



Agenda

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**FINANCE COMMITTEE MEETING
CITY COUNCIL CHAMBERS
JANUARY 3, 2012 – 5:00 P.M.**

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

DECEMBER 7, 2011

CONSENT AGENDA

6. BID OPENINGS:
 - A. BID NO. 12/06/B – LIQUID ALUMINUM SULFATE CHEMICALS FOR WATER DIVISION; GENERAL CHEMICAL (VICTOR ARCHULETA)
 - B. BID NO. 12/07/B – SODA ASH CHEMICALS FOR WATER DIVISION; THATCHER COMPANY (VICTOR ARCHULETA)
 - C. BID NO. 12/08/B – SODIUM HYPOCHLORITE CHEMICALS FOR WATER DIVISION; DPC INDUSTRIES (VICTOR ARCHULETA)
 - D. BID NO. 12/09/B – LIQUID SODIUM PERMANGANATE CHEMICALS FOR WATER DIVISION; CARUS CORPORATION (VICTOR ARCHULETA)
 - E. BID NO. 12/10/B – SALT CHEMICALS FOR WATER DIVISION; BRENNATAG PACIFIC, INC. (VICTOR ARCHULETA)
7. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – SANTA FE MUNICIPAL WATERSHED MANAGEMENT PROJECT FOR WATER DIVISION; SANTA FE WATERSHED ASSOCIATION (DALE LYONS)



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8. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – PUBLIC ACCESS AND EDUCATION PORTION OF PEG CHANNELS ON COMCAST CABLE PROGRAMMING; SANTA FE COMMUNITY TELEVISION CHANNEL 16 (SANTA FE COMMUNITY COLLEGE) (JOE ABEYTA)
9. REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – CITY VEHICLE AND HEAVY EQUIPMENT REPAIRS AND MAINTENANCE; VARIOUS VENDORS (ROBERT RODARTE)
10. REQUEST FOR APPROVAL OF DEVELOPMENT OF OLD LAS VEGAS PLACE AND TRANSFER OF CIP/AFFORDABLE HOUSING TRUST FUND MONEY USAGE TO PINON RIDGE AT LAS ESTRELLAS AND TRANSFER FIVE (5) REMAINING FEE WAIVERS (MELISA DAILEY) (Postponed at Finance Committee meetings of November 1, 2011 and December 5, 2011)
11. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 18-1.4 SFCC 1987 REGARDING LICENSE APPLICATION SUBMITTAL REQUIREMENTS FOR ALARM INSTALLATION COMPANIES AND ALARM MONITORING COMPANIES; AMENDING VARIOUS SECTIONS OF ARTICLE 20-5 SFCC 1987 REGARDING ALARM SYSTEMS AND FALSE ALARM REDUCTIONS; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY (COUNCILOR CALVERT) (DEPUTY POLICE CHIEF FOLMAR-ALESSIO)

Committee Review:

Public Safety Committee (approved)	11/15/11
Public Works (approved)	11/28/11
Finance Committee (postponed)	12/05/11
City Council (request to publish)	12/14/11
City Council (public hearing)	01/11/12

Fiscal Impact – No

12. REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING PUBLIC UTILITIES DEPARTMENT STAFF TO APPLY FOR U.S. BUREAU OF RECLAMATION FUNDING OPPORTUNITIES TO INSTALL OR REPLACE AUTOMATIC METER READING DEVICES FOR CITY OF SANTA FE WATER CUSTOMERS (COUNCILOR CALVERT) (PETER ORTEGA)



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Committee Review:

Public Utilities (scheduled)

01/04/12

City Council (scheduled)

01/11/12

Fiscal Impact – Yes

13. REQUEST FOR APPROVAL OF A RESOLUTION REPEALING THE CURRENT HUMAN SERVICES COMMITTEE MEMBERSHIP CRITERIA AND CREATING NEW MEMBERSHIP CRITERIA FOR THE CITY OF SANTA FE HUMAN SERVICES COMMITTEE (MAYOR COSS) (TERRIE RODRIGUEZ)

Committee Review:

City Council (scheduled)

01/11/12

Fiscal Impact – No

14. REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING THE 2011 INDUSTRIAL REVENUE BOND POLICY FOR THE CITY OF SANTA FE (COUNCILOR BUSHEE) (FABIAN TRUJILLO)

Committee Review:

Business & Quality of Life (approved)

12/13/11

Public Works (approved)

12/12/11

City Council (scheduled)

01/11/12

Fiscal Impact – No

15. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO EXPLORE THE NATIONAL LEAGUE OF CITIES SERVICE LINE WARRANTY PROGRAM, ADMINISTERED BY UTILITY SERVICE PARTNERS, INC., AS AN OPTION FOR PROPERTY OWNERS IN THE CITY OF SANTA FE TO PURCHASE WATER AND SEWER LINE PROTECTION (COUNCILORS CALVERT AND WURZBURGER) (BRIAN SNYDER)

Committee Review:

Public Utilities (scheduled)

01/04/12

City Council (scheduled)

01/11/12

Fiscal Impact – No



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16. REQUEST FOR APPROVAL OF A RESOLUTION ESTABLISHING THE CITY OF SANTA FE, DIVISION OF SENIOR SERVICES ADVISORY BOARD OF DIRECTORS (MAYOR COSS) (RON VIALPANDO)

Committee Review:

City Council (scheduled)

01/11/12

Fiscal Impact – No

17. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING THE CITY CLERK TO LIMIT THE NUMBER OF SPECIAL DISPENSER PERMITS THAT ARE ADMINISTRATIVELY APPROVED AND ISSUED AT THE SAME LOCATION, TO THREE PERMITS, PER CALENDAR YEAR; AND REQUIRING THAT ANY REQUEST FOR A SPECIAL DISPENSER PERMIT ABOVE THREE, AT THE SAME LOCATION, BE CONSIDERED BY THE GOVERNING BODY (COUNCILOR DOMINGUEZ) (YOLANDA VIGIL)

Committee Review:

Public Works (scheduled)

01/09/12

City Council (scheduled)

01/11/12

Fiscal Impact - No

18. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO BEGIN THE PROCESS FOR THE CITY OF SANTA FE TO ACQUIRE ST. CATHERINE'S INDIAN SCHOOL CAMPUS FOR THE PUBLIC PURPOSES OF HISTORIC PRESERVATION, PROMOTING ARTS EDUCATION IN THE CITY AND LEASING THE PROPERTY TO THE NEW MEXICO SCHOOL FOR THE ARTS, A NEW MEXICO STATE CHARTER SCHOOL (MAYOR COSS) (ROBERT ROMERO)

Committee Review:

Public Works (approved)

12/12/11

City Council (scheduled)

01/11/12

Fiscal Impact - No



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19. REQUEST FOR APPROVAL OF A RESOLUTION GRANTING CITY STAFF THE AUTHORITY TO PREPARE THE NECESSARY DOCUMENTS FOR THE CONVEYANCE OF APPROXIMATELY 2.5 FEET OF PROPERTY ALONG THE SOUTHERLY BOUNDARY LINE AND APPROXIMATELY 8 FEET OF PROPERTY ALONG THE EASTERLY BOUNDARY LINE OF 1115 HICKOX STREET, KNOWN AS LOT 13, BLOCK 2 OF AGUA FRIA ADDITION, THE TUNE UP CAFÉ (COUNCILOR BUSHEE) (EDWARD VIGIL)

Committee Review:

City Council (scheduled)

01/11/12

Fiscal Impact – No

20. REQUEST FOR APPROVAL OF A RESOLUTION SUPPORTING PROPOSED STATE LEGISLATION SPONSORED BY MEMBERS OF SANTA FE'S LEGISLATIVE DELEGATION, 51st LEGISLATIVE SESSION, STATE OF NEW MEXICO THAT RELATES TO: REDUCING PERA CONTRIBUTIONS FOR STATE EMPLOYEES; STABILIZING EDUCATION THROUGH THE USE OF THE PERMANENT LAND GRANT FUND; ENCOURAGING NEW MEXICO GOVERNMENTAL ENTITIES TO USE LOCAL BANKS; OPERATING THE HIGHER EDUCATION CENTER IN SANTA FE AND AMENDING THE NEW MEXICO CONDOMINIUM ACT (MAYOR COSS AND COUNCILORS BUSHEE, CALVERT AND WURZBURGER) (ROBERT ROMERO)

Committee Review:

City Council (scheduled)

01/11/12

Fiscal Impact – No

21. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO REVIEW THE POSSIBILITY OF ENTERING INTO A PUBLIC-PRIVATE PARTNERSHIP WITH NEW ENERGY ECONOMY TO FUND AND CONSTRUCT A PHOTOVOLTAIC SYSTEM AT FIRE STATION NO. 3 (COUNCILOR CALVERT) (NICK SCHIAVO)

Committee Review:

Public Works (approved)

12/12/11

Business & Quality of Life (approved)

12/13/11

Public Safety (scheduled)

12/20/11

Public Utilities (scheduled)

01/04/12

City Council (scheduled)

01/11/12

Fiscal Impact – No



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22. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 4-2.2 SFCC 1987 TO PROHIBIT OPEN CONTAINERS IN UNLICENSED PUBLIC PLACES (COUNCILOR BUSHEE) (ALFRED WALKER)

Committee Review:

Public Safety (approved)	12/20/11
City Council (request to publish)	01/11/12
City Council (public hearing)	02/08/12

Fiscal Impact – No

23. VEHICLE FORFEITURE ORDINANCE (COUNCILORS BUSHEE AND TRUJILLO) (ALFRED WALKER AND TJ GRUNDLER) BUSHEE) (ALFRED WALKER)

- A. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING ARTICLE 24-9 SFCC 1987 REGARDING THE CITY'S VEHICLE FORFEITURE ORDINANCE

Committee Review:

Public Safety (approved)	12/20/11
City Council (request to publish)	01/11/12
City Council (public hearing)	02/08/12

Fiscal Impact – No

- B. REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING ADMINISTRATIVE PROCEDURES FOR THE VEHICLE FORFEITURE ORDINANCE, ARTICLE 24-9 SFCC 1987

Committee Review:

City Council (request to publish)	01/11/12
City Council (public hearing)	02/08/12

Fiscal Impact – No

END OF CONSENT AGENDA

DISCUSSION

24. REQUEST FOR APPROVAL OF CONSIDERATION TO FILL VACANT POSITIONS (ROBERT ROMERO)



Agenda

25. OTHER FINANCIAL INFORMATION:

- A. UPDATE OF GROSS RECEIPTS TAX REPORT RECEIVED IN DECEMBER 2011 (FOR OCTOBER 2011 ACTIVITY) AND LODGERS' TAX REPORT RECEIVED IN DECEMBER 2011 (FOR NOVEMBER 2011 ACTIVITY) (DR. MELVILLE MORGAN)

26. MATTERS FROM THE COMMITTEE:

- A. UPDATE ON 1997B VARIABLE RATE WASTEWATER BOND REFUNDING (DR. MELVILLE MORGAN)

27. ADJOURN

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

**SUMMARY OF ACTION
FINANCE COMMITTEE MEETING
Tuesday, January 3, 2012**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved	1
APPROVAL OF CONSENT AGENDA	Approved [amended]	2
CONSENT AGENDA LISTING		2-4
APPROVAL OF MINUTES: DECEMBER 7, 2011	Approved	4
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF DEVELOPMENT OF OLD LAS VEGAS PLACE AND TRANSFER OF CIP/AFFORDABLE HOUSING TRUST FUND MONEY USAGE TO PINON RIDGE AT LAS ESTRELLAS AND TRANSFER FIVE (5) REMAINING FEE WAIVERS	Approved [amended]	4-6
REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 18-1.4 SFCC 1987, REGARDING LICENSE APPLICATION SUBMITTAL REQUIREMENTS FOR ALARM INSTALLATION COMPANIES AND ALARM MONITORING COMPANIES; AMENDING VARIOUS SECTIONS OF ARTICLE 20-5 SFCC 1987, REGARDING ALARM SYSTEMS AND FALSE ALARM REDUCTIONS; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY	Postponed to 01/17/12	6-10
REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING PUBLIC UTILITIES DEPARTMENT STAFF TO APPLY FOR U.S. BUREAU OF RECLAMATION FUNDING OPPORTUNITIES TO INSTALL OR REPLACE AUTOMATIC METER READING DEVICES FOR CITY OF SANTA FE WATER CUSTOMERS	Approved	10-16
REQUEST FOR APPROVAL OF A RESOLUTION REPEALING THE CURRENT HUMAN SERVICES COMMITTEE MEMBERSHIP CRITERIA AND CREATING NEW MEMBERSHIP CRITERIA FOR THE CITY OF SANTA FE HUMAN SERVICES COMMITTEE	Approved	16-18

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING THE 2011 INDUSTRIAL REVENUE BOND POLICY FOR THE CITY OF SANTA FE	Approved	18
REQUEST FOR APPROVAL OF A RESOLUTION ESTABLISHING THE CITY OF SANTA FE DIVISION OF SENIOR SERVICES ADVISORY BOARD OF DIRECTORS	Approved	18
REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING THE CITY CLERK TO LIMIT THE NUMBER OF SPECIAL DISPENSER PERMITS THAT ARE ADMINISTRATIVELY APPROVED AND ISSUED AT THE SAME LOCATION, TO THREE PERMITS PER CALENDAR YEAR; AND REQUIRING THAT ANY REQUEST FOR A SPECIAL DISPENSER PERMIT ABOVE THREE AT THE SAME LOCATION BE CONSIDERED BY THE GOVERNING BODY	Approved	18
REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO BEGIN THE PROCESS FOR THE CITY OF SANTA FE TO ACQUIRE ST. CATHERINE'S INDIAN SCHOOL CAMPUS FOR THE PUBLIC PURPOSES OF HISTORIC PRESERVATION, PROMOTING ARTS EDUCATION IN THE CITY AND LEASING THE PROPERTY TO THE NEW MEXICO SCHOOL FOR THE ARTS, A NEW MEXICO STATE CHARTER SCHOOL	Approved [amended]	18-25
***** END OF CONSENT CALENDAR DISCUSSION *****		
<u>DISCUSSION</u>		
REQUEST FOR APPROVAL OF CONSIDERATION TO FILL VACANT POSITIONS	Approved [amended]	25-33
<u>OTHER FINANCIAL INFORMATION:</u>		
UPDATE OF GROSS RECEIPTS TAX REPORT RECEIVED IN DECEMBER 2011 (FOR OCTOBER 2011 ACTIVITY) AND LODGERS' TAX REPORT RECEIVED IN DECEMBER 2011 (FOR NOVEMBER 2011 ACTIVITY)	Information/discussion	34

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
<u>MATTERS FROM THE COMMITTEE</u>		
UPDATE ON 1997B VARIABLE RATE WASTEWATER BOND REFUNDING	Information/discussion	34
ADJOURN		34

**MINUTES OF THE
CITY OF SANTA FE
FINANCE COMMITTEE**
Tuesday, January 3, 2012

1. CALL TO ORDER

A meeting of the City of Santa Fe Finance Committee was called to order by Chair Matthew E. Ortiz, at approximately 5:00 p.m., on Tuesday, January 3, 2012, in the Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

2. ROLL CALL

MEMBERS PRESENT:

Councilor Matthew E. Ortiz, Chair
Councilor Patti J. Bushee
Councilor Carmichael A. Dominguez
Councilor Rosemary Romero
Councilor Rebecca Wurzbarger

OTHERS ATTENDING:

Dr. Melville L. Morgan, Director, Finance Department
Yolanda Green, Finance Division
Melessia Helberg, Stenographer.

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

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

3. APPROVAL OF AGENDA

MOTION: Councilor Dominguez moved, seconded by Councilor Romero, to approve the agenda, as published.

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

4. APPROVAL OF CONSENT AGENDA

Councilor Dominguez asked to be added as a cosponsor on Consent Item #20.

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

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

CONSENT AGENDA

6. BID OPENINGS:

- A. BID NO. 12/06/B – LIQUID ALUMINUM SULFATE CHEMICALS FOR WATER DIVISION; GENERAL CHEMICAL. (VICTOR ARCHULETA)
- B. BID NO. 12/07/B – SODA ASH CHEMICALS FOR WATER DIVISION; THATCHER COMPANY. (VICTOR ARCHULETA)
- C. BID NO. 12/0-8/B – SODIUM HYPOCHLORITE CHEMICALS FOR WATER DIVISION; CARUS CORPORATION. (VICTOR ARCHULETA)
- D. BID NO. 12/09/B – LIQUID SODIUM PERMANGANATE CHEMICALS FOR WATER DIVISION; CARUS CORPORATION. (VICTOR ARCHULETA)
- E. BID NO. 12/10/B – SALT CHEMICALS FOR WATER DIVISION; BRENNATAG PACKFIC, INC. (VICTOR ARCHULETA)

7. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – SANTA FE MUNICIPAL WATERSHED MANAGEMENT PROJECT FOR WATER DIVISION; SANTA FE WATERSHED ASSOCIATION. (DALE LYONS)

8. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – PUBLIC ACCESS AND EDUCATION PORTION OF PEG CHANNELS ON COMCAST CABLE PROGRAMMING; SANTA FE COMMUNITY TELEVISION CHANNEL 16 (SANTA FE COMMUNITY COLLEGE). (JOE ABEYTA)

9. REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – CITY VEHICLE AND HEAVY EQUIPMENT REPAIRS AND MAINTENANCE; VARIOUS VENDORS. (ROBERT RODARTE)

10. *[Removed for discussion by Chair Ortiz]*

11. *[Removed for discussion by Councilor Bushee]*

12. *[Removed for discussion by Councilor Bushee]*

13. *[Removed for discussion by Councilor Bushee]*
14. *[Removed for discussion by Councilor Bushee]*
15. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO EXPLORE THE NATIONAL LEAGUE OF CITIES SERVICE LINE WARRANTY PROGRAM, ADMINISTERED BY UTILITY SERVICE PARTNERS, INC., AS AN OPTION FOR PROPERTY OWNERS IN THE CITY OF SANTA FE TO PURCHASE WATER AND SEWER LINE PROTECTION (COUNCILORS CALVERT AND WURZBURGER). (BRIAN SNYDER). Committee Review: Public Utilities (scheduled) 01/04/12; and City Council (scheduled) 01/11/12. Fiscal Impact – No
16. *[Removed for discussion by Councilor Bushee]*
17. *[Removed for discussion by Councilor Bushee]*
18. *[Removed for discussion by Chair Ortiz]*
19. REQUEST FOR APPROVAL OF A RESOLUTION GRANTING CITY STAFF THE AUTHORITY TO PREPARE THE NECESSARY DOCUMENTS FOR THE CONVEYANCE OF APPROXIMATELY 2.5 FEET OF PROPERTY ALONG THE SOUTHERLY BOUNDARY LINE AND APPROXIMATELY 8 FEET OF PROPERTY ALONG THE EASTERLY BOUNDARY LINE OF 1115 HICKOX STREET, KNOWN AS LOT 13, BLOCK 2 OF AGUA FRIA ADDITION, THE TUNE UP CAFÉ (COUNCILOR BUSHEE). (EDWARD VIGIL). Committee Review: City Council (scheduled) 01/11/12. Fiscal Impact – No
20. REQUEST FOR APPROVAL OF A RESOLUTION SUPPORTING PROPOSED STATE LEGISLATION SPONSORED BY MEMBERS OF SANTA FE'S LEGISLATION DELEGATION, 51ST LEGISLATIVE SESSION, STATE OF NEW MEXICO, THAT RELATES TO: REDUCING PERA CONTRIBUTIONS FOR STATE EMPLOYEES; STABILIZING EDUCATION THROUGH THE USE OF THE PERMANENT LAND GRANT FUND; ENCOURAGING NEW MEXICO GOVERNMENTAL ENTITIES TO USE LOCAL BANKS; OPERATING THE HIGHER EDUCATION CENTER IN SANTA FE AND AMENDING THE NEW MEXICO CONDOMINIUM ACT (MAYOR COSS AND COUNCILORS BUSHEE, CALVERT, AND WURZBURGER AND DOMINGUEZ). (ROBERT ROMERO). Committee Review: City Council (scheduled) 01/11/12. Fiscal Impact – No
21. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO REVIEW THE POSSIBILITY OF ENTERING INTO A PUBLIC-PRIVATE PARTNERSHIP WITH NEW ENERGY ECONOMY TO FUND AND CONSTRUCT A PHOTOVOLTAIC SYSTEM AT FIRE STATION NO. 3 (COUNCILOR CALVERT). (NICK SCHIAVO). Committee Review: Public Works (approved) 12/11/11; Business & Quality of Life (approved) 12/13/11; Public Safety Committee (scheduled) 12/20/11 Public Utilities (scheduled) 01/04/12 and City Council (scheduled) 01/11/12. Fiscal Impact – No

22. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTIONS 4-2.2 SFCC 1987, TO PROHIBIT OPEN CONTAINERS IN UNLICENSED PUBLIC PLACES (COUNCILOR BUSHEE). (ALFRED WALKER). Committee Review: Public Safety (approved) 12/20/11; City Council (request to publish) 01/11/12; and City Council (public hearing) 02/08/12. Fiscal Impact – No
23. VEHICLE FORFEITURE ORDINANCE (COUNCILORS BUSHEE AND TRUJILLO). (ALFRED WALKER AND T.J. GRUNDLER).
- A. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING ARTICLE 24-9 SFCC 1987, REGARDING THE CITY'S VEHICLE FORFEITURE ORDINANCE. Committee Review: Public Safety (approved) 12/20/11; City Council (request to publish) 01/11/12; and City Council (public hearing) 02/08/12. Fiscal Impact – No
- B. REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING ADMINISTRATIVE PROCEDURES FOR THE VEHICLE FORFEITURE ORDINANCE, ARTICLE 24-9 SFCC 1987. Committee Review: City Council (request to publish) 01/11/12; and City Council (public hearing) 02/08/12. Fiscal Impact – No

END OF CONSENT AGENDA

5. APPROVAL OF MINUTES: DECEMBER 7, 2011

MOTION: Councilor Dominguez moved, seconded by Councilor Romero, to approve the minutes of the Regular Finance Committee Meeting of December 7, 2011, as presented.

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

CONSENT CALENDAR DISCUSSION

10. REQUEST FOR APPROVAL OF DEVELOPMENT OF OLD LAS VEGAS PLACE AND TRANSFER OF CIP/AFFORDABLE HOUSING TRUST FUND MONEY USAGE TO PINON RIDGE AT LAS ESTRELLAS AND TRANSFER FIVE (5) REMAINING FEE WAIVERS. (MELISA DAILEY) (Postponed at Finance Committee meetings of November 1, 2011 and December 5, 2011)

Chair Ortiz said this was postponed on November 1, 2011, because of an errata on the publication. He said we have gone from 8 to 5, and the request still being considered, remains at \$87,000.

Ms. Dailey said it will be about that amount, noting some of the liens are a little more or less than the average amount, but the basic gist is to transfer the remaining amount which hasn't been put forward as liens.

Chair Ortiz said another change, is that the contractor was asking to transfer these fee waivers and units and the money from Rincon del Sol and now Pinon Ridge.

Responding to a question from the Chair, Ms. Dailey said Rincon del Sol is In Tierra Contenta and Pinon Ridge is in Las Estrellas. It is for approximately 40 single family homes on the south side of 599 near Thornburg.

Chair Ortiz asked if houses currently are being developed, and Ms. Daily said one house has been developed.

Chair Ortiz asked the difference between Options #1 and #2, noting in #2 we wouldn't allow them to transfer the funds and they would have to give the money back.

Ms. Dailey said #1 is to allow them to transfer the money. Ms. Dailey the money was used to pay for the infrastructure, so it has been spent, and now as homes are sold, we are placing liens against the units. She said so you could say they've met their obligation, they've built Old Las Vegas Place, they provided affordable housing on the east side of town.

Chair Ortiz said they have spent all the money we gave them for infrastructure, and asked if we choose Option #2, they couldn't give us the money back.

Ms. Dailey said they would pay us back with other funds they have available. She said it would be more along the lines of a construction loan.

MOTION: Councilor Bushee moved, seconded by Councilor Romero, to approve Option #1.

DISCUSSION: Councilor Dominguez said under Low Price Dwelling Units, CIP/AHTF, 14 units are required by City of Santa Fe Contracts and you have identified 9 as a Homewise Request. However, in the the Memo on page 2, paragraph 1, it says Homewise has sold 9 of the 14 units required, and asked if this is the 9 reflected in the table on page 1 of the Memo.

Ms. Dailey said that is a misprint and they have not sold the 9, noting they still have 5 more to go, but they still would sell the additional 5 units for a total of 9. She said it should say they have sold 4 of the 9.

Councilor Wurzbarger said she has not been able to discern from staff and Homewise, why we are in this situation and what decisions were made by whom, so we don't now have the number to which we originally agreed. She asked for an explanation for the record. She said we're presented with options, but not with an explanation of the reason we're at this place, and she believes this is important from a policy perspective.

Chair Ortiz asked why we don't have the benefit of the bargain in the original agreement.

Rob Gibbs, Homewise, said they didn't have enough buyers that had come through that met the less than 120% category. He said the goal when they received funding for Old Las Vegas Place – for the Santa Fe

Place they met the goal of 15. When the annexation came in, they had 10 low priced dwelling units, and when they received the CIP funding they agreed to 14 additional units for a total of 25 units. He said, "Of the 24, we've been able to find 19 families/buyers that have been able to qualify at the 120% or under. We had 11 market rate units over 120%, and we actually ended up selling 16 of those, because we had a huge amount of people that were in that category which were just barely over the 120% up. So, we sold the 16. Our goal was try to get to the 24. We just couldn't get....based on what we have as qualified. So we have 6 remaining homes to sell. Of those 6, 5 of them will be under the low priced dwelling unit to get us to the total of 19. So, that's why Homewise was requesting to transfer these 5 units over to the project in Pinon Ridge and Las Estrellas."

Councilor Wurzbarger asked, "Am I inferring correctly that you're saying that our original perception of what the market needs were, and I assume that's still the perception of what we still have in terms of policy, is incorrect. That those people don't exist."

Ms. Dailey said, "Technically, there were 3 additional buyers that were in the 100 to 120% AMI category that should have been in low priced dwelling units, but they had money as gifts, and they were able to qualify with little debt to their name, so they bought a full market rate house. So, technically, they have sold to more low priced dwelling unit buyers than... I mean you can't get credit for it if they're buying a market rate home, but they've targeted them and the low priced dwelling unit is a different category right now than it was, I would say. It was not being met by the market, and now it probably is."

FRIENDLY AMENDMENT: Councilor Wurzbarger said that clarifies her question and she would support the motion with a friendly amendment that "we ask staff for a further analysis of our current policy of what our policy is, with respect to what's being offered, not by Homewise, but generally with respect to affordable housing to make sure we are, indeed, meeting the market needs. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMITTEE.**

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

11. **REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 18-1.4 SFCC 1987, REGARDING LICENSE APPLICATION SUBMITTAL REQUIREMENTS FOR ALARM INSTALLATION COMPANIES AND ALARM MONITORING COMPANIES; AMENDING VARIOUS SECTIONS OF ARTICLE 20-5 SFCC 1987, REGARDING ALARM SYSTEMS AND FALSE ALARM REDUCTIONS; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY (COUNCILOR CALVERT). (DEPUTY CHIEF FOLMAR-ALESSIO). Committee Review: Public Safety Committee (approved) 11/15/11; Public Works (approved) 11/28/11; Finance Committee (postponed) 12/05/11; City Council (request to publish) 12/14/11; and City Council (public hearing) 01/11/12. Fiscal Impact – No**

A Memorandum to the Finance Committee from Deputy Police Chief, Gillian Alessio, regarding the History and Timeline for Alarm Ordinance, is incorporated herewith to these minutes as Exhibit "1."

Chair Ortiz noted there is an unsigned Memorandum on our desks regarding this matter.

Councilor Bushee appreciates the Memorandum, but would have appreciated it more if it had gone out with the Committee packet. She is looking to see how the system has been working since our first pass at it in 2009. She said she still has the same concerns. She asked Deputy Chief Alessio if she has met with some of the other alarm companies in the interim.

Deputy Chief Alessio said she spoke with a few of them, noting there were a few misses during the holidays, so there were missed phone calls and meeting dates. She said she just spoke with the President of the Association, noting a meeting has been scheduled, and she has meetings scheduled with the others coming up soon.

Councilor Bushee said she is still concerned with having a third party administrator who is out-of-state, which has a small presence in Albuquerque. She asked Deputy Chief Alessio if she has statistics of whether the 2009 ordinance has helped the false alarm problem, as well as how much money Cry Wolf has made. She asked if Cry Wolf keeps 50% of the profit or the money taken in.

Deputy Chief Alessio said Cry Wolf keeps 33.3%.

Councilor Bushee is concerned there is a bit of a profit motive built in, and that the money won't stay in New Mexico. She wants general statistics on how well the Ordinance has worked. She understands most of the corrections, and is pleased with the change to the appeal of the fine, so it is refundable if they're not at fault. However, she thinks this could have been simplified to an annual fee, a minimal fee of \$25 which might even pay for the additional staff for enforcement, and actually keep it in-house. She wants answers to these things.

Councilor Bushee said Albuquerque doesn't use a 3rd party administrator, and they have software and training available. She wants to look at how it works. She said the changes appear to be more onerous in terms of adding more paperwork and training for the owners of the alarm and monitoring companies. Her concerns are about how we're generally operating under this Ordinance. She said there is a short time frame to the Council meeting, and asked, "If I could have that conversation with you before then. I don't know, I only hear from a handful of people who have had high fees and a couple of the companies and I'm just not sure how well the whole program has worked out. So, I'm going to vote against this for now, but I would like those answers if I could please."

Deputy Chief Alessio said she can get those answers before Council.

MOTION: Councilor Romero moved, seconded by Councilor Wurzbarger for purposes of discussion, to approve this request.

DISCUSSION: Chair Ortiz said it indicates there is no fiscal impact, and asked if we received any money.

Deputy Chief Alessio said they did, and she didn't include that information, but she can get the balance of that fund.

Chair Ortiz said the purpose of the Ordinance was to try and mitigate against some of the costs being absorbed by Public Safety in responding to false alarms. He said we don't know how much money we've collected, so we can't compare that with the expenditures.

Deputy Chief Alessio said she has that information and can make those available well before Council.

Chair Ortiz said we need to consider whether this is worth the hassle, commenting the complaints he gets are regarding the process. He noted previous personnel were charged at implementing this. However, if we aren't getting the benefit we need, perhaps we should consider removing it from the books. He asked Deputy Chief Alessio her opinion in this regard.

Deputy Chief Alessio said, "I think that after 2009, when this ordinance was first implemented, for a variety of reasons, it was not implemented. It was implemented in word only, and from the time I have taken this over, it's moved a little slowly, more slowly than I would have liked it to. I think, if this Ordinance were administered properly, I definitely think we would see a decrease, an offset in terms of the expenditures Public Safety utilizes with these false alarms versus what we take in for revenue. And, I would like to eventually see that level out and balance off. The overall goal was to decrease the number of false alarms that we have. I think that if it were administered properly and well, I definitely think we would see the benefit of the program."

Chair Ortiz asked her opinion that we need to continue with the 3rd party administrator model for administration of the Ordinance.

Deputy Chief Alessio said, "At the current time I do. Albuquerque does not have a 3rd party administrator. What they did in Albuquerque was they purchased the software from this corporation, Cry Wolf, and they have administrative personnel, approximately about 11 people, 2 Lieutenants and a Sergeant, plus 11 additional personnel working just strictly on the alarm ordinance. Unfortunately, we here don't have the luxury of having that level of attention we can provide, in terms of numbers or personnel. We have 3 of us, as a matter of fact – me and my two alarm administrators who are records personnel."

Chair Ortiz said, "Albuquerque, which is 8 times bigger than we are has 11 people and we have 3 people. It seems like the economies of scale are sort of in line, don't you think."

Deputy Chief Alessio said, "The 3 people we have working here are me, and my Record Manager for all of the records, plus a Records Technician who has another job as well in terms of records."

Responding to the Chair, Chief Alessio said right now she is dedicating 1/4 of her time to this. She said, "I think, however, if we can tighten up the administration, we can tighten up the ordinance, the amendments are enacted, we can sit down with this 3rd party administrator, because I've been meeting with them quite frequently over the past 2 weeks, we can definitely tighten up the entire program, and then we can have a fair assessment of whether or not it actually does what it is supposed to do."

Chair Ortiz said, "Because, it seems to me, when we passed this, the only entity that had any kind of interest in seeing the alarm ordinance I guess succeed... it wasn't the alarm companies, the people who install alarms. They thought it was a huge hassle. Homeowners who get zinged with these, it's a huge hassle for them, and if Public Safety doesn't, the only entity that has, is this 3rd party administrator that tends to get a third out of every dollar that gets collected out of this. And so, I'm sort of skeptical on the whole Ordinance, but maybe these additional figures, once you get them to me, might persuade me to support some of these amendments."

WITHDRAWAL OF SECOND: Councilor Wurzbarger withdrew her second to the motion.

THE MOTION DIED FOR LACK OF ANOTHER SECOND.

Councilor Wurzbarger said she would like to have this information come back to Finance and not to be debating these questions at Council. She said, "I think this is our job and we need to look at that, and I understand completely this being over the holidays and not getting information we need. And we do not have a fiscal impact report, which is what I was alluding to wanting as well."

MOTION: Councilor Bushee moved, seconded by Councilor Romero, to postpone this item to the next meeting of the Finance Committee on January 17, 2012.

DISCUSSION: Chair Ortiz said, if this motion is approved, this item will need to be removed from the January 11, 2012 Council Agenda, and possibly could be heard at the end of January .

Councilor Bushee asked for additional information. She said at the previous meeting they mention training the homeowner, but the housesitter won't be trained, so she is unsure how that helps. She asked staff to look at a flat fee, to find out the number of homes in Santa Fe with alarms, and what the flat fee would generate "that could potentially add new officers for enforcement and/or administrative personnel." She wants to know if we could offer training under a flat fee. She is interested in a simplified system, saying she believes this Ordinance has added more paperwork, training and reporting. She has heard from constituents that they are being charged \$1,000 while they were out of town on a trip because the alarm went off 6 times.

Councilor Bushee said she wants to know how bad the false alarm problem was before 2009, and if the new Ordinance has resolved those problems.

Councilor Romero said she agrees that we need more fiscal impact information here at the Finance Committee, but she doesn't want to go back to the beginning. She said we've heard this was started late, was not implemented appropriately, so we aren't looking for 4 years, but more like 6-8 months since it was implemented, so we don't have sufficient data to do any comparison. She said she thinks we need to give it more time before "completely trashing" this Ordinance.

Councilor Romero said, "And I will say, I've gotten two emails, two emails from District 2 on it that just thought it was a hassle. So the numbers from that district that maybe other folks have gotten that by call or email. But, I really wonder about the number of people that are really affected or who contact their

Councilors because of it. So, that might be additional information, is how many people have really complained about this because of the process, that they were against the Ordinance. They are just against the way it was administered. I think it was an administration issue, so if we could get that kind of information at finance."

Councilor Romero continued, "I don't really care how much money they made, you know, I don't think that's our business. But, to figure out how much money we're saving the City, I think is going to be the more efficient way of looking at it, and I guess that has to do with the number of staff that this takes, because that's a balance between if you hire somebody else to do it. Who cares how much money they made if it's administered appropriately and saves the City money. I think that's the other issue, how many people we have to take on to really train them. So I think that information would be great to have at the next Finance Committee meeting, if possible."

Councilor Wurzbarger said, "Even more than money, as I recall the original issue, it was a matter of wisely using the resources that we have. And the idea was, by having someone else to do this, our law enforcement officers would be doing more work that we needed to have done. That was being interfered with. So, I guess, whether it's a few months we've been doing it, I would like an analysis or statement about what has happened during this time in response to that question. What do we know, I mean, have we had people freed up, I don't know how you would spread it around your division. But, give us the result. And when you use the word that something can be "tightened up," I guess if we do go forward, I would like to have a clarification of what does that mean. What are the specific ideas for a year from now when we sit down and evaluate what happened, what... at what should we be looking."

Councilor Dominguez said he wants to have measurements – what are we looking for, or what you think we can realistically get. He said he believes Deputy Chief Alessio will have a better sense of what is realistic in terms of being able to accomplish the goals we've identified today as well as in the past, and would like to have this articulated as well.

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

12. **REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING PUBLIC UTILITIES DEPARTMENT STAFF TO APPLY FOR U.S. BUREAU OF RECLAMATION FUNDING OPPORTUNITIES TO INSTALL OR REPLACE AUTOMATIC METER READING DEVICES FOR CITY OF SANTA FE WATER CUSTOMERS (COUNCILOR CALVERT). (PETER ORTEGA)**
Committee Review: Public Utilities (scheduled) 01/14/12; and City Council (scheduled) 01/11/12. Fiscal Impact – Yes

Councilor Bushee said we had a problem with the last automatic meter reading device [AMR device], noting she tried to use one, and had difficulty. She asked Mr. Ortega what is his experience, and how long he's worked with the Orion Badger, how it is constructed differently from the Firefly and if there are problems because of the climate. She understands these are BOR funds, but it also involves City staff time and City budget. She wants the systems to work.

Mr. Ortega said we are early in the pilot program on the Badger meters and AMR system. He said they will begin training on the Badgers next week and installing the software. He said the Badger project has been slow moving, but there was a struggle to interface with the UCIS, but they have overcome those hurdles and ready to move forward with the pilot program. He said they now have installed about 200 meters with Badgers, and they have been reading accurately. He said there is a home monitoring system, and he has been utilizing it and it is working as we expected.

Councilor Bushee asked if the Badger is this one we could have tried when we chose the Firefly, noting Dan Ransom was "hot to trot" with the Firefly.

Mr. Ortega said that was in 2004-2005, prior to him coming to this Division. He said the Badger is one he's experienced in the past 2 years, noting Rio Rancho is using it – 60% of its system is with the Badger.

Councilor Bushee asked if we just waste the Firefly and if the timing of this is being driven by the need to file for the grant, even though Mr. Ortega still is waiting for more results from the pilot, and Mr. Ortega said yes.

Councilor Bushee said, "So the Firefly's just a waste."

Mr. Ortega said it isn't a total waste, and the City is using it and it is providing some efficiencies, noting it has a higher failure rate than he would like. He said about 80% of our system is on AMR, and now that we are at 50% of the life span of the Firefly, we really need to think about developing a replacement plan and move forward with the new technology that is available. He said, "I really like the technology of the Badgers."

Councilor Bushee how much the City spent on the Firefly.

Mr. Ortega said it was approximately \$3.5 million.

Councilor Dominguez asked if this funding is just for AMR projects and can't be used for research or other purposes.

Mr. Ortega said what they liked about the grant is that the funds could be used for the AMR project, because we do need to be looking at a replacement plan.

Councilor Dominguez said then matching funds are required, and the City has those funds. He asked if the matching funds are coming from Capital Outlay.

Mr. Ortega said it is for this fiscal year.

Councilor Dominguez asked if we can use Capital Outlay funds to administer this project, and Mr. Ortega said yes, we can use existing funds, so we don't need to search for addition funds.

Councilor Dominguez said, "But those capital outlay monies can be used for this type of project."

Mr. Ortega said, "Correct. I had budgeted for capital for AMRs specifically, around \$220,000, for capital outlay to replace the AMRs."

Councilor Wurzbarger quoted from Mr. Ortega's Memo of December 22, 2011, page 2, paragraph 2, "Therefore, AMR technology will help reduce demands on the City's potable drinking water supply." She asked if the analysis indicates the amount of the reduction of the demand. She said this goes to the basic question of what we are getting out of this, other than saving water.

Mr. Ortega said, "Councilor Wurzbarger, that is one of the protocols... that's one of the criteria that we want to monitor to see what it is saving us in water, and that is one of the recommendations of the grant – that we do monitor that."

Councilor Wurzbarger asked, "Can we say, at this point in time having spent \$3.5 million, can we say what water we've saved as a result historically with a system that didn't work as well as we hoped it would, or we can't."

Mr. Ortega said, "Right now, we're able to identify leaks quicker, and we are working with staff to get that statistical information because we do need to provide that to the Bureau of Reclamation."

Responding to Councilor Wurzbarger, Mr. Ortega said he currently doesn't have this information.

MOTION: Councilor Romero moved, seconded by Councilor Dominguez, to approve this request, with direction to staff to provide information about the number of leaks detected which does save water, and information from the BOR about other places which have used the Badger system and its success rate, with the assumption that the success rate would be the number of leaks detected and the water saved from that.

DISCUSSION: Councilor Romero said we need all of the information possible, commenting that this request is just for a grant.

Councilor Bushee said she supports the concept, and likes the leak detection and training so the homeowners can track their individual water use. She said, "But I have to say Peter, that's a lot of money to just have to ditch, so I guess I hope to hear a little bit more if there is a way.... because Dan was really 'hot' for those Fireflies and thought it was the best technology available at the time. In fact, I think Badgers were even up for consideration, if I can remember correctly. And so, I want to make sure before I even apply for a grant that requires a match and staff time, you know, then a purchase price, I assume, later, to follow, that we've done everything we can to try to tweak the Firefly."

Councilor Wurzbarger asked if this request includes purchase, noting the Memo says, "The funds utilized would be to purchase..."

Mr. Ortega said, "This is just to start planning for improving our system, and doesn't cover our entire system at all."

Councilor Bushee said, "This will be followed by we have to buy these systems later with the same high price tag."

Mr. Ortega said, "Correct, but it will also be an investment in improvement, because part of this would be for improving our meters, because the replacement would also include a replacement of the meters, which, you know, we would need to invest in replacing the meters anyway."

Councilor Bushee said, "That was the original why for the original expense. You know, you had to have compatible everything."

Mr. Ortega said, "When the Firefly project came aboard, we didn't replace too many meters. We put the automated meter reading device with existing meters, and that is one of the reasons we decided to go with Datamatic, because it was compatible to go with different types of meters."

Councilor Bushee said, "But this money, this grant money is just simply for the AMR system, and not for replacement of meters."

Mr. Ortega said, "No. It's for both. The replacement of the meters. The AMR would be equipped with the new meter on this."

Councilor Bushee said, "But what I mean, this money, small, is planning the whole project in effect. So, you'd have to replace meters anyhow. So is there any chance of using the existing Firefly infrastructure, replacing meters and getting the system to improve rather than abandoning it, I guess is my question."

Mr. Ortega said, "Correct. We would still be utilizing the Firefly as much as we can. We have a life span of 10 years, and right now, we're 5 years into the system."

Councilor Bushee said, "And we don't have any information to track how well the system has worked."

Mr. Ortega said, "Not currently to this date, but I could work on getting you that information."

Councilor Romero said, "So Peter, the majority of the money from this grant, I think includes, or the primary purpose is replacement of the meter which the Firefly never did. It only was that radio-activated usage that you do have information about how people have used that, and you actually know how many leaks have been prevented or have acknowledged through that system. Correct."

Mr. Ortega said, "Councilor Romero, we could track how many leaks have been identified, of course you can't prevent a leak with the system. It doesn't tell you when a leak is going to happen, but we could definitely get some information on leaks."

Councilor Romero said, "It's not going to give us the exact gallons or anything like that, but we've prevented leaks. The key part of the Reclamation grant is the meter part, which is we're going to have to replace it as a City anyway at some point in the next several years. And, as they fail, they will need to be replaced. That's the key piece of this grant, is the meter. Correct."

Mr. Ortega said, "It's for both. It's for the AMR and the meter. We would be buying the automated meter reading device along with the meter."

Councilor Romero said, "And you would still be using the other system in tandem with this one just to acknowledge if there are leaks immediately. Right. Right. So that people can figure that part out. I, who failed using mine very well."

Mr. Ortega said, "We could use the Firefly system, but again, if we were to replace every meter with a Badger, so on and so forth, it would cost well over \$4-5 million. It costs a lot of money, so we're just in the planning stages. We're planning ahead is basically what we're doing."

Councilor Romero said, "Peter, this may not be a question you can answer. Mr. Chair, in the Regional Water Plan, and in every regional water plan, one of the big pieces has always been metering, and rural communities balk at that, but it seems that's one of the big issues – around metering. That's our best tool to really help the municipality figure out what's going on and the individual user of the resource on what's going on. So, we're kind of following the trend that other regions have followed around metering. And it seems, again, that's one of the primary issues that this grant would address, is replacement of meters."

Mr. Ortega said this is correct.

Councilor Wurzbarger said, "What I'm thinking here, and I'm thinking of thousands of people unemployed, and I'm thinking if the issue.... I mean people know when they use too much water when they get their water bill. Right. And then they call and say what happened. You know, I've done that before and you've come out and helped. And I'm just wondering, I mean I already support what you're trying to do here, but I'm wondering, when we start talking about three, four and then another four million, if there's not some human solution to this which isn't tied to technological instant information that we're not getting anyway. So, I'm really confused about it, and I don't know where to go on it. If there's another way to define the problem. And I do understand the long range plans. But, if you had said this was the fix, that seven fifty and our match, but what I'm hearing you say is no, that's not true. This will give us time to plan for the future, and then we're going to spend a lot more money. I'm just concerned about that. I have to be convinced of it, I guess, and probably need a separate meeting with you to discuss it, rather than take time at the Committee, if you've all made your decision on it"

Councilor Bushee asked the grant application deadline.

Mr. Ortega said it is January 19, 2012.

Councilor Bushee said, "Of course. And the required match... again, when you look at this Resolution, you have nothing of the meat of the matter under the "Therefore, Be It Resolved" about replacing meters. This

simply looks like a grant application to the U.S. BOR for "funding opportunities to install or replace automatic meter reading devices..." And so, and I see some... in the Whereas part, that you're looking at replacing meters, but that seems like a separate situation, and so I need more information. I'm not sure I want to question or turn down the opportunity for this first set of funding, but does it obligate us to go this route with the Badger device, or can that money be applied to improving the existing Firefly system or what have you, because it looks like replacing meters is a separate, big infrastructure, and that's something that would have to be debated anyhow."

Mr. Ortega said they haven't made a decision to go forward with the Badger, reiterating we are still in the early stages of the pilot project, with which they are ready to move forward full force. He said in the past 3 months they have installed 200 of these which have been working well. However, even if it is positive, he isn't ready to make the decision to go with the Badger.

Councilor Bushee said, "So this isn't tied to the Badger."

Mr. Ortega said no.

Councilor Bushee asked again what this money would be used for.

Mr. Ortega said the grant is specifically to get additional funding so that we can improve the existing system, and perhaps go on to a new system – whatever the City chooses to do. He said, "It's not obligating us one way or the other."

Councilor Wurzbarger said, "Fill in the verb – improve our existing system how. By doing a plan. By buying a product. The more we talk about this, the more confused I get."

Mr. Snyder said, "In summary. Our existing system has holes in it, meaning that we have meters without AMRs, which means our meter readers need to go, as they're driving around and picking up the electronic signals, they need to get out of the vehicle and open the meter can which is not efficient. So, the goal of this grant is to get a system to fill those holes, whether it be a Badger system, or an Orion System, whether it is a Datamatic system. It's not specific to that. But our goal is to fill the holes in our existing system to become more efficient. Now how we do that, is another thing."

Councilor Bushee asked if there are other funds to which we can apply to continue to try to replace the infrastructure, noting the meter problem had to do with our weather, the meters and everything, and presumes that is something separate.

Mr. Snyder said staff has identified no other funding at this time for this purpose. He said he they looked at the State and federal level, and identified this grant which they thought would be useful.

Councilor Bushee said she is more comfortable now that "I understand that this is not tied to just simply a.... maybe we just got ourselves into a little tempest here."

Councilor Wurzbarger said, "Okay. In one sentence, Brian. One year from now, will you describe how you think the money and results, other than being efficient, what do you think you might say operationally. We put in 63 units or 5,000 units, what is the deliverable, other than being efficient."

Mr. Snyder said, "We will have a deliverable, based on the money we get, we'll have a tangible product in the ground, we'll be able to have a measure of how we read that on a monthly basis, any leaks that have been identified, we'll have a list of measures that we will have developed during this pilot test, as well as a result at the end."

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

13. REQUEST FOR APPROVAL OF A RESOLUTION REPEALING THE CURRENT HUMAN SERVICES COMMITTEE MEMBERSHIP CRITERIA AND CREATING NEW MEMBERSHIP CRITERIA FOR THE CITY OF SANTA FE HUMAN SERVICES COMMITTEE (MAYOR COSS). (TERRIE RODRIGUEZ) Committee Review: City Council (scheduled) 01/11/12. Fiscal Impact – No

Councilor Bushee said she looked at Items #13 and #16, and they have very different language, and presumes the only reason we are looking at these is that we didn't have "Resolutions delineating criteria and things, and when you look at the item for the Senior Board, it has everything from defining conflict of interest to use of parliamentary procedure to blah blah blah. And I thought if we're doing this to get uniform, why aren't we doing the same thing for #13."

Terrie Rodriguez said #13 was only asking to expand the availability of Committee members to the Human Services Committee, which currently restricts those to City of Santa Fe City limits only. She would like to expand that to people who live in the County as well.

Councilor Bushee would like staff to look at the language in Item #16 and the others we're updating, and include some of that same language with regard to conflict of interest, etc.

Ms. Rodriguez said all of things are in place, noting what you are seeing on Item #16 is that we are changing the whole structures of the Seniors Board because we are no longer including the County.

Councilor Bushee said, "I understand, but in this Resolution before me... in Item #13 it doesn't say anything about the definition of conflict of interest or any of the things I thought might want to be in these Resolutions."

Ms. Rodriguez reiterated that the reason she didn't include any of those things was because those things would stay as they already are according to the City Clerk's requirements for Committees.

Councilor Bushee asked if there is another Resolution somewhere that "already has that in there."

Ms. Rodriguez said she believes so.

Councilor Bushee said, "No. In the past we didn't even really have Resolutions making up committee membership and whatever, and we started to get uniform about it and I'm just asking.... I mean I want to approve this, I just wanted to ask that you add whatever else might be needed to get this more uniform, including language around conflict of interest."

MOTION: Councilor Bushee moved, seconded by Councilor Romero for purposes of discussion, to approve this request, with direction to staff to use parallel language from Item #16 for Item #13.

DISCUSSION: Councilor Romero said more than a year ago, a group met at the Mayor's request to look at all of the task forces, committees, boards, commissions to get some ideas about where there was overlap and to solidify issues such as conflict of interest, combining for efficiencies. She said we "actually got some traction, but it went away."

Councilor Romero continued, "And here we are again trying to make it be the same again, or get some continuity. So I understand what we're doing is clearing up one, so of course there are going to be differences. But it seems that this is back again as an issue of how do we get some efficiencies, make sure we've got board members if we need to go to the County on some of them, but not all of them. Are they following Robert's Rules. I think those are all great questions, but it speaks to again doing an evaluation of our committees board structure in order to be more efficient, not just with our monetary resources, but with our human resources, because we ask a lot of volunteers."

Councilor Romero continued, "So, I'm supportive of this moving forward, but again, I'm viewing it as a cleanup more than anything else, and that's how we approached a lot of these, has been from a cleanup perspective, rather than from a comprehensive review of those. And I'll say Councilor Bushee, myself and Councilor Wurzbarger gave time and energy to looking at all of these. Jeanne Price gave time and energy. Yolanda Vigil gave time and energy and the Mayor dropped in a couple of times. And I thought we did make some leeway and then it just got torpedoed and it went away. So I'm hoping if we need a resolution sometime in the near future, we get that in place to give staff direction to again take the lead on reviewing what I think we had intended to do and what these two resolutions are intended to do, which is to clean up a situation in order to make them more functional."

Geno Zamora, City Attorney said, "Prior to taking a vote, I just want to point out the issue that you may end up... an inadvertent issue that you may end up having with the amendments to Item #13. The City of Santa Fe Human Services Committee is already covered by the Ethics Ordinance and therefore, if you add this type of language, you may be in conflict with the Ethics Ordinance. And the difference between #13 and #16, is that an advisory board is not subject to the Ethics Ordinance. They have their own separate Articles of Organization."

Councilor Bushee said I just wanted an explanation, and I thought an attorney might have been the one to give it.

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

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

14. **REQUEST FOR APPROVAL OF A RESOLUTION ADOPTING THE 2011 INDUSTRIAL REVENUE BOND POLICY FOR THE CITY OF SANTA FE (COUNCILOR BUSHEE). (FABIAN TRUJILLO). Committee Review: Business & Quality of Life (approved) 12/13/11; Public Works (approved) 12/12/11; and City Council (scheduled) 01/11/12. Fiscal Impact – No**

Councilor Bushee asked if the City is obligated to follow to the letter of the law the State's Industrial Revenue Bond Act and/or "can I have an interpretation if something like an Industrial Revenue Bond would be useful say... it references higher education. But, for instance if we had a... and we have an upcoming item on St. Kate's, you know, and if they were to be able to want to elect some of St. John's dormitory thing that we did, because they do have a non-profit, would that apply to them, or do we have to change anything and do we have to start with just the Act and follow it completely as a Charter City."

Judith Amer, Assistant City Attorney, said in the *City of Santa Fe Industrial Revenue Bond Policy November 18, 2011*, on packet page 13, Section 3.2 Qualifying Projects, that language is taken directly from the statute and hasn't been changed at all. She said 3.2(6) provides "any 501(c)(3) corporation" does qualify for industrial revenue bonds. She said, "Answering your question, if there was a 501(c)(3) they could apply and they would still be subject to all the criteria that we set forth in this policy."

Councilor Bushee asked if it has to be higher education.

Ms. Amer said, "That's a separate category. If they were applying as an institution, a private institution of higher education. Then again, a private institution of higher education is like St. John's College. I do not.... a charter school is a public school and it's also not...."

Councilor Bushee said, "If you have a non-profit arm, that's a possibility."

Ms. Amer said, "The non-profit arm... are they a 501(c)(3)."

Councilor Bushee said, "I believe so, but we'll have that come up in the next discussion, but back to the first question, we just simply cannot go above and beyond the State Act."

Ms. Amer said, "We are limited to those 8 categories. That's taken exactly from the Statutes."

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

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

16. **REQUEST FOR APPROVAL OF A RESOLUTION ESTABLISHING THE CITY OF SANTA FE DIVISION OF SENIOR SERVICES ADVISORY BOARD OF DIRECTORS (MAYOR COSS). (RON VIALPANDO). Committee Review: City Council (scheduled) 01/11/12. Fiscal Impact – No**

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

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

17. **REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING THE CITY CLERK TO LIMIT THE NUMBER OF SPECIAL DISPENSER PERMITS THAT ARE ADMINISTRATIVELY APPROVED AND ISSUED AT THE SAME LOCATION, TO THREE PERMITS PER CALENDAR YEAR; AND REQUIRING THAT ANY REQUEST FOR A SPECIAL DISPENSER PERMIT ABOVE THREE AT THE SAME LOCATION BE CONSIDERED BY THE GOVERNING BODY (COUNCILOR DOMINGUEZ). (YOLANDA VIGIL) Committee Review: Public Works (approved) 12/12/11; and City Council (scheduled) 01/11/12. Fiscal Impact – No**

Councilor Bushee said she understands the intent and supports it, but is concerned about how it will impact organizations such as El Museo which is a non-profit, and this is a venue we want to see utilized, noting El Museo has more than 3 events a year for these kinds of permits. She said it is a very different situation than the one Councilor Dominguez is trying to address. She asked if anyone had conversations with attorneys and came up with other changes.

Yolanda Vigil said El Museo currently has to come before the Governing Body to request a waiver each time anyway, because it is within 300 feet of a school, so this doesn't apply to El Museo.

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

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

18. **REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO BEGIN THE PROCESS FOR THE CITY OF SANTA FE TO ACQUIRE ST. CATHERINE'S INDIAN SCHOOL CAMPUS FOR THE PUBLIC PURPOSES OF HISTORIC PRESERVATION, PROMOTING ARTS EDUCATION IN THE CITY AND LEASING THE PROPERTY TO THE NEW MEXICO SCHOOL FOR THE ARTS, A NEW MEXICO STATE CHARTER SCHOOL (MAYOR COSS). (ROBERT ROMERO). Committee Review: Public Works (approved) 12/12/11; and City Council (scheduled) 01/11/12. Fiscal Impact – No**

Chair Ortiz noted the Committee members have a special appraisal report on their desks, and asked if this is a contract appraiser.

Robert Romero, City Manager, said the School contracted with the appraiser.

Chair Ortiz noted the market value is \$1.9 million, and asked if the City has to do its own appraisal if this Resolution is approved.

Councilor Bushee understands there is another appraisal, but doesn't know if it is available.

Mr. Romero said this appraisal was done by an MIA appraiser, and believes we can use it as long as it is done by a certified appraiser. He said he is unaware of another appraisal.

Councilor Bushee said that was done by the owner.

Chair Ortiz said his concerns stem from way we handled the College of Santa Fe [COSF], and asked if we are headed down a similar path with this school, as we did with the COSF. He asked Mr. Romero if he can give him a sense of the status of the discussions and where those are headed in the short term.

Mr. Romero said he assumes the Chair is talking about the way the project is funded.

Chair Ortiz said there is a statement in the Resolution "as a whereas, that there's \$8 million committed to improve the school. Is that money spoken for, or is it a hope or jeez if you guys acquire the property then we're going to go to the Legislature and we're going to get a match for this. How solid is this representation that there's \$8 million sitting there."

Mr. Romero said there are representatives here that can speak to that better than he can if the Chair would like.

Chair Ortiz said it isn't his practice to call people up if they don't want to speak, but if they want to speak, they can. He said right now, he would like to hear the City position from staff, in terms of what obligations the City is making.

Geno Zamora said, "I was delivered today, in writing, signed by, Kathryn Oppenheimer, Chair of the Board of NMSA, a letter of intent for a lease. It's dated January 3, 2012. And in that lease, there is a commitment for \$7 million of tenant improvement requirements. And just looking at Paragraph 12, page 3 of this letter, 'Tenant will be required to expend a minimum amount of \$7 million for hard and soft costs to renovate the historic structures on the premises and construct new improvements on the premises'."

Chair Ortiz asked, "Will we, as the City, be involved with having to finance the acquisition, and some of the resulting costs of the acquisition directly, or will we try to do a COSF acquisition where we try and do a bond issue and have lease payments from the School, which I presume is the State, to cover the debt obligation on the cost of the acquisition – what's being discussed, because it's not here. We missed that whole financing step. In the Resolution, we say we give staff the authority to go out and do this, and by the way we give authority to staff to negotiate a lease, as if it's already a *fait accompli*."

Mr. Zamora said, "I believe that's what this Resolution accomplishes, is for staff to go out and explore those options and return those options back to you, so it will be a policy decision of the Governing Body."

Chair Ortiz said, "But the Resolution gives staff the authority to go out and acquire the property and to negotiate a lease, and what's missing in either of those two steps, is how we finance both sides of that transaction. And so, how are we to give authority... how are we to give authority to negotiate a lease with an entity, when we haven't even negotiated the purchase of the property. And I assume if the negotiations fail, because I've seen media accounts that report that the sale of the property would cost about acquire \$6 million, \$4 to \$6 million. We've got an appraisal for \$1.9. That means we're going to be put in the position of condemning the property or paying higher than the appraised rate, so that process itself could take upwards of a year to two years, couldn't it... before we even begin negotiating with this entity. I understand why some members of the historic preservation community think this is the best situation for them because they fought any development on Catherine's property for a period of time. But how do you explain the financing on our side, on either side of the transaction properly."

Mr. Romero said he understands we would pay the appraised value within certain limits, and we can go above that very limited. He said, "If we can negotiate nothing lower than that we'd have to bring that back to Council. I think, In regard to how we pay for it, there's two or three or four different ways it could be done. And one is like we did for the College – do a revenue bond and have the school pay us back. Too, we could use some kind of City funds to pay for it like we have for maybe some other projects, CIP funds or maybe reserves. Those are, I think, the three options we would bring more detail on. Would you agree Mel." *STENOGRAPHER'S NOTE: Although Dr. Morgan didn't give an audible response, he did not his head yes to Mr. Romero's question.*

Councilor Bushee said, "Just getting to the price, I believe the reports in the media are for the entire property which include... what's being sought is a campus, a 10 acres campus. It does not include the ball field, so the price tag would be different. And initial reports always offered a price that didn't take into account the buildings that exist on it and the need for repair to those buildings, so I think that affects the appraisal price. The other thing that's a possibility is a combination of things. None of this has been, of course, taking into account the owner, which some of this may have to happen in an executive session as an acquisition. But what I will say is the owner, at one point had been interested in some kind of donation in terms of tax credit, and I don't see that still as something you should take away from the table. And hope that we could come up with, if there was a requirement of capital from the City."

Councilor Bushee continued, "And that's one of the reasons I was interested and have before me the Resolution that we passed when we bought the homeless shelter and the one-stop shelter on Cerrillos Road, that we would be repaying that fund, the CIP Fund, a million dollars. And we have about \$600,000 in CIP reallocation. So, if we had to come up with something, that would be a very quick way of doing that, and that money could be paid back in a variety of ways. I'm just saying there are a lot of possibilities. I think we haven't really gone into great detail about them, because this is really showing intent. But I do agree that we need to have a much more thorough discussion about the possibilities, and whether that takes place in executive session or here is up to the lawyers and all the parties involved."

Councilor Wurzbarger said, "I would be more comfortable if this Resolution did state that it is a Resolution of intent and that staff be directed to come up with a plan. We do not have a plan. Today, for the first time, we have something in writing from one side. There are two parties here. It's not our property. I don't think that it is time well spent to debate a Resolution around which we don't have the relevant information. I think we can say that we direct staff to go forward, come up with a plan for how it will be financed, what is the best way to... and I know there's been different discussions among different people to do this. But I would like to have those two pieces before us, in terms of this, if there is the need to show our interest. If we didn't have interest, we wouldn't have been sitting around for the past month talking about this independently and collectively."

Councilor Wurzbarger continued, "But, I agree with Councilor Ortiz that we have to have the financial piece before we direct staff and say negotiate the lease. That's one of the pieces. The critical piece is what are we paying and how are we paying for it, and what are we going to be paid, and what is the end result in terms of what it costs the City. And I don't think the Resolution as stated says that. So, I want substitute language, or I just want to do a generic intent. Let's see what we can come up with in two weeks and give us some concrete ideas on what the possibilities are."

Adele Monasco, Executive Director, New Mexico School for the Arts, said, "We actually are a public/private partnership in and of ourselves, so we have a public charter high school, and a non-profit art education institute. The non-profit allows us to fundraise, and generate private dollars in support of the work we do. So, in answer to your question, Chair Ortiz, it is through our non-profit entity that we have secured pledges from private locations for the revitalization of the St. Catherine's property. We need a permanent home. We are a statewide charter arts high school. This is one of several locations that we are investigating. We are conducting due diligence on this property, and it is a tremendous opportunity for the City of Santa Fe to invest less than \$2 million and have returns of potentially \$20 million on the property."

Ms. Monasco continued, "We would be responsible for the revitalization of the campus, of the buildings, and we would lease from the City. We would lease from the City because this is a historic treasure that has been landmarked as such and it should belong to the City of Santa Fe. We have support from the neighborhood association. We have support from the historic entities, constituents throughout the City. So we ask you to consider how you might be able to find the resources on your side. And from our side, we'll let you know that we would begin a rigorous capital campaign to generate, probably \$20 million needed to bring the campus back to life. We know it's a land mine and a gold mine both in one, and would require huge amounts of money. And we're up for the challenge. There's an incredible confluence of interest right now, and I thank you for considering this Resolution."

Chair Ortiz said he appreciates that Ms. Monasco addressed the Committee, and "your school's commitment to seeing this become a reality."

Chair Ortiz said, "You mentioned a figure though that is different than the figure that was cited by the City Attorney. The City Attorney said that there was a commitment by the Chairperson, and I assume it is of the non-profit Board, a \$7 million commitment. And you mentioned that the property itself will need

renovation amounts of \$20 million. Is there some kind of plan that is in place for the campus, or has your school done the work to see how to, I guess, how the first \$7 million gets spent, and what needs to happen with the next \$13 million."

Ms. Monasco said, "I apologize for the confusion. We have \$8 million in pledged support. \$7 million of that would go directly into an initial Phase 1 of revitalization of the campus. And \$1 million of the \$8 million would go to the capital campaign and the necessary administrative costs of running that campaign. We have conducted some architectural feasibility studies that indicate we would potentially be spending upwards of \$20 million to bring the buildings and campus into working order. That would be a multi-phase project."

Chair Ortiz said he assumes the appraisal was done for Ms. Monasco's organization, noting there was mention about work done by a previous developer – engineering costs of \$200,000 to \$250,000. He said, "Your school can't use some of those design to help in the phasing of the project, or was that... you can't utilize that because it was for a different purpose."

Ms. Monasco said, "Councilor Ortiz, we would definitely take into consideration the reports that have been done. I don't even think we've seen an asbestos report or some of the environmental reports that would potentially reveal further data. So, yes, by all means we want to use existing resources, and be respectful of the historic significance of the buildings that exist."

Chair Ortiz quoted from page 42 of the appraisal, "Forthcoming in the report, we will estimate the cost to renovate," noting that totals more than \$13 million.

Councilor Romero said, "Not every member of the Council has had... we've all had different pieces of the elephant at different times. The piece, Robert, that you had talked about, which was developing the various funding opportunities which would then be considered by the Governing Body. I think that's the only piece that's missing. The rest of it looks like, if we are successful, then there would be a lease. So there's already a lot of 'ifs' built into this, but it actually makes me feel better that there's a Resolution coming with this kind of information to move forward, rather than the way we've all gotten the piecemeal... the newspapers have gotten piecemeal. So, I think this actually will get it out there, give us the best information that we can, and then we can make the decision as to what we do. So if we could add that various funding opportunities... develop various funding opportunities. I think you noted a couple of them, but maybe there's more that would include whether it's CIP or bonding. There's just other options and I think that's what you'll be bringing forward, so if you would include that in the Resolution and move it forward."

MOTION: Councilor Romero moved, seconded by Councilor Bushee, to approve this request with "that additional information of developing various funding opportunities on the Therefore."

FRIENDLY AMENDMENT: Councilor Wurzbarger said because of our concerns, and the primary concern of the City and this Committee is that the City will have fiduciary responsibility as to how we proceed, I would suggest amending the motion to provide that "The staff is directed to develop a financial analysis of how the City of Santa Fe can acquire St. Catherine's Indian School for the purposes of 'blah blah blah,'

with number one being continued as is, including #2, negotiating a preliminary lease for the Arts and request that the State, etc., and then #3 would remain. The emphasis and the first step is to do this financial plan and I would put a timeline on it of... within two weeks. And that would be my revised motion. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMITTEE.**

CONTINUATION OF DISCUSSION ON THE MOTION AS AMENDED: Councilor Bushee said the amendment is friendly, but she doesn't want to delete the language "Begin the process for the City of Santa Fe to acquire."

Councilor Wurzbarger said, "Rather than beginning a process, I am making it more explicit. What I'm saying is that we would develop a financial, what was my exact words, a financial plan for acquiring."

Councilor Bushee reiterated that she doesn't want to leave out a step about actually negotiating with the seller.

Councilor Wurzbarger said, "One cannot have a financial plan if one has not negotiated with the seller."

Councilor Bushee said that's not true, we can have a plan as to how we're going to pay for it.

Councilor Wurzbarger said, "I would not know how to do a real estate deal without including the seller."

FRIENDLY AMENDMENT: Chair Ortiz suggested that Councilor Wurzbarger add her language at the end of Paragraph 1, line 6, as follows: "... charter high school, by first engaging in developing a financial analysis and plan on how the City could proceed, within a two week period. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMITTEE**

CONTINUATION OF DISCUSSION ON THE MOTION AS AMENDED: Councilor Romero said the funding opportunities she had indicated are in the same vein, "so I don't believe I have to put mine out separately for the opportunities that I had indicated.. Robert nodded. I think what Councilor Wurzbarger has just noted would actually be different than, and would suffice, rather than adding the funding opportunities."

Councilor Bushee said, "On negotiating a preliminary lease, I don't want to make sure it's assumed, but I would like to see some language just like we have with the College of Santa Fe, which spoke very specifically to the restoration and the remediation that needs to take place there and that the cost is borne by the Lessor."

Chair Ortiz said they should pay the total cost of \$20 million and not just the \$7 million they're offering.

Councilor Bushee said, "I don't want to presume that we would negotiate a lease, I would include that, and I want to state outright that, essentially, the City could not take on that project. So I would like to be clear."

Councilor Bushee would like to amend the lease with the appropriate language that we negotiate a lease that the total cost would be borne by the lessor.

Chair Ortiz suggested adding a new Paragraph 4 on page 3, "Under no circumstances will the City of Santa Fe expend public monies in the restoration of any historic building on the campus."

Councilor Bushee said she would like that language to be drafted by the legal staff and include it in the proposed lease.

Chair Ortiz said then that is staff direction on the preliminary negotiation of the lease.

Councilor Bushee wants everybody to be clear what the purpose of "this whole thing is and what our role in it is."

CONTINUATION OF DISCUSSION ON THE MOTION AS AMENDED: Councilor Wurzbarger said, "Another direction to staff, with respect to the lease, because there's been various discussions that whatever financial plan is developed that it includes within the lease, the Lessee paying the money that is available for leases from the State, that we're not talking about since we don't have the purchase option that we had with the College of Santa Fe or the university, that we're not looking at a lease for \$1, and then we're having to carry the costs of whatever funding alternatives that we come up with. And I'm very comfortable going ahead and putting it out to the Finance Committee right now as a condition of this discussion."

Councilor Bushee said, "I just want to be sure we're concurring that this is the best fit for the City, the citizens and the school, and I also want to make sure that economic development funding could be considered if there were any."

Chair Ortiz said, "I think it could be the best fit, but it's always in the details, and now that staff is going to come back with a plan, we can make a determination if it's the best fit."

Councilor Bushee said over the years she's heard all offers for this property and this seems to be the best fit, and she is grateful that this is moving forward.

Councilor Dominguez said he will be looking to see how lease will address the fields and perhaps a commitment to providing room for the National Cemetery, noting he will be looking for these details in the lease as well.

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

END OF CONSENT CALENDAR DISCUSSION

DISCUSSION

24. REQUEST FOR APPROVAL OF CONSIDERATION TO FILL VACANT POSITIONS. (ROBERT ROMERO)

Chair Ortiz said he asked for information to come back to this Committee with regard to the City's ability to provide classified status to certain members of the Police Department, which was never approved by the Council or anyone. He said he asked for a legal opinion and/or something from Human Resources about creating a classified/exempt position in the Police Department.

Mr. Zamora said, "Let me characterize the situation that you're addressing, as I understand it, which is, it is an opportunity for a classified employee to take on an exempt role, take on the risk of an exempt role, with the ability, if they are removed from the exempt position, to return to a classified position. Mr. Chair, members of the Finance Committee, there is no prohibition of that within City Ordinance. In our research, it's a common practice at the City, but it has also been a common practice at the State where it's an opportunity to identify people who are locked into a classified role, but it may be the experts are in the best position to take on the next highest role, which happens to be exempt. However, those employees of course are very resistant, especially if they are deep in their careers. If they're 20 years in, they're not likely to take an exempt management role and therefore it restricts the City's ability to look in-house to recruit for management roles."

Chair Ortiz said then there is nothing in the City Personnel Manual that prohibits this practice, and there is nothing that allows it, and you're saying it is in a gray area.

Mr. Zamora said, "That is correct. It is not explicitly permitted, but it does fall within, broadly, the powers and duties of the City Manager's in being the Chief Administrator of the City. This is under the Charter in 8.03, the Chief Administrator of the City having the power to hire and fire all employees, and then of course, having such other powers provided in City Ordinance and State law.

Chair Ortiz said we learned at the last meeting, that this arrangement currently exists only in the Police Department, but there is no other City employee in any other capacity that has this right to take an exempt position with a contract that if they leave their position they can return to a classified position.

Mr. Zamora said he can't speak to that personally, and that may be a "Robert or a Vicki question."

Councilor Bushee asked when this practice was started.

Vicki Gage said she did research, and found we've had the reversion clause since 1992, but we may have had it back to the mid to late 1980's, but she would have to get that information from archives, but we have had the practice for 19-20 years.

Chair Ortiz said, in addition to the additional information which was requested, there is a power point presentation in the Committee packet on the apparent pay disparity between Lieutenant and Sergeants in terms of the justification.

Chair Ortiz asked how long the City has had a merit selection systems for Lts. And Capts.

Ms. Gage said there has never been a merit system selection for Captains and Deputy Chiefs. She said the Lts. do test, but it is the desire of the Chief to select which Lt. fits in his or her administration.

Chair Ortiz said if we adopt this policy, then when this Chief leaves, we're setting up the possibility of a whole new command structure for the next Police Chief – all the Lts. Captains and Deputy Chiefs will then be subject to the next Police Chief to choose, and Ms. Gage said this is correct.

Chair Ortiz asked if this is utilized in the Fire Department.

Ms. Gage said not in the Fire Department, noting the Assistant Chief is a classified position, so it's not as likely as the Police Department. She said the Battalion Chiefs also are classified positions.

Chair Ortiz said the Police Department is asking for everyone from Lieutenant to Deputy Chief to be exempt, and the Chief wants to allow them to have these reversion contracts, or they can't get anyone to fill those positions.

Councilor Bushee asked if this takes the whole process out of merit selection and into the realm of political selection.

Chief Rael said, "I don't believe so. Quite honestly, a good manager is going to look at the people he has internally who are qualified and able to perform. As I indicated in the last Finance Committee meeting, one of the problems we're having is having difficulty attracting Sergeants who are qualified to seek these positions. This leaves us with individuals who are not as well qualified as they should be, or who have no interest in pursuing the position, so we are going to get to the stage where I'm going to have vacancies in the management positions where I'm not going to have any applicants and management obviously is a critical position. We need those Lts. to ensure that we operate properly, that policies are complied with, that the staffing is appropriately allocated, so we are in a Catch-22 situation."

Councilor Bushee said, "And again, I go back to just practices. Isn't this what, back in the day when you were an officer, that you sued the City of Santa Fe for this very precise thing, where somebody was being promoted above you into a Lt. Position. Isn't this like a total 180..."

Chief Rael said, "No. The circumstances were different. That situation was a test that, to put this politely, was changed after the fact. It's a different set of circumstances. Had everyone been aware that it was an exempt position walking into the door, there would have been no issue. There were other factors involving that. If you want me to go into detail I can, however, it's been twenty-something years, and I'm not sure it's relevant."

Councilor Bushee said, "What's relevant is you have a system now where there's testing, there's the possibility of promotion from within. I guess when I asked you initially the last time, you know there were 8 Lt. positions, and they're all full currently. Correct."

Chief Rael said yes, currently all the positions are filled.

Councilor Bushee said, "Again, I'm not seeing the urgency for this, and in particular, it just feels like... it takes it out of... when you had your situation more than 20 years ago, it was before collective bargaining. And I feel like we have a system in place. It's a more fair system. It's based on merit and I'm just really concerned about trying to upend that system. Or.. Who knows what we'll end up with. It could backfire on you, and it could end up that people don't want to take an exempt position."

Chief Rael said, "At this point, I have to act on what I think is in the best interest of the City, and if you're uncomfortable with that, I can understand it. But, there are solutions to that, if in fact, that is a concern. You can impose a sunset clause on it to allow for a certain amount of time and then shut it down and revert back to the old method. My concern right now is again, when these positions become vacant. I've been tasked with ensuring that we have a professional Police Department. The process I'm proposing is intended to ensure that I can acquire personnel who are well qualified and can be professional in the performance of their duties. As I indicated, currently we have a difficult time attracting people to the positions for a number of reasons, some of which you see in the handout, the power point presentation, the disparity of pay and benefits from going from a Sgt's position which is a union position, to a management position. Back 20 years ago, there was no disparity. All police officers received the same amount whatever the situation was. Currently, the fact that there is a disincentive, makes the position less attractive. Nonetheless, though, it is super-critical to the Police Department, starting at the mid-level management."

Chief Rael continued, "Additionally, Councilor Bushee, the role of a Lt. has changed over the years. Whereas, back then, it was more of a Sgt.'s role who filled in for the Captain who was on shift at the time, but there was a lot larger command staff. Over the years, the Department hierarchy has been cut back to the point where there is no, if you will, additional fat to the layers. A Lt. acts as a straightforward manager. It's a mid-management level and their position requires those duties."

Councilor Dominguez said he understands the intent from a manager's or supervisor's position, and he understands exactly why the Chief is doing this. It is well intended and supposed to have positive benefits. He said, "However, what I keep thinking about is that I think some of the issues and problems we have in the Police Department generally have begun with this idea of police officers from classified and exempt. I think, and I'm going back in history, many of the problems that we see today are because of the fact that we have made that differentiation between classified and exempt. And I think this continues that trend, and that's something that has me worried. Is there a high turnover in Captains since Captains became exempt, and they've been exempt for 15 years.

Chief Rael said to his knowledge, 4-5 years ago, the changeover came under Chief Denko on the Captains level, and only one Captain has been removed since then, and that was for cause. The fact that they're exempt does not automatically mean that the individual can be moved back. Furthermore there are additional layers of scrutiny. Ultimately, the Police Chief can only recommend to the City Manager who makes the final decision.

Councilor Dominguez said, "My question is, since Captains have become exempt, do you see this trend that you're having a high turnover in that position. In other words, you're not keeping Captains for 15 years. They're going to that position at the end of their career and then they leave."

Chief Rael said generally they leave at the end of their career, but he can speak only to what he has seen since he came back, and his experience in the past.

Councilor Dominguez said he would like to see that information. He reiterated his belief that some of the issues in the Police Department are because of the differentiation between classified and exempt positions. He said there are other factors he can't articulate without seeing some of that information. He said right now, he would be hard pressed to support the initiative on these positions.

Councilor Romero said a sunset clause was suggested, and it would be difficult to consider this without all of the information. She asked, given the number of upcoming retirements, what would a reasonable sunset clause look like.

Chief Rael said he believes we can know if this would work within 3-4 years, and that is a reasonable amount of time to make an assessment. If there are problems, he would suggest the Governing Body could step in and cut it sooner.

Councilor Romero said at a previous Finance Committee one of the issues was around quality, but the other was that people don't want to go to those positions because they are better off making more money in different ways. She said one of the other issues is that you would be able to adverse for these positions for a broader pool.

Chief Rael said in the event there are no interested or qualified internal applicants, that would allow us to broaden the pool and go state-wide, or outside the state. He said he doesn't want to go outside the Department, if at all possible, under any circumstance. However, there may be circumstances where there is a critical position which is sometimes best served by going outside, such as the Captain we will be discussing shortly.

Councilor Wurzbarger said she is having difficulty getting her arms around this issue. She said part of it is because she sees a hierarchy of issues, and she is unsure what is the dominant problem. She said she looks at the salary inequities and can understand how that is a deterrent, and that would be a different issue not necessarily tied to the concept of exempt. She said the exempt issue is one which allows the Chief, as a leader, to make decisions outside the regular system, and that might be justified if there are not people within the department. She asked if it is sufficient to deal just with the money issue. Or, how important is the exempt issue, not for the next position, but what we're talking about.

Chief Rael said in his estimation it would be nice to have this, but it is not absolutely critical to the operation of the Department. He is still concerned about filling these positions when there are no qualified people. He said adjustment of pay would be helpful in generating more interest internally for people to move forward. However, he had to provide this with the understanding that we have a fiscal issue and that the item would have no cost and zero fiscal impact. He said it is important to have a team which agrees

with the goals and objectives. He said it can function if we improve the surrounding circumstances. He said it is a matter of how the City wants the Department to function and how professional it desires it to be.

Councilor Wurzbarger, said, "I was with you until you gave that last parenthetic expression, because that's saying how professional do we want it to be. I would speak for my colleagues, right or wrong, we want it to be as professional as is possible."

Councilor Wurzbarger said Chief Rael just indicated the money is more important than the exempt status, if the City had the money.

Chair Ortiz said he was with the Chief until the end, and "I would say making more positions more exempt in government, tends to make it less professional and more political. But, again, 'political' with a little 'p,' as opposed to 'Politics' with a big 'P'.

Chair Ortiz said the most critical part about the Captains positions is that he is taking away two collective bargaining positions to fund an exempt position, and asked Chief Rael if he spoke with the unions regarding this proposal.

Chief Rael said yes, and obviously they disagree.

Chair Ortiz said, "In the face of that disagreement, your rationale for having a Captain position instead of two Crime Scene Techs is what."

Chief Rael said in his estimation, the Internal Affairs position is critical to the operation of the Department.

Chair Ortiz asked the Chief why he doesn't promote the existing Internal Affairs person.

Chief Rael said the primary issue surrounds the ability of the officers internally, first of all to be knowledgeable in the area, and secondly to be sufficiently objective to make the appropriate analysis and make the tough calls.

Chair Ortiz said a personnel issue differs from saying we need to create a position above the personnel issue so we have someone running the Division, which seems to be adding extra baggage.

Chief Rael said he can't identify anyone internally with the talent or skill, or the willingness to make completely objective calls in the case of evaluating an officer's conduct and or citizen complaints.

Chair Ortiz said the proposal is to create a new position by eliminating two crime scene technicians.

Chief Rael said these positions are vacant, and he could fill them. However, he has resources to perform those duties through the State Police. He said it is absolutely imperative to have someone who is objective, who can come in, who has no ties to the officers he or she is investigating.

Chair Ortiz said when his house was broken into, a crime technician was sent out, and as the result of her taking fingerprints off the window where he broke into the house, and the neighborhood watch they were able to apprehend and convict the kid who broke into the house. He said in the future, we would tell people who have break-ins that we would have to call someone from the State Crime Lab to help.

Chief Rael said every officer is trained on how to lift fingerprints and the collection of evidence. He said the officers at the scene are responsible for collecting fingerprints. He said normally, Crime Scene Technicians are assigned to the major cases, when they would put together a team. He said provisions are made to cover this with the Auxiliary Crime Scene Technicians, the police officers, and, to cover the more serious or large events, they would call the State Crime Lab for assistance.

Officer Adam Gallegos, POA President, said he and the Chief met in this regard and, while the POA is not opposed officially to eliminating the two Crime Scene Technicians, they are concerned about the criteria and qualifications of the proposed Captain, the proposed selection process, and that there is no one in the Department who has the ability to run Internal Affairs, or step up and judge their fellow officers. He said it is hard for them to agree that a person could come in from outside the department and do this without being " beholden to the employer," at least that's the perception that may be initially out there. He said it will take these people a long time to acclimate to the culture and history of the Police Department, and thinks that will take a long time to come into play.

Mr. Gallegos said, "If we are going to lose the Crime Scene Technicians, I hope the State has the ability to cover our major scenes, understanding that the Crime Scene Unit is primarily for the State Police and the other 300 counties for which they are responsible."

Mr. Gallegos said, "The POA's official stance: I would rather see those positions moved to another area for more police officers, more animal control officers, I don't know. That's the POA's official stance."

Councilor Wurzbarger asked what is the best practice with respect to whether this position should be held by someone who knows the Department as opposed to someone who does not know the Department.

Mr. Gallegos said that's a very complicated answer for me to give you right now, "and I don't think the Chairman would allow me that much time on the floor, but I will summarize it as best I can. It's a very very difficult thing. A lot of the publications I've reviewed as Union Present, because I'm responsible for representing people in these types of situations. A lot of them spend a lot of time in the beginning of the publication describing about how to go about selecting a proper Internal Affairs investigator. It talks about the personality the person should have and the fact that they should have no skeletons in the closet. You know, it really really delves into that. And it also talks about how important it is, in all of them, and I've read 3 or 4 of them, and I would be happy to provide them to whoever would like to read them, but it talks about the importance of how critical it is for the Public Affairs unit to have a good stance among the officers they are investigating, but in the community as well. So, it's a very difficult thing to pick those people."

Councilor Wurzbarger said she would think there would be 3 levels and there must be a perception of unparalleled integrity among the officers, among the leadership as well as the community.

Chief Rael said there is no standard, but most departments isolate the high investigators from the troops, and in the larger departments the members don't intermingle, and in some departments the heads are exempt command officers. He said the larger the Agency, the larger the internal affairs unit. He said as Sgt. Gallegos said, there is a complicated process to select someone with the knowledge of police practices, an ability to investigate impartially, and the whole intent is to ensure that officers are investigated appropriately, professionally, objectively, and that there is confidence in the Internal Affairs unit, internally and externally.

Councilor Wurzbarger said what is most difficult for a City of our size is that everybody knows everyone, or is related, and it isn't like being in Los Angeles and New York, and this would be an additional variable which has to be considered.

Councilor Wurzbarger said one of the things we do poorly is when we have someone in the wrong position, we create another position or move them, commenting this isn't always true, but it is a pattern she's seen over the past 10 years. Her concerns also are around the general issues in someone moving from a colleague to a supervisor. She is concerned about losing these positions, and would like to look at options.

Councilor Bushee said she is concerned about objectivity, but questions whether it has to come in the form of a new Captain's position. She said during the budget, we talked about not filling this position so we could have more patrol officers on the street, and we were supposed to have a review of the sort of top-heavy hierarchy. However, that never happened. She is comfortable in not filling the Captain's position. She said, "If there is a need to make the IA position more objective, absolutely. I don't quite get the correlation of needing the two. Because if you turn something into a Captain's position, now they're automatically part of management. I'm just not so sure I need a.... it's just my opinion. I'm not certain, and don't want to debate tonight what other positions should be given up for the Captain's position, because I actually don't see the need of doing that particularly."

Chief Rael said the I.A. Captain will be doing more than IA. It is mostly professional standards where we assure our accreditation is maintained, and he or she will be doing word processing oversight on that. The bodies are needed. It is a big area, a big component, and interacts too much with the other departments to ensure policy and procedure compliance, compliance with law. He said the main thing is we need somebody with that objectivity and no ties to the department.

Councilor Bushee applauds his search for objectivity, but she goes back to the discussion of whether this position was needed and "the consensus was not now, and maybe not ever, and that was under a different Chief." She said she wants to see more cops on the street, but she doesn't want to micromanage. She would rather have a discussion this evening on the whole reversion policy.

MOTION: Councilor Dominguez moved, seconded by Councilor Wurzbarger, to approve filling positions #1 through #6, and that we do not fill positions #7 and #8.

DISCUSSION: Councilor Dominguez doesn't want to send a message to the Chief and the POA that the Governing Body is going to turn a blind eye to these two positions and the intent. He believes we are at the place where we can address some of the internal issues. He doesn't know about giving the Governing Body the ability to do that with a limited amount of knowledge and information, saying he means this respectfully. He said every time we get a new Chief there are new ideas and philosophies, which he believes are well intended. However, there doesn't seem to be a comprehensive approach to address the organizational issues and even the philosophical ideas. He agrees with Councilor Wurzbarger that the idea is to put more officers patrolling the streets and neighborhoods, and there are a lot of factors involved in being able to move forward. He doesn't believe these two positions are the answer and believes we need a more comprehensive approach.

Chair Ortiz asked, with regard to Item #1, if this is an additional position.

Mr. Romero said no, Adrian Terry left the City.

Councilor Bushee said the replacement will have duties similar to those of Mr. Terry. She asked if things will be "less stuck" in terms of reviewing public records responses if we fill this position.

Mr. Zamora said it will give us the ability to dedicate one attorney to IPRA reviews, noting in the past as many as 5 attorneys were reviewing IPRA requests, so there are variances in the treatment of the Statutes. He said they want to "hone in one person to specialize on it, to make it consistent, as well as make it faster where possible. He said they will be filling this position quickly.

Councilor Bushee asked if one of their first duties will be to be sure we are getting our public records requests out as quickly as possibly.

Mr. Zamora said, "Yes. We will provide dedicated support to the Clerk's Office on IPRA requests."

Councilor Wurzbarger said she supports the motion, but she is not comfortable with where this leaves the Police Department, and we need to address that in some way. She said in voting on this, she still acknowledges that she is hearing a problem which needs to be addressed, and how we handle the issue of supervision in the City of Santa Fe, when people are in the position of supervising friends, and how to get the objectivity needed when supervising friends, which is bigger than just the Police Department.

Chair Ortiz asked the City Attorney to prepare an amendment to the Personnel Manual forbidding, thus ending, the practice of letters of reversions, or to apply it across the board to all employees..

FRIENDLY AMENDMENT: Chair Ortiz would like to amend the motion so the Police Department can bring this item back for discussion in the future. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMITTEE.**

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

25. OTHER FINANCIAL INFORMATION:

A. UPDATE OF GROSS RECEIPTS TAX REPORT RECEIVED IN DECEMBER 2011 (FOR OCTOBER 2011 ACTIVITY) AND LODGERS' TAX REPORT RECEIVED IN DECEMBER 2011 (FOR NOVEMBER 2011 ACTIVITY). (MEL MORGAN)

Chair Ortiz said we are trending on budget which is a good thing.

Councilor Dominguez said he understood there would be a different way of reporting the information or analyzing the data.

Dr. Morgan said where the yellow is in the document, staff has compared actual to budget, which shows we are on budget. The next line compares actual. He said we have to be carefully optimistic because we are only halfway through the budget. He said the new format is more understandable and uses less paper.

26. MATTERS FROM THE COMMITTEE

A. UPDATE ON 1997B VARIABLE RATE WASTEWATER BOND REFUNDING. (DR. MELVILLE MORGAN)

Dr. Morgan said the issue came about when Standard & Poors put 15 of the 17 nations in Europe on watch. One of the biggest banks to take a hit was BNP Paribas in France. He said BNP Paribas holds the letter of credit for these particular bonds. He said what happened, because S&P put BNP Paribas on notice, they said they were going to watch them because they have a lesser ability to pay. He said we need out of the "letter of credit business," because it is tied to this variable interest rate bond, noting this is the only variable interest rate bond the City has. He said it served us well in saving interest, but that is not the case currently. He said we need to remarket these bonds, put them at a fixed interest rate, resell them and refinance them. He said the City has an excellent bond rating, AAA over all, which is amazing in this economy.

Dr. Morgan said the variable rate bond requires a reserve. He said once we have a fixed rate bond, we won't need the reserve, as well as saving the cost of the letter of credit which costs a significant amount of money each year.

22. ADJOURN.

There was no further business to come before the Committee, and the meeting was adjourned at 7:15 pm.

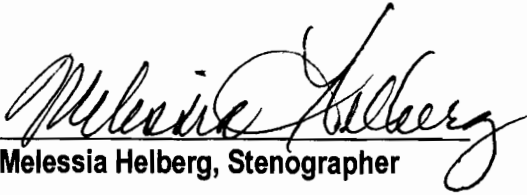


Matthew E. Ortiz, Chair

Reviewed by:



Dr. Melville L. Morgan, Director
Department of Finance



Melessia Helberg, Stenographer

City of Santa Fe, New Mexico

memo

TO: Finance Committee

FROM: Gillian Alessio, Deputy Chief of Police

RE: History and Timeline for Alarm Ordinance

Item and Issue:

Amendments to Ordinance Number 2009-33 amending Section 18-1.4 SFCC 1987 regarding license application submittal requirements for alarm installation companies and alarm monitoring companies; amending various sections of Article 20-5 SFCC 1987 regarding alarm systems and false alarm reduction; and making such other changes as are necessary.

Background and Summary:

In July 2009, the City Council approved Ordinance number 2009-33 which repealed Article 20-25 SFCC 1987 (Ord. No. 1988-31, Section 1-15 am amended.) That Article addressed the maintenance and installation of alarm devices and systems. Ordinance 2009-33 created a new Article (Article 20-5 SFCC 1987) which addressed alarm systems, false alarm reduction and made other changes to the original article as necessary.

To effectively administer the provisions of the Ordinance, the False Alarm Reduction Program was created. A decision was made to outsource the administration of the program and in December 2009, a contract was signed with the GTSI Corporation and its subcontractor AOT Public Safety Corporation. GTSI and AOT were contracted to provide false alarm management services.

Additionally, the Santa Fe Police Department Records Division staff assumed the role of alarm administrator as defined in the Ordinance, “...*city staff or agent for the city designated by the City of Santa Fe to administer the provisions of this Ordinance*”

In April 2011, the City of Santa Fe hired a hearing officer to adjudicate appeals made by alarm users who were fined under the provisions of the Ordinance. In July 2011, two additional attorneys were contracted by the City as hearing officers for the same purpose.

In April 2011 City Councilor Chris Calvert proposed several amendments to the Ordinance. The proposed amendments are designed to address problems that have been identified subsequent to the passage of Ordinance 2009-33. The amendments should also provide for better administration of the False Alarm Reduction Program as a whole. The foreseeable end result should be a reduction in the number of false alarms to which the Santa Fe Police Department responds.

Amendments to Ordinance 2009-33:

In Brief:

Section 1 – Licensing Application

Adds submission documents to include:

- A copy of a valid license issued by the State Construction Industries Division
- Proof of bonding.

Section 2 – Registration Requirements

Adds a fine for non-registered alarms sites as set by the table of fines (20-5.14 SFCC 1987) and makes the fine assessment for each false alarm occurrence.

Removes any provision that pertains to fire alarms

Removes the requirement for a signed affidavit from the alarm user

Adds the requirement for proof – a signed statement - that the alarm installation company has provided training to the alarm user and has trained the user on the operation of the alarm to include how to avoid false alarms.

Section 3 – Alarm Registration

Adds the requirement that for each false alarm occurrence, the fine for the non-registered alarm site, as set forth in Section 20-5.14, shall be assessed without waiver.

Section 4 – Duties of the Alarm User

Amends the existing language to include that after an alarm site has had three (3) false alarms within a one (1) year period, the alarm administrator shall notify the alarm user and the alarm installation company named on the alarm registration application that the alarm user is required to attend the on-line alarm school.

After the alarm site has had five (5) false alarms with a one (1) year period, the alarm administrator shall notify the alarm user and the alarm installation company named on the alarm registration application that there will be a mandatory inspection of the alarm system and shall be made and additional user training shall be provided by the alarm installation company. Proof of the inspection shall be required.

Section 5 – Duties of the Alarm Installation Company

Removal of the alarm registration and prevention checklist review

Mandates that alarm installation companies shall be responsible for any fines assessed upon an alarm user, upon failure by the alarm company to comply with the requirements as set forth in Section 5 20-5.9.

Added a requirement that an alarm installation company provide a monthly report to the alarm administrator which shall include a listing of any cancelled or inactive alarm user accounts.

Amends all submission dates for records from ten (10) days to thirty (30) days.

Section 6 – Duties and Authority of the Alarm Administrator

Adds the requirement that officers leave a business card at the alarm site when responding to a false alarm.

Changed the language on the business card left by the officer from the date and time they responded to the alarm to the date and time they arrived at the alarm site.

Removes all language and requirements that pertain to fire alarms and/or the Fire Department

Section 7 – Suspension of Response

Adds the language that the alarm administrator shall notify the alarm installation company and the alarm monitoring company listed on the alarm registration application of the determination to revoke an alarm registration and suspend response to the alarm site.

Section 8 – Fees and Fines

Amends language in the fee schedule and removes the fine for knowingly making a false statement regarding an alarm user.

Section 9 – Appeals

Adds the provision that the hearing officer shall affirm or reverse the decision of the alarm administrator and shall forward that written decision to both the administrator and the appellant.

Amends the provision whereby an appellant is required to pay a filing fee when applying for a hearing to paying the fee after the hearing officer renders a decision and only if the hearing officer does not find in favor of the appellant.

Detailed Changes to the Ordinance

- Section 1 Paragraph 18-1.4 B 9 (a)(b)
 - replace ***“provide information”*** with ***“submit the following documents”*** and define those documents as ***“a copy of a valid license issued by the Construction Industries Division of the Regulation and Licensing Department of the State of New Mexico; and proof of bonding.”***
- Section 2 Paragraph 20-5.5 A
 - add the sentence ***“The fine for a non-registered alarm site as set forth in Section 20-5.14 SFCC 1987 shall be assessed for each false alarm occurrence.”***
- Section 2 Paragraph 20-5.5 B
 - change the deadline for the submission of the initial alarm registration fee to the alarm administrator from ***“five (5) days to thirty (30) days”*** after the alarm system installation or alarm system takeover.
- Section 2 Paragraph 20-5.5 C (3)
 - remove the term ***“fire”***
- Section 2 Paragraph 20-5.5 C (7)(a)(b)
 - remove the language ***“A signed affidavit from the alarm user which states as applicable...”***
 - remove the language ***“...whichever is applicable”***
 - change subparagraph (b) and create a separate paragraph designated as paragraph 8
 - change subparagraph (e) and create a separate paragraph designated as paragraph 9

- Section 2 Paragraph 20-5.5 C (10)(b)(c)
 - Strike the wording ***“That the alarm user has been trained by the alarm installation company” “including”*** so that the statement reads ***“Training in the proper use of the alarm system and operating instructions on how to avoid false alarms; and”***
 - Amend the wording to read ***“A signed statement from the alarm installation company that verifies the training”***

- Strike the subparagraph that reads *“That a set of written operating instructions for the alarm system, including written guidelines on how to avoid false alarms, has been left with the alarm user by the alarm installation company.”*
 - Section 2 Paragraph 20-5.5 F
 - Amend the time that an alarm user shall have to inform the alarm administrator of any change that alters any of the information listed on the alarm registration application from **“five 5 business days”** to **“thirty (30) days.”**
 - Section 3 Paragraph 20-5.6
 - Strike the phrase *“and a late fee, citations and penalties”*
 - Amend the language to say *“For each false alarm occurrence, the fine for a non-registered alarm site, as set forth in Section 20-5.14 SFCC 1987.”*
 - Section 4 Paragraph 20-5.7 C
 - Strike the wording *“the alarm user shall contract with a licensed alarm installation company to inspect the alarm system”*
 - Amend the language to say *“the alarm user is required to attend the on-line alarm school.”*
 - Section 4 Paragraph 20-5.5 D
 - Add the language *“and the alarm installation company named on the alarm registration application”*
 - Add the language *“mandatory inspection of the alarm system shall be made and additional user training shall be provided by the alarm installation company. Proof of the inspection and additional training shall be provided to the alarm administrator.”*
-
- Section 5 20-5.9 E
 - Strike subparagraph (E)(G)(H)(2)(3)
 - Add subparagraph G *“Alarm installation companies shall be responsible for any fines assessed upon an alarm user, upon failure by the alarm installation company to comply with the following.”*
 - Add the language *“the monthly report shall also include a listing of any cancelled or inactive alarm user accounts.”*

- Amend time frame from *ten (10) days* to *thirty (30) days*.
 - Section 6 20-5.11 (D)(J)(1)
 - Amend language to *“arrival at the false alarm.”*
 - Strike paragraph J which includes provisions for the fire department
 - Amend language to change the responsible entity to the *“city business license administrator.”*
 - Section 7 20-5.12 B
 - Add the language *“the alarm administrator shall notify the alarm installation company and the alarm monitoring company listed on the alarm registration application of the determination to revoke an alarm registration and suspend response to the alarm site.”*
 - Section 9 20-5.16 (C)(D)
 - Add the language *“the hearing officer shall affirm or reverse the decision of the alarm administrator...and shall forward the decision to the alarm administrator and the appellant.”*
 - Strike the language *“accompany the notice of appeal. The filing fee shall be refunded.”*
 - Amend the language to read *“a filing fee in accordance with Section 20-5.14 shall be paid if the hearing officer does not find in favor of the appellant.”*
-