



# Agenda

FINANCE COMMITTEE MEETING  
CITY COUNCIL CHAMBERS  
JULY 16, 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:

Regular Finance Committee Meeting – July 2, 2012

## CONSENT AGENDA

6. Bids No. 12/23/B and 12/24/B – Polyelectrolyte Chemicals for FY 2012/2013 Wastewater Treatment Plant and Compost Dewatering Facility; Polydyne, Inc. (Luis Orozco)

7. Bid No. 12/33/B – City Wide Water Utility Pavement Restoration and Agreement between Owner and Contractor; TLC Plumbing and Utility. (Bill Huey)

8. Request for Approval of Amendment No. 4 to Professional Services Agreement – Emergency Repair for Operations and Maintenance to Repair Buckman Well #9 for Water Division; Alpha Southwest, Inc. (Michael Gonzales)

9. Request for Approval of Water Conservation Marketing Outreach Plan. (Laurie Trevizo)

10. Request for Approval of Grant Award and Budget Increase – JARC Section 5316 and New Freedom Section 5317; Department of Transportation, Federal Transit Administration. (David Chapman)

11. Request for Approval to Construct Improvements using Bid No. 12/02/B On Call Roadway & Trails Construction Services Agreement – Camino De Las Crucitas Bicycle & Pedestrian Improvement Project; TLC Plumbing & Utility. (LeAnn Valdez)

12. Request for Approval of Amendment No. 1 to the Lease Agreement - between the City of Santa Fe and Bokum Burro LLC to allow for Additional Party "San Q LLC" to become Additional Party to said Lease, to allow for Limited Alcohol Sales within Leased Premises and to revise yearly use Periods as Designated within

CITY CLERK'S OFFICE

DATE 7-13-12 TIME 10:00 a

SERVED BY Yolanda Green

RECEIVED BY P. City



# Agenda

FINANCE COMMITTEE MEETING  
CITY COUNCIL CHAMBERS  
JULY 16, 2012 – 5:00 P.M.

Lease Agreement Appurtenant to the Restaurant at 31 Burro Alley by Richard Montoya, Manager for Bokum Burro Alley LLC and Sang Gyoo Park Manager for San Q LLC. (Edward Vigil)

13. Request for Approval of a Resolution Relating to a Request for Approval of Fourth Quarter Budget Adjustments for Fiscal Year 2011/2012 Quarter Ending June 30, 2012. (Cal Probasco)
14. Request for Approval of a Resolution Directing Staff to Energize Santa Fe Tourism by preparing a Process for funding and other assets to establish Event Attractions that will bring a New Generation of Traveler to Santa Fe. (Councilors Wurzbarger and Ives) (Kate Noble)

**Committee Review:**

City Business & Quality of Life  
City Council

07/10/12

07/25/12

Fiscal Impact – No

15. Request for Approval of an Ordinance Amending Section 2-1.11 SFCC 1987 to Authorize the Mayor to Appoint a City Councilor as Parliamentarian of the Governing Body. (Councilor Wurzbarger and Ives) (Geno Zamora)

**Committee Review:**

City Council (request to publish)  
City Council (public hearing)

07/11/12

08/08/12

Fiscal Impact – No

**END OF CONSENT AGENDA**

**DISCUSSION**

16. Request for Approval of a Resolution Amending and Readopting the *Governing Body Procedural Rules* ("Rules"). (Councilor Ives) (Geno Zamora)

**Committee Review:**

City Council

07/25/12

Fiscal Impact – No



# Agenda

**FINANCE COMMITTEE MEETING  
CITY COUNCIL CHAMBERS  
JULY 16, 2012 – 5:00 P.M.**

17. Request for Approval of Procurement of Integrated Solar Development Services for Buckman Direct Diversion Booster Station 2A Solar Project Design-Build Delivery Method. (Dale Lyons)
18. Request for Discussion and Direction on Managing Flows to the Santa Fe River below City of Santa Fe Wastewater Treatment Plant during Peak Irrigation months for 2012 Irrigation Season. (Marcos Martinez)
19. OTHER FINANCIAL INFORMATION:
  - A. Monthly Unemployment Statistics 2012. (Dr. Melville Morgan)
  - B. Update of Gross Receipts Tax Report received in July 2012 (for May 2012 activity) and Lodgers' Tax Report received in July 2012 (for June 2012 activity). (Dr. Melville Morgan)
20. MATTERS FROM THE COMMITTEE
21. ADJOURN

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

SUMMARY OF ACTION  
FINANCE COMMITTEE MEETING  
Monday, July 16, 2012

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1-2
APPROVAL OF CONSENT AGENDA	Approved [amended]	2
CONSENT AGENDA LISTING		2-3
APPROVAL OF MINUTES: REGULAR FINANCE COMMITTEE MEETING – JULY 2, 2012	Approved	3
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO THE LEASE AGREEMENT – BETWEEN THE CITY OF SANTA FE AND BOKUM BURRO LLC TO ALLOW FOR ADDITIONAL PARTY “SAN Q LLC,” TO BECOME ADDITIONAL PARTY TO SAID LEASE, TO ALLOW FOR LIMITED ALCOHOL SALES WITHIN LEASED PREMISES AND TO REVISE YEARLY USE PERIODS AS DESIGNATED WITHIN LEASE AGREEMENT APPURTENANT TO THE RESTAURANT AT 31 BURRO ALLEY BY RICHARD MONTOYA, MANAGER FOR BOKUM BURRO ALLEY, LLC, AND SANG GYOO PARK MANAGER FOR SAN Q LLC	Postponed to 07/30/12	3-4
REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO ENERGIZE SANTA FE TOURISM BY PREPARING A PROCESS FOR FUNDING AND OTHER ASSETS TO ESTABLISH EVENT ATTRACTIONS THAT WILL BRING A NEW GENERATION OF TRAVELER TO SANTA FE *****	Approved [amended] w/direction to staff	5-13
END OF CONSENT CALENDAR DISCUSSION *****		

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
<u>DISCUSSION</u>		
REQUEST FOR APPROVAL OF A RESOLUTION AMENDING AND READOPTING THE GOVERNING BODY PROCEDURAL RULES ("RULES")	Approved [amended] w/direction to staff	13-24
REQUEST FOR APPROVAL OF INTEGRATED SOLAR DEVELOPMENT SERVICES FOR BUCKMAN DIRECT DIVERSION BOOSTER STATION 2A SOLAR PROJECT, DESIGN-BUILD DELIVERY METHOD	Postponed to 07/30/12	24
REQUEST FOR DISCUSSION AND DIRECTION ON MANAGING FLOWS TO THE SANTA FE RIVER BELOW CITY OF SANTA FE WASTEWATER TREATMENT PLANT DURING PEAK IRRIGATION MONTHS FOR 2012 IRRIGATION SEASON	Approved [amended]	24-29
<u>OTHER FINANCIAL INFORMATION</u>		
MONTHLY UNEMPLOYMENT STATISTICS 2012	Information/discussion	29-30
UPDATE OF GROSS RECEIPTS TAX REPORT RECEIVED IN JULY 2012 (FOR MAY 2012 ACTIVITY) AND LODGERS' TAX REPORT RECEIVED IN JULY 2012 (FOR JUNE 2012 ACTIVITY)	Information/discussion	30
MATTERS FROM THE COMMITTEE	Information	31
ADJOURN		31

**MINUTES OF THE  
CITY OF SANTA FE  
FINANCE COMMITTEE  
Monday, July 16, 2012**

**1. CALL TO ORDER**

A meeting of the City of Santa Fe Finance Committee was called to order by Chair Carmichael A. Dominguez, at approximately 5:00 p.m., on Monday, July 16, 2012, in the Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

**2. ROLL CALL**

**MEMBERS PRESENT:**

Carmichael A. Dominguez, Chair  
Councilor Patti J. Bushee  
Councilor Christopher Calvert  
Councilor Bill Dimas  
Councilor Peter N. Ives

**MEMBERS EXCUSED:**

**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**

Dr. Morgan said Item #11 is being pulled from the Agenda and sent back to the Bicycle and Trails Committee and Parks and Open Space Advisory Commission, and #12 is being pulled from the Agenda because the information is incomplete. He said Item #14 was published as having no fiscal impact, but it does have a fiscal impact and the FIR is on the Councilors' desks. He Item #17 is being pulled from the agenda and postponed to July 30, 2012

**MOTION:** Councilor Calvert moved, seconded by Councilor Dimas, to approve the agenda, as amended.

**VOTE:** The motion was approved on a voice vote, with Councilor Calvert, Councilor Ives voting in favor of the motion, no one voting against and Councilor Bushee absent for the vote.

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

Councilor Calvert said he was going to pull Item #11, and he wants to know the source of funding when it comes back to this Committee.

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

**VOTE:** The motion was approved on a voice vote, with Councilor Calvert, Councilor Ives voting in favor of the motion, no one voting against and Councilor Bushee absent for the vote.

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#### **CONSENT AGENDA**

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6. **BIDS NO. 12/23/B AND 12/24/B – POLYELECTROLYTE CHEMICALS FOR FY 2012/2012 WASTEWATER TREATMENT PLANT AND COMPOST DEWATERING FACILITY; POLYDYNE, INC. (LUIS OROZCO)**
7. **BID NO. 12/33/B – CITY WIDE WATER UTILITY PAVEMENT RESTORATION AND AGREEMENT BETWEEN OWNER AND CONTRACTOR; TLC PLUMBING AND UTILITY. (BILL HUEY)**
8. **REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT – EMERGENCY REPAIR FOR OPERATIONS AND MAINTENANCE TO REPAIR BUCKMAN WELL #9 FOR WATER DIVISION; ALPHA SOUTHWEST, INC. (MICHAEL GONZALES.**
9. **REQUEST FOR APPROVAL OF WATER CONSERVATION MARKETING OUTREACH PLAN. (LAURIE TREVIZO)**
10. **REQUEST FOR APPROVAL OF GRANT AWARD AND BUDGET INCREASE – JARC SECTION 5316 AND NEW FREEDOM SECTION 5317; DEPARTMENT OF TRANSPORTATION, FEDERAL TRANSIT ADMINISTRATION. (DAVID CHAPMAN)**

11. REQUEST FOR APPROVAL TO CONSTRUCT IMPROVEMENTS USING BID NO. 12/902/B ON CALL ROADWAY & TRAILS CONSTRUCTION SERVICES AGREEMENT – CAMINO DE LAS CRUCITAS BICYCLE & PEDESTRIAN IMPROVEMENT PROJECT; TLC PLUMBING & UTILITY. (LeANN VALDEZ) This Item was removed from the agenda and remanded to the Bicycle and Trails Committee and the Parks And Open Space Advisory Commission.
12. *[Removed for discussion by ]*
13. REQUEST FOR APPROVAL OF A RESOLUTION RELATING TO A REQUEST FOR APPROVAL OF FOURTH QUARTER BUDGET ADJUSTMENTS FOR FISCAL YEAR 2011/2012 QUARTER ENDING JUNE 30, 2012. (CAL PROBASCO)
14. *[Removed for discussion to recognize the fiscal impact]*
15. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 2-1.11 SFCC 1987, TO AUTHORIZE THE MAYOR TO APPOINT A CITY COUNCILOR AS PARLIAMENTARIAN OF THE GOVERNING BODY (COUNCILORS WURZBURGER AND IVES). (GENO ZAMORA) Committee Review: City Council (request to publish) 07/11/12; and City Council (public hearing) 08/08/12. Fiscal Impact – No.

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**END OF CONSENT AGENDA**  
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#### 5. APPROVAL OF MINUTES: REGULAR FINANCE COMMITTEE MEETING – JULY 2, 2012.

**MOTION:** Councilor Dimas moved, seconded by Councilor Ives, to approve the minutes of the Regular Finance Committee Meeting of July 2, 2012, as presented.

**VOTE:** The motion was approved on a voice vote, with Councilor Calvert, Councilor Ives voting in favor of the motion, no one voting against and Councilor Bushee absent for the vote.

#### CONSENT CALENDAR DISCUSSION

12. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO THE LEASE AGREEMENT – BETWEEN THE CITY OF SANTA FE AND BOKUM BURRO LLC TO ALLOW FOR ADDITIONAL PARTY “SAN Q LLC,” TO BECOME ADDITIONAL PARTY TO SAID LEASE, TO ALLOW FOR LIMITED ALCOHOL SALES WITHIN LEASED PREMISES AND TO REVISE YEARLY USE PERIODS AS DESIGNATED WITHIN LEASE AGREEMENT APPURTENANT TO THE RESTAURANT AT 31 BURRO ALLEY BY RICHARD MONTOYA, MANAGER FOR BOKUM BURRO ALLEY, LLC, AND SANG GYOO PARK MANAGER FOR SAN Q LLC. (EDWARD VIGIL)

Dr. Morgan said this item was recommended to be pulled from the agenda.



Edward Vigil said this item is being pulled because the State isn't willing to extend the Applicant's right under State law, to provide liquor service in the alley way, the way the leased parcel currently is configured. He said the Applicant has a Beer & Wine License within the established restaurant it leases from Bokum Burro Alley, LLC, and it isn't contiguous to the leased parcel because of the separation by a public sidewalk which is another issue to be dealt with.

Chair Dominguez said staff needs to pull this item because the caption is wrong and there are things which need to be discussed and clarified internally.

Mr. Vigil said additional issues have arisen through staff's discussion with the New Mexico Alcohol and Gaming Division.

Chair Dominguez asked if Councilor Calvert wants to ask questions now or wait until this comes back to the Finance Committee.

Councilor Calvert said his questions were around these issues. He said he spoke with City Clerk Yolanda Vigil and the sidewalk is the issue, and they're looking to see if there has been precedent for the City to close off a sidewalk to allow such an arrangement.

Councilor Calvert asked Mr. Vigil if staff would be ready to present this item at the next Finance Committee meeting.

Mr. Vigil said a lot is contingent on the Applicant coming to some sort of an agreement with the State Alcohol and Gaming Division in terms of what the State will allow.

Councilor Calvert said part of the issue is also what the City will allow in terms of the use of the sidewalk.

Mr. Vigil said the Applicant will have to come up with a configuration which will please both entities and he is still waiting on that.

Responding to Councilor Calvert, Mr. Vigil said he hopes to have this issue resolved by the next meeting.

**MOTION:** Councilor Calvert moved, seconded by Councilor Ives, to postpone this item to the next meeting of the Finance Committee on July 30, 2012.

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

*Councilor Bushee arrived at the meeting*

14. **REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO ENERGIZE SANTA FE TOURISM BY PREPARING A PROCESS FOR FUNDING AND OTHER ASSETS TO ESTABLISH EVENT ATTRACTIONS THAT WILL BRING A NEW GENERATION OF TRAVELER TO SANTA FE (COUNCILORS WURZBURGER AND IVES). (KATE NOBLE) Committee Review; City Business & Quality of Life 07/10/12; and City Council 07/25/12. Fiscal Impact – No Yes.**

A copy of FIR No. 2279 regarding this Item, is incorporated herewith to these minutes as Exhibit "1."

Chair Dominguez said this item was removed from the Consent Agenda to indicate that there is a fiscal impact and that a Fiscal Impact Report is on our desks. He will allow questions on this matter.

Councilor Bushee said it was on her list to remove for discussion because there was no FIR. She is seeing \$100,000 for land and a building.

Ms. Noble said yes, the idea was that there "is basically \$100,000 of Convention Center space brought forward to make these events possible."

Councilor Bushee asked if she means the City will waive those fees, and Ms. Noble said, "Precisely."

Councilor Bushee asked about the professional services.

Ms. Noble said the idea here is to take the existing OTAB funding much in the way that OTAB contracts with different entities to provide advertising to bring tourists to Santa Fe.

Councilor Bushee asked if it will be a new contract.

Ms. Noble said it is existing OTAB funding and there will be no new funding.

Councilor Bushee asked if they will be rearranging who it will be going to, and Ms. Noble said yes.

Councilor Bushee asked if this a Creative Santa Fe thing, or what is this.

Ms. Noble said, "The idea, and the reason it was listed for no fiscal impact to begin with is that basically the Resolution has staff going to develop the process and the plans. It hasn't been developed yet."

Councilor Bushee asked then how did staff come up with shifting \$85,000.

Ms. Noble said the \$85,000 is composed of \$75,000 of annual OTAB funding each fiscal year, and a suggestion to take \$10,000 from the Arts Commission funding.

Councilor Bushee said she understands this is about setting up a plan, but there is a fiscal impact, because it now is about shifting existing advertising funds, or funds which were “hanging out” that were used for overtime, and what’s the plan – to put out an RFP, or do it in-house.

Ms. Noble said the confusion around the fiscal impact is that the Resolution says to develop the process and staff said there is a fiscal impact because it says let’s use existing funding for a different purpose than it’s currently being used, or an adjustment on the purpose. She said there are not a lot of specifics developed around what would happen, but the idea would be something around an RFP for these off-season or shoulder season events, and contractors with good ideas such as, for example, Wine and Chile [that’s really the one that has been held up as the example to be replicated] comes forward and says here’s a festival we can have in the winter and this is how we would use the OTAB funds, the Santa Fe County Funds and here’s the private funding we are bring and how they would use the Convention Center space. She said there would be a process for an RFP or an RFQ. She said no one has been identified or pre-determined to do this.

Councilor Bushee asked if the plan will come back to the City Council.

Ms. Noble said, “We could certainly do that. Yes.”

Responding to Councilor Bushee, Ms. Noble said she isn’t well versed sufficiently in current uses of OTAB to answer what the funding would be diverted from, but the idea was to divert it.

Councilor Bushee said she is now less sure she can support this.

Councilor Calvert is OTAB is suggesting this, or if OTAB has heard this – does OTAB know you’re talking about taking some of their money.

Ms. Noble said she believes it has been discussed at OTAB, noting some of the brainstorming around this comes from at least one OTAB Board member, but doesn’t believe it has been heard officially before OTAB.

Councilor Calvert said he would think this item would have to go through OTAB as part of the process so OTAB would know this is being planned. He asked if the Convention and Visitors Bureau knows its budget is being impacted by \$100,000.

Ms. Noble said, “They are aware. Obviously, this is not an area that I work in as regularly, but I think in some of the desire to get this done expeditiously, I was asked to come in on this one and give them what’s going on at the Convention Center with a hand over.”

Councilor Calvert would like to hear from the CVB new Director that he knows he just lost \$100,000 of his budget. He is struggling with the caption of the bill which says, “Directing Staff to energize Santa Fe Tourism by preparing a process for funding and other assets.” However, on page 2, lin3 5 of the Resolution provides, “... to develop a process and criteria to use existing fund to fund a minimum of three new....” He understands these are existing funds, but is concerned whether they know they are giving up

funds. He said the caption says, ..."preparing a process for funding and other assets," and asked if that means they will be getting more funds to do this. He is confused with the language.

Ms. Noble said, "The idea was the process for funding is for the existing OTAB funds, and the other assets primarily being space in the Convention Center."

Councilor Ives said packet page 4, lines 10-12, provide, "Funding and planning of the events shall be public/private partnerships that seek to attract tourists younger than 56 that are on message with Santa Fe's overall marketing effort as demonstrated by the Santa Fe Convention and Visitors Bureau." He said then this does involve extensive coordination through and with the Convention and Visitors Bureau.

Ms. Noble said, "It does, and that comes from the market studies that the Convention & Visitor's Bureau contractor, TKO, has done, and where the explicit target for their marketing is headed. So that's correct."

Councilor Ives said, "I am unclear that the CVB is so much losing funding as simply being asked to direct existing funding, if you will, creating or fostering these shoulder events. Is this an accurate assessment."

Ms. Noble said, "That's an accurate assessment, and again it's OTAB funds, which is separate from the Convention and Visitors Bureau budget, but it is targeting these funds with a marketing plan that says we need to be going already. So, yes, those two things are woven together."

Councilor Bushee said she understands you want to have a plan, but it sounds like you have a plan, we're just not getting the details, or at least \$85,000 is a figure that isn't just a round number and \$100,000 of use of time, so there must some kind of plan. She said, "I love the Be It Further Resolved that the objective is to add five off-season weeks to the tourism calendar that will bring in a total of \$10 million for people under 56, but... you know, how are we tracking this. I mean we never track our advertising dollars to see really what they do, and we've been asking for that forever."

Councilor Bushee continued, "I feel like the Resolution is precipitous, relative to... if you had come before us now instead of this kind of, I think, generally vague resolution with good intent, mind you, but this is the Finance Committee where we're supposed to see, okay, this is a better use of our dollars, or perhaps it's not. But it feels like a very small kind of group of people brought this forward, thought it out and I don't have the details so, me personally, can't support this as it is. Don't understand how you're going to reroute the OTAB money. I would certainly expect, if this passes, that we would see again, in greater detail what the plan is and how the money is purported or proposed to be shifted. And so, even OTAB didn't get the details."

Ms. Noble said, "I don't believe it has been presented to OTAB in any official capacity. And, the reason we had initially said no fiscal impact is because we would develop a process and bring the process back for approval. Of course, that can be the wish of the Committee and the Council. We did then want to say, rather than there's no fiscal impact, is that the intent of the Resolution is to redirect the use of some funds according to the marketing plan, hence why we did fill out the FIR as we did."

Councilor Bushee said, "Again, it feels like I need the Plan, which I guess you have not developed yet. So it says, '...preparing a process for funding and other assets..' I don't see anywhere in the Resolution it says you're coming back with that process."

Ms. Noble said, "It does not appear in the Resolution."

Chair Dominguez asked when OTAB meets next, and Ms. Noble said they may be meeting at the end of this month.

Chair Dominguez asked Mr. Zamora if he has any idea when they meet, and Mr. Zamora said no. he asked Mr. Rodarte and he also said no.

Chair Dominguez said he is somewhat confused as well, although he definitely agrees with the intent and the idea that we definitely don't want to cut the hand that feeds us. However, it sounds sending this through other Committees might be beneficial to us and might get unanimous support for this. However, he will leave that direction to the Governing Body. However, he would like to give direction to staff to ensure these kinds of things are included in the packet ahead of time so we can look at it more closely, and ask questions ahead of time.

Councilor Dimas said we are lacking some of the information he believes is necessary for this Committee.

**MOTION:** Councilor Dimas moved, seconded by Councilor Bushee, to remand this item to OTAB for its consideration, and to postpone this item to the next meeting of the Finance Committee after OTAB meets.

**DISCUSSION:** Councilor Bushee would like greater details about this proposal as this moves back to this Committee after the OTAB meeting.

**FRIENDLY AMENDMENT:** Councilor Calvert would like to amend the motion to invite the new Director of the Convention and Visitors Bureau to attend the Finance Committee meeting when this item comes back to this Committee to talk about whether or not he is aware of this proposal. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER COMMITTEE MEMBERS..**

Councilor Ives asked if events which are facilitated by the City, such as the International Folk Art Market, come back to the Council for review and approval.

Ms. Noble said she understands it depends on what they ask for. The Folk Art Market used to have a cash contribution from the Economic Development Division which did come before the Council, commenting there is no longer a cash contribution so it is remanded to Public Works and such.

Councilor Ives said then events which were funded by the City would come back for approval, noting there is a \$50,000 limitation on funding, although these events might exceed that limitation, so the intent would be to bring it back to the Council in any event.

Responding to Councilor Ives, Ms. Noble said developing the process and criteria can be undertaken by staff with no fiscal impact, and that would involve staff of OTAB and the CVB in the planning process.

**FRIENDLY AMENDMENT:** Councilor Ives proposed a friendly amendment that the planning and developing of the process be permitted to go forward and direct staff to engage OTAB and the Convention and Visitors Bureau, and bring back a plan, noting the planning process has no fiscal impact.

**CHAIR'S SUMMARY OF THE FRIENDLY AMENDMENT:** Chair Dominguez said it sounds like Councilor Ives would like to find a way to get the process started where there is no fiscal impact, and parallel that work of staff with informing OTAB and CVB.

Councilor Ives said he would like OTAB and the CVB to be involved in the process and to be in agreement with the proposal. He said it is helpful to have the policymakers saying this is a good thing, and he wants to recognize that much to get the process moving forward in such a way that brings staff together toward that end that we all think is a good end.

Chair Dominguez said if staff would delete the last Be It Further Resolved on page 2 of the Resolution, lines 18 and 19, then this could go forward.

Councilor Bushee and Councilor Calvert said no.

Councilor Bushee said it appears somebody put some thought into it, and perhaps it was Councilor Ives, or Councilor Wurzbarger or the BQL Committee, but it isn't clear in the Resolution. She said you are trying to fund a minimum of 3 new emerging events for 3 years, and asked how the Committee can know this is an effective strategy.

Councilor Bushee said line 5, page 2 of the Resolution, provides "... staff shall work jointly with Santa Fe County." She said it is a good concept but the details are missing from the Resolution, including the County's involvement. She would like to have OTAB and the CVB Director intimately involved, and add a new portion to the Resolution saying to involve Creative Santa Fe and people in the private sector, noting Kate Noble should be involved in some way. She said it is important that the process be clear, open and collaborative which this Resolution doesn't have.

Councilor Bushee would like a report from OTAB after it meets, preceding this Committee's consideration of this item. She said we never hear from OTAB, noting in the past Councils have raided OTAB funds for random things. She said there is a lot more at stake now.

#### **THE AMENDMENT WAS NOT FRIENDLY TO THE SECOND.**

**DIRECTION TO STAFF:** Chair Dominguez said as an alternative, we can direct staff to come back with as much detail/information as possible as to the process and how the money will be spent.

Councilor Ives said it sounds like we're telling you to engage in this planning process within the City and discuss these options which, in part, was the intent of the Resolution in the first place, but with the intent

that it be brought back to this Committee before the Council takes official action on this request, notwithstanding the fact that we all seem to be in favor of it.

Councilor Calvert pointed out that the FIR we got today [Exhibit "1"] doesn't go with the Resolution in terms of just preparing a process, developing a plan, for doing these things. The FIR would go with the implementation of a plan. He said the Resolution alone will spend no money other than staff time.

Ms. Noble said this is correct, and the reason they initially decided not to include an FIR.

Councilor Calvert said the alternative would be to move this forward with an amendment saying that the plan and the FIR will come back to this body, and some of the things we've discussed about OTAB and the CVB would be included in that. He said staff probably needs to develop some of the plan to present to OTAB and the CVB to say why they think they need their funds and how they will be used. He doesn't think OTAB will have any better idea than we do how the money will be spent until a plan is developed.

Councilor Bushee said she would move it quickly to OTAB and then come back here.

Councilor Calvert said OTAB won't have any better idea than we do without a plan.

Ms. Noble said she thinks she understands the motion, and staff would be happy to do the Resolution first, or with direction from Councilors to go ahead and do that, and staff will involve OTAB, the CVB Director and the private sector in discussions to develop a plan which will come back through the Committee process for approval.

Chair Dominguez said he will ask that a report from OTAB be put on the agenda for the next Finance Committee meeting under Matters from the Committee.

**WITHDRAWAL OF THE MOTION BY COUNCILOR DIMAS:** Councilor Dimas said he would withdraw his motion so that Councilor Calvert could make a substitute motion.

**SUBSTITUTE MOTION:** Councilor Calvert moved, seconded by Councilor Dimas, for the approval of the Resolution with the addition of a clause in the Resolution as follows: Be it Further Resolved that the plan that is developed from this Resolution will come back to the Finance Committee for approval with the FIR attached, with the understanding that the plan has been presented to OTAB and the Convention and Visitors Bureau Director and members from the private sector; and to invite the new Convention and Visitors Bureau to attend the next Finance Committee meeting, with direction to staff as stated by the Chair.

**DISCUSSION:** Councilor Bushee said she has no problem with this because we will see it again. However, the part that is sticking for her, is that somebody has a plan and there has been more than just a "go make a plan, because it says bring a minimum of 3 new or emerging events for a minimum of three years. It says they "shall" work jointly with Santa Fe County. She said if you want to start amending the Resolution, "I think you have to say jointly with Santa Fe County, members of the private sector, unless this has already been discussed and Councilor Ives can reveal more. Have there been discussions with

Creative Santa Fe. Is this the plan. Is there going to be a contest for these events. A minimum of three new, emerging events that are going to be successful, that's a very ambitious goal."

Councilor Calvert said on line 10, page 2 of the Resolution, it says, "Funding and planning of the events shall be public/private partnerships," so it's mentioned there.

Councilor Bushee said, "It's all... somebody very specifically is wanting some thing, and I'm saying if it's going to cost \$200,000, before you've decided that's the format, I want the people that are the experts doing that planning and telling me. That's a very ambitious goal, I don't think we could achieve it, I only have this much money. That kind of things. That's why I keep asking the sponsor and others that aren't here to sort of fill me in.

Chair Dominguez asked Councilor Bushee if she would like to offer that as a Friendly Amendment to include that language on page 2, line 6 of the Resolution.

Councilor Bushee said she would start striking language and leave this as a little more *tabula rasa* for people to come back to say what is achievable, how we would redirect money, from where and that kind of thing, so that's the reason she postponed the Resolution. She asked if there have been discussions on this, and how did we come up with a minimum of 3 and the age group under 56.

Councilor Ives said there is clear evidence that these kinds of events are significant economic generators and bring significant dollars to Santa Fe. He said there are a number of different kinds of events in which the City participates, and clearly these would be significant events which would benefit the City. This is setting, to some degree, an aspirational goal, asking that planning be done to try and determine, especially for the age group which is significant. We see age 35-56 which tends to be relatively prosperous economically if they're coming to Santa Fe, and to try to build more of these events, especially in that portion of the season in Santa Fe, on the shoulder which is the portion of the year after the summer season and before our summer season. He said winter brings its own groups to Santa Fe, so most of this is focused on those times in the Fall and Spring when the City is less occupied, but still have a multitude of venues available, including the Convention Center.

Councilor Ives said the Mountain Biking Association is coming to Santa Fe in October for an entire week at the Convention Center, and doesn't know if that would be an item which would qualify under this Resolution. He said the shoulder season is when the hotels are looking for greater occupancy, when the businesses are looking for a greater opportunity to engage in their economic work. So it really is to put some focus on these times of the year when we are under-utilized. This is a good time to be anticipating new events.

Councilor Bushee said the Chile and Wine Festival were mentioned which confused her, because those are in the prime season and pretty much not people under age 56. She said she has been involved with IMBA [International Mountain Biking Association], and IMBA would love to have its fees waived at the Convention Center and at the Railyard and to receive funding. This is the reason she feels a need to focus this somewhere like OTAB who understands the effort. She feels she is reading between the lines instead of having all the details.



Chair Dominguez asked the reason age 56 was chosen as opposed to age 65 or 55.

Ms. Nobel said it came directly from TKO, noting it's their science, noting they have done extensive analysis of our visitor data, so that is a data-driven number of who TKO is targeting to move the tourist bracket age down to a more sustainable level for Santa Fe.

Chair Dominguez said then TKO is saying that that's the age group we're not capturing.

Ms. Noble said it is more that this is where "our more fertile ground is. We can't go straight for 22 year olds."

Chair Dominguez asked what commitment the County has given to the City on this effort. He said Santa Fe County is going after an older demographic.

Ms. Noble said the older demographic is the group which is becoming more active. She said she knows of no explicit commitment by the County, nor is she aware of any informal conversations or agreements or desires which have been communicated.

Responding to the Chair, Ms. Noble said the idea outlined to her is that the private sector brings forward \$100,000 in time and effort to match the City's contribution and that Santa Fe County partner because of assets that may be in the County they want to market as well as actual dollars needed to be approached with an explicit agreement which has not yet happened.

**DIRECTION TO STAFF:** Chair Dominguez said when this item comes back to this Committee, he would like to see some correspondence which has been done between staff and the County regarding this matter. He said they don't have to say yes or no, or the amount. He doesn't want to commit to this with the idea that the County is going to participate and then they don't.

Councilor Ives said the reason the County is included is the notion of cultural tourism, and the culture in Northern New Mexico while vibrant and very much a living entity within the City does also extend outward from Santa Fe. So, if we were hosting events where people were staying in Santa Fe – in the hotels, eating in the restaurants – but involved people going out and visiting, potentially, the pueblos in close proximity or Chimayo or Abiquiu, there are lots of opportunities where a collaboration with the County might make sense.

**RESTATED SUBSTITUTE MOTION:** Councilor Calvert moved, seconded by Councilor Dimas, for the approval "of this" with the addition of a clause in the Resolution, Be it Further Resolved that the plan that is developed from this Resolution will come back to the Finance Committee for approval with the FIR attached, with the understanding that the plan has been presented to OTAB and the Convention and Visitors Bureau Director and members from the private sector, and to invite the new Convention and Visitors Bureau to attend the next Finance Committee meeting, with direction to staff as stated by the Chair.

**VOTE:** The substitute motion, as amended, with direction to staff, was approved unanimously on a voice vote.

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**END OF CONSENT CALENDAR DISCUSSION**

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**DISCUSSION**

**16. REQUEST FOR APPROVAL OF A RESOLUTION AMENDING AND READOPTING THE GOVERNING BODY PROCEDURAL RULES ("RULES") (COUNCILOR IVES). (GENO ZAMORA) Committee Review: City Council 07/25/12. Fiscal Impact – No.**

Geno Zamora, City Attorney said these amendments to the Governing Body Rules come before the Committee generally for the purpose of streamlining meetings, updating procedures for best practices to keep the Governing Body focused on public business and to hold meetings with timeframes that allow for the public to be present. The amendments relate to compliance with the Open Meetings Act as well as addressing improving protocol, decorum and procedural issues.

Councilor Bushee asked if the one in the packet is the most recent.

Mr. Zamora said it is if it says amended in 2011 on the last page. He said what is in the packet is the most recent language with the amendments in line.

Councilor Bushee said she doesn't understand the first amendment on the cover page, and asked if it is to remove something from consent.

Mr. Zamora said, "On the cover page of the Memo is a summary. Those are not the only amendments, but that's a summary of the most important amendments. So bullet point #1, yes, it relates to the Consent Agenda and timing for removing items from the Consent Agenda.

Councilor Bushee asked where in the Governing Body Rules does it dictate when something goes on Consent. She said previously we used to hear things, ordinances, new things, and if they hadn't been heard before they weren't on Consent. Then all of a sudden everything went on consent, and now you're going to try and limit how things come off Consent.

Mr. Zamora said, "For clarification, I'm not trying to limit anything. But the amendments that have been introduced that I'm explaining to you this afternoon, as it relates to items on the Consent Calendar and your question. Under Item F on page 5 of Exhibit A, packet page 9 of the amendments, new letter F, the old language is in there which is, "Items on the consent which a member of the... oops, that is the wrong paragraph. It's on here specifically, let me look through this packet and find that. Okay, it's paragraph B on packet page 8, line 14, and this is the existing language, "Those items of a routine or non-controversial nature and those items recommended for approval by a City committee and requiring council action may be placed on a consent calendar." That was the old language."

Councilor Bushee said, "That is an objective standard, correct."

Mr. Zamora said, "That is the language that exists. Again, what the Governing Body has chosen in the past is, 'Those items of a routine or non-controversial nature and those items recommended for approval by a City committee and requiring council action may be placed on a consent calendar'."

Councilor Bushee said, "Again, practice and what we have been doing in the last so many years have diverged. We always had things that had not been heard, were newly introduced, that had not gone through a Committee, were automatically on a consent calendar. I'm talking committees, okay. Are we talking everything, both committees and the Governing Body when you are making this amendment."

Mr. Zamora said, "These are the Governing Body procedural rules. These are the rules that govern Governing Body meetings. There are a separate set of rules for the Committee. That is not before Finance this evening."

Councilor Bushee said, "So this is only for at Council level."

Mr. Zamora said correct.

Councilor Bushee said, "Because I'm still stymied as to how things get on the consent calendar that are brand new, that have not been heard. Because the work of the committee is to do all of the nitty gritty before it gets to Council, and thus things should be non-controversial. So, am I assuming then that we're just addressing the Governing Body meetings. It is a very very subjective standard."

Mr. Zamora said, "This Resolution only relates to Governing Body meetings. A meeting of the entire Governing Body. So, to address your question, your question was how do items get on the consent agenda at committees, and that is not being addressed this evening. It may be addressed in future legislation if the Governing Body member so chooses, but it's not being addressed this evening."

Councilor Bushee said, "I'm concerned with this first one, only in that I may want to take something off, I don't want to get 5 other people to really take it off because I'm just trying to be consistent with how I voted in committee. If I'm voting against something, I doesn't want to acquiesce on consent. So I want to know how things also get on consent in the first place."

Mr. Zamora said, "As it relates to consent, the rules also address the Governing Body members shall have a minimum of 48 hours to review the packet, and it actually is a calculation of 65 hours between receipt of the packet, if that's a Friday at 5:00 p.m., and pulling items off of consent calendar for a Governing Body member by 10:00 a.m. on Monday morning. So, Governing Body members will, by rule, have a minimum of 48 hours, but in actuality have a minimum of 65 hours to review consent items from the consent agenda according to the amendments that are proposed this evening."

Councilor Bushee asked, "And do what with them. You're saying you've got to get 4 people to take it off. A written request, will of the 4 people, there's something about 4 people somewhere. So, what are you asking us to do now that's.."

Chair Dominguez asked, "Are you still on bullet #1 Councilor."

Councilor Bushee said, "I am."

Mr. Zamora said, "Mr. Chair, Councilor Bushee, one member of the Governing Body may pull an item from consent agenda prior to Monday at 10:00 a.m., preceding a Governing Body meeting, at which time, they would have had 65 hours to review the consent agenda items and inform the Clerk's Office that they wish to have an item pulled from the consent agenda."

Councilor Bushee said, "Not just one. You're not limited to just an item. Correct."

Mr. Zamora said, "Correct."

Councilor Bushee said, "You can pull any item."

Mr. Zamora said, "Correct."

Councilor Bushee asked, "What's the point of that. Is that a noticing thing. What's the point of that, other than to make the Clerk crazy."

Chair Dominguez asked if that is a question for Council or for Geno.

Councilor Bushee said she is trying to figure it out.

Chair Dominguez said, "But I'm not sure if that's. You can answer that if you want Geno, if you've got the answer, but..."

Mr. Zamora said, "That is the language proposed by the sponsors. Again, the purpose of this is to streamline the practice, to encourage best practices, so there is notice of a consent agenda item being pulled, so that staff have proper opportunity to prepare to present on that consent agenda item. In addition, the amendments encourage the Council members to approach staff and inquire about the consent agenda item prior to pulling it, because oftentimes, those questions can be answered without raising those questions specifically in a Governing Body meeting."

Mr. Zamora continued, "Again, one of the things that's being looked at, one of the purposes for these amendments is to streamline the meetings and maintain the hours of the meetings within those hours that the public can attend. We've seen oftentimes that as meetings get later and later, that public participation diminishes, so the ability to streamline a meeting is important for public participation."

Councilor Bushee said, "I'm not quite sure how that streamlines a meeting. Again, I'm going to go back to somebody getting back to me as to how things get on committee's consent, because I think that has limited public participation, by putting the entire agenda on consent and presuming, you know, that things are non-controversial. It used to be as a matter of practice, I don't know whether it was part of our procedural rules, but things were not on consent if they had not been heard, if they were virgin to a

committee, and yet on these, if you don't get here right on time, you don't pull off everything, because everything's on consent pretty much. And so I understand the first, I don't think I support it."

Councilor Bushee continued, "Again, then the executive session, what's the penalty if... we had a recent violation of executive session matters that I can recall anyhow, involving the Railyard Market Station and other matters. What's the penalty, and how does one then presume which Councilor was the one violating, or which member of the Governing Body was the violator. I'm on the third bullet, in case you were wondering."

Mr. Zamora said, "The clarification in here in the amendment, is that no participant in an executive session meeting shall disclose the contents of that executive session which is privileged to the membership. That none shall disclose those conversations, unless waived by a majority of the Governing Body, and that is the entity that holds the privilege."

Councilor Bushee said, "Right. So, my question is, what is the penalty if one does that."

Mr. Zamora said, "Currently, there is no penalty."

Councilor Bushee said, "So why are we putting this in here, if that's already the practice."

Mr. Zamora said, "Currently, there is no penalty, and I understood that to be the question. What has been added is censure by the Governing Body, either toward the member of the Governing Body or any other attendee of that meeting."

Councilor Bushee asked, "So how does one find out who's disclosed information that is in executive session."

Mr. Zamora said, "The Governing Body can provide direction to staff to investigate that issue, if that's what the Governing Body wishes. It's nothing contained in the rules. I'm just opining. There's several options on how the Governing Body could make that determination. One, is calling for an investigation of the leak of executive session."

Chair Dominguez recognized Councilor Ives for a point of clarification on that point.

Councilor Ives said, "Actually the point before, because I do have a copy of the rules for committees. Under Article 8, Section 3(A)(7) the Chairman's duties are "to establish the agenda for committee members." So I think with regards, at least to committees, the issue of who determines what goes on consent and what doesn't is left to the presiding officer of that committee."

Councilor Bushee asked, "So, is that currently how it's happening at the Governing Body level, or is that the City Manager or the Clerk. Sometimes on occasion, something that you would automatically expect to be on consent, because somebody like, I don't know who, puts it on as not an evening hearing, but just as an item 11 or 12 as they end up usually being. Who decides that now."

Mr. Zamora said, "The Governing Body Procedural Rules themselves already determine what is on the Afternoon Session and what is on the Evening Session."

Councilor Bushee asked, "And what about consent to the Afternoon Session but not consent. Do you understand what I mean."

Councilor Bushee, "My answer will be the same as it was previously."

Councilor Bushee said, "They're items for discussion. They're not items for consent. They're not public hearings. Sometimes they're just resolutions and people, I don't know, elevate them to not consent. Who's making that decision. Now. Who is making the decision, the subjective decision that an item is routine or non-controversial, or belongs on consent or does not belong on consent."

Mr. Zamora said, "That is not a decision I make, so that is not a decision I'm able to testify to before you today. What the clarification is, is that decision is made by the City Manager and the presiding officer."

Councilor Bushee said, "About whether or not things are going to be on consent."

Mr. Zamora said correct.

Councilor Bushee asked, "So where do we define routine or non-controversial."

Mr. Zamora said, "It is not."

Councilor Bushee asked if we need to do that.

Mr. Zamora said, "It is up to the discretion of the Governing Body. Words generally, common terms as such, can be tricky to define, but it is up to the Governing Body in providing how detailed they want their rules of procedure to be defined and whether they want words such as those to be defined."

Councilor Bushee said, "Okay, you know, I'm sure others maybe have questions, I'm just going to stop asking..."

Chair Dominguez asked Councilor Ives as the sponsor, if he has remarks he would like to make.

Councilor Ives said, "Well, I think actually the City Attorney has correctly stated the thinking behind wanting to modify the rules. To some degree, these rules certainly have existed for a long time and it's always appropriate to review your procedural rules upon occasion. Clearly, that's been done a number of times over the years. And this was an effort to basically ensure that our meetings are as efficient and effective as they can be. Again, it doesn't eliminate the power of anybody to take something off the consent agenda. It just asks that Councilors doing so have reviewed their packets timely, and identified those items they want to try and take off, so we know we'll be discussing them, rather than finding out at the beginning of the meeting, so that, as the City Attorney correctly points out, if appropriate staff is

needed, we can make sure as a Governing Body, to have that staff here so that our consent on any item can be as informed as possible. And really, that's the goal and the ultimate quality of our decision-making.

Councilor Calvert said he thinks it's also a matter of efficiency and budget, so that we don't have people here who we don't need here. He said the practice which has been in place for a long time, is if someone has something on the Council agenda whether it is on consent or not, the person comes to the meeting until they find out that it has been passed through on consent, and only then can they leave. He said we don't need to have every staff member who has something on consent to be showing up for the Council meeting if they really don't need to be here. He said we're just adding to our own budget if we do so.

Councilor Bushee asked, "I just want to know is written consent also an email." *[There was no discernable reply to this question.]*

Councilor Dimas said, "As I read these. Number one the first one on there. Notifying somebody by ten o'clock in the morning by written request to the City Clerk and other members of the Governing Body. Who are the other members of the Governing Body. Everybody. The entire Governing Body."

Councilor Ives said, "It would just be in the nature of a courtesy copy so the other members would know what consent agenda items are being pulled."

Councilor Dimas said then this would be by email, presumably. He said, "Okay. It seems like a lot of work to go through, to me, just to pull an item off the consent agenda. And what if you came into a meeting, even though you are prepared and you've already read everything that's on there. And you came in say at four o'clock in the afternoon and somebody says, well you know I have an issue with this, or whatever it might happen to be, and you've already kept it on the consent agenda. So, what happens in an instance like that. Are we going to have some kind of a rule or something that will allow us to pull something off if we feel it's absolutely necessary, or do we have to contact everybody again."

Councilor Ives said there is a provision in the rules for that.

Councilor Dimas asked if it is this particular section the way it's been reworded.

Chair Dominguez asked Mr. Zamora if he can answer this question.

Mr. Zamora said, "Actually, there are two issues that you have identified in your questions. The first, I'll get to the procedural manner which is that the rules can be suspended upon request of the presiding officer and a majority vote of the members. So, for exceptional circumstances, such as you've stated, that can be done. That's the answer to part two of your question. Part one, and this is an amendment that I would suggest, is that in the language of that paragraph which says, "Accordingly, to move a matter from the consent agenda to the regular agenda, the authorized person shall make the request by submitting to the City Clerk and the members of the Governing Body no later than 10:00 a.m. on the Monday preceding the meeting of the Governing Body, a written request setting forth the particular matter to be so moved with a brief statement of the reasons therefor."

Mr. Zamora said, "I would actually amend that."

Councilor Calvert said, "On the bottom of packet page 11, page 7 of the rules, it still allows somebody to pull it off when you have approval of the consent calendar. It says, 'Any member of the Governing Body may request that any item be removed from the consent calendar for discussion or debate and any such request shall be granted automatically.' I think what the previous amendment is asking to identify as many of those ahead of the meeting as possible so that we have the appropriate staff, but don't have any more than the appropriate staff here. Now, this one still allows you to do that. It still allow for you to pull them off. It's just that I think we're asking for planning purposes, and scheduling and meeting timing and all that, to try to identify as many of those ahead of the meeting as possible. That's just my reading."

Mr. Zamora said, "I actually believe that language was missed by staff. It is our understanding that the intent of the sponsors was to remove that language that you referenced and require it to be done by 10:00 a.m. on Monday, and I'll defer to Councilor Ives on that. However, to conclude my point with regard to notice, I believe the notice should only go to the City Clerk and that the City Clerk can distribute those notices to the entire Governing Body later. What I would wish to avoid is what's called a rolling quorum under the Open Meetings Act where you have several Councilors communicating to the entire group."

Councilor Dimas said he was just going to bring up that point, and "that was the reason I asked it the way I asked it."

**SUGGESTED AMENDMENT PROPOSED BY THE CITY ATTORNEY:** Mr. Zamora said that is a good point and he believes a proper amendment by the Finance Committee would be removing the language and "the members of the Governing Body" from that paragraph.

Councilor Dimas said that makes more sense than to notify everyone.

Councilor Bushee said, "Just to clarify, we don't always meet on Wednesdays, so do you want notification on Friday, if the meeting is on a Monday, or do you want to take the less specific language out."

Chair Dominguez pointed out that there still is a Monday before the Wednesday, but it is a week and a half.

Councilor Bushee asked, "Are you okay with just having it be that morning and the intent is to give everybody lots of notice."

Chair Dominguez said it would be the Monday before.

Councilor Bushee said, "I don't know, I don't support it though."

Mr. Zamora said, "The notice relates to actual receipt of the packets and that is the more important trigger, because is the less flexible date. The packets go out on Friday."



Councilor Dimas said, "I'm going to go back to the old days again. I hate to keep referring to the days I was on the Council back, you know, in the "Stone Ages." But we never had a consent agenda and everything that came before the Council, came before the Council. And staff had to present their case in every case. It didn't make any difference, and people were here in the room, and it still only took maybe 5 minutes to go through it and it was approved. But, I guess for time constraints and everything else that has gone on over the years, and I guess things become more difficult. But anyway it seemed like a much more easier era back then. Now, we're defending what goes on the consent calendar, what doesn't. We had some problems recently with that fluoride deal, because of consent and regular business things. So, there are questions that come up about it even now, so I mean, there's still problems."

Councilor Dimas continued, "I guess the other thing I wanted to ask about was, I'm not real sure where this came from, 'Members of the Governing Body shall not be permitted to speak more than twice, and for no more than five minutes on each matter.' I'm just a little curious why that was put in there and the reasoning."

Chair Dominguez said this is a question for the sponsor and Councilor Dimas said, "Correct."

Councilor Ives said, "The Robert's Rules, when they talk about the number of times different members of organizations have the opportunity to speak, talks to there being two such instances, and you know, I think it contains a reference to ten minutes in the Robert's Rules, and simply an effort to make sure if we have a busy agenda, we're moving through it effectively, efficiently. If we had 8 or 9 of us each spending even spending even 10 minutes, each agenda item would run up to 90 minutes, so it's an effort to try and keep us prudent in terms of timing, again with the intent that those who are in attendance at any public meeting, have an opportunity to hear the debate, sort of see the Council, as opposed to calling it quits and departing."

Councilor Dimas asked Councilor Ives how he came up with a limit of 5 minutes.

Councilor Ives said it is an arbitrary figure based on his observations here in meetings in these chambers in terms of the time frames in which each of us presents statements or engages in discussion, and 5 minutes seemed a reasonable period of time, especially if there was an opportunity to come back and comment again for an additional 5 minutes. He said this then fosters consideration of other statements that are being made by the members that can then be readdressed as we've done this evening.

Councilor Dimas said he has noticed that the discussion can go back and forth more than twice, and people can come up with more issues or good questions about an issue more than twice. He said, "I have a problem with the 2 times. I don't have a problem with the 5 minutes. I mean the 5 minutes is... I don't ever spend more than probably one or two minutes ever saying anything, because I'm listening to what's going on more than I am speaking. But, that I have a problem with, the twice. Was that again an arbitrary number."

Councilor Ives said, "The twice was based upon having read some of Robert's Rules of Order, and it's not an effort to necessarily cut off debate where there are significant issues being considered. And if you note in that section which is on page 16 in the packet, page 12 of the proposal under Item Paragraph G, it does provide '...twice no more than 5 minutes on each matter, unless exceptional circumstances exist and the Presiding Officer, in that Officer's discretion allows an additional opportunity for a member to speak.' So, trying to recognize that certainly there may be circumstances where those first two opportunities are not enough. And again, I think it is a matter of decorum, and generally, anybody who has wanted to speak has had that opportunity. So it really gives us the opportunity to control where necessary, but I don't think it's intending to prevent anybody from stating their mind on any topic that comes before the Council."

Councilor Dimas said then that's an arbitrary number and it can be changed.

Councilor Bushee said, "I think I'm just going to comment at this point. I just feel like, you know, what's that saying, hobgoblins and... well anyhow. It just feels like it's aimed at cutting off debate and cutting off public involvement, particularly the consent calendar issue on public involvement. We often have people come at the last moment, and then to have these very specific languages about the Monday, a.m. before Monday. You know, I'm sure there are ways to get around this, but it just seems again, very... and I find it interesting Councilor Ives. I mean, you've been on the Council, what 2-3 months and you've found that this was really just needing to be changed. The other, for the not speaking more than twice and five minutes. I mean, often we'll ask a Councilor, after there has been debate to fill in as to where something came from, and... I mean this just going to take somebody... there's going to need to be a timekeeper, a gatekeeper, you know, and a goalie at this point. I'm just not going to support these as you can imagine. You don't really have to respond."

Chair Dominguez recognized Councilor Ives.

Councilor Ives said, "It's true I have been on Council for a relatively short time, and now a little over 4 months, the same time as Councilor Dimas and Councilor Rivera. As members of the Council, I think we all feel the responsibility to bring forward matters that seem significant to us and certainly have spent what seems to be many lifetimes, as an attorney, appearing before courts and involved in court processes, and looking at rules. And, in fact serve on the Rules Committee of the Navajo Nation Bar, so I've been actively involved in looking at rules and evaluating them in a number of contexts. So while my experience on the Council may be short, certainly my experience in rules based procedures is significant."

**MOTION:** Councilor Ives moved, seconded by Councilor Calvert for purposes of discussion, to approve the Resolution, with the following modifications:

(1) on packet page 10, line 4, amend as follows "... City Clerk ~~and the members of the Governing Body,~~"; and

(2) on packet page 11, line 25, amend as follows: "...calendar pursuant to these rules for discussion...."

**DIRECTION TO STAFF:** Councilor Bushee said she would direct staff to prepare a section for the Governing Body Rules dealing with the meeting agenda around presentations, providing that presentations from anybody shall be no longer than 5 minutes. She said, "To be honest, the thing that has extended our meetings more than anything, at least under this administration has been presentations. I sat through a presentation from a member of the Governing Body for half an hour about a trip to Korea. I just feel that was egregious and I would like an amendment prepared for the Council meeting."

Chair Dominguez said, "Then you're going to ask for this amendment separately."

Councilor Bushee said yes.

**DISCUSSION:** Councilor Calvert said, referring to the second amendment in the Motion, "Then if the intent of this is to refer you back to page 5 to say you should have done this already, the problem I'm having in putting it there, is we're already at the meeting, and referring back to the rules about that having should have been done by Monday – or what is the rule pursuant to."

Councilor Ives said he would take it as a friendly amendment, on packet page 11, page 7 of the Resolution, to strike the sentence beginning on line 23, extending through packet page 12, page 8 of the Resolution, through the word "automatically" in line 1 on packet page 12.

**FRIENDLY AMENDMENT:** Councilor Calvert proposed an amendment to replace the second amendment in the main motion as follows: On packet page 11, beginning on line 23, through packet page 12, line 1, amend as follows: "...~~Any member of the Governing Body may request that any item be removed from the consent calendar for discussion or debate and any such request shall be granted automatically.~~" **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMITTEE.**

**CONTINUATION OF DISCUSSION:** Chair Dominguez said, "I don't know why Geno, I thought there already were time limits given or provided to the Governing Body in their debate rules, but I can't find it anywhere. You don't have to answer, I'm just saying that I thought there were some time limits already. It's been my experience in the 7 years, 6½ years – how long have we been on Council Chris, 6 ½ to 7 years – that sometimes items are pulled from consent to do one of two things. Number one is to simply make a political statement which is in the purview of the Governing Body if they so wish. But, secondly, it's because they haven't necessarily done their homework, for lack of a better term. And so what I see this doing, is it really forces the Governing Body and the Councilors to pay attention and do their homework, and ask some of those questions ahead of time, and if it's still not clear, they obviously have the option to still pull something off of consent and require that that discussion to happen."

Chair Dominguez continued, "So that's where I see a lot of this coming from. And when I was on the campaign trail, one of the things that I heard from constituents is that the meetings last too long. A lot of times, for public hearings, we get them here until way late at night, because we're making a big deal out of

something that really isn't a big deal. It's just to say what we need to say. I think there's plenty of opportunity for us to make those political statements if we so wish. And so, I'm in support of this piece of legislation, and not to say that it's going to be the perfect piece of legislation. I think that there might be tweaks that have to happen as we go forward with this. But I really see it as holding the Governing Body accountable and making sure that we do our due diligence and do our homework for the sake of the public. That's my opinion and that's where I see this going."

Councilor Calvert said, "I also think that it makes the... it more legitimizes the Committee process. In other words, if you have a problem with something, even if it's on consent at a committee, take it off. There's nothing in here to prevent you from doing that. So I think if we're going to have a Committee process, a lot of the vetting of the issues is that's the intent of a committee process... is to get a lot of those questions and concerns and things answered before they get to the Governing Body, because not everything goes to every Committee. I understand that, but everything goes to the Governing Body. So, if we sat and debated everything that went to the Governing Body, then we would be there all night. And so, I think we need to take fuller advantage of the Committee process and get your questions answered and get things clarified. And if they aren't clarified or answered well enough, then don't send them on to the Governing Body until they are. We've done that in the past. We've said okay, we'll ask this to be clarified by the time it gets there. Then it shows up somehow on consent, and then we have to pull it off, because we still have some of those questions. So I would support it for that reason as well. I think it will make more meaningful... it might make committee meetings a little longer, and I know not everybody likes that, but I think that's the appropriate use of the time."

**DIRECTION TO STAFF:** Councilor Bushee asked Melissa Byers to prepare a provision for the appropriate section in the Governing Body Procedural Rules which would provide that any matter or legislation can't be indefinitely postponed at a City Committee, and requiring that it has to move forward to the City Council within a certain amount of time. She said she would worked with Ms. Byers on the language, if she could do a little research as to how it is now.

Councilor Dimas asked if we are going to vote on each bullet individually, or vote on the Rules as a whole, and Mr. Zamora said, "As a whole."

Chair Dominguez said, "Now remind me, Geno, just for the Councilors information, you can always move to sever, can't he."

Councilor Calvert said that isn't the motion on the floor.

Mr. Zamora said, "Theoretically, the initial motion could be to approve certain sections and not others. That also comes in the form of amendments from the Committee members. But the vote that's currently before you is to approve it in its entirety with the amendments proposed."

**VOTE:** The motion, as amended, with direction to staff from Councilor Bushee, was approved on the following Roll Call vote:

**For:** Councilor Calvert, Councilor Dimas and Councilor Ives.

**Against:** Councilor Bushee.

**Explaining his vote:** Councilor Calvert said, "Yes, as amended."

**17. REQUEST FOR APPROVAL OF INTEGRATED SOLAR DEVELOPMENT SERVICES FOR BUCKMAN DIRECT DIVERSION BOOSTER STATION 2A SOLAR PROJECT, DESIGN-BUILD DELIVERY METHOD. (DALE LYONS)**

This item was pulled from the Agenda and postponed to the meeting of July 30, 2012.

**18. REQUEST FOR DISCUSSION AND DIRECTION ON MANAGING FLOWS TO THE SANTA FE RIVER BELOW CITY OF SANTA FE WASTEWATER TREATMENT PLANT DURING PEAK IRRIGATION MONTHS FOR 2012 IRRIGATION SEASON. (MARCOS MARTINEZ)**

Chair Dominguez said the Public Utilities Committee currently is having a discussion about some of this. He said it would be fine by him if this Committee would provide direction for consideration for the PUC. He said it also would be fine if you want to provide direction to staff regarding this issue for the full City Council and now have it considered by the PUC. He said he is looking to have a dialogue in this regard.

Councilor Calvert said this item will continue to be part of a larger discussion on the Reclaimed Water Plan, formerly the TEMP Plan. He said this discussion was on the very specific issue of whether the City can release more water to the River. He said the PUC decided, with sanction by Legal, that it could be done temporarily with no obligation for the long term. He said the other relevant factor in this decision was, with the City no longer providing certain water to Las Campanas, that we have water available for which we have no near term plans other than to release it into the River. He said this confirms what we would do in the absence of specific direction.

Chair Dominguez said some of the direction we gave to staff at the PUC was to provide a summary of the existing agreements for effluent by the time this goes to Council.

Chair Dominguez said it is interesting that we have advocates looking to release water from the reservoirs that will make it just so far down the River, and advocates trying to get water released from the Water Treatment plant downstream. However, we are forgetting the gap in the middle. He would like to see something that would provide water in the middle of the River. He said this is something to think about as we move forward.

Councilor Bushee asked if there is a financial implication that we should be discussing, or is this just one more stab at it for people that aren't on those two committees.

Chair Dominguez said the PUC will continue to have these discussions.

Councilor Calvert this is true, but not on this particular item, but they will have discussions on the Reclaimed Water Plan which is more long range. He said this is temporary and doesn't commit us to any course of action in the future, and decide on a year-to-year basis whether to do this.

Councilor Bushee asked the reason we are doing this now before the TEMP plan. Is there an urgency or a request.

Chair Dominguez said we are going to do it anyway.

Councilor Calvert said there has been a request by the County and by the State Representative that represents that area. He said since we don't have a use for it, and unless we want them more in our business, then we allow this since we don't have a plan for this water in the very near future.

Councilor Bushee thought it was part of the overall possibility of choices in relation to the TEMP plan, commenting she supports this and believes it's the right thing to do. She understands the City doesn't want to get in a legal quagmire, so she understands the exception language up front. She asked how far along the TEMP plan is, and if this one of the possibilities in the mix.

Bryan Romero said we've always considered this as a part of the TEMP or the Reclaimed Water Plan. It is still an option and this is brought forward in response to the House Memorial requesting this, noting we were getting requests for more discharge. He said they are trying to be pro-active about the situation and ask for direction.

Councilor Bushee asked if there is a chance for additional credits or offsets from the State Engineer by doing this.

Mr. Romero said Marcus Martinez says no.

Councilor Bushee said we've discussed return flow credits, but it's always been just talk.

Councilor Calvert said this is before it gets to the River.

Mr. Romero said Mr. Martinez is more involved in this issue, and he would like him to be able to respond to this.

Councilor Bushee said before this goes before the Council, she wants a memo on the status or the possibility of some sort of credits or offsets from the State Engineer.

Councilor Ives said he would like to see, in terms of direction to staff, that whatever interests the City has in treated effluent be preserved so none of those rights are lost unless there is some intentional and conscious decision by the Governing Body to do that. He hopes that will be a primary issue addressed in the consideration. He said he has spoken with staff about the Reclaimed Water Plan, and once we release it down river, there is no opportunity for return flow, but there might be a potential for that if we were able to capture that water and take it back to the Buckman Diversion. However, there is a whole analysis which needs to be done which isn't complete.

Mr. Romero said he understands the State Engineer has strict requirements on what would be required for offset credits, and there have been challenges in getting the credits. He said as part of the TEMP, one of the options is about return flow credits.

Councilor Calvert said the PUC also discussed doing this, and in the interim work the City hopes they will with those entities to fund ways to more efficiently irrigate the agricultural areas. He said if the State Representative and County want to weigh-in, they have a responsibility to be part of the solution as well.

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

**DISCUSSION:** Councilor Ives said he is trying to understand what we're approving, because the notice said it was a request for discussion and direction.

**CLARIFICATION OF THE MOTION:** Councilor Calvert said the direction is to allow for these short term effluent charges just for 2012, and thereafter on a year-by-year basis to allow excess effluent that we have go down the river temporarily during the height of this irrigation season.

**RESTATED MOTION:** Councilor Calvert moved, seconded by Councilor Bushee, to approve the temporary discharge of effluent from the Wastewater Treatment Plant not utilized by current customers, into the Santa River during the peak irrigation months for the 2012 irrigation system.

**FRIENDLY AMENDMENT:** Councilor Ives wants to amend the motion to add language to ensure that none of the City's rights are being compromised in so doing. **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 Calvert said legal did weigh in on it at PUC and assured us that they can come up with language to make that clear.

Chair Dominguez said he supports the motion, but as we discuss the more long term issues, we need to have a discussion about re-establishing our priorities, which starts with understanding the City's current obligations and the term and amount of those obligations. He said the County wants us to provide County residents with a product which is generated by the city paying, which is fine with him. However, he wants to know what the County is doing to ensure that they are talking with these users about things such as water conservation, such as the discussions the City Governing Body has had.

Chair Dominguez said, with regard to the River between the Wastewater Treatment Plant and what water makes it down the River from the reservoirs, there is a demographic which could utilize a flowing river. It is a demographic which primarily is young and doesn't currently have these kinds of amenities. He said he will be keeping these things in mind as we discuss a long term solution.

Chair Dominguez said, for the record, he supports this, but he does have reservations regarding whether or not this sets precedent. He said he wants to trust City staff and City Legal in this regard, but he will continue to think about it.

Councilor Bushee asked if Legal expressed a concern at the PUC.

Councilor Calvert said they stated they thought it could be managed properly.

Chair Dominguez said they said it isn't precedent setting.

Bryan Romero said in the packet there is information from Marcus Martinez, Assistant City Attorney.

Councilor Bushee said it if potentially will be part of the TEMP plan and we're already doing it, what's the urgency of formalizing this. She would be more comfortable if it was part of a recommendation of the TEMP having been vetted.

Mr. Romero said it is part of the deliveries currently, and we have had little complaint from La Bajada about them not being able to irrigate. However, the temperature and moisture change from month to month, and staff wants to be prepared and to have direction on how to proceed. He said they have made all the commitments to the treated effluent users, and we have the ability to release the effluent which was used by Las Campanas to allow it to flow down the River.

Councilor Bushee said most of the City's effluent is obligated.

Mr. Romero said it all depends on how much water should be released to the River below the Treatment Plant, which is one of the components which still needs to be decided as part of that.

Councilor Bushee asked the practice of how much water should be released.

Mr. Romero said the Plant Superintendent, Mr. Orosco, monitors the flow, and he tries to keep 2 million gallons flowing down the river a day, and we work with the users to let them know when the system is off-line, noting it sometimes drops a little below that, but they work with the users. He said this is something we have practiced at the Treatment Plant for a long time, but he is unsure where that came from.

Councilor Bushee wants the lawyers to weigh in on this, noting the City always has been cautious in this regard, commenting it makes her nervous "to put it formally."

Councilor Ives said on packet page 6, there is a reference under Legal Consequences, saying, "There may be legal consequences to releasing supplemental flows from the treatment plant. The City does have the



right to reuse its wastewater in the manner the City deems appropriate....” He said goes on to say, “... However, if the City begins to release water knowing that downstream appropriators are relying on it, then the downstream appropriators may argue that in the future the City is obligated to provide water...”

Councilor Ives continued, “The reason the City would take action today to make it clear that release is permissive, rather than obligatory, is to protect our rights to the greatest extent possible, similar to a number of various trail segments within the city that are used by permissive use as opposed to prescriptive use. So, I see this as really an effort to ensure that we are protecting those waters as much as we can.”

Chair Dominguez said, “So in this case, the more explicit we are, the better.”

Councilor Calvert said in the beginning of the next paragraph on packet page 6, provides, “Therefore it would be important that downstream appropriators recognize that supplemental flows are discretionary on the part of the City.”

Councilor Bushee said, “Isn’t this action more to release additional water, rather than just to clarify that it’s because we want to.”

Councilor Calvert said, “Basically, right now, we have certain contractual obligations, so we make sure we have enough effluent to cover all of those. Everything else basically goes down the river, right. And this case, a little extra will go down for a short amount of time. The water that was being sent to Las Campanas doesn’t have a contractual use, so we will be sending it down the River as well anyway, so that’s where this additional comes from. But, basically all the water we don’t have contractual uses for goes down the River already. Right.”

Mr. Romero said, “That’s correct.”

Councilor Calvert continued, “That might vary from season to season too, but well.... I don’t want to complicate this any more than it already is, but just because we put more water in the River downstream from the Plant doesn’t mean it’s going to get to where they want it to get, because there are things in between....”

Councilor Bushee said, “I read that Legal Consequences paragraph to mean they have concerns.”

Councilor Calvert said, “Oh no. Yes, Marcus has concerns, but he still thinks in total, and if you want him to reiterated that at Council, that’s fine, and put additional language, but he basically said there are things that we can be concerned about, but he says, in total, that he thought we could do this and still preserve our rights.”

Chair Dominguez said, “I read it, if it’s not so explicit, then there’s more of an opportunity that then claims could be made.”

Councilor Calvert said this is the reason we need to make it clear that this is temporary and discretionary and the City isn’t granting any permanent use of the water.

Mr. Romero said, "The timeline was in the first packet, the one where Marcus weighed-in on the legal consequences, it went to the PUC and then those issues were brought up. And Marcus then clarified with his Memo regarding the short term effluent discharges because it was a temporary discharge and that's the clarification that Marcus made as part of the packet. So, that question came up. It was clarified again at PUC."

Councilor Bushee said, "The part that bothers me is he says, 'However, if the City begins to release water knowing that downstream appropriators are relying on it, then the down stream appropriators may argue that in the future the city is obligated. We know they're going to rely on it. My question was, did we want to wait to formalize this and just continue to take the actions that staff's been taking. That's all. Because you raised the issue of is this precedent setting. I read that thing again about the legal consequences and thought, you know, it's more about making it formal."

Chair Dominguez said, "Again Councilor Bushee, the way I understand it is that, first of all, as Councilor Calvert said, the water is going to be released anyway. If we do nothing and operate the way we have, there's a greater opportunity...."

Councilor Bushee said, "You're the one that's worried about precedent."

Chair Dominguez said, "I know, but because we're explicit in making sure it's temporary, that is what is getting my support for this, because those explicit statements really make it clear. So that's why I'm supporting this, and really, I think it makes sense."

Councilor Calvert said, "That's why I added the extra comment, that this will give the County and the State the opportunity to work with those agricultural people to make their processes more efficient, because it's a temporary thing."

Councilor Bushee said, "As long as we're not just providing job security to the many water lawyers in this State."

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

## **19. OTHER FINANCIAL INFORMATION**

### **A. MONTHLY UNEMPLOYMENT STATISTICS 2012. (DR. MELVILLE MORGAN)**

Chair Dominguez said he asked staff to put these statistics in the Committee packet.

Dr. Morgan said, given everything that is going on worldwide, nationally, in the State and locally, isn't a bad idea to look at the unemployment statistics. He gets the statistics from the Department of Labor and the Bureau of Labor Statistics. He said the Committee has the United States employment on page 1, from January through June 2012, and the Southwest statistics through May 2012.

Dr. Morgan reviewed the report which is in the Committee packet, noting unemployment is slowly going down in New Mexico and employment is increasing, but remains significantly below the reported cities, the United States and the Southwest Division..

Councilor Calvert said, with regard to the unemployment rate going down and employment increasing, there is a caveat to these statistics, that this only reports people in unemployment status and not those who have given up. He asked if the caveat would be of different magnitude in the different cities, State and Southwest.

Dr. Morgan said he did a very detailed analysis of Santa Fe, the State and nation when he was with the School District. He said one of the things he has concluded is that there are significant differences in what we call unemployment, and new phenomena which happened in the latest recession which is under-employment. He said if you combine unemployment with under-employment, that statistic would be greater than the unemployment in 1935. He will leave it for this Committee to decide. He will leave the Committee with an important question if we are living through a recession or a depression.

Dr. Morgan continued his review of the report.

Dr. Morgan said after looking at everything, he is cautiously optimistic that we are pulling ahead. He said it takes approximately 8 years to get out of a recession caused by one variable, and our recession was caused by two variables to begin with. He doesn't know that this is a recession.

Responding to the Chair, Councilor Ives said he would like to continue getting this information, but it doesn't have to be done in Committee.

**B. UPDATE OF GROSS RECEIPTS TAX REPORT RECEIVED IN JULY 2012 (FOR MAY 2012 ACTIVITY) AND LODGERS' TAX REPORT RECEIVED IN JULY 2012 (FOR JUNE 2012 ACTIVITY). (DR. MELVILLE MORGAN)**

Dr. Morgan said he has received preliminary data, but there is reason to question the data, and he got an answer that needs more information, because a statistic was left out of the GRT information which was provided today. Therefore he doesn't have a report this evening, but it will be soon. He said he believes the worst it can be is flat.

Dr. Morgan reviewed the Lodgers' Tax Report, noting the \$120,000 in arrears was added to \$361,00 which is \$20,000 more than the previous June, so we did well.

Chair Dominguez asked if there more outstanding Lodgers' Taxes.

Dr. Morgan said yes, and they are continuing collection activity.

Responding to the Chair, Dr. Morgan said any collections of past due tax will be reflected in the next fiscal year.

**20. MATTERS FROM THE COMMITTEE**

Chair Dominguez reminded staff to be sure that there is a representative from OTAB to present to the Committee, preferably at the next meeting.

**21. ADJOURN**

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

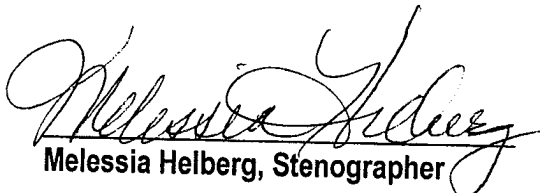
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**Carmichael A. Dominguez, Chair**

**Reviewed by:**

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**Dr. Melville L. Morgan, Director  
Department of Finance**



**Melessia Helberg, Stenographer**

## City of Santa Fe Fiscal Impact Report (FIR)

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

### Section A.      General Information

(Check) Bill: \_\_\_\_\_ Resolution:   X    
(A single FIR may be used for related bills and/or resolutions)

Short Title(s): Directing Staff to Energize Santa Fe Tourism by Preparing a Process For Funding and Other Assets to Establish Event Attractions That Will Bring A New Generation Of Traveler To Santa Fe.

Sponsor(s): Councilors Wurzbarger and Ives

Reviewing Department(s): Housing and Community Development

Person Completing FIR: Kate Noble, Economic Development Date: 7-16-12 Phone: 955-6915

Reviewed by City Attorney:  Date: 7/16/12

Reviewed by Finance Director:  Date: 7/16/12

### Section B.      Summary

Briefly explain the purpose and major provisions of the bill/resolution.

To establish events in the off or shoulder season that will generate revenue and attract younger tourists to Santa Fe.

### Section C.      Fiscal Impact

Note: Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)\*

#### 1. Projected Expenditures:

- a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
- b. Indicate:      "A" if current budget and level of staffing will absorb the costs  
                      "N" if new, additional, or increased budget or staffing will be required
- c. Indicate:      "R" – if recurring annual costs  
                      "NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
- d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
- e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

*Exhibit "1"*

\_\_\_\_\_ Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY 12/13 and 13/14 and 14/15	"A" Costs Absorbed Requi or "N" New Budget Required red	"NR" Non-recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected
	A							

Personnel*	\$ _____	_____	_____	\$ _____	_____	_____	_____
Fringe**	\$ _____	_____	_____	\$ _____	_____	_____	_____
Capital Outlay	\$ _____	_____	_____	\$ _____	_____	_____	_____
Land/ Building	\$ 100,000	A	_____	\$ _____	_____	_____	_____
Professional Services	\$ 85,000	A	_____	\$ _____	_____	_____	_____
All Other Operating Costs	\$ _____	_____	_____	\$ _____	_____	_____	_____
Total:	\$ 185,000			\$ _____			

\* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. \*\*For fringe benefits contact the Finance Dept.

## 2. Revenue Sources:

- To indicate new revenues and/or
- Required for costs for which new expenditure budget is proposed above in item 1.

Column #:	1	2	3	4	5	6
	Type of Revenue	FY 12/13 and 13/14 and 14/15	"NR" Non-recurring	FY _____	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

OTAB	\$ 75,000	_____	\$ _____	_____	_____
Arts Commission	\$ 10,000	_____	\$ _____	_____	_____
Inkind – Convention Center	\$ 100,000	_____	\$ _____	_____	_____
Total:	\$ 185,000		\$ _____		

### 3. Expenditure/Revenue Narrative:

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

The City of Santa Fe will utilize existing OTAB annual funds for this purpose, plus \$10,000 from the Arts Commission share of GRT. Santa Fe County will be asked to utilize tourism funds as well and the private sector will need to bring at least \$100,000 in contributions per event. This is designed to facilitate a public-private partnership in order to generate greater tourism income for the region. The costs are using existing resources and will be off-set by greater revenue generated.

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### Section D.      General Narrative

**1. Conflicts:** Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

None.

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### **2. Consequences of Not Enacting This Bill/Resolution:**

Are there consequences of not enacting this bill/resolution? If so, describe.

Santa Fe tourists are aging at an irreplaceable rate, without corrective action our tourism revenue is likely to decline.

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### **3. Technical Issues:**

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

None.

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### **4. Community Impact:**

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

This action should enhance business for many companies that are dependent on tourism for their income and revenue generation, especially in the challenging off-season and shoulder seasons. Increased revenue for business adds to the tax base and generally means increased employment and increased contributions to community organizations.