

SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

SPECIAL MEETING

July 7, 2008

Paul Campos, Chair – District 5

Michael Anaya – District 3

Harry Montoya – District 1

Jack Sullivan – District 5

Virginia Vigil – District 2

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This special meeting of the Santa Fe Board of County Commissioners was called to order at approximately 9:12 a.m. by Chair Paul Campos, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Following the Pledge of Allegiance and State Pledge, roll was called by County Clerk Valerie Espinoza and indicated the presence of a quorum as follows:

Members Present:

Commissioner Paul Campos, Chairman
Commissioner Jack Sullivan
Commissioner Harry Montoya
Commissioner Mike Anaya
Commissioner Virginia Vigil

Members Absent:

[None]

III. APPROVAL OF THE AGENDA

CHAIRMAN CAMPOS: Mr. Abeyta, anything to add or delete?

ROMAN ABEYTA (County Manager): No, Mr. Chair. The only question I had was what order you wanted to take things in. The first is a resolution terminating participation in the NCRTD. Then we have the ordinance adopting the regional transit gross receipts tax, and then consideration and approval of an outline of an MOU between the County, City, and North Central. The Commission might want to consider hearing C first, having that discussion, and then moving on to either A or B, depending on the findings of the memorandum of understanding between the RTD and the City and County. But that's to the Commission's discretion.

CHAIRMAN CAMPOS: Okay. I think the order is fine, unless there's any objection by any Commissioner.

COMMISSIONER VIGIL: Mr. Chair.

CHAIRMAN CAMPOS: Yes.

COMMISSIONER VIGIL: I really would like, if there is staff here, a presentation on the consideration of the MOU between Santa Fe County and the City of Santa Fe. It seems to me – I haven't seen it; I don't know the details of it, and I think we might be able to gain some insight from our sister city what their intentions are here and I'd like to defer to that piece of information before we consider the others.

CHAIRMAN CAMPOS: You're saying it should be first?

COMMISSIONER VIGIL: My motion –

CHAIRMAN CAMPOS: Hold on. Before you make a motion, you're saying C first?

COMMISSIONER VIGIL: That's my motion.

CHAIRMAN CAMPOS: Any discussion? Is there a second to that? Okay, there's no second to that. Then is there a motion to approve the agenda as presented by staff?

COMMISSIONER SULLIVAN: So moved.

COMMISSIONER MONTOYA: Second.

The motion to approve the agenda passed without opposition.

IV. MATTERS FROM THE COMMISSION

A. Resolution 2008-112. A Resolution Terminating Participation in the Intergovernmental Contract for the North Central Regional Transit District and Withdrawing from the District (Commissioner Sullivan)

Exhibit 1: Letter from San Marcos Association/Walter Wait- July 3, 2008

Exhibit 2: Petition (21 signatures) Regarding Eldorado Service – July 3, 2008

Exhibit 3: Letter from Los Alamos County – June 27, 2008

Exhibit 4: Letter and support document from Rio Arriba County Commission – July 2, 2008

Exhibit 5: Letter from Mayor David Coss, City of Santa Fe - July 7, 2008

Exhibit 6: Letter from State Legislators, Santa Fe Delegation – July 3, 2008

COMMISSIONER SULLIVAN: Mr. Chair, we've had this before us before so I won't go through the resolution. You have a copy of it in front of you for reference. I can tell you that over the last eight to ten weeks there have been, as I think you all know, a number of negotiations that have come forward. I've been away for the last two weeks. I've kept up by email with what some of the meetings have transpired but basically, what it's come down to, I feel strongly that we should participate in a JPA with DOT, with the Governor's office, with Rio Metro and with NCRTD, so we're all on the dotted lines and we're all speaking about the same issues, and we're not dealing with side agreements, which this MOU would be.

In attending workshops that were facilitated and set up by RTD, that concept was rejected and they said that, no, you can have 86 percent of the one-sixteenth that will go to local services and 14 percent will go to connecting services, and that would be based on our service

plan. Then I understand subsequent to that there was a board meeting this past week of the RTD where that commitment was changed to only 50 percent would go to Santa Fe County and 50 percent would go to other services, I think primarily, other counties up north. So that commitment has been withdrawn and it leaves us back where we are right now with two options, and one is to move forward, and today is the last day, as you know, that we can do that, to move forward with the ordinance and place it on the ballot. And the other is to consider a more, I think, reasonable and innovative way to handle transit with the City and to maximize use of those tax dollars which haven't been maximized.

That's all I'll say, Mr. Chair. I think we can have any open discussion of course that the chair wants on this. I would just point out a couple of letters which have just arrived today and you may not have had a chance to look at them. There's one from the San Marcos Association dated July 3. That's Mr. Walter Wait who is the president of the Association. He's here in the audience today, and basically paraphrasing what Mr. White says is that what's happened to the service on Route 14, and the question we've been asking for the last year. And then there's another petition from a number of persons who are wanting to know about the accountability and management of the bus service in the Eldorado and south areas and why the cost is so high, and that's a petition there as well. In addition of course there's letters from Mr. Jim West, Los Alamos County Councilor who is in favor of the RTD and has been a big supporter of it. There's also a letter from the Mayor that he just passed out.

That's the resolution that hasn't changed from when we originally considered it and I'm available to answer any questions that the Board may have on it.

CHAIRMAN CAMPOS: Questions for Commissioner Sullivan? Ms. Farrell, do you have all the exhibits that Commissioner Sullivan noted? Okay, so let's make that part of the record. Discussion. Commissioner Anaya, do you want to start?

COMMISSIONER ANAYA: Sure. Thank you, Mr. Chair. I just would like to say first of all thank you to everybody that has worked hard on keeping the Regional Transit District together. The Governor's office, the Department of Transportation, the City, the County, the RTD. I don't think that it would be appropriate and the right time for the County to pull out of the RTD. It's important that we continue to supply our services to the region. One of the issues was double taxation that was brought up and the committee that was put together dealt with the double taxation, and that some of the money or half of the money from Santa Fe County would go to the Rail Runner. The other issue was the 3/16 was reduced to 1/16, and I don't know how this Commission wants to move forward but I think that we have plenty of people in the audience that could speak on behalf of the RTD, including Carl Moore who we had hired to facilitate the meetings with the people that I just mentioned. But it's up to how this Commission wants to go about this. I know that staff has taken a position on staying in the RTD. We have representatives here, Speaker Ben Lujan, Secretary Rhonda Faught, Pablo Sedillo, who I believe are here to encourage us to stay in the RTD. A Commissioner from Taos County, Charlie Gonzales, and many people who have worked hard to try to help out with this issue that was brought up by Santa Fe County and the City of Santa Fe.

So they're out there to answer any questions that the Commission has. Thank you, Mr.

Chair.

CHAIRMAN CAMPOS: Thank you, Commissioner. Any other Commissioner want to address the Commission? Commissioner Vigil.

COMMISSIONER VIGIL: I am particularly interested in getting some input from those participants who are here and willing to do that. I think initially this issue came before us, as was mentioned, quite large and respectively only 3/16, and we've been able to negotiate down to 1/8 of the GRT. My initial concern was whether or not the Rail Runner would be exclusively or inclusively included in this. I had no representation that it was exclusive but I needed the inclusion, so that when we divided the 1/8 to 1/16 for the Department of Transportation and the Rail Runner, and the 1/8 for the RTD, I thought that made a lot of progress.

However, my understanding is that the RTD has met and they have proposed by motion a 50/50 split. We are now not at a negotiated place because what has been proposed and what was discussed, and this is not the 1/16 part of the RTD, is an 86/14 percent split. That was done after much discussion and a representation on the pro rata share of the collection of the taxes. Eighty-six percent would represent what Santa Fe County would be able to collect. Actually, we collect all of it, but 14 percent would go into the regional component of it.

From my perspective, I don't think we're too far off at this point in time, but we're also in a timeline and we have to make a decision today. I'd like to hear from those who are here to speak to the issue, what their position is, Mr. Chair, so I am here for the public hearing before I decide on this particular agenda item.

CHAIRMAN CAMPOS: Okay. Commissioner Montoya, any comments?

COMMISSIONER MONTOYA: I have some questions of either our staff or DOT staff.

CHAIRMAN CAMPOS: Okay. Well, I guess we're going to want some public input. Maybe about 15 to 20, 25 minutes. Is that about right? Okay, Commissioner, do you want to call somebody to talk, to ask questions to?

COMMISSIONER MONTOYA: Yes. DOT staff. And the question that I have specifically is one of the issues that was brought forth early on during the negotiation process was that Santa Fe County wanted to be in the JPA between the DOT, Rio Metro, and NCRTD and did that ever happen?

PATRICIO GUERRERORTIZ: Commissioners, good morning. My name is Patricio Guerrerortiz. I'm the Deputy Secretary for Programs and Infrastructure with the New Mexico Department of Transportation. I participated in most of the meetings that took place during the negotiating of the different agreements. We saw it initially that there were several issues that needed to be dealt with, and of course, the main issue started with Santa Fe County not wanting to force their residents to pay what looked like twice the taxation for the same issue. One, because the NCRTD had requested the issue to be on the ballot, the 3/16 at one point in time and then 1/8 later on. And then the second one because the only option that was seen viable for the Rail Runner to operate and serve this county as well as the three counties south of Santa Fe would have been if there was public participation and that meant

that a portion of the GRT, or a portion of the gross receipts tax would go to pay for the operations of the Rail Runner.

So the negotiations were so that, or were carried in a way that all parties agreed, yes, the Rail Runner operation was part of the transit of this corridor and the three counties to the south, Valencia, Bernalillo and Sandoval, were also getting ready to participate and to pay their portion of the operations of the Rail Runner. So the other issues that existed is, in terms of the practical day-to-day operation activities. The state owns the right-of-way and the state owns the equipment that is necessary for the train to operate. And what kind of agreement was it necessary to have the state allow an entity via the RTD, or a coalition of RTDs, or anything that would be viable within the corridor to operate the Rail Runner and to have use of the state-owned infrastructure and equipment.

So we were willing to participate, the state, the New Mexico Department of Transportation was willing to participate and has participated and has suggested many ways in which we can participate and do what Commissioner Sullivan is talking about – be at the table, be signing on the dotted line. At this point we have something that would work to present to you and I think the New Mexico Department of Transportation stands behind every effort that is necessary to provide transit for this region. We all see it as a necessity. We all see that our reality, in terms of fuel costs and the costs of maintaining the infrastructure needs or requires that we take a different approach to the movement and the mobility for people in the state of New Mexico, especially in this corridor that has the highest density of population of the entire state.

So what we have in front of you is an agreement, and yes, the NCRTD board decided that they are willing to participate on a 50/50 on the 1/16 that corresponds to the connectivity and the transit outside of the Rail Runner's operation. I'm not sure if that answers your question.

COMMISSIONER MONTOYA: My question was, is Santa Fe County part of the joint powers agreement between DOT, NCRTD and Rio Metro? Are we part of that negotiated JPA?

MR. GUERRERORTIZ: You would be and you are members of the NCRTD. Individually, I don't think you have a line to sign on.

COMMISSIONER MONTOYA: Okay. Because I think that was part of what was requested by staff, was that we be included there specifically regarding the 86/14 split. So that's not in there, in the JPA?

MR. GUERRERORTIZ: Well, that's one of the agreements that is necessary outside of the participation of the DOT. You have – right now you're members of the NCRTD. And the agreement behind the membership is something that the County, the City, and the boards, the other counties in the membership of the NCRTD have to deal with. We are not part of that.

COMMISSIONER MONTOYA: Okay. So basically, the answer is no, we're not part of the JPA. Santa Fe County is not part of that JPA. In terms of the language –

MR. GUERRERORTIZ: We're talking about several JPAs, Commissioner

Montoya.

COMMISSIONER MONTOYA: Yes. And the one that I'm referring to is the one between DOT, NCRTD, and Rio Metro.

MR. GUERRERORTIZ: Right.

COMMISSIONER MONTOYA: And Santa Fe County asked to be a part of that, which we're not.

MR. GUERRERORTIZ: Santa Fe County is part of that in that you are part of the NCRTD.

COMMISSIONER MONTOYA: But the language that we requested is not in there.

MR. GUERRERORTIZ: I think we're talking about two different JPAs. One is for the formation of this entity and the other one is for the agreement that you need to have with the NCRTD for the split of this money that comes – that would come from the GRT. And that is not one that we need to participate in.

COMMISSIONER MONTOYA: Okay.

CHAIRMAN CAMPOS: Okay. Are you done, Commissioner?

COMMISSIONER MONTOYA: Yes.

CHAIRMAN CAMPOS: I want to ask all people who want to speak to come sit in the front row and to keep it brief. We have about 15, 20 more minutes allotted to public hearing unless the Commission decides it wants to go further. So anybody who wants to address the Commission please come forward. Raise your hand. Councilor Wurzburger, are you coming up? Who's coming up? Mr. Speaker, come on up. Anybody who wants to talk. Okay. Four. Councilor Wurzburger, why don't you start?

COUNCILOR REBECCA WURZBURGER: Thank you. I'm waiting for the exact resolution that we passed a week from Monday, a week from today, by the City Councilor. I could defer to other people. If that doesn't come then I'll give the essence of it. Thank you.

CHAIRMAN CAMPOS: Okay. Mr. Speaker.

[Speaker of the House Ben Lujan indicated that he was waiting for a document.]

CHAIRMAN CAMPOS: Councilor Chavez.

COUNCILOR MIGUEL CHAVEZ: Good morning, Mr. Chair and members of the Commission. I am here before you as a citizen first, as a Councilor, and as a member of the North Central RTD. There have been countless hours put into this for the last five years. We have a good working relationship with our four neighboring counties in the north. The question before us, if I'm understanding it clearly, is a resolution terminating participation in the intergovernmental contract for the North Central Regional Transit District. And I think that it would be a big mistake to even consider withdrawing from the RTD at this point.

You have less reason now than ever before to withdraw, and more reason to stay in. Commissioner Anaya, I think you touched on most of the reasons, a couple of the reasons to stay in. So I would really ask you to deny or vote down this resolution and continue the participation. The City of Santa Fe has one representative here and the County has one

representative and that is Commissioner Anaya. You are well – the City and the County are well represented in the North Central RTD.

Aside from the details or the issues that we're dealing with about who controls what and who gets what money, we're forgetting that the voters have to decide first if they accept this tax and then maybe we can talk about who's controlling what and who gets what check when and for what. But it has to go to the voters and it has to focus on the service plan to meet the needs of those residents, not only in the City of Santa Fe and Santa Fe County but up north.

I would like to take this opportunity to read a letter that's signed by the Mayor, David Coss, and it's addressed to the Commissioners. Dear Commissioners, I support Santa Fe County placing before the voters the North Central Regional Transit District request of 1/8 percent gross receipts tax increase to provide greater revenues for public transportation. I fully support public transportation, especially because it can help working families deal with the high cost of gas and commuting, and because public transportation has much less impact on our environment than single-occupancy vehicle transportation.

Revenues raised by the NCRTD measure in Santa Fe County will be used to support the Rail Runner commuter rail service in Santa Fe. The revenues will be used to ensure Santa Fe City and County local governments are full partners with state and Middle Rio Grande local governments in the operation and maintenance of the Rail Runner. The additional revenues will also be invested in the City's Santa Fe Trails transit system to ensure that there are adequate transit connections to the Rail Runner at all Santa Fe stops.

As a capital city community, Santa Fe has an opportunity to help our state address public transportation needs in both the Northern and Middle Rio Grande regions. The City and the County have succeeded in meeting regional responsibilities jointly in solid waste management, Buckman Direct Diversion project and in public safety. We can succeed now with public transportation and the Rail Runner by remaining in the RTD and using our representation rights at the regional and state levels to ensure the success of the Rail Runner and of public transportation.

Thank you for all your work and your leadership on this issue. Signed by Mayor David Coss.

Now, to go back to the financial component for just a minute, the North Central RTD on Friday did agree that 1/8 of the revenue generated by the RTD, 1/16 would be directly provided to the Rio Metro RTD for Rail Runner operations, according to the draft joint powers agreement provided in the packet. I'm not sure if you have that joint powers agreement or not. A proposals arose at the meeting that remaining 1/16 which also drew strong support. Fifty percent of that remaining 1/16 would be provided or allocated to the City and the County for their services and 50 percent of that would be retained by the RTD for regional services.

So I think you have the letter from the Mayor. My comments as a member of the RTD, support our efforts and support our northern counties. Thank you.

CHAIRMAN CAMPOS: Thank you. Mr. Speaker, are you ready?

COMMISSIONER SULLIVAN: Mr. Chair.

CHAIRMAN CAMPOS: Yes, sir.

COMMISSIONER SULLIVAN: While he's getting ready, just a comment on the Mayor's letter which I just have seen for the first time today, as I think we all have, I think certainly I'm in favor of putting a 1/8 GRT onto the ballot, and the only question is whether that 1/8 is managed locally by the City and the County or whether it's managed by the RTD. And I'm also in favor, personally, of a 1/16 of that, or half of that going for support of the Rail Runner. I think that's been clear in all of our discussions.

So the real issue is who manages this 1/8. The funds wouldn't be available whether it was put on the ballot in November or whether it was put on the ballot a little later in February or even March. In either case, the funds wouldn't be available until July of next year. But that's the outset of when the Rail Runner needs the funds anyway. So I think we have that option of doing the 1/8, of satisfying the Rail Runner's needs, but we also have the option of determining how we want that 1/8 managed and that's what I think we're talking about here today. So I just want to be clear that when we talk about supporting transit, I think all of the Commissioners support as does the City, transit, and we see the needs for transit, and I personally see the need for more than 50 percent of the money going to the Santa Fe area. And in fact that 86 percent came from the RTD's service plan. So they're the ones that came up with that number, not us.

And I think that the only issue really is how best to manage and administer that 1/8. Thank you.

CHAIRMAN CAMPOS: Mr. Speaker.

SPEAKER BEN LUJAN: Thank you, Mr. Chair and Commission. It's great to be here with you this morning. I hope everybody had a good Fourth of July and that you all, the staff is all rested, ready to go for another – work for our constituency here.

This is a letter that we put together, the Santa Fe delegation and I'd like to read it if I may. Santa Fe County Board of County Commissioners, Mr. Chair and members of the Commission, we, the Santa Fe County delegation of the New Mexico State Legislature support the North Central Regional Transit District proposal for the November 2008 ballot measure to fund public transit to Rio Arriba, Los Alamos, Taos and Santa Fe counties. We encourage the Board of Commission to remain in the North Central Regional Transit District and to approve the ordinance to place the Regional Transit District ballot measure on the November election ballot in Santa Fe County this coming election.

As the demand for public transportation increases and the cost of gasoline continues to climb, the County should support the RTD plan to increase bus service to provide revenue to share in the funding of the Rail Runner. This measure would also be most beneficial, not only to the citizens of Santa Fe County but also to the citizens of the entire region.

Mr. Chair, members of the Board of County Commission Board, as a representative of the north part of Santa Fe County, and also a part of the City of Española, feel that it would be most beneficial to provide this service and to allow the people, the voters to decide whether or not they'd like to provide for funding for this very important prospect that's being

proposed here. So I would very much encourage the Commission on behalf of the Santa Fe delegation to support this and vote in favor of continuing on and not to remove yourselves out of this very important activity. Thank you.

CHAIRMAN CAMPOS: Thank you, Mr. Speaker. Councilor, are you ready? Come up, come forward please.

COUNCILOR WURZBURGER: Thank you. I am here as Mayor Pro Tem, and I am representing the policy decision made by the Council with a 7-1 vote, and this was made last Monday. I'm going to read the decision and then I have three short comments. The resolution was passed to withdraw from the NCRTD contingent upon the same action being taken by the Board of County Commissioners. And in the event that the Board of County Commissioners does not withdraw from the NCRTD on July 7th, then this governing body hereby approves conceptually an MOU that is consistent with City staff's June 30, 2008 memorandum, except instead of a 50/50 split, it will be an 86/14 split.

I believe speaking for the City in the discussion that has transpired over the past few weeks that there are several issues that are now before us. One is an issue exactly as Commissioner Sullivan has said that is the management of this process, the management of the planning and the management of the funds that are distributed to the NCRTD. And it was the City's – is the City's position that this is best done through the RPA. And I agree with the Mayor's letter, and I think we would all agree with the Mayor's letter, that we have successfully worked with the County on the Buckman Direct diversion project, on SWMA and on other issues, including fire services. We know how to do this together.

And that relates to the second issue. We do feel in the City that we have not reflected the needs of the City and the County as much as we could. We're particularly concerned that the Rail Runner is arriving and yet the service plan prepared had no cognizance of this issue. And we feel that if we were doing this with the RPA we may have better anticipated that. The third issue is one of money. It's of allocation and is an issue of equity. It is an issue that Commissioner Vigil brought up. And that is we believe particularly in this time of the next two to three years when we're trying to respond and create the services within the City and the County to respond to what we hope is a very successful Rail Runner, that we should be getting back to the City and the County constituents the amount of money that we put into this.

That is not to say we would not participate. That's the contingency part. We'll sit at the table with respect to the other 14 percent, but I think the three issues of providing better service in a more direct way, because we are the representatives responsible for the City and the County of having the representation in terms of the money and also of working together on the RPA which we've proven that we can do. I will say that I was extremely personally disappointed, as you all know, I was away in Canada this last week and to come back and hear that despite their presence at our meeting, despite the NCRTD hearing our preference and having a meeting the week before with respect to the distribution of an 86/14 which was in the original proposal, that then to come back with a 50/50 was very, to say disconcerting in the least, is something I would like to express on behalf of the Council, and that goes back to

the issue of confidence in how we're being represented, not just as an individual representative, but to what degree the City's concerns are being heard by the NCRTD. Thank you very much.

CHAIRMAN CAMPOS: Ms. Faught.

RHONDA FAUGHT: Thank you, Mr. Chair, members of the Commission. It's a pleasure to be here. I stand in support of staying in the NCRTD. We recognize that there are some issues that keep coming up, confusion about 50/50, 86/14 and so forth. I think that's something we can work out and get that clarified. One of the other concerns that I hear is also about the service plan, the management and so forth, and we have offered to the NCRTD board that we would be glad as a department to help facilitate the establishment of performance measures and so forth so that it can help run and help manage the NCRTD so that you get what you want out of that Regional Transit District.

We know also that going through a – looking at regional transit is the way to go. Looking at it just from one particular area – we really have a large area that we're trying to serve, that the NCRTD is trying to serve that's very dependent on Santa Fe. They do a lot of their shopping, they go to their doctors, they also are going to be connecting to the Rail Runner to get down to Albuquerque for additional services and so forth, and it makes sense that this whole area is served appropriately, and if there are problems with the management, if there are problems with the 50.50, 86/14 split, I think it's something we can work on and continue working on while we get the ordinance passed to get this particular issue on the ballot and I appreciate very much the opportunity to speak. Thank you.

CHAIRMAN CAMPOS: Thank you. Carl Moore

CARL MOORE: Thank you. My purpose is that I wanted to report on the work of the task force that this Commission set in motion and my goal is to try and do that as objectively as possible. The substance of the issue, others can be here to address. At your meeting on April 29th you asked for a recommendation from Mr. Kolkmeier and he recommended that you not support the tax increase being proposed by the North Central Regional Transit District until we form a task force through the RTD that includes the Department of Transportation and the Middle Rio Grande Council of Government, and we jointly work out how we want transit programs to connect and to be cooperative and collaborative with the Rail Runner. That was the specific recommendation.

Mayor Coss, who was at the meeting, said that a plan did not exist for public transit that included the Rail Runner and that he favored a plan to support the operation and that connectivity of the Rail Runner. As you're aware, at that meeting you discussed a number of other items – your partnership with northern counties, the need to work together for an integrated transportation system, that the key to transit planning is the Rail Runner, that there's not been a lot of communication between the Regional Transit District and the Department of Transportation and the Council of Government, that there's a need for support from the Governor's office for a transit plan so that you don't end up with two taxes and two transit authorities in Santa Fe County. And that the two US Senators preferred the County to act regionally.

So on April 29th the Commission unanimously passed a resolution calling for the formation of the task force and that group was to quickly study the issue and report back. I was asked to facilitate the work of that group. That group included active participation by the County and the City, the North Central Regional Transit District, the Rio Metro Transit District, and the New Mexico Department of Transportation. We met ten times over the course of the past two months and there's been a joint powers agreement produced that you all I'm sure have been privy to, and that apparently satisfies the parties.

Others at this meeting can explain the details of the joint powers agreement. That, as I said at the beginning, is not my job. The discussion made it clear that the task force was to come up with a solution that would eliminate the exposure to double taxation, make certain that the New Mexico Department of Transportation contributed to operations, ensured that monies would be available for surface transit, especially connections to the Rail Runner. The task force also discussed what is Santa Fe's share of resources and how that could best be managed. The group concluded, after some extensive deliberations, that that was a decision that had to be made, that had to be clear, but should not be part of the joint powers agreement because of what legally the joint powers agreement needed to contain.

CHAIRMAN CAMPOS: Mr. Moore, we're going to have to keep it brief.

MR. MOORE: I have one more sentence.

CHAIRMAN CAMPOS: Okay.

MR. MOORE: A key factor appears to be that if there is not a decision to go forward and place the potential GRT tax on the ballot for the November election that the New Mexico Department of Transportation will have to turn to the legislature for a solution. Thank you.

CHAIRMAN CAMPOS: Thank you, sir. Mr. Wait.

WALTER WAIT: Commissioners, my name is Walter Wait. I'm representing the San Marcos Association and the Santa Fe County San Marcos District. The San Marcos Association is concerned that there doesn't appear to be any discussion of any surface transportation linking the communities along State Route 14 in the North Central Regional Transit District, a bus route that would link the residents of State Route 14 to Route 599 Rail Runner stop. We feel as though a bus route along this busy route 14 would link Santa Fe with the San Marcos District, Cerrillos and Madrid, and we question why the North Central Regional Transit District didn't seem to feel as though the county's needs are important.

As you know, the San Marcos, Cerrillos and Madrid area is composed of many neighborhoods, many of which are economically disadvantaged, and as the price of fuel increases these communities feel the pressure of commuting costs more and more. Alternative transportation currently unavailable to the Route 14 area corridor should be high on the Commission's to-do list, especially if the Commission expects the support of voters to approve a gross receipts tax increase. But again, we haven't seen any mention of this route.

The advantage to the county of this proposed route are many. And first of all, the route provides an alternative method for rural county resident to reach both Santa Fe and Albuquerque. It provides alternative methods for tourists and residents to make day trips

from Albuquerque and Santa Fe to the Cerrillos Hills Park, Cerrillos and Madrid. And it also permits workers at the state penitentiary, the County's biggest employer, to ride public transportation to and from work.

The San Marcos Association feels that if the proposed North Central Regional Transit District does not include a rural 14 transportation route the County Commission should vote no in taking this proposed tax to the voters. Rather, they should ask the voters to tax themselves in a similar fashion for routes that would truly serve the residents of our county, the rural 14 route being specifically identified in any such tax. Thank you.

CHAIRMAN CAMPOS: Thank you, sir. Please state your name and your address.

CHARLIE GONZALES: Good morning, Commissioners. I am Chairman Charlie Gonzales from the Taos County Board of Commissioners. I'd just like to express some of our wishes and ask the Santa Fe Commission to join Rio Arriba, Los Alamos and Taos County in the NCRTD for continuing on in the NCRTD. The NCRTD has been good to Taos. It's been good to Santa Fe and all the neighboring counties. We would like Santa Fe County to continue in the partnership that has been established for a couple of years, the NCRTD.

I'd also like to thank Chairman Mike Anaya and Councilor Miguel Chavez from Santa Fe County and the City of Santa Fe in being your representatives to the NCRTD. Mr. Anaya is the chairman. He's been diligent. He's been a mover and a shaker so to speak in the NCRTD and represents you well. Thank you, Mr. Chair. Thank you for having me here today.

CHAIRMAN CAMPOS: Thank you, Commissioner, for coming from Taos. Okay, the public hearing is over.

SPEAKER LUJAN: Mr. Chair, members, I apologize that I didn't read the members of the legislature that signed, and I know that you do have a letter before you, but I think for the record, if I may just read the names real fast if I may.

CHAIRMAN CAMPOS: Sure.

SPEAKER LUJAN: This letter was signed by of course, myself, Representative Lucky Varela, Representative Jim Trujillo, Representative Peter Wirth, Representative Nick Salazar, Senator Carlos Cisneros, Senator Nancy Rodriguez, Senator John Grubestic, Senator Phil Griego, Senator Richard Martinez, Representative Rhonda King and Representative Jeanette Wallace. Thank you.

CHAIRMAN CAMPOS: Thank you, sir. Okay, the public hearing is closed. Commissioner Vigil.

COMMISSIONER VIGIL: Thank you. I did have some specific questions, just further clarification on some of the testimony I heard, and it would be for you, Rhonda Faught. Did I hear you say that the Department of Transportation would be able to assist in facilitating in dividing these taxes towards goals that we're not currently discussing today? The 50/50 or the 86/14?

SECRETARY FAUGHT: Mr. Chair, Commissioner Vigil, what I meant – I

don't know what I said, but I know what I meant. What I meant was that we would facilitate in establishing performance measures for the NCRTD to be able to deliver the services that you expect from them, so when we talked to the NCRTD board, we said we'd be happy to help in determining, helping them to determine what performance measures they would like and to facilitate in that process. I felt that – to clarify – I felt that we could work on separate – the 50/50 versus the 86/14 separate and to just pass the resolution for the ordinance today, with the contingency of continuing to work on what that split is later.

COMMISSIONER VIGIL: Okay. Would these performance measures include ridership?

SECRETARY FAUGHT: Mr. Chair, Commissioner Vigil, it could be ridership, it could be service plan, it could be how to – who they talk to. It's up to the members of the board to determine what they think is important for the delivery system. We've established a great deal of performance measurements within our department, we could facilitate that in helping to determine how to do that, how to do the appropriate measures and how to report that information.

COMMISSIONER VIGIL: Okay. Thank you. I just needed that further clarified. But I have a clarification for Steve Ross. Steve, thus far, this is where I see we're at. The City has a resolution that has proposed an 86/14 split. NCRTD has proposed a 50/50 split. We are now considering whether or not to remove ourselves from the NCRTD. Is there an option for us to remain in the RTD and look for further negotiations beyond the 50/50 split?

STEVE ROSS (County Attorney): Mr. Chair, Commissioner Vigil, so long as you pass the ordinance today.

COMMISSIONER VIGIL: The ordinance?

MR. ROSS: This is the last day to pass the ordinance.

COMMISSIONER VIGIL: Okay. That would be item number B, right?

MR. ROSS: Correct.

COMMISSIONER VIGIL: So it would be difficult to pass. Could we amend the ordinance to remain on the RTD? Not if we pass the first item, right.

MR. ROSS: Commissioner Vigil, the ordinance can't be changed. The ordinance has to be identical in all the counties that enact it. So you wouldn't be able to document some sort of a compromise in the ordinance. You'd have to do it in some other, separate document, such as the memorandum of understanding that it's yet drafted, but the essential elements are known. That would be one place to document it.

COMMISSIONER VIGIL: Okay. I have one more question and then a comment. Ms. Faught, Bernalillo County has not acted on this, correct?

SECRETARY FAUGHT: Mr. Chair, Commissioner Vigil, Bernalillo County, the Rio Metro RTD is meeting next week, on the 16th or the 17th, I can't recall. The 16th, which I guess is the week after next – next week, to pass their resolution. How this works is when the RTD passes a resolution each of the member counties have to pass an ordinance within 75 days of the resolution passed by the RTD. Today – yesterday was the 75th day that

the NCRTD passed their resolution to put on the ballot the 1/8 percent, and that's why today is such a critical day, because 75 days is up today.

So Bernalillo County, being part of the Rio Metro, will then have a very short period of time to then to their public hearings and so forth and to get on the ballot because it has to be to the County Clerk by the end of August in order to get it on the November ballot. And that's where we have a very short timeframe right now.

COMMISSIONER VIGIL: What other counties are part of the Rio Metro?

SECRETARY FAUGHT: The Rio Metro also includes Valencia County and Sandoval County, besides Bernalillo.

COMMISSIONER VIGIL: Bernalillo, Sandoval and Valencia are part of that. Most of the GRT will probably be collected in Bernalillo, correct?

SECRETARY FAUGHT: The vast majority of the funds will be collected from Bernalillo County. Of the approximately \$15 million that would be collected, over \$10 million out of Bernalillo County.

COMMISSIONER VIGIL: Okay. And I guess my concern is, that if we act on this particular resolution that we really are, despite the fact that we preach regionalism, really not doing regionalism. And I'm really concerned and I appreciate your testimony and the testimony I've heard from the Speaker and everyone else, because there's a real concern that I have here that we might be acting as if Santa Fe – you know, transportation starts and ends in Santa Fe. And that's not why these regional institutions were created. I also have a concern over the fact that if we do create a separate regional transportation district, how much support we'll get with that.

This is a cooperative effort between the state and the federal government. Now, Ms. Faught, with the federal government being a part of this I know – and part of the problem we have as a community is that this is a new organization. RTDs have just started. Yes, we haven't seen the transportation but we haven't enacted the funding to support that transportation either. This is our first step towards that and all we're hearing is what we haven't done, but we haven't been able to. So we're caught between a rock and a hard place.

So the federal government, and I know that you connect with them directly, actually supports this type of regionalization, supports it very strongly. As a matter of fact I think it's a necessary component for some of the federal funding that comes to the states and the local governments. Can you give me some more insight into that?

SECRETARY FAUGHT: Mr. Chair, Commissioner Vigil, what we have – yes, at the federal level it is highly supported to look at regionalism – whatever.

COMMISSIONER VIGIL: Regionalization.

SECRETARY FAUGHT: But anyway, to look at regional transportation. And as a matter of fact we're looking at it – I work very closely at a national level and also at a western states level, how important it is not only to regionalize transportation within our states but also across state boundaries. And that's one of the things that we're looking at very closely in a new transportation bill that is going expire in October of next year. The thing is that right now, you don't have to be in a Regional Transit District to get federal funds but

what you do is that by combining those funds then it serves a greater population. So each of the areas now can combine the allocation of federal transit funds, for instance. And also what we're working on is also utilizing Congestion Management Air Quality funds that we are able to utilize because of the non-attainment air quality status in the Bernalillo County area, and because it's linking these two counties, we're able to then ask for this CMAQ money to be able to join the two counties with the train. And that's why we're able to do that, utilizing some federal funds.

COMMISSIONER VIGIL: Okay.

SECRETARY FAUGHT: It's complicated.

COMMISSIONER VIGIL: Yes. And I know that the only projects we have here in Santa Fe is the Eldorado ridership and I think there's some good things to be said about that and there's some things that we could have learned from that. My concern is for pursuing the connectivity and not creating an isolated sphere for transportation. Because it doesn't start and end in one county. It really crosses counties from Taos down to Santa Fe. And I guess my concern at this point in time would be where DOT – where is DOT's role with regard to RTD?

SECRETARY FAUGHT: The RTD is locally governed and the state doesn't have any membership on that governing body. However, with respect to the Rail Runner, because we are the owners of the Rail Runner and of the track and of the rolling stock and so forth, we would enter into an agreement with the NCRTD and with the Rio Metro RTD to join basically a triad membership in running and in governing the RTD board, so to speak. I mean the Rail Runner.

COMMISSIONER VIGIL: Okay. I guess what I'm looking for – I see the competing interests. We have a pro rata representation in 86/14, and then we have a 50/50. And because I'm always looking for some negotiated settlement of some kind, I was hoping that DOT could play an overriding role in meeting more of a pro rata share for these competing interests.

SECRETARY FAUGHT: Mr. Chair, Commissioner, we'd be glad to facilitate in any way that we can. As we heard from the real facilitator here is that there has been agreement and perhaps – I know that the people who were participating had all agreed but not everyone who participated is agreeing now. People who did not participate in that process are the ones questioning that process and perhaps there's a way to get more people involved in that process and making that determination.

COMMISSIONER VIGIL: Okay.

CHAIRMAN CAMPOS: We need to get moving.

COMMISSIONER VIGIL: That's it.

CHAIRMAN CAMPOS: Let's keep it brief. Commissioner Anaya.

COMMISSIONER ANAYA: Yes, Mr. Chair, thank you. In terms of the 50/50 split. This is how we brought this up at a meeting that we had with Councilor Wurzbarger is that half of the money, \$1.1 million, would go to the City and County, and \$1.1 million would go to the Regional Transit District. The City staff and the County staff both agreed that

they could do their operations with the \$1.1 million. The concern that came up was that they could use that money for operation and maintenance. They were concerned about the capital – the buses. The RTD talked with the members and said we can bond the \$1.1 million that goes to the RTD to help purchase the buses. If you take that money, from the buses and you take the money, the \$1.1 million, the 50 percent, it adds up to 89 percent, not 86. So you're actually going to get more, but that's the way we put it because the City and the County staff agreed that they could operate with the \$1.1 million.

I think that might clear up with the 86/14. We just simply split it 50/50, and that we would help bond our \$1.1 million, which is not RTD; it is still City-County. We're still saying we're in. That's us. To help pay for buses, and you would get the \$1.1 million. Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Thank you, sir. Commissioner Montoya, you say you had a couple of questions?

COMMISSIONER MONTOYA: Mr. Chair, I'd just like to get some clarification from Steve Ross on the different JPAs that are circulating.

MR. ROSS: Mr. Chair, Commissioner Montoya, the current situation – I got a memo up here from June 20th summarizing the current situation. I think this came from Bruce. And essentially what the memo provides for is that there are going to be three agreements now, the way it's currently being discussed in the mediated discussion. The first joint powers agreement would be between Rio Metro, the North Central Regional Transit District, and the Department of Transportation, and that would be primarily a funding and management agreement. The second agreement would be between Rio Metro and the Department of Transportation to address the use of the Department of Transportation's property – the railroad tracks and other items that have been mentioned. And then the third possible agreement would be an agreement between the City and the County and the RTD. This is what the City Council resolution speaks to, a third agreement that would address the issues of funding between the County and the City and the Regional Transit District.

That's currently how things stand. It started out somewhat differently as you've alluded. Everyone was sitting around the table at the beginning and there were drafts that included the City and the County as signatories. But I think for a lot of reasons, principle among them is to cement the agreement between DOT, Rio Metro and the RTD, our local RTD, the other agreements were split off, I think because people recognized it would take more time to work through those. They weren't quite ready.

COMMISSIONER MONTOYA: So, Mr. Chair, so then the third City-County-RTD, that's what was negotiated in terms of the 50/50?

MR. ROSS: Well, there's nothing really been negotiated. It's just a placeholder. There's a possibility of a third agreement. The terms of that agreement I don't think are in place yet and the City has passed its resolution preferring the 86/14 split. The RTD proposes a 50/50 split. I don't think pen has been put to paper on any of those points.

COMMISSIONER MONTOYA: Okay. So I guess back to my original question then, and maybe Secretary Faught can answer this in terms of – I had a discussion

with Governor Richardson regarding the issue on the original JPA. Certainly, I support totally, 100 percent, the funding for the Rail Runner. The other language that we had requested, which we had provided was I guess never included in the JPA that is currently signed by Rio Metro, NCRTD and DOT. Why was our language not included in there during these negotiations?

SECRETARY FAUGHT: Mr. Chair, Commissioner Montoya, I'm not sure what language you're talking about. Can you be more specific?

COMMISSIONER MONTOYA: Yes. Steve, do you have that language with you?

SECRETARY FAUGHT: Mr. Chair, I've been reminded that there has been no JPA signed at this point in time. So that may be another thing.

COMMISSIONER MONTOYA: Oh, it's still not signed? The specific language was, "The NCRTD agrees to provide Santa Fe County with funds equivalent to 86 percent of the revenue raised by a 1/16 of one percent gross receipts tax levied in Santa Fe County, so long as the voters of the County of Santa Fe approve the proposed levy. With the funds so provided Santa Fe County may contract with the NCRTD, the City of Santa Fe, the Rio Metro RTD, and the NMDOT or a third party to provide connecting transportation to and from the Rail Runner within the county and to meet transit needs within Santa Fe County and the City of Santa Fe. The remaining 14 percent of the revenue raised by a 1/16 of one percent gross receipts tax levied in Santa Fe County shall be used by the NCRTD for providing connecting service to the Rail Runner and shall include all applicable NCRTD overhead and administrative costs." That was one.

The second was, "The parties hereto agree that Santa Fe County, the City of Santa Fe may withdraw from the NCRTD at any time and form a Regional Transit District comprising only Santa Fe County. If a Regional Transit District is so formed, the parties agree that the revenue distribution described in this agreement shall remain intact but the new Santa Fe Regional Transit District may levy additional increments of the gross receipts tax as necessary to fund its operation."

And then the last one was, "The NCRTD also agrees that whether a Regional Transit District is formed in Santa Fe County or not, the NCRTD will not request any additional gross receipts tax increments within Santa Fe County without express advance written authorization of the Board of County Commissioners prior to the approval of the resolution."

So those are the three points that we had requested be included into the joint powers agreement that was negotiated between Rio Metro, NMDOT and NCRTD. So those are the three points that never got in there.

SECRETARY FAUGHT: I'm going to – I have with me Frank Sharpless, who is in charge of the Transit Rail Division with the department and he can answer those questions.

COMMISSIONER MONTOYA: Okay. Thank you.

CHAIRMAN CAMPOS: The problem is that we have – we're trying to finish this hearing by 10:00 and we're looking at 10:30 or 11:00 now.

COMMISSIONER VIGIL: It's an important issue, Mr. Chair.

CHAIRMAN CAMPOS: I understand that.

COMMISSIONER VIGIL: For those who can't stay beyond it, if we need to hear more testimony, I vote we stay beyond it.

CHAIRMAN CAMPOS: Could you in about a minute or two tell us what you have to say?

FRANK SHARPLESS: Yes, Mr. Chair. My name is Frank Sharpless. I'm the New Mexico Department of Transportation Transit Rail Division Director. Mr. Chair, Commissioner Montoya, the task force that has been meeting comprised of Rio Metro, NMRTD, and the DOT looked at, as your attorney, Mr. Ross had indicated, three separate agreements. The first agreement was the actual funding of Rail Runner by the three parties that were going to fund Rail Runner. The NCRTD through its gross receipts tax, the Rio Metro RTD through its gross receipts tax, and the NMDOT through its funding. Those were the three parties that were going to be providing funding for Rail Runner.

The points that Mr. Montoya had brought up regarding the distribution of the NCRTD money, that was the subject of a separate agreement that was to be negotiated between the NCRTD as the party receiving those gross receipts taxes and the City and County of Santa Fe as participants on the NCRTD who desired to secure funds from that gross receipts tax. The Rio Metro RTD felt that an agreement regarding the distribution of the NCRTD tax funds between itself, the City of Santa Fe, and the County of Santa Fe was not an issue that the Rio Metro had a vested interest in, since those funds were not going to be distributed outside the NCRTD then.

We looked at a separate joint powers agreement or a memorandum of understanding to address the City and County issues with the NCRTD.

COMMISSIONER MONTOYA: Thank you, Mr. Chair.

CHAIRMAN CAMPOS: Okay, I'm going to close the discussion and ask for a motion adopting a resolution terminating participation in the intergovernmental agreement with North Central. Is there a motion?

COMMISSIONER SULLIVAN: Mr. Chair, I brought this forward so I will move for approval.

CHAIRMAN CAMPOS: Second. That will be Resolution 2008-112. Any discussion?

COMMISSIONER ANAYA: Mr. Chair, what resolution was that?

CHAIRMAN CAMPOS: 112, terminating participation.

COMMISSIONER ANAYA: Okay.

The motion to approve Resolution 2008-112 passed by 3-2 voice vote, with Commissioners Anaya and Vigil voting against.

CHAIRMAN CAMPOS: The resolution is adopted. We're withdrawn. Thank you very much. I think that's all we have to do today, right.

COMMISSIONER ANAYA: Mr. Chair, I'd like to make a comment. I would like to thank the RTD members and the staff, and the people that came together to try to keep Santa Fe County in. Secretary Faught, Speaker of the House and all the members that voted or helped to support it. I was very honored to be your chairman, and I look forward to seeing you guys hopefully in the future to talk about regional, and I'm very disappointed on how this turned out, and thank you for being here.

V. **ADJOURNMENT**

Chairman Campos declared this meeting adjourned at 10:20 am.

Approved by:

Board of County Commissioners
Paul Campos, Chairman

ATTEST TO:

VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Respectfully submitted:
Karen Farrell
Karen Farrell, Wordswork
227 E. Palace Avenue
Santa Fe, NM 87501