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**ARCHAEOLOGICAL REVIEW COMMITTEE HEARING**

**THURSDAY, DECEMBER 20, 2012 – 4:30 P.M.**

**CITY COUNCILORS' CONFERENCE ROOM**

**CITY HALL, 200 LINCOLN AVENUE, SANTA FE**

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES

December 6, 2012

E. ACTION ITEMS

- 1. Case#AR-29-12. Consideration of Jesse B. Murrell to be included on the City of Santa Fe list of approved archaeologists for the Historic Downtown, River and Trails and Suburban Archaeological Review Districts.
- 2. Case#AR-30-12. Consideration of Toni Goar to be included on the City of Santa Fe list of approved archaeologists for the Historic Downtown, River and Trails and Suburban Archaeological Review Districts.
- 3. Case#AR-31-12. Consideration of Hollis Paul Lawrence to be included on the City of Santa Fe list of approved archaeologists for the Historic Downtown, River and Trails and Suburban Archaeological Review Districts.

- F. ADMINISTRATIVE MATTERS
- G. COMMUNICATIONS
- H. MATTERS FROM THE COMMITTEE
- I. BUSINESS FROM THE FLOOR
- J. ADJOURNMENT

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ARCHAEOLOGICAL REVIEW COMMITTEE  
December 20, 2012**

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**MINUTES OF THE  
CITY OF SANTA FE  
ARCHAEOLOGICAL REVIEW COMMITTEE  
City Councilors Conference Room  
December 20, 2012**

**A. CALL TO ORDER**

A meeting of the Archaeological Review Committee was called to order by David Eck, Chair, at approximately 4:30 p.m., on December 20, 2012, in the City Councilors Conference Room, City Hall, Santa Fe, New Mexico.

**B. ROLL CALL**

**Members Present**

David Eck, Chair  
Tess Monahan, Vice-Chair  
Gary Funkhouser  
Derek R. Pierce

**Members Absent**

James Edward Ivey

**Others Present**

John Murphey, Land Use Department  
Toni Goar, Marron & Associates  
Hollis Lawrence, Marron & Associates  
Melessia Helberg, Stenographer

**NOTE: All items in the Committee packet for all agenda items are incorporated herewith to these minutes by reference; and the original Committee packet is on file in, and may be obtained from, the Historic Division.**

**C. APPROVAL OF AGENDA**

Mr. Murphey said there is a change in the caption of Case #AR-30-12. He said Ms. Goar is applying only for the Historic Downtown Archaeological Review District. He said she was approved for the River and Trails and Suburban Archaeological Review Districts on January 22, 2009.

**MOTION:** Tess Monahan moved, seconded by Gary Funkhouser, to approve the Agenda as amended.

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

**D. APPROVAL OF MINUTES:**

**December 6, 2012**

The following corrections were made to the minutes:

Global change: "Enze" to "Ensey."

Index page 2, Approval of Minutes, correct as follows: "..Approval of Minutes November ~~15~~ 1, 2012."

Index page 2, Approval of Minutes, Corrections, between paragraph 4 and paragraph 5, add as follows: "Approval of Minutes November 1, 2012."

Page 2, D. Approval of Minutes, correct as follows: "November ~~15~~ 1, 2012."

Page 2, D. Approval of Minutes, Corrections, paragraph 2, line 1, correct as follows: Capitalize "females," so it is "Females."

Page 3, D. Approval of Minutes, paragraph 2, which says, "I will check up on that." Ms. Monahan questioned to what "that" refers.

Page 3, D. Approval of Minutes, between paragraph 3 and paragraph 4, add the following: "Approval of Minutes November 1, 2012."

Page 3, E. Action Items, paragraph 2, line 2, correct as follows: "..Not the ~~present so much as presence of~~ intact..."

Page 4, paragraph 1, line 4, correct as follows: "...discussed ~~that~~ that..."

Page 4, paragraph 3, line 3, correct as follows: "...~~sights~~ sites."

Page 5, paragraph 1, line 5, correct as follows: "...I ~~never~~ hit trenches..."

Page 5, paragraph 3, correct as follows: "...to the committee: If you were to... [punctuation and capitalization correction.]

Page 6, paragraph 2, correct as follows: "...are ~~welcomed~~ welcome to..."

Page 6, paragraph 7, correct as follows: "...we will ~~here~~ hear from the..."

Page 6, paragraph 10, line 4, correct as follows: "...surveys were. Who did them?" punctuation and capitalization correction.]

Page 7, paragraph 3, correct as follows: "...the chain ~~or~~ of review."

**MOTION:** Derek Pierce moved, seconded by Tess Monahan, to approve the minutes of the meeting of December 6, 2012, as amended.

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

## **E. ACTION ITEMS**

A copy of *City of Santa Fe Approved List of Archeologist and Historians*, dated December 12, 2012, provided for the record by John Murphey is incorporated herewith to these minutes as Exhibit "1."

- 1. CASE #AR-29-12. CONSIDERATION OF JESSE B. MURRELL TO BE INCLUDED ON THE CITY OF SANTA FE LIST OF APPROVED ARCHAEOLOGISTS FOR THE HISTORIC DOWNTOWN, RIVER AND TRAILS AND SUBURBAN ARCHAEOLOGICAL REVIEW DISTRICTS.**

Mr. Murphey said Mr. Murrell isn't in attendance. He said what is principally guiding the decision of the Committee is §14-2.7 SFCC, and External Policies 12 and 15. He said External Policy 12 provides that the person on the list will submit a resume of work experience in January of every new year. He said External Policy 15 provides how people package their application for review.

**STAFF RECOMMENDATION:** Staff defers to Committee as to whether the applicant meets the criteria of Section 14-2.7 and External Policies 12 and 15 to work in the Suburban, River and Trails and Historic Downtown Archaeological Review Districts.

Ms. Monahan said she will defer to the professionals on the Committee for analysis of Mr. Murrell's experience, commenting she doesn't feel qualified to make an assessment.

Mr. Pierce said the qualifications set out in §14-2.7 SFCC confirm that Mr. Murrell does hold a Masters Degree in Archaeology, has 6 months experience in the Southwest, and minimally meets all qualifications of the Ordinance. He said he did confirm that Mr. Murrell is listed on the SHPO directory. He said he has no objections to the approval of Mr. Murrell.

Chair Eck noted that Mr. Murrell provided copies of his degrees as requested in External Policy #15, and provided the references, chart and a copy of the one permit on which he is listed currently, as required. However, he didn't provide a *curriculum vitae*, as required by External Policy #12.

Chair Eck said this members of this Committee have been in the middle of this for a while. He said, "If a person is listed on the SHPO directory, they, to my knowledge, must have provided all of the things that the City is asking for, both in terms of the Ordinance and External Policies. And if we can believe that listing on the SHPO directory is, the Latin is *prima facie*, evidence that they have to have all this stuff. So, at what point do we want our own copy of that from John's files, or at what point can we believe that we are presented with enough to know enough to make a decision. So I guess I want to discuss that."

Responding to Ms. Monahan, Chair Eck said that appears to be a resume which is not a *curriculum vitae*.

Ms. Monahan asked the difference.

Mr. Eck said a *curriculum vitae* has detailed information of who, what, when, where, how and why – who they worked for, when they worked there, what they did while they were there, and where that worked happened. He said we have evidence of that in another application we will hear later. It is a very detailed presentation of experience. He said, "What is presented does summarize experience, but it does not list the detail. And I'm not prepared to say one way or the other that I think it is or isn't sufficient, but I want to hear what you think."

Mr. Pierce said he can give his personal opinion on the vetting that the downtown SHPD does. He said Ms. Ensey is very thorough, and requires a *vitae*, as well as a complete bibliography of all reports authored, and is very good about screening them. However, he doesn't know if that can substitute for actually having the document in hand – that's an open question. He has quite a bit of faith in Ms. Ensey's screening process.

Chair Eck said he shares that opinion. He said if we ever have the opportunity to rewrite the Ordinance, he can suggest one simple sentence that would save a whole lot of "fuss and bother."

Mr. Funkhouser said he has nothing to add. In general, he said he thinks it is in our best interest to increase the variety of people who are permitted downtown who are qualified to do so, so there isn't a sameness, although that isn't necessarily bad. However, he said it kind of dulls everything if it is the same thing every time, and we read the exactly same plans. He knows there is future working coming up in the City, and there needs to be enough people to do the work and believes it should not be limited to the handful of people who seem to have a monopoly on the permits.

Mr. Murphey said he cleaned up list he inherited, and, based on phone calls, consultations with other archeologists, and such, he dropped at least 10 people from the list. Mr. Murphey provided a copy of the approved list [Exhibit "1"], noting it is a draft list.

Mr. Pierce said it seems that the requirements for all 3 Districts are the same, and asked why so many people opt for just the Suburban and River and Trails, not the Historic Downtown.

Chair Eck said he was here for many painful discussions, and it has been the habit of the Committee for the last 10 years or so, to focus on the details of experience within the districts in question, although it's not stated anywhere on paper, except for Historic Archaeologist, that is required to work in the Downtown Historic District. He said that is the only specific reference. He said that clearly was not something set out on paper, it's just something that was just done. He said he knows 3-4 people who went through a certain amount of agony to convince certain members of the Committee that they met the qualifications. He said that isn't a requirement of the City Ordinance, as written.

Mr. Pierce said his concern for any applicant for any of the Districts, particularly for Historic Downtown, would be their experience with field identification in Spanish Colonial facilities. He said the pre-historic archaeology is not much different in Santa Fe than it is throughout the Rio Grande Valley, but Spanish Colonial is something that is relatively unique to Santa Fe.

Chair Eck said, "For the present, we have no written criteria, beyond what we already discussed, and if we proceed in a direction consistent with what is written, we will, in effect, be changing the habit, I won't call it policy, of the Committee, the practice, yes."

Mr. Pierce said, "Then we have a choice between adherence to policy and precedence, the internal policy."

Chair Eck said, "Yes, unwritten policy. It's practice. Practice is a good word, because this is what has been done. I am happy to move in a new direction, and it affects these applicants and it also affects the other person named who's floating out there, who has not reappeared, Mr. Boyer."

Mr. Funkhouser said, referring to Mr. Boyer, "Who clearly was qualified, I think."

Chair Eck said, "Yes, as are several people we know, whom I've seen struggle here also to be approved."

Mr. Murphey said several of those people are wanting to hear what happens here tonight before they move forward.

Ms. Monahan said, "I believe it is inappropriate for us to do anything but follow the written criteria for the enforcement of what we do here. And I think it's a disservice to the community and to our applicants not to do so. So, I would advocate that any practice that we may have participated in, that the members in this room now have never been part of that practice, although they might have been witnesses to it. And I would think that we should do no more than adhere to our written criteria."

Mr. Pierce agreed, saying an unwritten rule is impossible to meet, because it's always a moving target and the applicants have no idea what they are expected by our Committee to do.

Ms. Monahan said she has been puzzled by what has happened to so many people in this Committee, and she didn't understand what was going on, and said, "I just thought, well, there must be something I don't understand."

Mr. Pierce said, "I would also point out that the work that these applicants do, if they are approved, will still come before this Committee, and could be rejected on a case-by-case basis if we feel it's not adequate."

**MOTION:** Tess Monahan moved, seconded by Derek Pierce, that the application by Jesse B. Murrell, Case #AR-29-12, to be included on the City of Santa Fe list of approved archaeologists for the Historic Downtown, River and Trails and Suburban Archaeological Review Districts, is approved, finding that the applicant meets the criteria of Section 14-2.7 SFCC and External Policies 12 and 15, to work in the Suburban, River and Trails and Historic Downtown Archaeological Review Districts.

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

**2. CASE #AR-30-12. CONSIDERATION OF TONI GOAR TO BE INCLUDED ON THE CITY OF SANTA FE LIST OF APPROVED ARCHAEOLOGISTS FOR THE HISTORIC DOWNTOWN, ~~RIVER AND TRAILS AND SUBURBAN~~ ARCHAEOLOGICAL REVIEW DISTRICTS.**

A copy of a letter dated 1 December 2012, TO WHOM IT MAY CONCERN, from Clair Simmonds, Student Records Manager, University of Leicester, confirming Tony Goar's receipt of a Master of Arts Degree in Historical Archaeology, on December 1, 2012 is incorporated herewith to these minutes as Exhibit "2."

Mr. Funkhouser disclosed that he did work for Marron and Associates, and recused himself from participation on this Case #AR-30-12, as well as the following Case #AR-31-12, asking if he has to leave the room.

Chair Eck said he understands that if he recuses himself, he is to leave the room, which is another practice of previous committees which was violated routinely.

Ms. Helberg noted that this situation occurred at Council, and the City Attorney said there is nothing which required people to leave the room when they recused themselves.

Chair Eck said he was told he had to leave by the chief counsel, so he routinely leaves the room, commenting, however, that it doesn't matter to him. He said, "I don't necessarily think what we have outlined rises to the level of any concern that I would have."

It was the consensus among the Commission that Mr. Funkhouser can stay in the meeting, even though he is recused.

**STAFF RECOMMENDATION:** Staff defers to Committee as to whether the applicant meets the criteria of Section 14-2.7 and External Policies 12 and 15 to work in the ~~Suburban, River and Trails~~ Historic Downtown archaeological review districts.

Mr. Pierce said Ms. Goar's Masters Degree in Archaeology was provisionally awarded.

Ms. Goar said since she turned in the paperwork, she received a letter. She doesn't have her diploma yet, but the letter says she was awarded the degree of Masters of Art in Historic Archaeology on December 1, 2012, and Ms. Goar provided a copy for the Committee [Exhibit "2"].

Mr. Pierce clarified that Ms. Goar is applying as an Archeologist for now, and wants to be listed as an Archaeologist and not as an Historic Archaeologist, noting there are much more stringent requirements for the latter, and Ms. Goar said this is correct.

Responding to Mr. Pierce, Ms. Goar talked about her distance learning experience.

Chair Eck said, "I just wanted to point out one pedantic little thing. Since what we have just done in the last case, constituted some variance from the letter of the requirements, this too will constitute some small variance from the letter of requirements, in that I could find no references listed in your packet. And said policy does say 'thou shalt provide' references."

Ms. Goar said she can and will do so.

Chair Eck said, "I just wanted to get it on the record that we are slightly varying from the written word in these approvals, but it is our discretion to do so as indicated in the last line of the City Ordinance excerpt that you provided."

**MOTION:** Tess Monahan moved, seconded by Derek Pierce, that the application by Toni Goar, Case #AR-30-12, to be included on the City of Santa Fe list of approved archaeologists for the Historic Downtown Archaeological Review District, is approved, finding that the applicant meets the criteria of Section 14-2.7 SFCC and External Policies 12 and 15, to work in the Historic Downtown Archaeological Review District.

**VOTE:** The motion was approved on a voice vote, with Tess Monahan, Derek Pierce and Chair Eck voting in favor of the motion, no one voting against and Gary Funkhouser recused.

**3. CASE #AR-31-12- CONSIDERATION OF HOLLIS PAUL LAWRENCE TO BE INCLUDED ON THE CITY OF SANTA FE LIST OF APPROVED ARCHAEOLOGISTS FOR THE HISTORIC DOWNTOWN, RIVER AND TRAILS AND SUBURBAN ARCHAEOLOGICAL REVIEW DISTRICTS.**

Mr. Funkhouser recused himself from participation. See recusal in Item #3 above.

**STAFF RECOMMENDATION:** Staff defers to Committee as to whether the applicant meets the criteria of Section 14-2.7 and External Policies 12 and 15 to work in the Suburban, River and Trails and Historic Downtown archaeological review districts.

Ms. Monahan said she has no comment.

Mr. Pierce noted Mr. Lawrence does not have Master's Degree.

Mr. Lawrence said this is correct.

Mr. Pierce said then the Committee is considering this under the clause which allows us to do so, noting it is a matter of record that he does not have one either. Mr. Pierce said he believes Mr. Lawrence's experience, particularly here in Central New Mexico is "equal to or surpasses my own, so I have no objection to this request."

Chair Eck said, "I don't have any objections either. I would point out the same niggling little thing. There are no references, and further there isn't actually a copy of your diploma, but given the earlier discussion about listing on the SHPO's directory, I think we covered that."

**MOTION:** Derek Pierce moved, seconded by Tess Monahan, that the application by Hollis Paul Lawrence, Case #AR-31-12, to be included on the City of Santa Fe list of approved archaeologists for the Suburban, River and Trails and Historic Downtown Archaeological Review Districts, is approved, finding that the applicant meets the criteria of Section 14-2.7 SFCC and External Policies 12 and 15, to work in the Suburban, River and Trails and Historic Downtown Archaeological Review Districts.

**VOTE:** The motion was approved on a voice vote, with Tess Monahan, Derek Pierce and Chair Eck voting in favor of the motion, no one voting against and Gary Funkhouser recused.

Ms. Monahan thanked Mr. Murphey for providing the Committee with the relevant portion of the Ordinance, so she didn't have to look it up.

Chair Eck thanked Mr. Murphey for the copy of the Ordinance, and the list of certified archaeologists.

Mr. Murphey asked the Committee to look at the list to see if there are people who are missing as well as people who are no longer doing this kind of work, and to let him know.

## **F. ADMINISTRATIVE MATTERS**

Mr. Murphey noted the email from Jake Ivey who is soon to have heart surgery and he is anticipating his recovery and healing time will prevent his participation on the Committee through March 2013. He asked if the Committee can "limp along without him."

Chair Eck said we have survived in times past with only 3 members who came to the meetings, noting we still have 4 members, and unless there is some strange circumstance which would prevent normal attendance, he sees no reason we can't "bump along."

It was the consensus among the Committee to move forward with 4 members until such time as Mr. Ivey is recovered and can resume attendance at the meetings.

Mr. Pierce said he will be unable to attend the next Committee meeting on January 3, 2013, which is the only meeting he anticipates missing in that time frame.

Ms. Monahan asked if we have cases for that meeting.

Mr. Murphey said we have the final monitoring report for the Trail rut off Old Santa Fe Trail which was done by Ron Winters, but that could be deferred to the next following that one.

Chair Eck asked Mr. Murphy to defer that case to the meeting of January 17, 2013.

#### **G. COMMUNICATIONS**

There were no communications.

#### **H. MATTERS FROM THE COMMITTEE**

There were no matters from the Committee.

#### **I. BUSINESS FROM THE FLOOR**

Gerry Raymond asked if the schedule of ARC meetings for next year has been published.

Mr. Murphey said yes, it is on-line, and provided a copy of the schedule to Mr. Raymond.

Mr. Raymond said he has the plan done for #599 and was going to submit it the day after Christmas, and asked if he should wait to do so.

Chair Eck said yes, because they most probably will not be having a meeting on January 3, 2013, noting the next meeting will be January 17, 2013. He asked Mr. Raymond to work with Mr. Murphey regarding the deadline for submitting items for that meeting.

**J. ADJOURNMENT**

**MOTION:** Tess Monahan moved, seconded by Gary Funkhouser, to adjourn the meeting.

**VOTE:** The motion was approved unanimously on a voice vote, and the meeting was adjourned at approximately 5:15 p.m.

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**David Eck, Chair**



**Melessia Helberg, Stenographer**

# City of Santa Fe Approved List of Archaeologists and Historians

**(ALL)** All Archaeological Districts  
**(H)** Historian  
**(R&T)** River & Trails  
**(S)** Suburban  
**(B)** New Mexico Burial Permit,  
2005

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Last updated by JWM  
December 12, 2012



**University of  
Leicester**

Rec. 12/20/12

Ref: 999274691 / MAARSHA/D

**Registry  
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1 December 2012

**TO WHOM IT MAY CONCERN**

Name: Toni Rochelle Goar

Date of Birth: 6 June 1962

Programme of Study: MA Historical Archaeology

Awarding Body: University of Leicester

I write to confirm that the above-named was registered as a distance learning student at the University of Leicester from 11 October 2010 to 28 November 2012.

Toni Rochelle Goar was awarded the degree of Master of Arts in Historical Archaeology on 1 December 2012.

This degree will be conferred at a graduation ceremony due to be held in Leicester 25 January 2013.

Certificates of award are not issued until after the graduation date listed above. Where an individual has not yet received his/her certificate, we confirm that the University of Leicester will be awarding the above qualification.

The University of Leicester is listed on the DIUS Register of Education Providers and is authorised to award its own qualifications.

Yours sincerely

Clair Simmonds  
Student Records Manager



*Exhibit "2"*