community while creating a dialogue between government and the public.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that the City Manager is directed to undertake a feasibility study to explore the potential development of free walls for street artists on municipal properties in the City of Santa Fe in order to abate graffiti on public property.

BE IT FURTHER RESOLVED that the study shall be presented to the members of the Governing Body within 90 days of adoption of this resolution.

PASSED, APPROVED AND ADOPTED this _____day of _____, 2017.

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JAVIER M. GONZALES, MAYOR

ATTEST:

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YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

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KELLEY A. BRENNAN, CITY ATTORNEY

M/Legislation/Resolutions 2017/Graffiti Abatement Study

CITY OF SANTA FE, NEW MEXICO

RESOLUTION 2017-__

INTRODUCED BY:

Councilor Peter N. Ives

A RESOLUTION

DIRECTING CITY STAFF TO PREPARE UNDEVELOPED CITY-OWNED REAL PROPERTY LOCATED AT THE NORTHEAST CORNER OF YUCCA STREET AND WEST ZIA ROAD FOR DONATION TO A QUALIFIED GRANTEE AS DEFINED BY THE NEW MEXICO AFFORDABLE HOUSING ACT FOR THE DEVELOPMENT OF A MULTI-FAMILY RESIDENTIAL LOW INCOME HOUSING TAX CREDIT PROJECT PURSUANT TO THE AFFORDABLE HOUSING ACT.

WHEREAS, the City of Santa Fe's Housing Needs Analysis, updated in 2016, demonstrates a rental housing shortage of at least two thousand four hundred (2,400) dwelling units affordable to households earning below eighty percent (80%) of area median income; and

WHEREAS, the use of land for development of multi-family residential rental housing is the most efficient and effective method to produce affordable rental housing serving renter households earning less than eighty (80%) of area median income; and

WHEREAS, the City's Asset Development Office has identified City-owned real property located in City Council District 2 at the northeast corner of Yucca Street and West Zia Road (the

Exhibit "19"

Property) that is well suited for development as multi-family residential rental housing; and

WHEREAS, the Property is over five (5) acres in size and has been undeveloped for many years except for a small (1,600 square-foot) pair of handball courts that can easily be reestablished at Ragle Park, an adjacent developed City park where users are better served by public restrooms, paved parking, adequate lighting, and other on-site municipal recreational facilities; and

WHEREAS, the Property, in addition to its advantageous adjacency to Ragle Park, is in close proximity to Chaparral Elementary School, Santa Fe High School, and the Arroyo Chamiso Trail, is proximate to adequate municipal and private utility and transportation infrastructure and, is capable of supporting development of multi-family residential rental dwelling units at a density of at least twenty (20) dwelling units per acre as a Low-Income Housing Tax Credit (LIHTC) project (the Housing Project); and

WHEREAS, the City intends to donate the Property to a qualified grantee (Developer), as defined by the New Mexico Affordable Housing Act (the Act), with a proven record of successful LIHTC development and administration of federal rental assistance in the City of Santa Fe, for development of the Housing Project in accordance with City ordinances and state law, including conformance with the City's Strategic Housing Plan and the City's Affordable Housing Trust Fund ordinance (§26-3 SFCC 1987) adopted in conformance with the Act; and

WHEREAS, in addition to the value of the donated land, the City intends to contribute additional financial donations in the form of waivers of City impact fees, development water budget fees, development application fees, plan review fees, construction permit fees, water and waste water utility expansion charges and other valuable incentives to a Developer for development of the Housing Project; and

WHEREAS, the City intends that the total of all City contributions to the Housing Project will constitute at least ten percent (10%) of the Housing Project's development costs in order to ensure the most competitive LIHTC application for the Housing Project; and

WHEREAS, the City intends that its donated contributions shall constitute a direct grant to the Housing Project subject to successful award of low-income housing tax credits and to the terms of a land use regulatory agreement requiring and affordability period of forty-five (45) years running concurrently with requirements imposed by the New Mexico Mortgage Finance Authority (NMMFA); and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that City staff is directed to:

(1) Obtain, process, and record survey plat(s) necessary to establish a legal lot of record for future transfer of the Property to a Developer contingent on the Developer successfully obtaining award of low-income housing tax credits within one of next two NMMFA application cycles; and

(2) Prepare and submit to the City's Planning Commission and the Governing Body concurrent applications for: a) General Plan Future Land Use Map Amendment to change the designation of the Property from "Parks" to "Residential (12-29 Dwellings per Acre)" and, b) rezoning of the Property from R-1 to R-21; and

(3) Identify a Developer that is a qualified grantee, as defined by the New Mexico Affordable Housing Act (the Act), with a proven record of successful LIHTC development and administration of federal rental assistance in the City of Santa Fe, and assist the Developer with their LIHTC application to the NMMFA for the Housing Project as required, including, if necessary and at the appropriate time, preparation and submittal of a requisite City of Santa Fe Resolution to the Governing Body and other donation documentation required to satisfy NMMFA requirements necessary to award low-income housing tax credits to the Housing Project.

PASSED, APPROVED and ADOPTED, _____ day of _____, 2017.

JAVIER M. GONZALES, MAYOR

ATTEST:

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YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

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KELLEY A. BRENNAN, CITY ATTORNEY

M/Legislation/Resolutions 2017/Yucca Zia LIHTC Property Donation