



# City of Santa Fe, New Mexico

## LEGISLATIVE SUMMARY

Bill No. 2015-19

### Bond Tax Reallocation – Require Ordinance

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**SPONSOR(S):** Councilor Dominguez for Finance Committee

**SUMMARY:** The proposed bill amends subsection 11-9.1 SFCC 1987 and Section 18-9 SFCC 1987 to require that prior to authorizing a reallocation of proceeds from a voter-approved general obligation bond or tax that deviates materially from the information provided to the electorate that the governing body authorize such reallocation through the adoption of an ordinance.

**PREPARED BY:** Rebecca Seligman, Legislative Liaison Assistant

**FISCAL IMPACT:** No

**DATE:** May 20, 2015

**ATTACHMENTS:** Bill  
FIR

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2015-19

3 INTRODUCED BY:

4  
5 FINANCE COMMITTEE

6  
7  
8  
9  
10 AN ORDINANCE

11 AMENDING SUBSECTION 11-9.1 SFCC 1987 AND SECTION 18-9 SFCC 1987 TO  
12 REQUIRE THAT PRIOR TO AUTHORIZING A REALLOCATION OF PROCEEDS FROM  
13 A VOTER-APPROVED GENERAL OBLIGATION BOND OR TAX THAT DEVIATES  
14 MATERIALLY FROM THE INFORMATION PROVIDED TO THE ELECTORATE THAT  
15 THE GOVERNING BODY AUTHORIZE SUCH REALLOCATION THROUGH THE  
16 ADOPTION OF AN ORDINANCE.

17  
18 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

19 Section 1. Subsection 11-9.1 SFCC 1987 (being SFCC 1981, §9-3-12) is amended to  
20 read:

21 11-9.1 General Obligation Bonds.

22 A. The governing body may secure funds for projects or activities authorized by Section  
23 3-30-5 NMSA 1978 or other applicable state law by:

24 (1) Submitting to a vote of the qualified electors the question of issuing the  
25 bonds; and

1 (2) Upon approval by a majority of those voting on the question favoring the  
2 creation of the debt, issuing and disposing of negotiable bonds pursuant to state law. The  
3 debt and interest on the debt will be paid for by assessing real estate property taxes over the  
4 life of the bonds.

5 B. The city shall use the money received from the issuance of the bonds only for  
6 the purpose for which the bonds were issued and all bond campaign public information materials  
7 generated by the city, shall be consistent with that purpose.

8 C. The city shall pledge its full faith and credit to the payment and debt retirement of the  
9 bonds. The city shall designate and maintain sinking and interest funds for the payment of interest on  
10 and principal of the bonds as the payments become due. Provided, however, that the city may pay the  
11 principal and interest on the bonds from any available revenues, and the levy or levies of taxes may  
12 be diminished to the extent such other revenues are available for the payment of such principal and  
13 interest.

14 D. Within thirty (30) days of passage of an election resolution authorizing the placement  
15 of general obligation bond questions on the ballot, the city shall provide information to the electorate  
16 regarding the purpose(s) of the general obligation bonds.

17 E. Any reallocation of proceeds from a voter-approved general obligation bond that  
18 deviates materially from the information provided to the electorate by the city of Santa Fe pursuant to  
19 paragraph D, above, shall be voted upon by the governing body [~~after a public hearing~~] through the  
20 adoption of an ordinance. For the purposes of this paragraph E, a change order reallocating such  
21 proceeds due to unforeseen or latent conditions is not a material deviation.

22 **Section 2. Section 18-9 SFCC 1987 (being Ord. #2013-33, §2) is amended to read:**

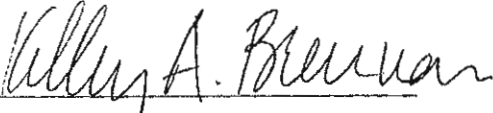
23 **18-9 TAXES, NEW OR INCREASED; REALLOCATION OF PROCEEDS.**

24 A. Within thirty (30) days of passage of an election resolution authorizing the placement  
25 of a question on the ballot that would seek to or impose a new or increase in any tax, the city shall

1 provide information to the electorate of the city of Santa Fe regarding the purpose(s) of the new or  
2 increased tax.

3 B. Any reallocation of proceeds from a voter-approved tax that deviates materially from  
4 the information provided to the electorate by the city of Santa Fe pursuant to paragraph A, above,  
5 shall be voted upon by the governing body [~~after a public hearing~~] through the adoption of an  
6 ordinance. For the purposes of this paragraph B, a change order reallocating such proceeds due to  
7 unforeseen or latent conditions is not a material deviation.

8 APPROVED AS TO FORM:

9   
10 \_\_\_\_\_

11 KELLEY A. BRENNAN, CITY ATTORNEY

## 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:   X   Resolution: \_\_\_\_\_

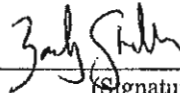
(A single FIR may be used for related bills and/or resolutions)

Short Title(s): AN ORDINANCE AMENDING SUBSECTION 11-9.1 SFCC 1987 AND SECTION 18-9 SFCC 1987 TO REQUIRE THAT PRIOR TO AUTHORIZING A REALLOCATION OF PROCEEDS FROM A VOTER-APPROVED GENERAL OBLIGATION BOND OR TAX THAT DEVIATES MATERIALLY FROM THE INFORMATION PROVIDED TO THE ELECTORATE THAT THE GOVERNING BODY AUTHORIZE SUCH REALLOCATION THROUGH THE ADOPTION OF AN ORDINANCE.

Sponsor(s): Councilor Dominguez for Finance Committee

Reviewing Department(s): City Attorney's Office / Finance Department

Persons Completing FIR: Rebecca Seligman / Teresita Garcia Date: 2/17/15 Phone: 955-6501 / 955-6532

Reviewed by City Attorney:  Date: 2/17/15  
(Signature)

Reviewed by Finance Director:  Date: 2-19-2015  
(Signature)

### Section B. Summary

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

The purpose of the bill is to amend Subsection 11-9.1 SFCC 1987 and Section 18-9 SFCC 1987 to require prior to authorizing a reallocation of proceeds from a voter-approved general obligation bond or tax that deviates materially from the information provided to the electorate that the Governing Body authorize such reallocation through the adoption of an ordinance.

### 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)

Finance Director: \_\_\_\_\_

X   Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY 2015	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs - Recurring or "NR" Non-recurring	Fund Affected

Personnel*	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Fringe**	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Capital Outlay	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Land/ Building	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Professional Services	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
All Other Operating Costs	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Total:	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____

\* 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:**

- a. To indicate new revenues and/or
- b. 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 _____	"R" Costs Recurring or "NR" Non-recurring	FY _____	"R" Costs - Recurring or "NR" Non-recurring	_____

_____	\$ _____	_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____	_____
Total:	\$ _____	_____	\$ _____	_____	_____	_____

**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.)

None

**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.

No

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

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

If amendments to Subsection 11-9.1 SFCC 1987 and Section 18-9 SFCC 1987 are not made to require prior authorization when reallocating proceeds from a voter-approved general obligation bond or tax that deviates materially from the information provided to the electorate, it would be difficult to reallocate the funds.

**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.

No

**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.

By adopting the bill, amendments to Subsection 11-9.1 SFCC 1987 and Section 18-9 SFCC 1987 to require prior to authorizing a reallocation of proceeds from a voter-approved general obligation bond or tax that deviates materially from the information provided to the electorate that the Governing Body authorize such reallocation through the adoption of an ordinance. This would clean up the financial process and expedite the financial reallocation of funds.

Form adopted: 01/12/05; revised 8/24/05; revised 4/17/08



**ACTION SHEET  
ITEM FROM THE  
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING  
OF  
MONDAY, FEBRUARY 23, 2015**

**ITEM 12**

REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SUBSECTION 11-9.1 SFCC 1987 AND SECTION 18-9 SFCC 1987 TO REQUIRE THAT PRIOR TO AUTHORIZING A REALLOCATION OF PROCEEDS FROM A VOTER-APPROVED GENERAL OBLIGATION BOND OR TAX THAT DEVIATES MATERIALLY FROM THE INFORMATION PROVIDED TO THE ELECTORATE THAT THE GOVERNING BODY AUTHORIZE SUCH REALLOCATION THROUGH THE ADOPTION OF AN ORDINANCE (COUNCILOR DOMINGUEZ) (TERESITA GARCIA)

**PUBLIC WORKS COMMITTEE ACTION: *Approved on Consent***

**FUNDING SOURCE: N/A**

**SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:**

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON TRUJILLO			
COUNCILOR BUSHEE	Not Present		
COUNCILOR DIMAS	Not Present		
COUNCILOR DOMINGUEZ	X		
COUNCILOR RIVERA	X		

Mr. Rodarte said the smaller dealerships like those in Santa Fe get the same bidding incentive dollars if they choose to bid. But for them to tie up \$1 million on vehicles isn't worth it. He said the local companies will make money on the warranties and all of the parts. He said, especially with police vehicles, we buy genuine, so all of the purchases and maintenance are locally, that's where our local dealerships prosper.

Councilor Trujillo said he understands and remembers the conversation. He said he wanted to keep the GRTs in Santa Fe.

Councilor Maestas asked if this purchase is consistent with the fleet replacement policy.

Captain Padilla said it is not in the policy, but this will give the guideline on the carbon footprint. He said administrative personnel or detectives don't have to be in a police rated vehicle. So these aren't going to be in the fleet replacement policy, but this will be our test to see which of the two vehicles will be the best fit for the department for the administrative and investigation sides. He said in 6 months they will come back and inform the Committee of the results, and then it will be in line with the fleet replacement and how they want to move forward.

Councilor Maestas said this Committee would like to see the policy refined as we go forward. He said the fleet replacement line item has been fluctuating a lot over the past few years which isn't good for good budget management. He said we may have to identify a reserve fund for vehicles and stabilize the budget.

Captain Padilla said they have seen and understand the fluctuation. He said with this purchase, they are trying to build for the future for the annexation and have these vehicles in the fleet which are 100% reliable.

Councilor Trujillo said then we're going to buy the sedan and two of the hybrids, and asked the test period, and Captain Padilla said it is 6 months.

Councilor Trujillo said he doubts they will break down in 6 months.

Captain Padilla said the major concern during the evaluation period will be the fuel economy and to see if they can handle the day to day wear and use as a semi Police rated vehicle, and Councilor Trujillo said he looks forward to seeing the results.

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

14. **REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SUBSECTION 11-9.1 SFCC 1987 AND SECTION 18-9 SFCC 1987 TO REQUIRE THAT PRIOR TO AUTHORIZING A REALLOCATION OF PROCEEDS FROM A VOTER-APPROVED GENERAL OBLIGATION BOND OR TAX THAT DEVIATES MATERIALLY FROM THE INFORMATION PROVIDED TO THE ELECTORATE, THAT THE GOVERNING BODY AUTHORIZE SUCH REALLOCATION THROUGH THE ADOPTION OF AN ORDINANCE (Finance Committee) (Teresita Garcia) Committee Review: Public Works Committee (approved) 02/23/15; City Council (request to publish notice of public hearing) 03/11/15; and City Council (public hearing) 04/08/15. Fiscal Impact – No.**

Councilor Lindell said she is curious about the procedure and the process, and why this is presented to us the way it is.

Kelley Brennan, City Attorney, said, "I actually was not here when this was introduced. I signed it because it can be done. I don't see a legal obstacle. I'm not sure what the reason was, and I think it creates an unnecessary sort of administrative burden. The language was amended relatively recently to provide for a public hearing which is posted, advertised and so forth. What this would require is an Ordinance, because every time there was a reallocation that is material that deviated from what was approved in the description of the project, it would have to be approved by ordinance. And that wouldn't fit into the Ordinance book. It would be sort of like rezonings that would be set aside in a separate folder. There would be a request for advertising. It would also take a period of time because the process would be through committees, a request to advertise, then there would be a public hearing, then there would be an adoption, and then it would go in a book of its own. I'm not sure what is gained by this, except time and money, because we would be paying for the advertisement and so forth."

Councilor Lindell said if we want to have public hearings and discussions about it, that's one thing, but through the adoption of an ordinance.... she is unsure this is the right way to accomplish this.

Ms. Brennan said she assumes it came out of a discussion at the Finance Committee, reiterating she wasn't there and she understands the desire to have it heard. She said, "I think that to the extent that there is a desire to have it heard and publicly advertised, that can be covered. There can be a press release, for instance if we're doing that. I do think this imposes sort of a process that may be unnecessary, but as I say, I signed it. I don't see that there's a legal obstacle to it."

Councilor Lindell said she understands and appreciates that. She said she is sure "deviates materially" is a legal term.

Ms. Brennan said, "I think that I may have suggested that language when it did come to me. I've also done a lot of construction and development work, and 'materially deviates' is something of a term of art, I wouldn't say it goes that far. But I think that people involved in the industry that work regularly on construction – I see Ike has sneaked up behind me and he probably can add to this – typically they know what that means, but it's not absolutely arbitrary. So it can mean 10% of a fund of reallocation. You would say when you get to 10% you typically are getting to a material change. So that might be a material deviation in an allocation of funds. Or allocating funds for a completely different purpose might be a similar material deviation, but maybe Ike can add to that."

**Isaac Pino, Public Works Director**, said, "I just wanted to use an example. In the 2012 Parks Bond, a project for Ragle Park was approved. It included the construction of a skate park. Since that time, it has been decided that the skate park might be a better fit down at the GCCC. So what we're going to do is recommend moving the money from Ragle down to GCCC and bring in money from this pot that was left over, and bring money from Franklin Miles that was left over, all for the purpose of doing a skate park. So the location of the funding is materially deviating, the purpose of the money is still for skate park as originally allocated. It creates a lot of confusion. It seems to me that you can accomplish the same thing just by requiring that they have Council approval but not an ordinance."

Mr. Pino continued, "Let's say we play that whole skate park scenario out and we have \$100,000 left to move someplace else for some other purpose, and this has been adopted, then there will have to be another ordinance adopted for that purpose. When what we normally have to do is maybe an ENN meeting and have the public hearing which currently is required, and then get Council approval, and not move forward until there is a Council approval, but not by ordinance. These projects aren't selected by ordinance in the first place."

Councilor Lindell said the remarks between Ms. Brennan and Mr. Pino clarifies her concerns with this request. She said requiring adoption of an ordinance for this change, "I think that's taking this for me, a little bit too far. I think Council approval would be reasonable."

Councilor Maestas asked how many reallocations do we have from the typical G.O. Bond.

Mr. Pino said in the results of the Parks Bond Audit for 2008, there were 50-60 of them. There were major reallocations, where large sums were approved by the Council to be moved from one project to another, but there were a number of internal reallocations that one might want to argue are material or not material. He said, "I think that just by requiring Council approval will pretty much accomplish the same thing because we can't move forward with any other reallocation without coming back to that same Council for approval. And it requires us to go to POSAC anyway, since it is a Parks Bond, that is. It could be some other type of bond that would require that kind of Committee review."

Responding to Councilor Maestas, Mr. Pino said, "We recently did that with the West Alameda underpass at St. Francis Drive. We re-allocated close to \$2 million to about 7 different projects. And there are trail related projects, but they're not the same thing as an underpass, creating a material deviation it would seem to me. That could result in 7 ordinances, or 1 ordinance for 7 projects, but it would still require an ordinance."

Councilor Maestas said he supports the spirit behind this to be transparent to the public, especially when we encourage to take the time to study the issues and vote. He said there were some "nastygrams" in the newspapers when we did that about the City making these changes. He tends to agree with Councilor Lindell that, given the incidence of reallocation, this could be an arduous process. If we can define specific circumstances under which we define 'material deviation.' He asked Mr. Pino to come up with situations where we should disclose to the public the reasons for making a decision contrary to the originally voter approved bond measure, he could support that. He thinks 'material deviation' can be anything, and it's wide open for interpretation.

Councilor Maestas suggested we postpone action on this item until the sponsor is here.

Mr. Rodriguez said the normal course of business, if we are going to make a budget adjustment from one project to another, is the BAR comes to the Council for approval, so you get a vote on that. He said the direction we received here, that it needs to be an Ordinance change. He said from the staff side, there would be no heartburn if this wasn't approved, and we went back to the original process.

Councilor Trujillo said he understands the need for transparency, but he thinks we can get that same transparency by holding a public hearing where people can speak if they have objections, or if they are in support of it.

Ms. Brennan said, "I think so yes. The current Ordinance requires that material deviations on voter approved general obligation bond items to be voted upon by the Governing Body after the public hearing. So Governing Body approval is required after a public hearing. It does seem if you want enhanced notice we could think about ways to do that, too, not by Ordinance necessarily. But we could make it a matter of practice to have a press release or to notify neighborhood associations or something like that."

Councilor Trujillo said something we should do is to provide an opportunity to the public to comment on the proposed reallocation at a public hearing. However, to have to do an ordinance every time is taking time from something else that needs to be done.

Chair Rivera recommended that we postpone this item to allow the sponsor to weigh-in on this to give insight as to the reason he approached it this way, and then we can vote on it at that time.

**MOTION:** Councilor Rivera moved, seconded by Councilor Maestas, moved to postpone this item to the next meeting of the Committee on March 16, 2015.

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

- 15. REQUEST FOR APPROVAL OF A RESOLUTION SUPPORTING THE NEXT PHASE OF PROJECT PLANNING FOR THE SANTA FE: "ARTS + CREATIVITY CENTER," WHICH IS INTENDED TO PROVIDE AFFORDABLE LIFE, WORK, CREATION, PERFORMANCE AND RETAIL SPACE FOR ARTISTS AND CREATIVE BUSINESSES IN SANTA FE (COUNCILOR RIVERA). (ALEXANDRA LADD). Committee Review: Public Works Committee (scheduled) 03/09/15; City Business & Quality of Life Committee (scheduled) 03/11/15; and City Council (scheduled) 03/11/15. Fiscal Impact – No.**

Councilor Lindell said her concern is that this comes to us as small pieces and that we do not see an overall project. She said it appears this builds on previous resolution. She said what jumps out at her is the language on page 2, line 11 of the Resolution: "*Develop criteria for a municipal land donation and...*" on line 17, "*Bring forward for consideration by the Governing Body a municipal land donation proposal of a city-owned site...*"

Councilor Lindell said she would like information on this saying, "I think it's the best known secret in town of what site we're talking about, and I would like to have more transparent information about this. I'm not opposed to this, I would just like to see it more in its entirety than just one little piece at a time."

Ms. Ladd said, "This is a revised version of the Resolution. The project has been in the works now for well over a year and there's been lots of discussion around it. But really..... the first Resolution did mention a site, and there was a little discomfort around that because there is a bit of legwork that has to be



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

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

**12. REQUEST FOR APPROVAL OF MEMORANDUM OF UNDERSTANDING – TERRAIN MAPPING AND ORTHOPHOTOGRAPHY FOR ITT DIVISION; SANTA FE COUNTY AND APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF \$75,000 IN WATER FUND. (RENEE MARTINEZ)**

Councilor Lindell asked for information and history on this request and asked if this will be administered by the County.

Renee Martinez said that is correct. The County has been doing this on an ongoing basis covering a larger area for the County, and the City has been collaborating with them over time to share costs for getting the contractor and getting the portion of the data set that covers the City for us to use this. She said many departments use this aerial photography, including Land Use, Police, Fire, Wastewater, Water, so it's a heavily used data set. She said our portion of the data set is 105 square miles, additional terrain sections that cover our data set. So the cost we share is roughly proportionate to the square mileage of the data set that represents the City interest. She just spoke with Earl Wright, GIS Director, from Santa Fe County who is here this evening, and he said the City got a good deal. When he looked at the data set and was doing more calculations, he told us it would have been \$92,000 instead of the \$75,000. She said it's a very high quality data set which we haven't had since 2008.

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

**DISCUSSION:** Responding to the Chair, Ms. Martinez said it is already "flown" and it is here.

Chair Dominguez asked if we want to specify the scale and the contours and such, and if we are satisfied with that, and Ms. Martinez said, "Yes, we are."

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

**17. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SUBSECTION 11-9.1 SFCC 1987, AND SECTION 18-9 SFCC 1987, TO REQUIRE THAT PRIOR TO AUTHORIZING A REALLOCATION OF PROCEEDS FROM A VOTER-APPROVED GENERAL OBLIGATION BOND OR TAX THAT DEVIATES MATERIALLY FROM THE INFORMATION PROVIDED TO THE ELECTORATE THAT THE GOVERNING BODY AUTHORIZE SUCH REALLOCATION THROUGH THE ADOPTION OF AN ORDINANCE. (FINANCE COMMITTEE) (TERESITA GARCIA. Committee Review: Public Works Committee (approved) 02/23/15; Finance Committee (postponed) 03/02/15; City Council (request to publish notice of public hearing) 03/25/15; and City Council (public hearing) 04/29/15. Fiscal Impact – No.**

Councilor Lindell said we postponed this at the last meeting so the Chair could join the

conversation on this. She said she spoke Mr. Pino about it, and he told her that in looking at it and putting together the information on it with some of the bonds, and the way the money has deviated, we would be entertaining about 60 different ordinances right now to do this. She asked Ms. Garcia if she has additional information.

Ms. Garcia said, "What I found in going through the Parks Bond audit, the project is approved by Finance and Council., and it's just the plan and the projects that are approved. The only thing that is approved by Ordinance is the funding source. So there needs to be a clarification that the projects do not get approved through the Ordinance, but through a financial plan. I think one of the concerns was that the change to the Ordinance was to have a public hearing. But if there is a major change in the project plan, we can recommend a public hearing to change the master plan and not an Ordinance. To clarify the issue, the master plan or any projects funded by the Bond issue are not approved by the Ordinance."

Chair Dominguez said then the Ordinance would approve the funding, but we always have a master plan when we do a G.O. bond.

Ms. Garcia said, "We always have an adopted approved project list, and with that project list that is what is supporting the whole project for the funding source."

Chair Dominguez said then essentially, that list is the master plan and Ms. Garcia said that is correct.

**Isaac Pino, Director, Public Works Department,** said, "The bond counsel in the past has said that the question that is on the ballot is what overrides everything. So in the 2012 Bond election, for instance, Shall the City issue bonds or debt or whatever the question was, for roadways and trails, that's all it said. It didn't say to West Alameda, St. Francis or for any other project in particular. That was part of the implementation plan that came as the result of the election having passed. And you might recall that recently we dissolved that project anyway, and reallocated all that money to about 7 other projects. And we did it here, and without a public hearing, but it was vetted at BTAC, Public Works and Finance before it went to Council."

Chair Dominguez said, "I almost feel like we need to fine tune the language a little bit more, just so we can reflect the idea that a list is a master plan, and deviations from the master plan, and not the ordinance, I guess captures the intent. I would be reluctant to have every ordinance come through for what could be a relatively minor deviation."

Councilor Maestas said, "I think where we're getting dinged by the public is that maybe the Bond Ballot language doesn't have specific projects, but the plan as part of the public education campaign leading up to the election. So they remember the projects, even though they aren't on the ballot and in the language. I agree with spirit of it, but maybe I, instead of leaving it up to whatever constitutes a material deviation, that maybe we come up with realistic thresholds perhaps \$50,000 to \$100,000. If there is a change of more than \$100,000 tied to a certain ballot question for a bond, then we need to have a public hearing, explain the amendment, the need and maybe even present the project. That would be my recommendation, but I agree with the spirit that people have good memories and know what projects were

promoted with these bond issues, and they think we're getting them to approve something and then doing the opposite. I think that's happening, I think that's there, and I know you're trying to address that sentiment and that's why I agree with it."

Chair Dominguez said he would like to postpone this for a month, because he's unsure there is a codified process to recognize the master plan, noting we just go through this process and it's recorded. He said perhaps we can come up with language to identify a material deviation. He will work over the next month with staff to fine tune the language and get us to a better place.

Councilor Maestas suggested we address what Teresita was talking about – the process by which we amend the plan and what is the public involvement process that goes into amending a plan, because it's a recurring thing. He said we don't create a master plan for a bond issue. Perhaps we need to look at what extent to involve the public in changing these project plans as another approach.

**MOTION:** Councilor Maestas moved, seconded by Councilor Lindell, to postpone this item to May 4, 2015.

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

18. **REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SUBSECTION 23-6.2 SFCC 1987, TO PERMIT THE SALE AND CONSUMPTION OF ALCOHOL AT THE RAILYARD PARK FOR THE BIKE AND BREW EVENT (COUNCILOR LINDELL, MAYOR GONZALES, COUNCILORS MAESTAS AND BUSHEE). (KATE NOBLE) Committee Review: City Council (request to publish) (approved) 02/25/15; Public Works Committee (scheduled ) 03/09/15; City Business Quality of Life Committee (approved) 03/11/15; and City Council (public hearing) 03/25/15. Fiscal Impact – No.**

A proposed amendment to the Ordinance proposed by the City Business & Quality of Life Committee is incorporated herewith to these minutes as Exhibit "1."

Councilor Trujillo said he isn't against this. He asked how many drinks people will be allowed to have while they are inside at this event.

Ms. Noble said according to Subsection 23-6.3 NMSA, 3 drinks would be allowed.

Councilor Trujillo said he wanted to make sure they were following the same things which are in place for the Fuego. He has no further questions.

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

**DISCUSSION:** Ms. Byers said there is amendment sheet on the Committee members' desks from the City Business and Quality of life. She noted Section 23-6.3 states that "...three 12 ounce beers with an alcohol content of no more than 5% are permitted." The proposed amendment would make an exception and provide for three 16-oz beers and allow the content to exceed 5% because craft beers exceed 5%.



**ACTION SHEET  
CITY COUNCIL COMMITTEE MEETING OF 05/27/15  
ITEM FROM FINANCE COMMITTEE MEETING OF 05/18/15**

**ISSUE:**

14. Request for Approval of an Ordinance Amending Subsection 11-9.1 SFCC 1987 and Section 18-9 SFCC 1987 to Require That Prior to Authorizing a Reallocation of Proceeds From a Voter-Approved General Obligation Bond or Tax That Deviates Materially From the Information Provided to the Electorate That the Governing Body Authorize Such Reallocation Through the Adoption of an Ordinance. (Finance Committee) (Teresita Garcia)

**Committee Review:**

Public Works Committee (approved)	02/23/15
Finance Committee (postponed)	03/02/15
Finance Committee (postponed)	03/16/15
City Council (request to publish)	05/27/15
City Council (public hearing)	06/24/15

Fiscal Impact – No

**FINANCE COMMITTEE ACTION: APPROVED AS CONSENT ITEM**

**FUNDING SOURCE:**

**SPECIAL CONDITIONS OR AMENDMENTS**

**STAFF FOLLOW-UP:**

VOTE	FOR	AGAINST	ABSTAIN
COUNCILOR TRUJILLO	X		
COUNCILOR RIVERA	X		
COUNCILOR LINDELL	X		
COUNCILOR MAESTAS	X		
CHAIRPERSON DOMINGUEZ			

4-13-15