



**NORTH CENTRAL REGIONAL TRANSIT DISTRICT  
BOARD MEETING AGENDA**

**December 7, 2018  
9:00 AM - 1:00 PM  
Jim West Regional Transit  
Board Room**

**CALL TO ORDER**

- a. ROLL CALL
- b. INTRODUCTIONS
- c. PLEDGE OF ALLEGIANCE
- d. MOMENT OF SILENCE
- e. APPROVAL OF AGENDA
- f. APPROVAL OF MINUTES – November 2, 2018
- g. PUBLIC COMMENTS

**PRESENTATION ITEMS**

**None**

**PUBLIC HEARINGS**

**None**

**ACTION ITEMS**

- A. **Discussion and Consideration of Resolution No. 2018-33 Adding the Village of Taos Ski Valley (Village) as a New Member of the North Central Regional Transit District (NCRTD)**

*Sponsor: Anthony J. Mortillaro, Executive Director  
Attachment*

**B. Discussion and Consideration of Resolution No. 2018-34 Open Meetings for 2019**

*Sponsor: Anthony J. Mortillaro, Executive Director*

*Attachment*

**C. Discussion and Consideration of Resolution No. 2018 - 30 Adopting Revised Board Meeting Procedures**

*Sponsor: Anthony J. Mortillaro, Executive Director and Peter Dwyer, Legal Counsel*

*Attachment*

**D. Discussion and Consideration of Resolution No. 2018-35 Demonstrating North Central Regional Transit District (NCRTD) Board Support of NCRTD-member Tribal Communities' Concerns Regarding the Federal Tribal Technical Assistance Program, its Current Administration and Recent Changes in Delivery**

*Sponsor: Anthony J. Mortillaro, Executive Director and Stacey McGuire, Transit Planning, Projects, and Grants Manager*

*Attachment*

**E. Discussion and Consideration of a Resolution No. 2018-36 For Adoption of an Amended North Central Regional Transit District (NCRTD) Public Records Request Policy**

*Sponsor: Anthony J. Mortillaro, Executive Director and Peter Dwyer, Staff Attorney*

*Attachment*

**F. Discussion and Possible Action on a Memorandum of Agreement (MOA) between Santa Fe County (County) and the North Central Regional Transit District (District) for Funding of the Mountain Trail Route**

*Sponsor, Anthony J. Mortillaro, Executive Director*

**DISCUSSION ITEMS**

**G. Review of October 2018 Financial Summary**

*Sponsor: Anthony J. Mortillaro, Executive Director and Hector Ordoñez, Finance Director*

*Attachment*

**H. Finance Subcommittee Report**

*Sponsors: Chair Ed Moreno and Anthony Mortillaro, Executive Director*

*Attachment: None*

**I. Tribal Subcommittee Report**

*Sponsors: Chair Charles Dorame and Anthony J. Mortillaro, Executive Director*

*Attachment: None*

**J. Executive Report and Comments from the Executive Director**

- a. Executive Report for November 2018
- b. Paratransit Performance Measures, October 2018
- c. Performance Measures for October 2018
- d. Ridership Report for October 2018

**Closed Session pursuant to NMSA 1978, 10-15-1 (H) (7) for the limited purpose of discussing threatened or pending litigation in which the public body is or may become a participant; City of Albuquerque et. al. v. John Monforte and the New Mexico Taxation and Revenue Department; D-202-CV-2018-08036.**

**K. Reconvene into Open Session: Possible Action Items from Closed Session**

**MATTERS FROM THE BOARD**

**MISCELLANEOUS**

**ADJOURN**

**NEXT BOARD MEETING: Friday, January 11, 2019, at 9:00 a.m.**

If you are an individual with a disability in need of a reader, amplifier, qualified Sign Language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing of the meeting, please contact the NCRTD Executive Assistant at 505-629-4702 at least one week prior to the meeting, or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats.



**North Central Regional Transit District**  
**Board Meeting**  
**Monday, November 2, 2018**  
**Jim West Regional Transit Center**  
**Española, New Mexico**  
**9:00 a.m. - 1:00 p.m.**

**CALL TO ORDER:**

A regular meeting of the North Central Regional Transit District Board was called to order on the above date by Mayor Dan Barrone, Chair , at 9:05 a.m. at the Jim West Regional Transit Center, Española, New Mexico.

**1. Roll Call**

Ms. McGuire called the roll and it indicated the presence of a quorum as follows:

<b>MEMBERS</b>	<b>ELECTED MEMBERS</b>	<b>ALTERNATE DELEGATES</b>
Town of Edgewood	<i>Councilor Linda Holle</i>	
Los Alamos County	<i>Councilor Antonio Maggiore</i>	
Rio Arriba County	<i>Commissioner Danny Garcia</i>	
Santa Fe County	<i>Commissioner Ed Moreno</i>	
Taos County	<i>Commissioner Jim Fambro</i>	
Nambé Pueblo		<i>Mr. Marcus López</i>
Ohkay Owingeh	Absent	
Pojoaque Pueblo	<i>Councilwoman Anna Sanchez</i>	
San Ildefonso Pueblo		Absent
Santa Clara Pueblo		<i>Ms. Mary Lou Valério (T)</i>

City of Santa Fe	<i>Councilor Carol Romero-Wirth</i>	
City of Española	<i>Councilor Danny Tim Salazar</i>	
Town of Taos	<i>Mayor Dan Barrone, Chair</i>	
Tesuque Pueblo	<i>Gov Charles Dorame</i>	
Village of Chama	<i>Councilor Scott Flurry (T)</i>	
Rio Metro	<i>Ms. Elizabeth Carter</i>	

### **Staff Members Present**

Mr. Anthony J. Mortillaro, Executive Director  
 Mr. Peter Dwyer, Legal Counsel  
 Mr. Hector Ordoñez, Finance Director  
 Ms. Stacey McGuire, Development Director  
 Ms. Delilah Garcia, Transit and Facilities Operations Director  
 Mr. Jim Nagle, Public Information Officer  
 Ms. Dora Anaya, Human Relations Director

### **Others Present**

Mr. Dave Harris, NMDOT  
 Mr. Keith Wilson, City of Santa Fe  
 Mr. Austin Fisher, Rio Grande Sun  
 Mr. Carl Boaz, Stenographer

## **2. INTRODUCTIONS**

No introductions were made.

## **3. Pledge of Allegiance**

The Pledge of Allegiance was recited.

## **4. Moment of Silence**

## **5. APPROVAL OF AGENDA**

Commissioner Fambro moved to approve the Agenda as amended, Councilor Romero-Wirth seconded the motion and it passed by unanimous (12-0) roll call vote with City of Española, City of Santa Fe, Town of Edgewood, Village of Chama, Los Alamos County, Pojoaque Pueblo, Rio Arriba

County, Santa Clara Pueblo, Santa Fe County, Taos County, Town of Taos, and Tesuque Pueblo voting in favor and none against.

## 6. APPROVAL OF MINUTES — October 5, 2018

Councilor Salazar moved to approve the minutes of September 7, 2018 as presented, seconded by Commissioner Garcia and it passed by unanimous (12-0) roll call vote with City of Española, City of Santa Fe, Town of Edgewood, Los Alamos County, Pojoaque Pueblo, Rio Arriba County, Santa Clara Pueblo, Santa Fe County, Taos County, Town of Taos, Tesuque Pueblo and Village of Chama voting in favor and none against.

## 7. PUBLIC COMMENTS

There were no public comments.

## PRESENTATION ITEMS

### A. Recognition Above and Beyond Years of Service and Safe Driving Quarterly Awards Presentation

Mr. Mortillaro indicated there were two people to recognize, one for Above and Beyond for the third quarter. Michael Broussard was not able to be present but was nominated by bus passenger Kate Ulrich who stated she is a daily rider. She noticed an older woman who was moving too slowly and had been missed by the driver of the connecting bus. Mr. Broussard took care of the woman immediately and went above and beyond to ensure the senior was not left stranded.

Ms. Ulrich wrote about the amazing customer service practiced by Mr. Broussard who had apologized to the older customer even though it was not his fault. She stated he is an amazing driver on a daily basis and always drives safely and is courteous and helpful.

Mr. Mortillaro explained the Above and Beyond award is given to recognize employees who sincerely care about their passengers/colleagues and go beyond their job expectations. He noted that Mr. Broussard has been a driver for over five years with RTD and exemplifies professional dedication in caring for his colleagues as well as his customers. He was unable to be present because he has another full-time job with the State of New Mexico.

Ms. Diane Sanchez was recognized and awarded a five-year service pin and a gift certificate for five years of service and accident-free driving. She thanked the Board for the recognition and enjoys working here.

Ms. Peggy Ward was also not able to be present but would receive a service award and the associated gift.

## **B. Presentation of RTD Promotional Video**

Mr. Jim Nagle explained he has been working with Hutton Broadcasting this year to develop a short video that will air around Santa Fe and Los Alamos. The video is a 50-second spot to give an overview of the RTD and their service and will be shown in restaurants, bars, visitor/tourism centers and ultimately on a dedicated channel in the Heritage Hotels in Santa Fe and Taos.

Currently part of the package includes a two-minute promotional piece on a YouTube channel and social media and their Facebook page has been one of the most popular ever and is being shared with others.

Mr. Nagle noted the budget would allow for two video productions and this form of advertising could be done more cheaply.

The Board was shown the video.

## **PUBLIC HEARINGS**

None.

## **ACTION ITEMS**

### **C. Discussion and Consideration of Resolution 2018-29 Authorizing the NCRTD Staff to Apply for Federal Funding Through the FFY 2018 Competitive Access and Mobility Partnership Funding Grants to Support a One-Year Pilot Demand Service in Taos County**

Mr. Mortillaro indicated this was an opportunity to acquire funds for an enhanced one-year on-demand service pilot in the Taos area and Ms. McGuire would discuss the specifics of the grant application.

Ms. McGuire explained Staff was seeking approval from the Board to submit an application to FTA for funds under the Competitive Access and Mobility Partnership Funding Grant. The grant is designed to provide additional funds for services for senior citizens and low mobility and those with lower income.

NCRTD has been hearing about a need to expand their current operation of Monday through Friday from 7 a.m. to 7 p.m. The pilot program demand service function would fall under micro transit, which is essentially the public version of Uber, etc. The concept is shared rides, more than one person in the car, and a premium service designed with 3 zones (page 25).

Ms. McGuire noted the diagram outlining the first zone, a one-mile buffer zone from UNM-Taos east to NM68 to Paseo del Pueblo, running north like the Chile Line and including the Holy Cross Hospital, up to the plaza and north to El Prado and terminating at the 150/64 intersection.

The second zone is the Taos Regional Airport and the third zone is Taos Ski Valley (TSV). Zones two and three do not have a one-mile buffer and the objective is to complement the Chile Line and expand service for one mile, capturing 90% of the town population. Service would operate Monday through Friday from 5 p.m. to 11 p.m.

There is both a safety and an educational development component related to the service because people could go out to dinner, the urgent care, the farmer's market, etc. Expanding service into weekends to provide access to quality of life activities is also being considered.

Page 26 shows an aerial of the airport and TSV guard shack that would be additional zones.

Ms. McGuire provided examples of the cost charged at \$5 per zone. The project is being looked at from the public transit side as a shared ride component. A phone app option would allow riders to request rides and potentially attract new riders or those whose service needs were not being met.

Ms. McGuire explained the financial commitment with operating costs estimated at \$317,000 and 50% provided by the grant. NCRTD would need 50% (about \$84,000) and would provide three vehicles (valued at \$25,000 per vehicle). Capital costs would be provided at 80/20% and the software expense for the app is estimated at \$48,000 per year. NCRTD's share at 20% would be about \$9,600 for the local match and total match commitment would be \$168 thousand.

Ms. McGuire reviewed page 23 showing the operating and capital cost commitments.

Mr. Mortillaro noted this would be an innovative approach that he believed was the first pilot and an opportunity to expand the micro-transit service throughout the Espanola service area. The software component is more sophisticated than that used by Uber and the grant process is very competitive. They hope because this is a rural area, to pique the federal government's interests.

**Commissioner Fambro moved, seconded by Chair Barrone to approve Resolution 2018-29 authorizing the NCRTD Staff to apply for federal funding through the FFY 2018 Competitive Access And Mobility Partnership Funding Grants to support a one-year pilot demand service in Taos County and it passed by unanimous (13-0) roll call vote with Santa Fe County, Taos County, Town of Taos, Tesuque Pueblo, Village of Chama, City of Española, City of Santa Fe, Town of Edgewood, Los Alamos County, Nambé Pueblo, Pojoaque Pueblo, Rio Arriba County, and Santa Clara Pueblo, voting in favor and none against.**

#### **D. Discussion of Fiscal Year 2018 Ending Budget**

Mr. Mortillaro explained the financial policies required NCRTD to provide a summary of the budget and its performance and that is always done prior to the audit. He turned the presentation over to Mr. Ordoñez.

Mr. Ordoñez explained the numbers were not final and the auditors may have recommendations and reclassifications. The information had been reviewed, discussed and recommended by the Finance Subcommittee on October 27, 2018.

Mr. Ordoñez presented the revenues and expenses received (page 37):

- Revenues exceeded expenses by \$45,224 with a difference versus actuals of \$1,169,736 budgeted. None of the cash reserves were used to fund upgrades.
- The projected fund balance in June 2017 was \$6,982,763 and the projected fund balance reserve is estimated at \$8,151,109 and exceeds the 25% requirement by \$5,265,015.
- The GRT (page 38) received \$8,063,103 or 12% more than budgeted which is due to an increase in tourism and a stable Los Alamos County sales tax.
- Federal revenues received were \$298,757, less than forecasted because of capital projects not realized and carried to this fiscal year; the satellite office in Santa Fe and the facility service building did not occur and \$97k that was expected under 5307 funding was not received but NMDOT has recently applied for the funds.
- 5311C member contributions of \$173,602 are less than budgeted. The difference of \$432k was from Santa Clara operations, a Tesuque bus that will be purchased next year and the Jicarilla Apache Nation.
- Miscellaneous revenue received was \$137,267 which consists of debt proceeds, a grant for the maintenance facility and \$60k for optional vehicles.
- GRT of \$494,762 received (page 39) was more than the prior year and \$840k more than budgeted.

Los Alamos County - \$1,355,000 received was \$28% more than budgeted.

Rio Arriba County - \$67,289 received was less than budgeted, but only \$8k less than last year.

Santa Fe County - \$516k was received and was more than budgeted and more than the prior year.

Taos County - \$17,900k received was more than budgeted, but less than last year.

The Grant Revenues received of \$298,757 was less than budgeted and less than the prior year. The difference is due to the TAP project completion in FY 2017 and most of the expenses being incurred in that year.

GRT Expenses By Month decreased from the prior year and is the net effect of increases in operation and administrative costs and fewer capital expenses.

Administrative Expenses – \$1,466,957 is more than the prior year, but \$316,229 less than budgeted.

Operating Costs –\$420,284 incurred is more than the prior year but \$160,438 less than budgeted.

Significant differences for the increase in operating/administrative costs were \$193,000 in salary

savings, \$215,000 employee benefits and a slight increase of \$65,000 in overtime. There was an increase of \$288,051 in GRT contributions from Rio Metro and \$32,000 in advertising savings.

Capital Expenses decreased \$850,025 from the prior year and is \$738,000 less than budgeted with differences due to bus shelter replacements that did not occur, ADA compliance, the Tesuque bus and fleet replacement, the final facility design, asset management software and DVR replacement.

There were no questions.

**Councilor Salazar moved, seconded by Commissioner Moreno to accept the 2018 Ending Budget Report as presented and it passed by unanimous (13-0) roll call vote with City of Santa Fe, Santa Fe County, Taos County, Town of Taos, Tesuque Pueblo, Village of Chama, City of Española, Town of Edgewood, Los Alamos County, Nambé Pueblo, Pojoaque Pueblo, Rio Arriba County, and Santa Clara Pueblo, voting in favor and none against.**

#### **E. Discussion and Consideration of Resolution No. 2018-30 Adopting Revised Board Meeting Procedures**

Mr. Mortillaro explained that the Board had directed Staff in the October meeting to have the Finance Subcommittee review the Board meeting procedures and the chair of the Finance Subcommittee would provide a review.

Commissioner Moreno, Chair of the Subcommittee indicated the review is an update to procedures that have not been working well and the subcommittee recommended a number of changes. He asked Mr. Dwyer to review those.

Mr. Dwyer pointed out that issues were identified starting on page 60 and the potential issues and changes were in redline format starting on page 64. The rules were adopted in 2011 and written by then Board Member and Former Los Alamos County Councilor Mike Wismer which emulated the procedures Los Alamos follows and does not rely heavily on Robert's Rules of Order.

Mr. Dwyer reviewed the changes made:

- A caption was changed and an amendment was added to show that the bylaws had been amended in 2016.
- Under section 2, page 64, it was added that the Secretary/Treasurer position currently held by Ed Moreno, could be combined into one position.
- A paragraph was changed to reflect that the NCRTD meets *monthly*.
- Under Quorum on page 65, a combined procedure is used to define quorum that is in the governmental contract. A significant change was made to be consistent throughout the rules to adhere to the concept that a majority of voting members and majority of voting units are required

for all votes.

A rule not addressed that the Board may want to consider is not to change the majority of members (8 of 15) *and* the majority of voting units (18) if everyone is present.

Ms. Romero-Wirth asked what would happen if there was a majority of one and not the other.

Mr. Dwyer replied the motion would fail. The language in the document refers to a simple majority and this correction indicates there has to be a majority of votes. Making a change would require amending other documents and the individual intergovernmental contracts. The Finance Committee recommended not to do that at this time.

Ms. Romero-Wirth asked if this would change the significance of the voting units.

Mr. Dwyer replied it would not. The issue is when members are added.

Mr. Mortillaro provided the example of Taos Ski Valley (TSV) that is considering joining and would take away from the County population. Depending on the population number, that could result in the County being entitled to a lower threshold of voting units, but that has not been an issue in the past.

Mr. Dwyer agreed adding new members slightly diluted the voting. He had expressed to the Subcommittee that the Board has been consistent and unified and he did not see this as controversial.

Mr. Mortillaro added the Board could have as many as 22 members. He listed the incorporated entities, the Taos Pueblo, Jicarís, Jicarilla, Questa, Red River and TSV that are eligible under State statute.

He noted that when the Board recalculated the population of the City of Santa Fe and Santa Fe County due to the Santa Fe annexation, it did not reduce the number of voting units in Santa Fe County. But the City of Santa Fe gained voting units and is now the largest member with six units.

Mr. Dwyer said the balance is between small members having a say and large population votes.

Mr. Mortillaro pointed out the history of the methodology used by the founding members.

Mr. Dwyer explained this is intended as a clarification of how the voting would be done throughout the document rather than the language "simple majority" which would be 8 members.

A paragraph was added at the end on page 65 regarding suspending the rules.

A sentence and redundant language was removed in the section on page 67 regarding the manner in which the chair should conduct the meeting.

Public comment may require further revision by Staff regarding federal government rules.

Mr. Dwyer noted a preference is not to require public input on every agenda item. The Board rarely has public entities present and people are allowed to speak on a related topic at the chair's discretion. The Board could discuss if more public input is needed that is a result of a grant.

Page 68 indicates that a motion does not need to be repeated; both directors and voting units are required and the requirement was deleted for the Chair to call out dissenting voters by name.

Page 69 shows changes in format and the chair's power to run the meeting. A paragraph was added that through a motion, a decision made by the chair could be appealed/overruled.

Page 71 deleted a motion to object to the consideration of an item because that implies an item could be struck without debate from the agenda. That seemed inconsistent that if on the agenda it should be discussed.

Councilor Romero-Wirth asked if that would allow an item to be removed from the agenda once the agenda had been approved.

Mr. Dwyer replied it would and he provided an example.

The Board discussed the rejection of an agenda item and that it would require a vote either in favor or against and would not be debatable.

On page 72 regarding motions, the Board should reconsider the current rule that only a person on the prevailing side could make the motion. The Finance Committee recommended the item come back in two months if a tie vote so the item could be reconsidered and possibly the tie could be broken.

Councilor Romero-Wirth suggested the Board decide in the case of a tie whether they want the item to automatically return to the agenda.

Commissioner Moreno said it is not finite and the idea was to have a cushion for reconsideration.

Councilor Romero-Wirth understood a cooling off period but not the automatic decision. She asked why not have someone have to make the motion to put the item back on the agenda.

She was told an automatic return to the agenda gives everyone a second opportunity for equal say and for the item to be reconsidered and the people who voted the item down would vote not to bring it back.

Mr. Dwyer noted the old rule had no way to bring the item back. Tabling an item follows specific rules with an action to a date certain or an indefinite date and still requires a majority vote. A motion to postpone is debatable and a motion to table is debatable as well under NCRTD rules and avoids forcing a vote without discussion. In a tie situation there is no decision being made and it is subject to gamesmanship.

Mr. Dwyer offered to review the rule in Roberts Rules of Order.

On page 72 the tabulation of votes was reworded to follow the current practice.

Mr. Dwyer said regarding abstention policies it was important to have a clear rule. The proposed language only uses an abstention when a Board member has a conflict of interest, lacks the authority to cast a vote without the ability to consult their member entity, or when voting on minutes.

He pointed out they want to avoid people using abstentions as a mechanism to move votes in a particular direction. Typically it is used strategically either to stop an action or the member leaves to affect quorum.

The proposed rule would be that a person would abstain for two reasons: the need to consult with member entities or a conflict of interest. An abstention would be deemed a concurrence with the majority.

Councilor Romero-Wirth voiced a problem with the last statement "*abstencia shall be deemed as a concurrence with the majority for purposes of tabulation*". She said a member who abstains is probably not agreeing with the majority.

Mr. Dwyer replied that the person could vote no.

Councilor Romero-Wirth asked what would happen if the person did not agree with either side. She found Mr. Dwyer's view that a person abstains only to obstruct too narrow.

Mr. Dwyer suggested their motions could amend the changes if they chose that. He noted the current rule was similar to what Councilor Romero-Wirth discussed. The vote was neither for nor against and would deduct from the total number of voting units of those present. He added that abstaining would not only remove the total number of people present who were voting but reduce the number of voting units.

Mr. Mortillaro said that could result in not having a quorum.

Councilor Romero-Wirth said she could not understand how abstaining could risk quorum because quorum would have been established at the beginning of the meeting. She thought those two separate things.

Mr. Dwyer and Councilor Romero-Wirth continued to discuss abstentions.

Mr. Mortillaro noted that at times a member has left before all of the action items were voted upon and that has the potential to disrupt a quorum.

Mr. Dwyer suggested an option could be to change the requirement of 8 votes and majority of the voting units to the majority of the membership present and voting. That would allow a small number of people to make decisions for the Board if only a few members were present.

Mr. Dwyer shared a personal experience where a councilor left a meeting knowing that without her vote the item would be defeated. The overarching picture is to push board members to attend and vote.

Councilor Romero-Wirth replied there are times when a person does not want things to move forward

and the last sentence defeated the point of abstaining.

Chair Barrone said this was anticipated to be a discussion and the issue brought back in December for Board consideration.

Governor Dorame explained when he abstains on specific items before the Board it was because he was given direction not to participate.

Mr. Dwyer continued with changes to the rules - the Secretary/Treasurer was made into one position instead of two.

Page 74 allows for public input at the beginning and end of each meeting at the Chair's discretion.

Mr. Mortillaro suggested any proposed changes be sent to him to include in the Finance Subcommittee's packet for their consideration in their November meeting.

Mr. Dwyer asked members to let him know if there were issues other than abstention. He offered to do an analysis of what other entities do and present that to the Finance Committee. He found it helpful for Governor Dorame to explain how the tribes view abstention and that their intent of abstention is for the purpose of taking no position.

Councilor Romero-Wirth suggested looking at the issues of abstentions and tie votes.

Governor Dorame clarified that the language stating "*shall be permitted at the Chair's discretion*", referred to the Chairperson and not the individual.

Mr. Dwyer replied it did or the Vice Chair or person conducting the meeting. He indicated there had been discussion that currently quorum could not be established or the meeting held without the chair or vice chair. Adding the Secretary/Treasurer to run meetings in the chair/vice chair's absence was an option.

**Commissioner Moreno moved, seconded by Councilor Maggiore to refer Resolution No. 2018-30, adopting revised board meeting procedures back to the Finance Subcommittee and be presented to the Board in the December meeting, and it passed by unanimous (13-0) roll call vote with Santa Clara Pueblo, City of Santa Fe, Santa Fe County, Town of Taos, Taos County, Tesuque Pueblo, Village of Chama, Town of Edgewood, City of Española, Los Alamos County, Nambé Pueblo, Pojoaque Pueblo and Rio Arriba County voting in favor and none against.**

**F. Discussion and Consideration of Resolution No. 2018-31 A Resolution to Support Revenue Stabilization and Predictable Reporting of Tax Matters from the Los Alamos National Laboratory in New Mexico.**

Mr. Mortillaro reported that yesterday, Triad took over operation of LANL and the Board discussed the nonprofit status issue of the Laboratories. Councilor Maggiore had given the Board an update last month

regarding the Labs paying taxes, but the issue has not been resolved.

Staff thought it prudent in light of that to send Triad a letter about the Board's concerns and issues because there are entities other than the Los Alamos community that would be impacted.

Staff also wanted the Board to consider a resolution reincorporating the points they made last year when the legislature considered changing the nonprofit status of reporting entities. The legislature may take the topic up again this session and Staff wants to be in front of the issue. They want to work with Triad and the federal government who has considered changing nonprofit status for the Laboratory.

Councilor Maggiore added that this is a case where the more they are united in asking for clarification in reporting and for open communication of potential decisions, the more it would be in everyone's best interest. He hoped for the Board's support because they had helped last year in pushing the House Bill forward although it was ultimately vetoed by the Governor.

They hope to bring the bill back this year with changes that address the concerns of the last bill and need to do everything possible to preserve the revenue stream, especially when faced with potential clawbacks.

Mr. Dwyer noted that outside counsel had reported to the Board in executive session on the litigation to try to force Tax and Revenue to provide more information. He had talked with Santa Fe County's attorney Bruce Frederick and was told another suit is being filed. There are a number of cities and towns that feel they do not get an accurate picture of their revenue streams and want Tax and Revenue to open their documents. They see construction etc. that should enhance revenue not being reported.

The letter is addressed to Triad and requests that Los Alamos County not pursue tax-exempt status which would remove RTD's revenue stream and that they provide information to enable NCRTD to do financial planning. If Los Alamos applies for tax-exempt status and has a clawback to November, that is estimated at \$1.5 million. The letter is consistent with the 2016 resolution in that NCRTD wants revenue stabilization and explains the cost impact by the four public transit entities.

**Chair Barrone moved, seconded by Commissioner Fambro to adopt Resolution No. 2018-31 to Support Revenue Stabilization and Predictable Reporting of Tax Matters from the Los Alamos National Laboratory in New Mexico, and it passed unanimously (13-0) by roll call vote with Rio Arriba County, Santa Clara Pueblo, City of Santa Fe, Santa Fe County, Taos County, Town of Taos, Tesuque Pueblo, Village of Chama, City of Española, Town of Edgewood, Los Alamos County, Pueblo of Nambé, and Pueblo of Pojoaque voting in favor and none against.**

#### **G. Discussion and Consideration of Resolution No. 2018-32 A Resolution Certifying the Physical Inventory of Movable Chattels and Equipment Costing More Than \$5,000**

Mr. Mortillaro explained the annual resolution is required to be submitted to DFA and Mr. Ordoñez would provide a brief review.

Mr. Ordoñez added this complies with New Mexico and single audit requirements and the Board's capital asset policy to conduct an annual inventory of assets.

Pages 87 to 93 show all of their assets divided into segments and the depreciated values as of October 2018. Page 89 provides the total vehicles with the total appreciated costs and components; the bus shelter/improvements net book value and page 92 shows the land and building/building improvements.

Page 93 shows the value of equipment with total assets which are valued at \$9,277,850.

The term chattel was defined for members as an outdated term used for assets that can be moved that is distinct from real property, which cannot be moved around.

**Governor Dorame moved, seconded by Commissioner Garcia to approve Resolution No. 2018-32 Certifying the Physical Inventory of Movable Chattels and Equipment Costing More Than \$5,000 as presented and it passed by unanimous (12-0) roll call vote with Pojoaque Pueblo, Rio Arriba County, City of Santa Fe, Santa Fe County, Taos County, Town of Taos, Tesuque Pueblo, Village of Chama, City of Española, Town of Edgewood, Los Alamos County and the Pueblo of Nambé voting in favor and none against. Pueblo of Santa Clara was not present for the vote.**

## DISCUSSION ITEMS

### H. Review of Quarterly Investment Report

Mr. Ordoñez reported the quarterly report reflects the value as of September 30, 2018 and the information has been reviewed and recommended for approval by the Finance Subcommittee.

The value of the portfolio at the end of the first quarter was \$7,437,913, a decrease related to the decreasing balance in the operating account in Los Alamos.

Mr. Ordoñez provided a breakdown of the decreases:

- \$616,851 on the LNB checking account.
- The Flex Direct account decrease was upset by brokers' fees because a CD was not invested.
- There is a decrease in the temporary account where funds have not been invested with a total decrease of \$589,696.
- Twenty CDs and one Treasury Bill is outstanding and the total amount invested is \$5,380,000.
- Interest received was \$27,247 and the term dates are 6, 8, 12 and 24 months for CDs with an average term of 12.14 months and an average rate of return of 1% on CDs.

There were no questions.

### I. Review of Quarterly Electronic Payments

Mr. Ordoñez the Board is required to disclose payments in excess of \$20,000 through ACH each quarter.

- There were 30 payments totaling \$2,198,598 on capital assets received for the purchase of buses.
- 7 payments were made for fringe benefits for Social Security, federal tax withholdings and Medicaid and 4 payments were made to other transit agencies for GRT contributions.
- 19 payments were made for goods, services and acquired capital assets.

There were no questions.

## J. Review of September 2018 Financial Summary

Mr. Ordoñez reported September financial activity that represented about 25% of the budget.

Total Revenues were reported at \$2,861,087 and Total Expenses were \$1,453,788.

The Significant variances for revenues/expenses were reviewed:

Contributions decreased

Salaries increased due to payouts and the \$23k increase in overtime.

Employee benefits and insurance increased due to accruals.

Utilities increased, there was a reclassification of fuel and one invoice processed the year versus two last year.

GRT revenue by County was reviewed:

*Los Alamos County* GRT received was more than budgeted and more than the prior year; *Rio Arriba County* was less than budgeted and less than prior year; *Santa Fe County* GRT was more than budgeted and more than last year; *Taos County* was less than budgeted and less than the prior year.

*The Grant Revenue of \$240,000* was less than budgeted but more than the prior year.

Expense Categories for the month indicated *Administrative* increased from the prior month but was less than budgeted. *Operating Expenses* increased from the prior year and was more than budgeted. There were no *Capital Expenses*.

There were no questions.

## K. Finance Subcommittee Report

Commissioner Moreno indicated the Subcommittee met October 26 and discussed issues reviewed by Mr. Ordoñez of the Quarterly Investment Report and other reports, etc., the Board meeting procedures and a proposal to revise the Code of Conduct.

Mr. Dwyer noted the Code of Conduct had been removed from the Board agenda at the recommendation of the Finance Committee to await the outcome of the Constitutional Amendment Two which would create an Ethics Commission statewide.

The Governmental Conduct Act covers all public employees and officials statewide, but for years there has been no enforcement agency and enforcement is only administered through a complaint process. An oversight agency would be created if the amendment passes and at that point it may be helpful for NCRTD to have their own code of conduct and how they would comply with the Act.

Commissioner Romero-Wirth pointed out that the Finance Committee's August minutes contained no discussion on the Board procedures and she thought that would be helpful. She confirmed the September minutes would include that conversation.

#### **L. Tribal Subcommittee Report**

Governor Dorame reported that the representative for the Tribe, Christy Van Buren, could not be present but had reported to the Subcommittee. The Board packets have a summation of her report.

He explained the Tribes have asked for support on some of the changes made in D.C., particularly with the University of Virginia program they receive funding from. They are running into problems with the program and receiving the consultation process required for the funding.

They want to call attention to the University on the issue by passing a resolution by the Eight Northern Indian Pueblos Council and then the Pueblo Council of Governors. Any involvement the Tribes have regarding funding for transportation such as with the NCRTD, is important. People need to realize the money is being used for transportation that not only benefits the Tribes, but the other communities.

Governor Dorame said they are asking for the Board's support on the issue. Ms. Van Buren had mentioned that people have asked if the Tribes own casinos, so they are constantly having to educate people. The resolution from all of the Northern New Mexico entities would hopefully be passed by the two tribal entities by the next meeting and then would return to the Board.

Mr. Mortillaro clarified this was not an action item but the request is to direct Staff to bring a resolution for the Board to discuss and consider in the December meeting.

Chair Barrone directed Staff, if there were no objections by Board members, to bring the resolution back in December.

#### **M. Executive Report and Comments from the Executive Director (Revised Agenda Order)**

##### **a. Executive Report for October 2018**

**e. Update on Memorandum of Agreement modifications with the Federal Transit Administration through New Mexico Department of Transportation regarding 5339B Maintenance Facility Grant,**

Mr. Mortillaro asked Mr. Dwyer to address the MOA that funds the maintenance facility (page 177) and the request that Staff bring back the changes in the agreement made by Mr. Dwyer in his reply to the DOT. The Board packet contains a red-lined version of the changes.

Mr. Dwyer noted he agreed with most of the copy he was sent by the DOT's attorney and the red-lined edition on page 179 is what was discussed. He indicated although DOT attorneys had not always agreed with him, he now has a role in the process and the DOT considers the changes.

He was not able to persuade DOT on the issue of paying their attorney fees and costs and would continue to fight that. The language was not removed stating NCRTD agrees to pay the fees should there be a finding or audit, even though the DOT attorney understood the reason. The agreement is included in every FTA grant, but the 5311 Grant is the only consistent agreement and other grants are as awarded.

Ms. Garcia reported on performance measures for September as follows:

**b. Paratransit Performance Measures, September 2018**

Demand Response had 1,393 trips for services; Paratransit had 460 and total operational cost was \$354,498.

**c. Performance Measures for September 2018**

Average operational cost per vehicle mile - \$2.87; per passenger trip - \$17.73. There were 292 cancellations, 92 late cancellations and 105 no-shows. They arrived early 38% of the time, 59% they were on time and were late 2% of the time. The average trip per client was 27 minutes and 8.3 miles.

There were no commendations, no complaints and no incidents for Demand or Paratransit.

**d. Ridership Report for September 2018**

- Mileage for all operated routes is 23,168; monthly expenditures were \$452,394; operational per vehicle for fixed route was \$3.34 and per passenger trip was \$15.30.
- The spare ratio remains the same at 58.33%; the average fleet age is 85,267 miles.
- There was a decrease in the on-time maintenance inspections from 100 to 96%.
- There were no major or minor accidents and no commendations. There was one passenger complaint and the customer incidents are listed.

Ms. Garcia indicated either she or Mr. Mortillaro could address any questions.

Mr. Mortillaro reminded the Board that Stephen Dalquist was hired as the new Executive Assistant and would start Monday and the Board would meet him at the next meeting.

## **MATTERS FROM THE BOARD**

Commissioner Fambro shared a letter discussed by the Board months ago for continuation of service in the Arroyo Seco area. The service request was for the Board to discuss the issue at a future meeting and there is no hard timetable because service is currently through March. There have been numerous requests for service in the area and he asked that the Board consider the request favorably in a future meeting.

Commissioner Fambro also requested the Board consider having a consent agenda in their Open Meetings Act Resolution next year.

Governor Dorame said he failed to mention in Tribal Subcommittee report that they have found that some of the kids in the Española School District have been attending Pojoaque schools. There is an understanding with the Pojoaque School Board that was agreed on that allows Española kids to attend Pojoaque schools when he was a governor. At the time they thought transportation would be taken care of but they have learned it is not and parents are providing their own transportation to get their kids to school.

A bus takes kids from the Española District and drops them off at Arroyo Seco where they are picked up by another bus and it is concerning that the kids have to wait for a second bus. There is uncertainty as to whether the bus would show up and kids could be left at the side of the road.

The Tribal Government plans to pursue this and try to meet with the Pojoaque School District and the State PED and are taking the issue up with Governor Peter Garcia (Pojoaque Pueblo).

Governor Dorame indicated this came up at their meeting because they transported kids to and from school in NCRTD buses, but more importantly the need for alternative transportation. He indicated busing kids was the furthest thing from their minds when NCRTD was formed but they have slowly realized the issue. Many of the parents look at the blue buses as salvation because they do not have to pay for gas.

He suggested the Board members should look at their districts to ensure their kids are being bussed properly.

## **MISCELLANEOUS**

Chair Barrone wished everyone a Happy Thanksgiving and a Merry Christmas and asked them to ensure their families stay safe.

Governor Dorame invited everyone to Tesuque's Annual Feast Day on November 12, 2018.

Councilwoman Sanchez announced the Pueblo of Pojoaque Annual Feast Day December 5, a Wednesday.

Councilor Flurry reminded everyone that on December 8<sup>th</sup> and 9<sup>th</sup> the Christmas Train would be running in Chama. He said it is wonderful for families and Santa, Mrs. Claus and all their helpers would be on the train and the town would be decorated and it is a nice way to get into the Christmas spirit.

## ADJOURN

Councilor Maggiore moved to adjourn seconded by Commissioner Moreno. The meeting was adjourned at 11:35 a.m.

**NEXT BOARD MEETING:** Friday, December 7, 2018 at 9:00 a.m.

Approved by:

\_\_\_\_\_  
Daniel R. Barrone, Chair

Attest:

\_\_\_\_\_  
Ed Moreno, Secretary/Treasurer

Submitted by:

\_\_\_\_\_  
Carl Boaz for Carl G. Boaz, Inc.



**Agenda Report**  
**NCRTD Board of Directors Meeting**  
**Meeting Date: December 7, 2018**

**Agenda Item - A**

**Title:** Discussion and Consideration of Resolution No. 2018-33 Adding the Village of Taos Ski Valley (Village) as a New Member of the North Central Regional Transit District (NCRTD)

**Prepared By:** Anthony J. Mortillaro, Executive Director

**Summary:** Based upon recent discussions with the Village of Taos Ski Valley representatives regarding their interest in joining the NCRTD, the Village Council on November 13, 2018 conducted a public hearing and adopted Village of Taos Ski Valley Resolution No. 2019-371 indicating the Village's intent to join to the District.

The District currently provides contracted winter service to the Village during the ski season. The Village has indicated an interest in exploring summer service.

**Background:** At the December 2, 2011 meeting the Board of Directors requested that the Executive Director and Chair send informational letters regarding membership in the NCRTD to all eligible non-member entities. Since then several entities have requested and been authorized to join the NCRTD. The newest member was the Village of Chama in November 2017. In August 2018, the Taos Ski Valley Village Administrator requested information regarding the process for becoming a District member. The Board Bylaws, Intergovernmental Contract and State Statue are vague as to the process or solicitation of information for membership into the District. The basic requirements for adding members are:

- 1.) Public hearing by the proposed member.
- 2.) Review by the Board.

3.) An affirmative vote by two thirds (2/3) of the voting units of the Board of Directors (IGC) and two thirds of the directors (NMSA 1978, Section 73-25-6 (C)).

4.) Execution of a new amended IGC based on the vote.

**Recommended Action:** It is recommended that the Board adopt NCRTD Resolution No. 33 adding the Village of Taos Ski Valley as a member. In addition, execution of a new amended Intergovernmental Contract will be required along with a modification of the weighted vote analysis.

**Options/Alternatives:**

1. Adopt the resolution as presented accepting the Village of Taos Ski Valley as a new member;  
or
2. Take no action on the resolution and the Village's request.

**Fiscal Impact:** None

**Attachments:**

Resolution No. 2018-33

Voting Strengths Analysis

Revised Intergovernmental Contract

Village of Taos Ski Valley Adopted Resolution No. 2019-371



**North Central Regional Transit District (NCRTD)**

**Resolution 2018-33**

**ALLOWING THE VILLAGE OF TAOS SKI VALLEY TO JOIN AS A MEMBER OF  
THE  
NORTH CENTRAL REGIONAL TRANSIT DISTRICT (NCRTD)**

**WHEREAS**, the NCRTD was created through legislative enactment (chapter 65, signed March 21, 2003); and,

**WHEREAS**, the NCRTD is a sub-division of the State of New Mexico; and,

**WHEREAS**, the NCRTD was approved and certified by the New Mexico Department of Transportation Commission September 14, 2004; and,

**WHEREAS**, the Village of Chama adopted Village Resolution No. 2019-371 showing the Village Council's intent to join the District on November 13, 2018; and,

**WHEREAS**, in order to create a truly effective and efficient regional transit system that cooperatively and equitably serves north central New Mexico, the NCRTD believes that the Village of Taos Ski Valley should be a member of the District.

**NOW THEREFORE BE IT RESOLVED** by the NCRTD that the Board of Directors accepts and approves the Village of Taos Ski Valley's request to join the District.

**PASSED, APPROVED, AND ADOPTED BY THE GOVERNING BODY OF THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT ON THIS 7th DAY OF DECEMBER 2018.**

---

**Daniel Barrone, Chairman**

Approved as to form:

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**Peter Dwyer, Counsel**

**VOTING STRENGTH ANALAYSIS - December 7, 2018****Appendix "B"**

Member	Population (1)	% of Total Population	Member Unit	Population Units (2)	Total Voting Units	Voting Units % of Total
<u>Los Alamos County</u>	17,798	7.51%	1	2	3	8%
<u>Río Arriba County</u>	22,903	9.67%	1	3	4	11%
Española City	10,224	4.32%	1	2	3	8%
Ohkay Owingeh Pueblo	2,791	1.18%	1	0	1	3%
Santa Clara Pueblo	3,132	1.32%	1	0	1	3%
Village of Chama	1,022	0.43%	1	0	1	3%
<u>Taos County</u>	27,235	11.50%	1	3	4	11%
Town of Taos	5,731	2.42%	1	1	2	6%
Village of Taos Ski Valley	69	0.03%	1	0	1	3%
<u>Santa Fe County</u>	57,593	24.31%	1	4	5	14%
San Ildefonso Pueblo	672	0.28%	1	0	1	3%
Pojoaque Pueblo	367	0.15%	1	0	1	3%
Nambe Pueblo	365	0.15%	1	0	1	3%
Tesuque Pueblo	435	0.18%	1	0	1	3%
Santa Fe City	82,800	34.95%	1	5	6	17%
Town of Edgewood	3,777	1.59%	1	0	1	3%
<b>Total</b>	<b>236,914</b>	<b>100%</b>	<b>16</b>	<b>20</b>	<b>36</b>	<b>100%</b>

Total Members: 16

Total Voting Units: 36

Quorum Requirements: 9 Members and 19 Voting Units

Majority Vote: 19 Voting Units and 9 members present (during the meeting a recalculation of the majority vote maybe necessitated in the event of absences, recusals or abstentions providede

Two Thirds Vote: 24 Voting Units and 11 members present

[1] Population estimates were extracted from 2013 Annual Estimates of the United States Census Bureau.

[2] Voting Units are awarded in the following manner:

All Members receive one (1) vote by virtue of being a Member.

Members receive one (1) additional vote for population between 5000 and 9,999;  
 an additional vote for population between 10,000 and 19,999;  
 an additional vote for population between 20,000 and 39,999;  
 an additional vote for population between 40,000 and 79,999;  
 an additional vote for population equal to or greater than 80,000.

2010 Census Update -Board approved April 13, 2012./Edgewood Member Add - Board approved September 7,2012./ Nambe Pueblo member add and Board approved 3/1/2013.

Updated with addition of Town of Taos and City of Santa Fe annexation of portions of unincorporated Santa Fe County and Board Approved on 11/7/2014.

Updated with addition of the Village of Chama and Board Approved on 11/3/2017. /Updated with addition of Village of Taos Ski Valley on 12/7/2018

**NORTH CENTRAL  
REGIONAL TRANSIT DISTRICT**

**AMENDED  
INTERGOVERNMENTAL  
CONTRACT**

**APPROVED  
BY  
NCRTD BOARD**

**December 7, 2018~~November 3, 2017~~**

**NORTH CENTRAL REGIONAL TRANSIT DISTRICT  
INTERGOVERNMENTAL CONTRACT**

**By and among:**

**VILLAGE OF CHAMA  
TOWN OF EDGEWOOD  
CITY OF ESPAÑOLA  
COUNTY OF LOS ALAMOS  
PUEBLO OF NAMBE  
PUEBLO OF OHKAY OWINGEH  
PUEBLO OF POJOAQUE  
COUNTY OF RÍO ARRIBA  
PUEBLO OF SAN ILDEFONSO  
PUEBLO OF SANTA CLARA  
CITY OF SANTA FE  
COUNTY OF SANTA FE  
COUNTY OF TAOS  
TOWN OF TAOS  
VILLAGE OF TAOS SKI VALLEY  
AND  
PUEBLO OF TESUQUE**

**Dated as of December 7, 2018~~November 3rd, 2017~~.**

**Providing for the creation and operation of  
the “North Central Regional Transit District” as a Regional Transit District  
pursuant to the New Mexico Regional Transit District Act,  
Chapter 73, Article 25, Sections 1-18, NMSA 1978 (2003)**

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**NORTH CENTRAL REGIONAL TRANSIT DISTRICT  
INTERGOVERNMENTAL CONTRACT**

**THIS NORTH CENTRAL REGIONAL TRANSIT DISTRICT**

**INTERGOVERNMENTAL CONTRACT** (hereinafter, this “Contract”) is entered into as of the date indicated on page 2 of this Contract by and among the **VILLAGE OF CHAMA, TOWN OF EDGEWOOD, CITY OF ESPAÑOLA, COUNTY OF LOS ALAMOS, PUEBLO OF NAMBÉ, PUEBLO OF OHKAY OWINGEH, PUEBLO OF POJOAQUE, COUNTY OF RÍO ARRIBA, PUEBLO OF SAN ILDEFONSO, PUEBLO OF SANTA CLARA, CITY OF SANTA FE, COUNTY OF SANTA FE, COUNTY OF TAOS, THE TOWN OF TAOS, VILLAGE OF TAOS SKI VALLEY AND PUEBLO OF TESUQUE.**

**RECITALS**

WHEREAS, pursuant to the Regional Transit District Act, Chapter 73, Article 25, Sections 1-18, NMSA 1978, (hereinafter the “Act”), New Mexico governmental units are authorized to establish, by contract, regional transit districts, which, upon the satisfaction of the conditions set forth in Article II hereof, are authorized to finance, construct, operate, maintain, and promote regional transit systems; and

WHEREAS, governmental units may contract with one another to provide any function, service, or facility lawfully authorized to each of the contracting units and any such contract may provide for the joint exercise of the function, service, or facility, including the establishment of a separate legal entity to do so; and

WHEREAS, the Initial Members were governmental units located in North Central New Mexico, which desire to form a regional transit district pursuant to the Act for the purpose of financing, Constructing, operating, maintaining, and promoting regional transit systems; and

WHEREAS, transit services promote independent living for the frail, the elderly, the disabled, and those without access to automobiles by providing essential links to a variety of medical, social, and other services, and the region recognizes the need to improve mobility options for this growing segment of the population; and

WHEREAS, the Initial Members began working together on the goal of forming a regional transit district in the Spring of 2003; and

WHEREAS, the Initial Members formed a working group in September 2003, which has met regularly to consider the interests of the Initial Members; and

WHEREAS, the working group has specified the terms of this Contract and other necessary documents based on comments received from and extensive discussions with the Governing Bodies of each of the Initial Members; and

WHEREAS, the Initial Members have duly voted for and approved the addition of new members whose Governmental Units are within the boundaries of the district; and

WHEREAS, new members have been added since the formation of the NCRD in 2004 whose memberships and voting rights should be acknowledged and ratified by a novation of this Contract.

**AGREEMENT**

NOW, THEREFORE, for and in consideration of the mutual covenants set forth below, the Initial Members along with the new members hereby agree to a novation of this Contract

thereby confirming and amending the membership and voting rights of all the members listed herein as follows:

## ARTICLE I DEFINITIONS

**Section 1.01. Definitions from the Act.** The following terms shall, when capitalized, have the meanings assigned to them in Section 73-25-3 of the Act:

"*Board*" means the board of directors of a district;

"*Bond*" means a revenue bond;

"*Combination*" means two or more governmental units that exercise joint authority;

"*Commission*" means the New Mexico state transportation commission;

"*Construct*", "*Constructing*", or "*Construction*" means the planning, designing, engineering, acquisition, installation, construction, or reconstruction of a regional transit system;

"*District*" means a regional transit district that is a political subdivision of the state created pursuant to the Act;

"*Governmental Unit*" means the state, a county or a municipality of the state, or an Indian nation, tribe or pueblo located within the boundaries of the state;

"*Regional Transit System*" means a property, improvement, or system designed to be compatible with established state and local transportation plans that transports or conveys passengers within a region by means of a high-occupancy vehicle, including an automobile, truck, bus, van, or railcar; and

"*Revenues*" means tolls, fees, rates, charges, assessments, grants, contributions, or other income and revenues received by the district.

**Section 1.02. Other Definitions.** The following terms shall, when capitalized, have the following meanings:

"*Act*" is defined in the Recitals hereto.

"*Advisory Committee*" means two or more persons appointed by the Board, pursuant to Article VI, Section 3 hereof, for the purpose of providing advice to the Board and includes the Citizen Advisory Committee.

"*Boundaries*" means the boundaries of the District determined in accordance with Appendix A hereto, as such Appendix and term may be amended from time-to-time in accordance with Articles IX and XI hereof.

"*Citizen Advisory Committee*" means the special Advisory Committee described as such in Article III, Section 3 hereof.

"*Contract*" means this North Central Transit District Intergovernmental Contract, as amended from time to time in accordance with the terms hereof.

"*Director*" means any person appointed as a Director pursuant to Article 4 hereof.

Whenever the person appointed as a Member's Director pursuant to Article 4 hereof is absent from a Board meeting, the term "Director" shall mean the Official Designee, if any, appointed by such Member pursuant to Article 4 hereof.

“*Governing Body*” means, when used with respect to a Member, the city council, board of trustees, board of commissioners, pueblo council, or other legislative body, as appropriate, of such Member.

“*Initial Boundaries*” means the Boundaries of the District on the date the District is originally certified pursuant to Article II hereof, as such Initial Boundaries are determined in accordance with Appendix A hereto.

“*Initial Members*” means the initial signatories who become Members on the date on which the District is originally certified pursuant to Section 2 hereof.

“*Member*” means the Initial Members and any Governmental Unit that becomes a member of the District pursuant to Article XI hereof.

“*NCRTD*” is defined in the Recitals hereto.

“*Officer*” means the Chair, Vice Chair, Secretary, or Treasurer of the District, and any subordinate officer or agent appointed and designated as an officer of the District by the Board.

“*Official Designee*” means any person appointed as an official designee, pursuant to Article VII hereof.

“*Regional Transit Services*” means the transit services described in Appendix D.

## ARTICLE II

### NAME AND PURPOSE OF THE DISTRICT AND THE REGIONAL TRANSIT SYSTEMS TO BE PROVIDED

**Section 2.01. Name.** The name of this transit district is the North Central Regional Transit District (hereinafter, “the District”).

**Section 2.02. Purpose.** The purpose of the District, being a multimodal public transit district formed pursuant to the Act, recognizes as its purpose to finance, Construct, operate, maintain, and promote an efficient, sustainable, and regional multi-modal transportation system at any location or locations, subject to compliance with the Act.

**Section 2.03. Members.** Membership in the District is open to Governmental Units within or containing the boundaries of Los Alamos, Río Arriba, Taos or Santa Fe Counties. Members may be added or deleted pursuant to Section 73-25-17 of the Act and Article XI hereof.

**Section 2.04. Establishment.** The North Central Regional Transit District shall be established as a separate political subdivision and body corporate of the State pursuant to the Act and as a separate legal entity created by a contract among the Initial Members, effective upon satisfaction of the following conditions:

- (a) Each Initial Member and new member has held at least one public hearing on the subject of this Contract in accordance with Section 73-25-4 of the Act including relevant attention to requirements for public notice; and
- (b) Each Initial Member has executed the original Contract.

**Section 2.05. Regional Transit Systems to Be Provided.**

The NCRTD will provide, but not be limited to, the type of regional transit services described in Appendix D, “Regional Transit Mobility Concept for the North Central Regional Transit District.”

**Section 2.06. Specific Responsibilities.** In addition to the general powers described in Article V hereof, the District shall have the responsibilities described in this Section and shall

have all powers necessary to carry out such responsibilities, subject to the availability of funds and, to the extent required by law, annual appropriation of funds by the Board. The description of specific responsibilities and powers in this Section shall not, however, limit the general powers of the District described in Article V hereof.

- (a) **Regional Transit Planning.** The District shall work in coordination with the New Mexico Department of Transportation (NMDOT), Regional Planning Organizations (RPOs), and Metropolitan Planning Organizations (MPOs) to provide regional transit planning services needed to plan and direct the Regional Transit Services of the District, to pursue state and federal funding, and to coordinate overall transportation policy within the area in which it provides Regional Transit Services.
- (b) **Regional Transit Services.** The District shall use its best efforts to provide the Regional Transit Services described in Appendix D hereto.
- (c) **Contract Transit Services.** The District may enter into contracts with any Member or other Person for the provision of transit services in the manner and subject to the terms of such contracts.
- (d) **Local Service.** The District may fund Regional Transit Services that serve the residents and businesses of a Member (as distinguished from regional services) but, except as otherwise specifically provided herein, only pursuant to an agreement in which such Member pays the District for the services provided on the same fully allocated cost basis used to determine costs of District services throughout the District's service area.

### **ARTICLE III BOUNDARIES**

**Section 3.01. Original Boundaries.** Membership in transit districts is open to Governmental Units, which means the State, a County or Municipality of the State, or an Indian Nation, Tribe, or Pueblo located within the boundaries of the State. The North Central Regional Transit District may include any Governmental Unit within or containing the boundaries of Los Alamos, Río Arriba, Taos or Santa Fe Counties, as described in Appendix A.

**Section 3.02. Amendments to Boundaries.** The original boundaries of the NCRTD may be amended according to the process described in Article XI of this Contract.

### **ARTICLE IV CONTRACT**

**Section 4.01. Effective Date.** The term of the original Contract began when the New Mexico State Transportation Commission certified the creation of the District.

**Section 4.02. Termination.** The term of this Contract shall end when all the current Members agree in writing to terminate this Contract; provided, however, that this Contract may not be terminated so long as the District has any Bonds outstanding.

**Section 4.03. Amendments.** Any amendment to the Contract shall be made only by the execution in writing of each of the governmental units that entered into the Contract.

**Section 4.04. Parties of Interest.** Nothing expressed or implied herein is intended or shall be construed to confer upon any Person other than the Members any right, remedy or claim

under or by reason of this Contract; this Contract being intended for the sole and exclusive benefit of the Members.

**Section 4.05. No Personal Liability.** No covenant or agreement contained in this Contract or any resolution or Bylaw issued by the Board shall be deemed to be the covenant or agreement of an elected or appointed official, officer, agent, servant or employee of any Member in his or her individual capacity.

**Section 4.06. Tort Claims.** In accordance with the requirements and limitations of liability set forth in the New Mexico Tort Claims Act, NMSA 1978, Sections 41-4-1 through 41-4-27, the District shall cover every risk for which immunity has been waived under the provisions of the Tort Claims Act.

**Section 4.07. Notices.** Except as otherwise provided in this Contract, all notices, certificates, requests, requisitions, or other communications by the District, any Member, any Director, any Official Designee, any Officer, or any member of a Committee to any other such person pursuant to this Contract shall be in writing; shall be sufficiently given, and shall be deemed given when actually received:

- (a) In the case of the District and Officers of the District, at the last address designated by the District for such purpose; and
- (b) In the case of such other persons, at the last address specified by them in writing to the Secretary of the District.

Unless a certain number of days is specified, notice shall be given within a reasonable period of time.

**Section 4.08. Assignment.** None of the rights, benefits, duties, or obligations of any Member may be assigned or delegated without the express written consent of all the Members.

**Section 4.09. Severability.** If any clause, provision, subsection, Section, or Article of this Contract shall be held to be invalid, illegal, or unenforceable for any reason, the invalidity, illegality, or enforceability of such clause, provision, subsection, Section or Article shall not affect any of the remaining provisions of this Agreement.

**Section 4.10. Interpretation.** Subject only to the express limitations set forth herein, this Contract shall be liberally construed:

- (a) To permit the District and the Members to exercise all powers that may be exercised by a regional transit district pursuant to the Act and by a separate legal entity created by a contract among the Members;
- (b) To permit the Members to exercise all powers that may be exercised by them with respect to the subject matter of this Contract pursuant to the Act and other applicable law; and
- (c) To permit the Board to exercise all powers that may be exercised by the board of directors of a regional transit district pursuant to the Act and by the governing body of a separate legal entity created by a contract among the Members.

In the event of any conflict between the Act or any other law with respect to the exercise of any such power, the provision that permits the broadest exercise of the power consistent with the limitations set forth in this Contract shall govern.

**Section 4.11. Governing Law.** The laws of the State of New Mexico shall govern the development and enforcement of this Contract.

**Section 4.12. Counterparts.** This Contract may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original; but such counterparts shall together constitute but one and the same Agreement.

**ARTICLE V  
POWERS OF THE DISTRICT**

**Section 5.01. Powers of the District.** A district is a body politic and corporate. In addition to other powers granted to the district pursuant to the Regional Transit District Act [73-25 NMSA 1978], the district may:

- (a) Have perpetual existence, except as otherwise provided in the contract;
- (b) Finance, construct, operate, maintain, or promote regional transit systems within the boundaries of the district;
- (c) Enter into contracts and agreements affecting the affairs of the district;
- (d) Establish, collect, and increase or decrease fees, tolls, rates, or charges for the use of property of a regional transit system financed, constructed, operated, maintained, or promoted by the district; except that fees, tolls, rates, or charges imposed for the use of a regional transit system shall be fixed and adjusted to pay for bonds issued by the district;
- (e) Pledge all or a portion of the revenues to the payment of bonds of the district;
- (f) Provide transit services outside the boundaries of the district.
- (g) Purchase, trade, exchange, acquire, buy, sell, lease, lease with an option to purchase, dispose of, and encumber real or personal property and interest therein, including easements and rights of way;
- (h) Accept real or personal property for the use of the district and accept gifts and conveyances upon the terms and conditions as the board may approve;
- (i) Use the streets, highways, rail rights-of-way, and other public ways and, with permission of the owner, to relocate or alter the construction of streets, highways, rail rights-of-way, other public ways, electric and telephone lines and properties, pipelines, conduits, and other properties, whether publicly or privately owned, if deemed necessary by the district in the construction, reconstruction, repair, maintenance, and operation of the system. Any damage that may occur to the property shall be borne by the district; and
- (j) Sue and be sued;

**Section 5.02. Limitations on Powers of the District.** The District shall be limited as follows:

- (a) The district may only finance, construct, operate, maintain, or promote Regional Transit Systems;
- (b) Advisory Committees may only be appointed and may only exercise the powers as provided in Article III hereof;
- (c) A notice of the imposition of or any change in any fee or the issuance of Bonds shall be sent to the Division of Local Government and shall be filed with the State Transportation Commission in accordance with the Act.

**ARTICLE VI  
BOARD OF DIRECTORS**

**Section 6.01. Establishment and Powers.** The District shall be governed by a Board of Directors (hereinafter, the “Board”) as described in Section 73-25-5 of the Act. The Board shall

exercise and perform all powers, privileges and duties vested in or imposed upon the District. Subject to the exceptions in the Act, the Board may delegate any of its powers to an Officer or agent of the Board.

**Section 6.02. Powers of the Board.** The Board shall, subject to the limitations set forth herein and relevant State law, have all powers that may be exercised by the board of directors of a regional transit district pursuant to the Act and all powers that may be exercised by the governing body of a separate legal entity created by a contract among the Members. Such powers shall include, but shall not be limited to:

- (a) Adopt Bylaws;
- (b) Fix the time and place of meetings and the method of notice of the meetings;
- (c) Make and pass orders and resolutions necessary for the government and management of the affairs of the District and the execution of the powers vested in the District;
- (d) Appoint, hire, or retain an Executive Director;
- (e) Maintain offices at a place the Board may designate;
- (f) Prescribe financial and procurement policies and procedures in accordance with relevant State and Federal laws and policies;
- (g) Adopt other policies as may be deemed necessary for the functioning of the District; and
- (h) Appoint advisory committees and define the duties of the committees.
- (i) Board may add ex-officio members as needed.

**Section 6.03. Advisory Committees.** The Board may appoint and maintain a Citizen Advisory Committee to advise the Board with respect to policy and service matters. The Board may also appoint other Advisory Committees to advise the Board. The members of the Citizen Advisory Committee shall not be Directors, Official Designees, or employees of the District. The members of Advisory Committees other than the Citizen Advisory Committee may include Directors, Official Designees, and Officers of the District. Advisory Committees shall not be authorized to exercise any power of the Board.

**Section 6.04. Bylaws and Rules.** The Board, acting by resolution adopted as provided in Article IX hereof, may adopt bylaws or rules governing the activities of the District and the Board, including, but not limited to, bylaws or rules governing the conduct of Board meetings, voting procedures, and the type of resolutions that must be in writing.

**Section 6.05. Budget.** The Board shall approve an annual budget pursuant to the legal requirement to submit an annual budget to the State.

## **ARTICLE VII DIRECTORS**

**Section 7.01. Appointment of Directors and Official Designees.** Pursuant to Section 73-25-5 of the Act, the Board shall be composed of one (1) Director from each Member of the District. A Director shall be an elected official, Official Designee or Tribal Council Member. The Director or Official Designee (if any) shall be nominated by the chief elected official of the Member and approved by the Governing Body of the Member.

**Section 7.02. Terms of Office.** The term of office of each Director and Official Designee shall commence with the first meeting of the Board following his or her appointment and shall continue until removed by the appointing Member, or until she or he no longer holds

elective office in the Governing Body of the appointing Member, or until she or he submits a written resignation to the Chair. Directors shall not serve a term longer than four (4) years unless re-appointed by their Member governing body.

**Section 7.03. Resignation and Removal.** Any Director or Official Designee may resign at any time, effective upon receipt by the Secretary or the Chair of written notice signed by the person who is resigning; and may be removed at any time by the Governing Body of the Member that appointed him or her, effective upon receipt by the Secretary or the Chair of written notice signed by the Governing Body of the appointing Member.

**Section 7.04. Vacancies.** Vacancies in the office of any Director or Official Designee shall be filled in the same manner in which the vacant office was originally filled.

**Section 7.05. Compensation.** Directors and Official Designees shall serve without compensation, but may be reimbursed for expenses incurred in serving in such capacities upon such terms and pursuant to such procedures as may be established by the Board, pursuant to State law.

## **ARTICLE VIII OFFICERS**

**Section 8.01. Identification.** The Board shall elect or appoint a Chair, a Vice Chair, a Secretary, and a Treasurer.

**Section 8.02. Appointment.** The currently elected Board shall elect Officers by simple majority vote after canvassing each member as to his or her interest in service, time availability, and qualifications. The Officers shall be Directors. All Officers of the District shall meet the other qualifications, if any, stated for his or her office elsewhere in this Article.

**Section 8.03. Term of Office.** Each Officer shall serve until the end of their term or until a successor is elected or appointed or the Officer is lawfully removed pursuant to State law, this Contract, or the Bylaws. Officers may serve unlimited terms.

**Section 8.04. Resignation.** Any Officer may resign at any time effective upon receipt by the Secretary or the Chair of written notice signed by the person who is resigning.

**Section 8.05. Removal of Officers.** Any Officer of the Board may be removed at any time by a two-thirds majority vote of the voting units of the Board.

**Section 8.06. Vacancies.** Vacancies in the office of any Officer shall be filled in the same manner in which such office was originally filled.

**Section 8.07. Chair.** The Chair shall:

- (a) Have the power to call meetings of the Board and to preside over such meetings;
- (b) Have the power to execute, deliver, acknowledge, file, and record on behalf of the District such documents as may be required by the Act or other applicable law;
- (c) Have the power to execute and deliver contracts, deeds, and other instruments and agreements on behalf of the District as are necessary or appropriate in the ordinary course of its activities or as are duly authorized or approved by the Board;
- (d) Have such additional authority, powers, and duties as are appropriate and customary for the office of the Chair of the board of directors of entities such as the District, and as the Board may otherwise prescribe.

**Section 8.08. Vice Chair.** The Vice Chair shall:

- (a) Be the Officer next in seniority after the Chair and, upon the death, absence, or disability of the Chair, shall have the authority, powers, and duties of the Chair;
- (b) Have such additional authority, powers, and duties as are prescribed by the Board.

**Section 8.09. Secretary.** If a Treasurer has not been elected or appointed, the Secretary shall also serve as Treasurer and may use the title of Treasurer in performing the functions of Treasurer. The Secretary shall:

- (a) Designate a staff member who will assist in carrying out the work of the Secretary, under the day-to-day supervision of the Executive Director but with responsibility lying with the Secretary;
- (b) Give, or cause to be given, notice of all meetings (including special meetings) of the Board;
- (c) Keep written minutes of such meetings;
- (d) Be responsible for the maintenance of all records and files and the preparation and filing of reports to governmental agencies (other than tax returns);
- (e) Have such other authority, powers and duties as are appropriate and customary for the office of Secretary of entities such as the District, and as the Board may otherwise prescribe.

**Section 8.10. Treasurer.** The Treasurer shall, subject to rules and procedures established by the Board:

- (a) Designate a staff member who will assist in carrying out the work of the Treasurer, under the day-to-day supervision of the Executive Director but with responsibility lying with the Treasurer;
- (b) Be responsible for the custody of the funds and all stocks, bonds, and other securities owned by the District;
- (c) Be responsible for the preparation and filing of all tax returns, if any, required to be filed by the District;
- (d) Receive all moneys paid to the District and, subject to any limits imposed by the Board or the Chair, shall have authority to give receipts and vouchers, and endorse checks and warrants in the District's name and on the District's behalf, and to give full discharge for the same;
- (e) Sign checks and warrants, but must secure the signature of either the Executive Director or one other Board Officer. In the absence of the Executive Director, a second Officer may sign;
- (f) Have charge of disbursement of the funds of the District, shall keep full and accurate records of the receipts and disbursements, and shall deposit all moneys and other valuables in such depositories as shall be designated by the Board;
- (g) Deposit and invest all funds of the District in accordance with the laws of the State applying to the deposit and investment of funds of regional transit districts formed under the Act;
- (h) Have such additional authority, powers and duties as are appropriate and customary for the office of Treasurer of entities such as the District, and as the Board may otherwise prescribe.

**Section 8.11. Executive Director.** The Board shall appoint an Executive Director who shall be the chief executive officer of the District, shall supervise the activities of the District, shall see that all policies, directions and orders of the Board are carried out and shall, under the supervision of the Board, have such other authority, powers, or duties as may be prescribed by the Board. The Executive Director shall, subject to rules and procedures established by the Board:

- (a) Sign contracts or agreements with vendors or service providers that are necessary to carry out the purposes of the District, provided, however, that they involve less than \$100,000, and are included in a duly approved budget. Expenses over \$100,000 shall be approved by the Board and signed by the appropriate Officers;
- (b) Appoint, hire, and retain employees, agents, engineers, attorneys, accountants, financial advisors, investment bankers, and other consultants as approved through the budget process;
- (c) Dispose of assets of the District, provided, however, that the assets are no longer useful to the District and have a nominal market value;
- (d) Sign contracts or agreements specifically approved by the Board.

**Section 8.12. Changes to Authority, Powers and Duties.** Notwithstanding any other provision of this Article, the Board at any time may expand, limit, or modify the authority, powers and duties of any Officer pursuant to the Act.

## ARTICLE IX VOTING REQUIREMENTS

**Section 9.01. Voting Strength of Members.** Each Member of the District shall have a voting strength as determined by the Voting Strength Analysis, Appendix B.

**Section 9.02. Quorum.** The presence of Directors representing a majority of the Members and a majority of the total number of voting units shall be necessary to constitute a quorum for the transaction of business.

**Section 9.03. Simple Majority Vote.** If a quorum is present, action by simple majority of voting units present and eligible to vote shall be the act of the Board, unless the act of a greater number is required by the Bylaws, the Contract, or applicable law.

**Section 9.04. Two-Thirds Vote.** If a quorum is present, two-thirds (2/3) majority of the voting units is required for the following actions:

- (a) Addition or withdrawal of territory or property, pursuant to Article 8 of the Bylaws, Article XI of this Contract, and Sections 73-25-6 and 73-25-17 of the Act;
- (b) Removal of Officers from the Board, pursuant to Article 10 of the Bylaws and Article VIII of this Contract;
- (c) Amendment of the Bylaws, pursuant to Section 15 of the Bylaws.
- (d) Amendments to this Contract, pursuant to Article IV of this Contract.

**Section 9.05. Budget.** The annual budget shall be passed by a simple majority of voting units.

## ARTICLE X ASSETS

**Section 10.01. Acquisition of Assets.** The District may acquire assets on its own authority or through contract with Members of the District. Assets contributed by each Member shall be so noted.

**Section 10.02. Disposition of Assets.** The District may dispose of assets that are surplus, at the end of their useful life, or are no longer needed by the District, pursuant to State and Federal regulations.

**Distribution of Assets Upon Termination.** Upon termination of this Contract, pursuant to Article IV hereof, the net assets of the District shall be distributed to the parties with a financial interest in the assets and in proportion to their contribution to the purchase of the asset. Where the District itself has a financial interest in the asset, its current value will be divided equally among the Members of the District at the time of its termination.

## **ARTICLE XI ADDING OR WITHDRAWING TERRITORY**

**Section 11.01. Initial Members.** The Initial Members shall be the initial signatories whose participation in the District is described in Articles II and III, and Appendix A hereof.

**11.02 Addition of Members.** After the creation of the District, a Governmental Unit adjacent to or contained within a Governmental Unit adjacent to, but not part of, the District may join the District as a Member

**11.03 Inclusion or Exclusion of Property.** The Board may include or exclude property from the boundaries of the District, pursuant to Section 73-25-6 and Section 73-25-17 of the Act.

**11.04 Withdrawal of Members.** A Member of the District may withdraw from the District by adopting a resolution to withdraw. The Member shall withdraw its representative from the Board of Directors. Real property owned by the District within the boundaries of the withdrawing Member shall remain the property of the District. The provisions of withdrawal shall be negotiated and agreed to by the Board of Directors, the Member, and the Commission pursuant to Article 73-25-17 of the Act.

**SIGNATURE PAGE**

**To**

**NORTH CENTRAL REGIONAL TRANSIT DISTRICT  
INTERGOVERNMENTAL AGREEMENT**

**Dated as of \_\_\_\_\_**

VILLAGE OF CHAMA

Name \_\_\_\_\_

Title \_\_\_\_\_

Signature \_\_\_\_\_

**SIGNATURE PAGE**

**To**

**NORTH CENTRAL REGIONAL TRANSIT DISTRICT  
INTERGOVERNMENTAL AGREEMENT**

**Dated as of \_\_\_\_\_**

TOWN OF EDGEWOOD

Name \_\_\_\_\_

Title \_\_\_\_\_

Signature \_\_\_\_\_

**SIGNATURE PAGE**

**To**

**NORTH CENTRAL REGIONAL TRANSIT DISTRICT  
INTERGOVERNMENTAL AGREEMENT**

**Dated as of \_\_\_\_\_**

CITY OF ESPANOLA

Name \_\_\_\_\_

Title \_\_\_\_\_

Signature \_\_\_\_\_

**SIGNATURE PAGE**

**To**

**NORTH CENTRAL REGIONAL TRANSIT DISTRICT  
INTERGOVERNMENTAL AGREEMENT**

**Dated as of \_\_\_\_\_**

COUNTY OF LOS ALAMOS

Name \_\_\_\_\_

Title \_\_\_\_\_

Signature \_\_\_\_\_

**SIGNATURE PAGE**

**To**

**NORTH CENTRAL REGIONAL TRANSIT DISTRICT  
INTERGOVERNMENTAL AGREEMENT**

**Dated as of \_\_\_\_\_**

PUEBLO OF NAMBE

Name \_\_\_\_\_

Title \_\_\_\_\_

Signature \_\_\_\_\_

**SIGNATURE PAGE**

**To**

**NORTH CENTRAL REGIONAL TRANSIT DISTRICT  
INTERGOVERNMENTAL AGREEMENT**

**Dated as of \_\_\_\_\_**

**PUEBLO OF OHKAY OWINGEH**

Name \_\_\_\_\_

Title \_\_\_\_\_

Signature \_\_\_\_\_

**SIGNATURE PAGE**

**To**

**NORTH CENTRAL REGIONAL TRANSIT DISTRICT  
INTERGOVERNMENTAL AGREEMENT**

**Dated as of \_\_\_\_\_**

PUEBLO OF POJOAQUE

Name \_\_\_\_\_

Title \_\_\_\_\_

Signature \_\_\_\_\_

**SIGNATURE PAGE**

**To**

**NORTH CENTRAL REGIONAL TRANSIT DISTRICT  
INTERGOVERNMENTAL AGREEMENT**

**Dated as of \_\_\_\_\_**

COUNTY OF RÍO ARRIBA

Name \_\_\_\_\_

Title \_\_\_\_\_

Signature \_\_\_\_\_

**SIGNATURE PAGE**

**To**

**NORTH CENTRAL REGIONAL TRANSIT DISTRICT  
INTERGOVERNMENTAL AGREEMENT**

**Dated as of \_\_\_\_\_**

PUEBLO OF SAN ILDEFONSO

Name \_\_\_\_\_

Title \_\_\_\_\_

Signature \_\_\_\_\_

**SIGNATURE PAGE**

**To**

**NORTH CENTRAL REGIONAL TRANSIT DISTRICT  
INTERGOVERNMENTAL AGREEMENT**

**Dated as of \_\_\_\_\_**

PUEBLO OF SANTA CLARA

Name \_\_\_\_\_

Title \_\_\_\_\_

Signature \_\_\_\_\_

**SIGNATURE PAGE**

**To**

**NORTH CENTRAL REGIONAL TRANSIT DISTRICT  
INTERGOVERNMENTAL AGREEMENT**

**Dated as of \_\_\_\_\_**

CITY OF SANTA FE

Name \_\_\_\_\_

Title \_\_\_\_\_

Signature \_\_\_\_\_

**SIGNATURE PAGE**

**To**

**NORTH CENTRAL REGIONAL TRANSIT DISTRICT  
INTERGOVERNMENTAL AGREEMENT**

**Dated as of \_\_\_\_\_**

COUNTY OF SANTA FE

Name \_\_\_\_\_

Title \_\_\_\_\_

Signature \_\_\_\_\_

**SIGNATURE PAGE**

**To**

**NORTH CENTRAL REGIONAL TRANSIT DISTRICT  
INTERGOVERNMENTAL AGREEMENT**

**Dated as of \_\_\_\_\_**

COUNTY OF TAOS

Name \_\_\_\_\_

Title \_\_\_\_\_

Signature \_\_\_\_\_

**SIGNATURE PAGE**

**To**

**NORTH CENTRAL REGIONAL TRANSIT DISTRICT  
INTERGOVERNMENTAL AGREEMENT**

**Dated as of** \_\_\_\_\_

TOWN OF TAOS

Name \_\_\_\_\_

Title \_\_\_\_\_

Signature \_\_\_\_\_

SIGNATURE PAGE

To

NORTH CENTRAL REGIONAL TRANSIT DISTRICT  
INTERGOVERNMENTAL AGREEMENT

Dated as of \_\_\_\_\_

VILLAGE OF TAOS SKI VALLEY

Name \_\_\_\_\_

Title \_\_\_\_\_

Signature \_\_\_\_\_

**SIGNATURE PAGE**

**To**

**NORTH CENTRAL REGIONAL TRANSIT DISTRICT  
INTERGOVERNMENTAL AGREEMENT**

**Dated as of \_\_\_\_\_**

**PUEBLO OF TESUQUE**

Name \_\_\_\_\_

Title \_\_\_\_\_

Signature \_\_\_\_\_

VILLAGE OF TAOS SKI VALLEY  
RESOLUTION NO. 2019-371

A RESOLUTION TO JOIN THE NORTH CENTRAL REGIONAL TRANSIT  
DISTRICT AS A VOTING MEMBER OF THE DISTRICT AND PARTICIPATE  
IN THE AFFAIRS OF THE DISTRICT

**WHEREAS**, the purpose of the North Central Regional Transit District (the “District”) is to serve the residents within District boundaries by providing for the creation of the Regional Transit District; provide a choice of transportation alternatives for goods, services, jobs, and activities of the community; and finance, plan, construct, operate, maintain and promote a regional public transit system.

**WHEREAS**, the Legislature of the State of New Mexico has passed legislation and the Governor has signed into law, the “Regional Transit District Act;” and

**WHEREAS**, public transportation is a critical component of multimodal transportation systems; and

**WHEREAS**, statewide, multimodal transportation systems improve access to education and jobs and provide a foundation for New Mexico’s economic prosperity; and

**WHEREAS**, expanded public transit services help rural and urban New Mexico optimize available regional services; and

**WHEREAS**, a statewide connection of regional transit district would improve local and state connections; and

**WHEREAS**, regional public transit would enable increased federal investment in New Mexico; and

**WHEREAS**, multi-jurisdictional transportation systems would protect our environment and enhance energy efficiency, decrease congestion, decrease automobile accidents, reduce noise and air pollution and improve public health; and

**WHEREAS**, coordinated regional public transportation would help sustain New Mexico’s cultural diversity; and

**WHEREAS**, regional transit districts function to coordinate public transit services and connects all forms of existing and proposed transportation services provided by different levels of government and various jurisdictions; and

**WHEREAS**, improved public transportation services in New Mexico would extend the life of existing roads, highways, and regional transit services, and protect current and future investment in the region’s transportation infrastructure.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF  
THE VILLAGE OF TAOS SKI VALLEY THAT:**

**Section 1.** The Village of Taos Ski Valley shall join the North Central Regional Transit District as a voting member of the District, and participate in the affairs of the District by appointing a representative, and a designee to the Board of Directors.

**Section 2.** The Village of Taos Ski Valley approves the Intergovernmental Agreement establishing the District, and any other relevant documents affecting the legal status of the District, and directs staff to actively work toward establishing funding for the said District in order to deliver ongoing regional public transportation services.

**PASSED AND ADOPTED** this 13<sup>th</sup> day of November, 2018

**VILLAGE OF TAOS SKI VALLEY**

**Christof Brownell  
Mayor**



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**ATTEST:**

**Ann M. Wooldridge  
Village Clerk**



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**Agenda Report**  
**Meeting Date: December 7, 2018**  
**Agenda Item - B**

**Title:** Discussion and Consideration of Resolution 2018-34 Open Meetings for 2019

**Prepared By:** Anthony J. Mortillaro, Executive Director and Peter Dwyer, Legal Counsel

**Summary:** This is a resolution to adopt the annual policy for regular Board meetings for 2019. Included in the resolution are stipulations for time, location, dates, subject matter, and requirements for notices for all regular Board meetings as well as for “special” or “emergency” Board meetings. These requirements are according to the provisions of New Mexico’s “Open Meetings Act.” Although not required by the Open Meetings Act, this Resolution also complies with requirements of the Americans with Disabilities Act. No changes have been made in the Open Meetings Act since 2013. The attached Resolution is substantively the same as the prior year’s resolution except that there will be no meeting in July. Last year we cancelled the July meeting. In the past we have cancelled a meeting due to an insufficient number of items to warrant meeting.

Resolution 2018-34 specifically states the provisions for public notices in order to accommodate the public’s attendance at NCRTD Board meetings or at any meeting of a quorum by the Board.

Please note that all regular scheduled meetings of the Board are on the first Friday of each month, unless noted otherwise.

**Background:** NMSA 1978, Section 10-15-1 (D) requires " The affected body shall determine at least annually in a public meeting what notice for a public meeting is reasonable ..." Although the technical requirement is only that the body consider the notice provisions it is a common practice to adopt whole new resolutions each year.

**Recommended Action:** It is recommended that the Board adopt Resolution 2018-34

**Options/Alternatives:** N/A

**Fiscal Impact:** None

**Attachment:**  
Resolution 2018-34



## North Central Regional Transit District (NCRTD)

### Resolution 2018-34

#### OPEN MEETINGS

**WHEREAS**, NMSA 1978, § 10-15-1 (B), Provides that " All meetings of a quorum of members of any board, commission, administrative adjudicatory body or other policymaking body of any state agency or any agency or authority of any county, municipality, district or political subdivision, held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or taking any action within the authority of or the delegated authority of any board, commission or other policymaking body are declared to be public meetings open to the public at all times, except as otherwise provided in the constitution of New Mexico or the Open Meetings Act. No public meeting once convened that is otherwise required to be open pursuant to the Open Meetings Act shall be closed or dissolved into small groups or committees for the purpose of permitting the closing of the meeting."; and,

**WHEREAS**, NMSA 1978, § 10-15-3 (A), provides that "No resolution, rule, regulation, ordinance or action of any board, commission, committee or other policy-making body shall be valid unless taken or made at a meeting held in accordance with the requirements of Section 10-15-1 NMSA 1978"; and,

**WHEREAS**, NMSA 1978, §10-15-4 Provides that "Any person violating any of the provisions of Section 10-15-1 or 10-15-2 NMSA 1978 is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars (\$500) for each offense."

**NOW, THEREFORE, BE IT RESOLVED** by the Board of the NCRTD, that the following standards are adopted to ensure transparent government and full compliance with the Open Meetings Act.

1. **NOTICE PERIOD.** Notice shall be given at least 72 hours in advance of any regular or special meeting of a quorum of the members of the Board and any committee, or other policy-making body at which the body will formulate public policy, discuss public business or take formal action on behalf of the District. This notice provision shall apply to any change to the established dates of regularly scheduled meetings contained in this Resolution and the scheduling of any special meetings.
2. **REGULARLY SCHEDULED MEETINGS.** Normally, the regularly scheduled meetings of the Board will be held on the first Friday of each month. Meetings will begin at 9:00 am. The location

of Board meetings will be at the Jim West Transit Center, 1327 North Riverside Drive, Española, New Mexico. The following are the dates of the regular meetings for the Calendar year 2017:

January 11 <sup>th</sup>	February 1 <sup>st</sup>	March 1 <sup>st</sup>
April 5 <sup>th</sup>	May 3 <sup>rd</sup>	June 14 <sup>th</sup>
July – no meeting	August 2 <sup>nd</sup>	September 6 <sup>th</sup>
October 4 <sup>th</sup>	November 1 <sup>st</sup>	December 6 <sup>th</sup>

3. **MEETING RULES.** All meetings of the NCRTD Board and subcommittees of the NCRTD Board shall be conducted pursuant to the procedural rules as adopted and from time to time amended by the NCRTD Board.
4. **POSTING.** The notice requirements of this Resolution are complied with if the notice provides the date, time, place of any regular or special meeting in a place and manner accessible to the public by posting the notice on the "notice board" located at the NCRTD Administration Offices or by posting the notice online on the District's website.
5. **AGENDAS.** Agendas shall contain a list of specific items of business to be discussed or transacted at the meeting. The District may either publish notice along with a copy of the agenda or provide information on how the public may obtain a copy of the agenda. The agenda may serve as notice of the meeting if it contains all required information. At least seventy-two hours prior to the meeting, the agenda shall be available to the public and posted on the public body's web site. The Board shall only take action on items listed on the agenda unless the action is on an emergency matter as described in this Resolution.
6. **NOTICE TO MEDIA.** Notice shall be provided to all FCC licensed broadcast stations and newspapers of general circulation that have provided a written request for notice of meetings.
7. **ADA.** In addition to the information specified above, all notices shall include the following language:

"If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language, interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing of the meeting, please contact the NCRTD Executive Assistant at (505) 629-4702 at least one week prior to the meeting, or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats."
8. **MINIMUM STANDARDS.** Notwithstanding any other provisions of this Resolution, the NCRTD Board may establish such additional notice requirements as may be deemed proper and advisable to comply with the provisions of the Open Meetings Act.
9. **CLOSING MEETINGS.** A meeting or portion thereof may be closed in accordance with provisions contained in NMSA 1978, § 10-15-1 (H) of the Open Meetings Act. The authority for the closure and the subject to be discussed shall be stated with reasonable specificity in the motion calling for the vote on a closed meeting; the vote shall be taken in an open meeting; and the vote of each individual member shall be recorded in the minutes. Only those subjects announced or voted upon prior to closure by the policymaking body may be discussed in a closed meeting.

10. **EMERGENCY MATTERS.** Notwithstanding any other provision of this Resolution, the Board may address emergency matters at any time with or without notice and regardless of whether the item is on an agenda. Emergency matters are defined as “unforeseen circumstances that, if not addressed immediately by the public body, will likely result in injury or damage to persons or property or substantial financial loss to the public body.” Within ten days of taking action on an emergency matter, the District shall report to the Attorney General's Office the action taken and the circumstances creating the emergency; provided that the requirement to report to the Attorney General is waived upon the declaration of a state or national emergency.
11. **TELEPHONIC PARTICIPATION.** Because the District encompasses a large geographical area, whenever it is difficult or impossible for a Board member to participate in a meeting in person the member may participate by means of a conference telephone or other similar communications equipment provided: a.) each member participating by conference telephone must be identifiable when speaking; b.) all participants must be able to hear each other at the same time; and c.) members of the public attending the meeting must be able to hear any member of the public body who speaks during the meeting.
12. **MINUTES.** The Board shall keep written minutes of all its meetings. The minutes shall include at a minimum the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken that show how each member voted. All minutes are open to public inspection. Draft minutes shall be prepared within ten working days after the meeting and shall be approved, amended or disapproved at the next meeting where a quorum is present. Minutes shall not become official until approved by the policymaking body.

**PASSED, APPROVED AND ADOPTED BY THE NORTH CENTRAL REGIONAL TRANSIT BOARD ON THIS 7<sup>th</sup> DAY OF DECEMBER 2018.**

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Daniel Barrone, Chairman

Approved as to form:

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Peter Dwyer, Counsel



**Agenda Report**  
**NCRTD Board of Directors Meeting**  
**Meeting Date: December 7, 2018**

**Agenda Item - C**

**Title:** Discussion and Consideration of Resolution 2018-30 Adopting Revised Board Meeting Procedures.

**Prepared By:** Peter Dwyer, Legal Counsel

**Summary:** The Finance Committee met on November 30, 2018 and pursuant to the full Board's direction from the October meeting, discussed potential changes to the current procedures for Board Meetings. The topics discussed were Abstentions, Motions to Postpone and Ties.

**Background:** The Board had concerns about some of the proposed rules. Specifically, the rules on Abstentions, Motions to Reconsider, and Tie votes on Motions to Reconsider. Also, the Board wanted to consider changes whereby the Secretary/Treasurer could preside, and the Board could do business in the absence of the Chair and Vice Chair.

**Recommended Action:** Abstentions are very complicated. I have attached a 10-page memo I wrote on the issue. I will attempt to simplify and clarify the issue at the Board Meeting pursuant to the Finance Committee's request.

Motions to Reconsider are handled in Myriad ways. See the attached Wikipedia page for the variety of approaches employed. The Finance Committee recommended that the Board adopt a rule whereby a member on the "prevailing side" (see below) can make the motion at either of the two monthly meetings following the original vote.

The tie vote rule can be easily solved. The current rule requires a motion by a member who voted "in the majority" (bottom page 7 current rules). Since there is no majority in a tie situation no one would be able to make the motion. The solution is to change the language to a member who voted "on the prevailing side." In a tie situation the motion fails and the members opposing the proposition prevailed.

**Options/Alternatives:**

- Board adopts Resolution 2018-30 thereby amending the current rules; or
- Board denies approval of the changes to the current Board procedures and elects to continue with the existing rules; or
- Board gives further direction to staff on alternative amendments to the current rules.

**Fiscal Impact:**

None.

**Attachments:**

- Resolution 2018-30
- North Central Regional Transit District Rules Governing the Conduct of Board Meetings
- Summary of Board Procedural Rules
- Second Redline of Rules indicating changes recommended by the Finance Committee
- Memo on Abstentions
- Wikipedia Page on Motions to Reconsider



**North Central Regional Transit District (NCRTD)  
Resolution 2018-30**

**ADOPTING REVISED BOARD MEETING PROCEDURES**

**WHEREAS**, the NCRTD was created through legislative enactment (NMSA 1978, Section 73-25-1 et seq.); and

**WHEREAS**, the NCRTD is a sub-division of the State of New Mexico; and

**WHEREAS**, the NCRTD was approved and certified by the New Mexico Department of Transportation on the 14<sup>th</sup> day of September 2004; and

**WHEREAS**, the Board has the authority to make and pass resolutions necessary for the execution of the powers vested in the District; and

**WHEREAS**, the Board has the express authority to adopt its own rules for Board Meeting procedures; and

**WHEREAS**, the existing Board Meeting Procedures have not been reviewed or updated since their adoption in 2011; and

**WHEREAS**, the Board of Directors for the NCRTD now wishes to update its procedural rules.

**NOW, THEREFORE, BE IT RESOLVED** by the NCRTD Board that, the Board hereby adopts the amended Board Procedural Rules as amended, a copy of which are attached hereto.

**PASSED, APPROVED AND ADOPTED BY THE GOVERNING BODY OF THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT ON THIS 7<sup>th</sup> DAY OF DECEMBER, 2018.**

\_\_\_\_\_  
Daniel Barrone, Chairman

Approved as to form:

\_\_\_\_\_  
Peter Dwyer, Counsel

## **North Central Regional Transit District**

### **Rules Governing the Conduct of Board Meetings**

#### **I. Foreword**

The North Central Regional Transit District ("the District") is a governmental entity, a multimodal public transit district formed pursuant to NMSA 1978, 73-25-1 et seq. (2003) whose purpose is the development, operation, management, and improvement of transportation systems serving residents in the North Central New Mexico Region. The District is governed by a Board of Directors as described in the Act and the "Amended Intergovernmental Contract" of March 14, 2008 ("the Intergovernmental Contract"). The Board is composed of one Director from each Member of the District. Directors are elected officials, Tribal Governor or Tribal Council Member or their respective Official Designees. The process for selection of Directors is outlined in the North Central Regional Transit District Board of Directors Bylaws Amended and Approved by the NCRTD Board on January 12, 2007 (the "Bylaws"). Accordingly, each Member of the District shall have a voting strength as determined by the Voting Strength Analysis outlined in Appendix B of the Intergovernmental Contract. The Bylaws authorize the Board to "promulgate and adhere to policies and procedures that govern its conduct." The following rules, therefore, are adopted as a set of operating procedures to which the Board voluntarily binds itself. The rules are made only to facilitate the orderly transaction of public business. Robert's Rules of Order only apply where Board rules are silent.

#### **II. Officers, Members and Meeting Requirements**

**Identification.** The Board shall elect or appoint a Chair, a Vice Chair a Secretary, and a Treasurer. The election of the Board Chair and Vice Chair may alternate between Tribal and non Tribal members.

**Officers of the Board.** The Board selects Officers every other year at the April meeting of the Board. The currently elected Board elects officers by simple majority vote after canvassing each member as to their interest in service, time availability, and qualifications. Officers of the Board shall be Tribal Governors, Tribal Council Members or elected officials.

**Terms.** Each Officer serves a two (2) year term commencing upon election or appointment by the Board. Each Officer serves until the end of their term or until a successor is elected or appointed or the Officer is lawfully removed pursuant to State law of the Bylaws.

**Duties of Officers.** The duties of the Chair, Vice Chair, Secretary and Treasurer are as outlined in Article X of the Bylaws.

#### **Council Meetings**

**Regular Meetings.** Regular meetings of Board will be set under the requirements of the Opening Meetings Act (NMSA 1978, 10-15-1, et seq.). The Board of Directors meets at least quarterly, or more frequently as determined by a majority of the Board, for the purpose of conducting such business as may come before the Board. In accordance with the Open Meetings Act, all meetings of a quorum of members of the Board, held for the purpose of formulating public policy or taking any action within the authority of the Board, are open to the public. The Board may hold closed sessions for portions of an open meeting or schedule a closed meeting for the limited purposes provided by the Open Meetings Act, the statutory and common law, or the Constitution of State of New Mexico.

**Special Meetings.** Special meetings of the Board may be called, either by the Chair or by three voting Directors, and held at any time and in any place.

**Emergency Meetings.** The Board may hold emergency meetings, to be held at any time and place as permitted by the Open Meetings Act.

**Quorum.** The presence of Directors representing a majority of the Members and a majority of the total voting units as prescribed under Appendix B to the Intergovernmental Agreement is required to constitute a quorum for the transaction of business. If a quorum is present, action by a simple majority of voting units by the Directors present and eligible to vote is considered an act of the Board, unless the act of a greater number is required by the Bylaws the Intergovernmental Agreement or applicable law.

## **Rules of Order For The Conduct of Meetings**

### **III. Guiding Principles**

The Board rules of order for conducting its meetings are supported by the following values:

- **Applicability.** With minor re-phrasing, these rules could be generalized so that any Board or Commission, or other formal body could utilize them to the extent they choose. Any subordinate body of the NCRTD Board may choose to use these rules or may adopt its own rules.
- **Rules should establish order.** The primary purpose of any rules of parliamentary procedure are to establish a framework for the orderly conduct of meetings.
- **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules lead to two classes: those who understand and participate and those who do not fully understand and do not fully participate.
- **Rules should be user friendly.** That is, the rules must be simple enough that citizens feel they have been able to participate in the process.
- **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules is to encourage discussion among Board members and to facilitate decision making by the Board. In a democracy, the majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself (but not dominate) and fully participate in the process and discussion.

### **IV. Role of the Chair**

While all Directors should know and understand the rules of parliamentary procedure, it is the Chair who is charged with applying these procedural rules. The Chair should be well versed in these rules, because the Chair, for all intents and purposes, makes the final ruling on the

application of these rules unless a specific parliamentarian has been designated to enforce parliamentary procedures. In fact, all decisions by the Chair regarding application of these rules are final unless overruled by the majority of Directors. The Chair has discretions, subject to overriding by Board, to deviate from the letter of these rules in the interest or expediency provided the intent of the rules and fairness to all parties is maintained. The Chair may make or second motions to participate in discussion as any other Member.

#### V. Basic Format for an Agenda Item Discussion:

Formal Board and Advisory Committee meetings normally have a written, published agenda. Portions of meetings, like closed sessions, may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the Board's agreed-upon road map for the meeting. Each agenda item can be handled by the Chair in the following basic format.

**First**, the Chair should clearly announce the agenda item number and clearly state what the subject is. The Chair should then announce the procedure that will be followed in the handling of that item.

**Second**, following the Chair's announcement of the item, the Chair should invite the appropriate people to report on the item, including any recommendation they might have. The appropriate person may be the Chair, a member of Board, a staff person, any subcommittee chair or representative, a member of the public, or a person charged with providing information about the agenda item.

**Third**, the Chair should ask Directors if they have any questions for clarification. At this point, Members may ask clarifying questions to the people who reported on the item, and they should be given time to respond.

**Fourth**, the Chair should invite public comments or, if appropriate at a formal hearing, open the meeting to public input. If numerous members of the public indicate a desire to speak to the subject, the Chair may limit the time of each public speaker. At the conclusion of the public comments, the Chair should announce that the public input has concluded (or that the public hearing, as the case may be, is closed). For those meetings that call for formal quasi-judicial proceedings, the Attorney will provide the Chair with detailed instructions designed solely for the conduct of that type of meeting.

**Fifth**, the Chair should invite a motion from a Director. The Chair should announce the name of the Director who makes the motion.

**Sixth**, the Chair should determine if any Director wishes to second the motion. The Chair should announce the name of the Director who seconds the motion. It is compulsory practice for a motion to require a second before proceeding with it, to ensure that it is not just one Director who is interested in a particular approach.

**Seventh**, if the motion is made and seconded, the Chair should make sure everyone understands the motion before the discussion or vote. This can be done in one of three ways:

1. The Chair can ask the maker of the motion to repeat it;

2. The Chair can repeat the motion; or
3. The Chair can ask the person taking minutes to repeat the motion.

If there has been substantial Board discussion that has led to a motion for action significantly different than what was being contemplated at the time of earlier public comment, the Chair may reopen the floor to public comment on the specific motion.

**Eighth**, the Chair should now invite discussion of the motion by the members of Board. If there is no desired discussion or the discussion has ended, the Chair should announce that the body will vote on the motion. If there has been no discussion or a very brief discussion, the vote should proceed immediately, and there is no need to repeat the motion. If there has been substantial discussion, it is normally best to make sure everyone understands the motion by repeating it.

**Ninth**, the Chair takes a vote by asking the clerk to call the roll of Directors present. A simple majority of Directors determines whether the motion passes or is defeated unless a greater majority is required by the Bylaws the Intergovernmental Agreement or applicable law.

**Tenth**, the Chair should announce the result of the vote and should announce what action (if any) the Board has taken. In announcing the result, the Chair should indicate the names of the Directors, if any, who voted in the minority on the motion. This announcement may take the following form: "The motion passes by a vote of 4-2, with Directors Smith and Jones dissenting. We have passed a motion requiring 10 days' notice for all future meetings of the North Central Regional Transit District." Announcement of the results may require assistance and tabulation by NCRTD staff due to the voting weights established under Appendix B of the Intergovernmental Agreement which affect the relative influence of the various Directors' votes.

## VI. Motions in General

Motions are vehicles for decision –making. As soon as discussion has indicated some reasonably defined direction(s), a motion helps focus the discussion. Motions are made in a simple, two step process. First, the Chair recognizes the Director. Second, the Director makes a motion by preceding the Director's desired approach with the words: "I move..." A typical motion might be: I move that we give 10 days' notice in the future for all our meetings."

The Chair usually initiates the motion by:

1. Inviting the Directors to make a motion: "A motion at this time would be in order."
2. Suggesting a motion to Directors: "A motion would be in order that we give 10-days' notice for all future meetings."
3. Making the motion.

As noted, the Chair has every right as a member of Board to make a motion, but normally should do so only if he or she wishes a motion be made but no other Director seems willing to do so.

## VII. The Three Common Motions

Three motions are the most common:

1. **The main motion.** The basic motion is the one that puts forward a decision for consideration. A basic motion might be: "I move that Board create a five-member committee to plan and put on an annual fundraiser."
2. **The motion to amend.** If a Director wants to change a basic motion that is under discussion, he or she should move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes a basic motion that is before the Board and seeks to change it in some way.
3. **The substitute motion.** If a Director wants to completely do away with the basic motion under discussion and put a new motion before Council, he or she would "move a substitute motion." A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."
  - a. **The friendly amendment.** This is not a formal action by itself but a suggestion for a revision to the maker of the motion (main, amendment, or substitute). The maker of the motion may accept the friendly amendment and effectively replace the original motion with the revised one. Either the second must concur or another councilor must second the revised motion. If a friendly amendment is not accepted as such, it can be made as a formal motion to amend.

Motions to amend and substitute A motion to amend seeks to retain the main motion on the floor, but to modify it in some way. A vote on a motion to amend should occur before the vote on the main motion. If it passes then the vote should be taken on the main motion as amended. If the motion to amend does not pass, then the main motion as originally stated should be voted on.

A substitute motion seeks to throw out the main motion on the floor and substitute a new and different motion for it. A vote on a motion to substitute has precedence over the main motion. If a substitute motion is made, the Chair should call for a vote on the substitute motion first. If it passes, then a vote is not called on the main motion since it has been substituted with the substitute motion. If the substitute motion fails, then a vote on the main motion should be taken.

## VIII. Voting on a Motion

The method of vote on any motion depends on the situation. The Chair may select from any of the following:

- a. **By Voice.** The Chair asks those in favor to say "aye", those opposed to say "no". Any Director may move for an exact count.
- b. **By Roll Call.** Each Director answers "yes" or "no" as his or her name is called. This method is used when a record of each Director's vote is required

Normally a simple majority of the voting units present shall be required. However, a two-thirds (2/3) majority of the voting units present is required for the following actions:

- (a) Addition or withdrawal of territory or property, pursuant to Article 8 of the Bylaws, Article XI of the Intergovernmental Agreement, and Sections 73-25-6 and 73-25-17 of the Act;
- (b) Removal of officers from the Board, pursuant to Article 10 of the Bylaws and Article VIII of the Intergovernmental agreement.
- (c) Amendment of the Bylaws, pursuant to Section 15 of the Bylaws.
- (d) Amendments to the Intergovernmental Agreement pursuant to Article IV.
- (e) Addition of Members pursuant to Article XI of the Intergovernmental Agreement, and Sections 73-25-6 and 73-25-17 of the Act;

Only an elected official shall be able to vote on resolutions regarding ratification of acquisition of land by negotiated sale and issuance of bonds pursuant to NMSA 1978, §73-25-5.

### **IX. To Debate or Not Debate**

The basic rule of motions is that they are subject to debate and discussion. Accordingly, basic motions, motions to amend, motions to suspend the rules, and substitute motions are all eligible, each in their turn, for full discussion before and by the Board. The debate can continue as long as Directors wish to discuss an item, subject to the decision of the Chair that it is time to move on and take action.

Most motions are debatable. The motion to table has a special rule.

**A motion to table.** This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on hold. The motion may contain a specific time in which the item can come back to the Board in which case it is not debatable. The motion to table may contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the Board will have to be made at a future meeting. A motion to take an item off the table does not vitiate the need for the item to be properly noticed and included on an agenda and if the item is not already on the agenda the motion shall be construed as instruction to include the item on the next meeting agenda. A tabling motion that does not set a time for resumption of discussion shall be debatable because the effect of such a motion is to stop the proposed item or action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the Board to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the Chair must immediately call for a vote of the Board without debate on the motion):

**A motion to adjourn.** Can be directed by either the Chair or by Board action. Once imposed, this motion requires the Board to immediately adjourn to its next regularly scheduled meeting.

**A motion to recess.** This motion, if passed, requires the Board to immediately take a recess. Normally, the Chair determines and states the time or date at which the meeting will reconvene.

**A motion to fix the time to adjourn.** This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn the meeting at midnight."

- Adjournment. The time for adjournment of regular Board meetings shall be set in the agenda.

**A motion to limit debate.** The most common form of this motion is to say: "I move the previous question" or "I call for the question." When a Director makes such a motion, the Director is really saying: "I've had enough debate. Let's get on with the vote." When such a motion is made, the Chair should ask for a second to the motion, stop debate, and vote on the motion to limit debate. Note that a motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the Board from even considering an item on the agenda.

**Motion to close nominations.** When choosing officers of the Board, such as the Chair and Vice-Chair, nominations are in order from the floor of the Board. A motion to close nominations effectively cuts off the right of Directors to nominate officers for consideration.

## X. The Motion to Reconsider

This is a special and unique motion that requires a bit of explanation all by itself. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

Obviously, a motion to reconsider requires a simple majority of Directors' vote units to pass, but there are two special rules that apply only to the motion to reconsider.

First is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the Board. Technically, a motion to reconsider made at a later time is untimely. (The Board, however, can always vote to suspend the rules and, allow a motion to reconsider to be made at another time.) (If we want to allow suspension of the rules we should probably list this as an additional type of motion)

Second, a motion to reconsider may only be made by certain Directors. Accordingly, a motion to reconsider may only be made by a Director who voted *in the majority* on the original motion. If such a Director has a change of heart, he or she may make the motion to reconsider (any other Director may second the motion.) If a Director who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a Director of the minority could make a motion to reconsider, then the item could be brought back again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the Board, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

### **XI. Tabulation of Votes**

Staff shall be charged with tabulation of votes. Normally a simple majority of the voting units represented by the Directors present at the meeting shall be required for a vote to pass. Abstentions shall be noted in the record, shall be counted as refraining from voting, and as such shall neither be counted in the affirmative or the negative. The voting units represented by an abstaining Director shall be deducted from the total number of voting units of those Directors present for purposes of tabulating whether a motion obtains majority of supermajority approval.

### **XII. Lack of a Quorum**

If at any time during a meeting there is a lack of a quorum no action may be taken by the Board. The Board may however consider presentations, public input or any other non-action items. The only appropriate motion in the absence of a quorum is a motion to adjourn.

Absence of Chair and Vice-Chair:

In the absence of the Chair and Vice Chair no action may be taken by the Board. The Board may however consider presentations, public input or any other non-action items. The only appropriate motion in the absence of a quorum is a motion to adjourn.

### **XIII. Courtesy and Decorum**

The rules of order are meant to create an atmosphere where members of the Board and members of the public can attend to business efficiently, fairly, and with full participation. And at the same time, it is up to the Chair and the Board to maintain common courtesy and decorum. Only one person can have the floor at a time; it is always best for every speaker to be first recognized by the Chair before proceeding to speak. In order to be recognized by the Chair any person wishing to speak should raise their hand.

The Chair should always ensure that debate and discussion of an agenda item focus on the item and the policy in question, not the personalities of the Directors, staff or the public. Debate on policy is healthy; debate on personalities is not. The Chair has the right to cut off discussion that is too personal, too loud, too unprofessional or too crude.

### **XIV. Interruptions**

Debate and discussion should be focused, but free and open. In the interest of time, the Chair may, however, limit the time allotted to speakers. Can Directors interrupt a speaker? The general rule is no. There are, however, exceptions. A speaker may be interrupted for the following reasons:

**Privilege.** The proper interruption would be: "Point of Privilege." The Chair would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything

that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

**Order.** The proper interruption would be "Point of Order." Again, the Chair would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting; for example, if the Chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

**Appeal.** If the Chair makes a ruling that a Director disagrees with, the Director may appeal the ruling of the Chair. If the motion is seconded and after debate, it passes by a majority vote, then the ruling of the Chair is reversed.

**Call for orders of the day.** This is simply another way of saying, "Let's return to the agenda." If a Councilor believes the Board has drifted from the agreed upon agenda, such a call may be made. It does not require a vote, and when the Chair discovers the agenda has not been followed, the Chair simply reminds the Board to return to the agenda item before them. If the Chair fails to do so, the Chair's determination may be appealed.

**Withdraw a motion.** During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the Chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other Director may make the motion if properly recognized.

### **XV. Special Notes about Public Input**

The rules outlined here help make meetings very public friendly. But in addition, and particularly for the Chair, it is wise to remember three special rules that apply to each agenda item:

**Rule One:** Tell the public what the Board will be doing.

**Rule Two:** Keep the public informed while the Board is doing their work.

**Rule Three:** When the Board has acted, tell the public exactly what the Board did.

Public input is essential to a healthy democracy, and community participation is an important element of that input. The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items. The rules presented here for conducting a Board meeting are offered as tools for effective leadership and as a means of developing sound policy.

**Rosemary Romero**  
Chair, North Central Regional Transit District

## SUMMARY OF NCRTD BOARD PROCEDURAL RULES

### EXECUTIVE SUMMARY

1. Robert's Rules Don't Apply
2. We generally require a majority of both voting members and voting units but this needs clarification before it becomes an issue. The Procedural Rules, Bylaws and IGC all have different definitions of what constitutes a "simple majority." They are all clear about the supermajority requirement but are very inconsistent about how to handle the vote of a majority of members as opposed to a majority of voting units.
3. The Chair has broad discretion to run the meeting and can only be overruled by a majority vote of the Board.
4. We are supposed to allow public comment ON EVERY ITEM.
5. Voice votes (instead of Roll Call) are generally allowed at the Chair's option.
6. Either the Executive Assistant or the Chair should announce the results of each vote.
7. Its not clear whether the Board can "suspend the rules."
8. The abstention rule says the abstainer does not count toward the tally of votes and voting units but this rule conflicts with the various rules about what constitutes a "simple majority" and presents myriad problems.
9. We need the Chair or Vice-Chair to take any action at a meeting.

### ANALYSIS

#### Highlighted Text Indicates an Area of Concern

##### Article I

Robert's Rules of Order only apply where the District's rules are silent.

##### Article II

Special Meetings can be called by the Chair or any three Directors.

Under the "Quorum" rule it mentions that only a simple majority of VOTING UNITS is required to take action.

The practice has been to require BOTH VOTING UNITS AND TOTAL MEMBERS and the 2016 amendments to the Bylaws Section 11.06 state that the majority required is "a simple majority of both the Directors present and eligible to vote and voting units." This rule however conflicts with the procedural rule on abstentions which discounts from the tally a present member who is eligible to vote if they abstain. Section 9.03 of the Intergovernmental Contract

(IGC) states that a "simple majority vote of voting units present and eligible to vote" prevails and does not include the majority of members requirement. The IGC (Section 6.04) does allow the Bylaws to change voting procedures but not something as important as the rule on what constitutes a majority vote.

Article IV.

Chair or Parliamentarian makes final ruling on rules interpretation. Chair can be overruled by a majority of Directors. (Not clear if voting units, voting members or both is required)

Chair can deviate from letter of rules expedience as long as fairness is maintained.

Chair can make and second motions.

Article V.

Procedure for Each Agenda Item

1. Chair announces item number and summarizes subject.
  2. Chair asks for report from anyone Chair thinks appropriate (staff, Directors, public, etc.)
  3. Chair allows Directors to ask clarifying questions.
  4. Chair asks for public comment or opens Public Hearing and can limit time of speakers.
  5. Chair asks for a motion and announces who made the motion.
  6. Chair asks for a second and announces who seconded.
  7. The Chair, the Motion Maker, or the Stenographer repeats the motion for clarity.
  8. Chair invites discussion of the motion by Directors only.
  9. Chair decides if there has been so much discussion that the motion needs to be repeated.
  10. Chair asks the "Clerk" (we have no Clerk) to call the roll. A simple majority (not clear what kind) prevails unless supermajority required by IGC Bylaws or law. But this rule conflicts with a later rule that does not require all votes to be by roll call.
  11. Chair announces the tally of votes by directors and identifies by name each dissenting. Chair may seek staff help with announcing results based on voting unit strength.
- Practice has been to avoid calling out the dissent and to have staff announce the vote not the chair.

Article VI.

During any discussion the Chair may make a motion, invite a particular Director to make a motion or simply state that "A motion at this time would be in order."

Chair can make any motion but normally should wait to see if another Director will first.

Article VII.

In addition to the Main Motion there are three specific subsidiary motions:

1. Motion to Amend, changes only part of the main motion;
2. Substitute Motion, replaces the main motion;
3. Friendly Amendment, is a suggestion to maker of the motion to change the motion without a formal vote on a motion to amend. Maker and Second both must agree.

Vote on Motion to Amend comes before the Main Motion.

Article VIII.

Chair can allow Voice vote (aye and Nay) or Roll Call (individual yes/no)

Note that certain votes are required by law to be done by Roll Call (such as a vote to go into executive session) yet the rules do not address this issue.

"a simple majority of voting units present" (should reflect BOTH voting units and members) decides the vote and 2/3 majority of "voting units present" is only required for adding or subtracting members, territories, officers or changing the IGC or the Bylaws.

Only elected officials (not Designee Directors from staff) can vote on Bonds or land deals.

Article IX.

Most motions are debatable but Chair has discretion to end debate.

Motions to table are debatable if the time to resume the item is not stated because the motion to table can effectively kill the item if not resumed at a specific time.

Motions to adjourn, recess, fix a time to adjourn are non-debatable.

If any Director wants to end the debate either by "moving the previous question" or "calling the question" the Chair seeks a second immediately and the motion is deemed "A Motion to Limit Debate" regardless of the form of the motion.

The rules also allow a "Motion to Object to Consideration of an Item" which is non-debatable and precludes the Board from even "considering" an item on the agenda. (presumably this means no discussion of the item at all but the rules are not clear)

Officers are nominated "from the floor (by any Director) and a Motion to Close Nomination closes all additional nominations prior to the vote. (There is no rule regarding the vote on Officers and we have had both open and closed ballot elections of Officers in the past. The

Bylaws only discuss "a simple majority vote" and don't address voting units, secret ballots or other issues that have come up in the past.)

Article X.

Motion to Reconsider can only be made at same or following meeting. However the rules have a super ambiguous comment that a Motion to Suspend the Rules can obviate all the rules.

Also, a motion to reconsider can only be made by a person who voted in the majority. (This rule is problematic in the event of a tie vote where neither side is in the majority and one vote would swing the issue)

Article XI.

Tabulation of the vote is supposed to be done by "staff" which is the current practice. But the earlier rule required the Chair to announce the vote and staff only assisted.

Abstentions are "noted for the record" and the abstention is effectively like the Director being absent from the meeting as it does not count as a yes or a no and the vote and voting units are actually removed from the tabulation of the vote. (As noted earlier this conflicts with the various rules on voting which generally do not reduce the majority requirement by the member or her voting units.)

Article XII.

No action can be taken without a quorum AND the Chair or Vice Chair.

Article XIII.

Anyone wishing to speak needs to raise their hand and be recognized by the Chair.

Chair can cut off any "personal" "loud" "unprofessional" or "rude" discussion by anyone.

Chair can limit time on any speakers.

Speakers can be interrupted by a "Point of Privilege" or a "Point of Order." The former is to allow basic comfort for the conduct of the meeting and the latter is to call attention to a mistake in following the rules.

The Chair's decisions are all subject to appeal. (this is only mentioned in passing on the rule regarding interruption of speakers.) A Director can interrupt any speaker to appeal the Chair's decisions by a majority vote (not clear if voting units, members or both).

A Director may interrupt a speaker to withdraw a motion thereby ending the debate.

## **North Central Regional Transit District**

### **Rules Governing the Conduct of Board Meetings**

#### **Board Meeting Procedures** **Adopted November 2, 2018**

### **I. Foreword**

The North Central Regional Transit District ("the District") is a governmental entity, a multimodal public transit district formed pursuant to NMSA 1978, 73-25-1 et seq. (2003) whose purpose is the development, operation, management, and improvement of transportation systems serving residents in the North Central New Mexico Region. The District is governed by a Board of Directors as described in the Act and the "Amended Intergovernmental Contract" of March 14, 2008 ("the Intergovernmental Contract"). The Board is composed of one Director from each Member of the District. Directors are elected officials, Tribal Governor or Tribal Council Member or their respective Official Designees. The process for selection of Directors is outlined in the North Central Regional Transit District Board of Directors Bylaws Amended and Approved by the NCRTD Board on January 12, 2007 and as amended on February 5, 2016 (the "Bylaws"). Accordingly, each Member of the District shall have a voting strength as determined by the Voting Strength Analysis outlined in Appendix B of the Intergovernmental Contract. The Bylaws authorize the Board to "promulgate and adhere to policies and procedures that govern its conduct." The following rules, therefore, are adopted as a set of operating procedures to which the Board voluntarily binds itself. The rules are made only to facilitate the orderly transaction of public business. Robert's Rules of Order only apply where Board rules are silent.

### **II. Officers, Members and Meeting Requirements**

**Identification.** The Board shall elect or appoint a Chair, a Vice Chair a Secretary, and a Treasurer. The Secretary and Treasurer may be combined roles held by one Officer. The election of the Board Chair and Vice Chair may alternate between Tribal and non-Tribal members.

**Officers of the Board.** The Board selects Officers every other year at the April meeting of the Board. The currently elected Board elects officers by simple majority vote after canvassing each member as to their interest in service, time availability, and qualifications. Officers of the Board shall be Tribal Governors, Tribal Council Members or elected officials.

**Terms.** Each Officer serves a two (2) year term commencing upon election or appointment by the Board. Each Officer serves until the end of their term or until a successor is elected or appointed or the Officer is lawfully removed pursuant to State law of the Bylaws.

**Duties of Officers.** The duties of the Chair, Vice Chair, Secretary and Treasurer are as outlined in Article X of the Bylaws.

**Regular Meetings.** Regular meetings of Board will be set under the requirements of the Open Meetings Act (NMSA 1978, 10-15-1, et seq.). The Board of Directors generally meets monthly but shall meet at least quarterly, or more frequently as determined by a majority of the Board, for the purpose of conducting such business as may come before the Board. In accordance with the Open Meetings Act, all meetings of a quorum of members of the Board, held for the purpose of formulating public policy or taking any action within the authority of the Board, are open to the public. The Board may hold closed sessions for portions of an open meeting or schedule a closed meeting for the limited purposes provided by the Open Meetings Act, the statutory and common law, or the Constitution of State of New Mexico.

**Special Meetings.** Special meetings of the Board may be called, either by the Chair or by three voting Directors, and held at any time and in any place.

**Emergency Meetings.** The Board may hold emergency meetings, to be held at any time and place as permitted by the Open Meetings Act.

**Quorum.** The presence of Directors representing a majority of the Members and a majority of the total voting units as prescribed under Appendix B to the Intergovernmental Agreement is required to constitute a quorum for the transaction of business. If a quorum is present, action by a [simple majority of both members and voting units](#) by the Directors present and eligible to vote is considered an act of the Board, unless the act of a greater number is required by the Bylaws the Intergovernmental Agreement or applicable law.

## Rules of Order For The Conduct of Meetings

### III. Guiding Principles

The Board rules of order for conducting its meetings are supported by the following values:

- **Applicability.** With minor re-phrasing, these rules could be generalized so that any Board or Commission, or other formal body could utilize them to the extent they choose. Any subordinate body of the NCRTD Board may choose to use these rules or may adopt its own rules.
- **Rules should establish order.** The primary purpose of any rules of parliamentary procedure are to establish a framework for the orderly conduct of meetings.
- **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules lead to two classes: those who understand and participate and those who do not fully understand and do not fully participate.
- **Rules should be user friendly.** That is, the rules must be simple enough that citizens feel they have been able to participate in the process.
- **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules is to encourage discussion among Board members and to facilitate decision making by the Board. In a democracy, the majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself (but not dominate) and fully participate in the process and discussion.
- **Rules may only be suspended to facilitate the orderly discussion and action upon items on the agenda.** [The rules shall not be suspended in their entirety in a manner that would obviate the rules as a whole.](#)

### IV. Role of the Chair [or Presiding Officer](#)

While all Directors should know and understand the rules of parliamentary procedure, it is the

Chair [or presiding officer](#) who is charged with applying these procedural rules. The Chair [or presiding officer](#) should be well versed in these rules, because the Chair [or presiding officer](#), for all intents and purposes, makes the final ruling on the

application of these rules unless a specific parliamentarian has been designated to enforce parliamentary procedures. In fact, all decisions by the Chair or presiding officer regarding application of these rules are final unless overruled by the majority of Directors. The Chair or presiding officer has discretions, subject to overriding by Board, to deviate from the letter of these rules in the interest or expediency provided the intent of the rules and fairness to all parties is maintained. The Chair or presiding officer may make or second motions to participate in discussion as any other Member.

## V. Basic Format for an Agenda Item Discussion:

Formal Board and Advisory Committee meetings normally have a written, published agenda. Portions of meetings, like closed sessions, may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the Board's agreed-upon road map for the meeting. Each agenda item can be handled by the Chair in the following basic format.

**First**, the Chair should clearly announce the agenda item number and clearly state what the subject is. ~~The Chair should then announce the procedure that will be followed in the handling of that item.~~

**Second**, following the Chair's announcement of the item, the Chair should invite the appropriate people to report on the item, including any recommendation they might have. The appropriate person may be the Chair, a member of Board, a staff person, any subcommittee chair or representative, a member of the public, or a person charged with providing information about the agenda item.

**Third**, the Chair should ask Directors if they have any questions for clarification. At this point, Members may ask clarifying questions to the people who reported on the item, and they should be given time to respond.

~~**Fourth**, the Chair should invite public comments or, if appropriate at a formal hearing, open the meeting to public input. If numerous members of the public indicate a desire to speak to the subject, the Chair may limit the time of each public speaker. At the conclusion of the public comments, the Chair should announce that the public input has concluded (or that the public hearing, as the case may be, is closed). For those meetings that call for formal quasi-judicial proceedings, the Attorney will provide the Chair with detailed instructions designed solely for the conduct of that type of meeting.~~

**Fourthth**, the Chair should invite a motion from a Director. The Chair should announce the name of the Director who makes the motion.

**SixthFifth**, the Chair should determine if any Director wishes to second the motion. The Chair should announce the name of the Director who seconds the motion. It is compulsory practice for a motion to require a second before proceeding with it, to ensure that it is not just one Director who is interested in a particular approach.

**SeventhSixth**, if the motion is made and seconded, the Chair should make sure everyone understands the motion before the discussion or vote. ~~This can be done in one of three ways: 2. The Chair can ask the maker of the motion to repeat it;~~

~~3. The Chair can repeat the motion; or~~

~~4. The Chair can ask the person taking minutes to repeat the motion.~~

~~If there has been substantial Board discussion that has led to a motion for action significantly different than what was being contemplated at the time of earlier public comment, the Chair may reopen the floor to public comment on the specific motion.~~

***SeventhEighth***, the Chair should now invite discussion of the motion by the members of Board. If there is no desired discussion or the discussion has ended, the Chair should announce that the body will vote on the motion. If there has been no discussion or a very brief discussion, the vote should proceed immediately, and there is no need to repeat the motion. If —there has been substantial discussion, it is normally best to make sure everyone understands the motion by repeating it.

***NinthEighth***, the Chair takes a vote ~~by asking the clerk to call the roll of Directors present~~. A ~~simple~~-majority of both Directors and voting units determines whether the motion passes or is defeated unless a greater majority is required by the Bylaws the Intergovernmental Agreement or applicable law.

***TenthNinth***, the Chair should announce the result of the vote and should announce what action (if any) the Board has taken. ~~In announcing the result, the Chair should indicate the names of the Directors, if any, who voted in the minority on the motion. This announcement may take the following form: "The motion passes by a vote of 4-2, with Directors Smith and Jones dissenting. We have passed a motion requiring 10 days' notice for all future meetings of the North Central Regional Transit District."~~ Announcement of the results may require assistance and tabulation by NCRTD staff due to the voting weights established under Appendix B of the Intergovernmental Agreement which affect the relative influence of the various Directors' votes.

## VI. Motions in General

Motions are vehicles for decision -making. As soon as discussion has indicated some reasonably defined direction(s), a motion helps focus the discussion. Motions are made in a simple, two-~~—~~step process. First, the Chair recognizes the Director. Second, the Director makes a motion by preceding the Director's desired approach with the words: "I move... " A typical motion might be: "I move that we give 10 days' notice in the future for all our meetings."

The Chair usually initiates the motion by:

1. Inviting the Directors to make a motion: "A motion at this time would be in order."
2. Suggesting a motion to Directors: "A motion would be in order that we give 10-days' notice for all future meetings."
3. Making the motion.

As noted, the Chair has every right as a member of Board to make a motion, but normally should do so only if he or she wishes a motion be made but no other Director seems willing to do so.

## VII. ~~The Three Common~~ Motions

Three motions are the most common:

1. **The main motion.** The basic motion is the one that puts forward a decision for consideration. A basic motion might be: "I move that Board create a five-member committee to plan and put on an annual fundraiser."
2. **The motion to amend.** If a Director wants to change a basic motion that is under discussion, he or she should move to amend it. A motion to amend might be: "I move that we amend the motion to have a 1a-member committee." A motion to amend takes a basic motion that is before the Board and seeks to change it in some way.
3. **The substitute motion.** If a Director wants to completely do away with the basic motion under discussion and put a new motion before Council, he or she would "move a substitute motion." A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."
  - a. **The friendly amendment.** This is not a formal action by itself but a suggestion for a revision to the maker of the motion (main, amendment, or substitute). The maker of the motion may accept the friendly amendment and effectively replace the original motion with the revised one. Either the second must concur or another councilor must second the revised motion. If a friendly amendment is not accepted as such, it can be made as a formal motion to amend.

Motions to amend and substitute A motion to amend seeks to retain the main motion on the floor, but to modify it in some way. A vote on a motion to amend should occur before the vote on the main motion. If it passes then the vote should be taken on the main motion as amended. If the motion to amend does not pass, then the main motion as originally stated should be voted on.

A substitute motion seeks to throw out the main motion on the floor and substitute a new and different motion for it. A vote on a motion to substitute has precedence over the main motion. If a substitute motion is made, the Chair should call for a vote on the substitute motion first. If it passes, then a vote is not called on the main motion since it has been substituted with the substitute motion. If the substitute motion fails, then a vote on the main motion should be taken.

4. **Motion to Appeal a Decision of the Chair.** This motion may be made at any time following a decision of the Chair. It is appropriate at any time, may be made without the recognition of the Chair, and has precedence over all other motions.

## VIII. Voting on a Motion

The method of vote on any motion depends on the situation. The Chair may select from any of the following:

- a. **By Voice.** The Chair asks those in favor to say "aye", those opposed to say "no". Any Director may move for an exact count.
- b. **By Roll Call.** Each Director answers "yes" or "no" as his or her name is called. This method is used when a record of each Director's vote is required

Normally a simple majority of the voting units present shall be required. However, a two-thirds (2/3) majority of the voting units present is required for the following actions:

- (a) Addition or withdrawal of territory or property, pursuant to Article 8 of the Bylaws, Article XI of the Intergovernmental Agreement, and Sections 73-25-6 and 73-25-17 of the Act;
- (b) Removal of officers from the Board, pursuant to Article 10 of the Bylaws and Article VIII of the Intergovernmental agreement.
- (c) Amendment of the Bylaws, pursuant to Section 15 of the Bylaws.
- (d) Amendments to the Intergovernmental Agreement pursuant to Article IV.
- (e) Addition of Members pursuant to Article XI of the Intergovernmental Agreement, and Sections 73-25-6 and 73-25-17 of the Act;

Only an elected official shall be able to vote on resolutions regarding ratification of acquisition of land by negotiated sale and issuance of bonds pursuant to NMSA 1978, §73-25-5.

### **IX. To Debate or Not Debate**

The basic rule of motions is that they are subject to debate and discussion. Accordingly, basic motions, motions to amend, motions to suspend the rules, and substitute motions are all eligible, each in their turn, for full discussion before and by the Board. The debate can continue as long as Directors wish to discuss an item, subject to the decision of the Chair that it is time to move on and take action.

Most motions are debatable. The motion to table has a special rule.

**A motion to table.** This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on hold. The motion may contain a specific time in which the item can come back to the Board in which case it is not debatable. The motion to table may contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the Board will have to be made at a future meeting. A motion to take an item off the table does not vitiate the need for the item to be properly noticed and included on an agenda and if the item is not already on the agenda the motion shall be construed as instruction to include the item on the next meeting agenda. A tabling motion that does not set a time for resumption of discussion shall be debatable because the effect of such a motion is to stop the proposed item or action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the Board to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the Chair must immediately call for a vote of the Board without debate on the motion):

**A motion to adjourn.** Can be directed by either the Chair or by Board action. Once imposed, this motion requires the Board to immediately adjourn to its next regularly scheduled meeting.

**A motion to recess.** This motion, if passed, requires the Board to immediately take a recess. Normally, the Chair determines and states the time or date at which the meeting will reconvene.

**A motion to fix the time to adjourn.** This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn the meeting at midnight."

- Adjournment. The time for adjournment of regular Board meetings shall be set in the agenda.

**A motion to limit debate.** The most common form of this motion is to say: "I move the previous question" or "I call for the question." When a Director makes such a motion, the Director is really saying: "I've had enough debate. Let's get on with the vote." When such a motion is made, the Chair should ask for a second to the motion, stop debate, and vote on the motion to limit debate. Note that a motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." ~~A similar motion is a motion to object to consideration of an item. This motion is not debatable, and if passed, precludes the Board from even considering an item on the agenda.~~

**Motion to close nominations.** When choosing officers of the Board, such as the Chair and Vice-Chair, nominations are in order from the floor of the Board. A motion to close nominations effectively cuts off the right of Directors to nominate officers for consideration.

## X. The Motion to Reconsider

This is a special and unique motion that requires a bit of explanation all by itself. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

Obviously, a motion to reconsider requires a ~~simple~~ majority of both Directors and ~~voting~~ units to pass, but there are two special rules that apply only to the motion to reconsider.

First is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at one of the two monthly meetings following the first vote on the item, at the very next meeting of the Board. ~~Technically, a motion to reconsider made at a later time is untimely. (The Board, however, can always vote to suspend the rules and, allow a motion to reconsider to be made at another time.) (If we want to allow suspension of the rules we should probably list this as an additional type of motion)~~

Second, a motion to reconsider may only be made by certain Directors. Accordingly, a motion to reconsider may only be made by a Director who voted on the prevailing side in the majority on the original motion. If such a Director has a change of heart, he or she may make the motion to reconsider (any other Director may second the motion.) If a Director who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a Director of the minority could make a motion to reconsider, then the item could be brought back again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the Board, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

### XI. Tabulation of Votes

A designated staff member shall be charged with tabulation of votes. Normally a simple-majority of both members and the voting units represented by the Directors present at the meeting shall be required for a vote to pass. Abstentions shall [THIS SECTION TO BE DISCUSSED AND DETERMINED BY THE FULL BOARD] ~~be noted in the record, shall be counted as refraining from voting, and as such shall neither be counted in the affirmative or the negative. The voting units represented by an abstaining Director shall be deducted from the total number of voting units of those Directors present for purposes of tabulating whether a motion obtains majority of supermajority approval.~~

### XII. Lack of a Quorum

If at any time during a meeting there is a lack of a quorum no action may be taken by the Board. The Board may however consider presentations, public input or any other non-action items. The only appropriate motion in the absence of a quorum is a motion to adjourn.

Absence of Chair, ~~and~~ Vice-Chair and Secretary/Treasurer:

In the absence of the Chair, ~~and~~ Vice Chair and Secretary/Treasurer no action may be taken by the Board. The Board may however consider presentations, public input or any other non-action items. The only appropriate motion in the absence of a quorum is a motion to adjourn.

### XIII. Courtesy and Decorum

The rules of order are meant to create an atmosphere where members of the Board and members of the public can attend to business efficiently, fairly, and with full participation. And at the same time, it is up to the Chair and the Board to maintain common courtesy and decorum. Only one person can have the floor at a time; it is always best for every speaker to be first recognized by the Chair before proceeding to speak. In order to be recognized by the Chair any person wishing to speak should raise their hand.

The Chair should always ensure that debate and discussion of an agenda item focus on the item and the policy in question, not the personalities of the Directors, staff or the public. Debate on policy is healthy; debate on personalities is not. The Chair has the right to cut off discussion that is too personal, too loud, too unprofessional or too crude.

### XIV. Interruptions

Debate and discussion should be focused, but free and open. In the interest of time, the Chair may, however, limit the time allotted to speakers. Can Directors interrupt a speaker? The general rule is no. There are, however, exceptions. A speaker may be interrupted for the following reasons:

**Privilege.** The proper interruption would be: "Point of Privilege." The Chair would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything

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that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

**Order.** The proper interruption would be "Point of Order." Again, the Chair would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting; for example, if the Chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

**Appeal.** If the Chair makes a ruling that a Director disagrees with, the Director may appeal the ruling of the Chair. If the motion is seconded and after debate, it passes by a majority vote, then the ruling of the Chair is reversed.

**Call for orders of the day.** This is simply another way of saying, "Let's return to the agenda." If a Councilor believes the Board has drifted from the agreed upon agenda, such a call may be made. It does not require a vote, and when the Chair discovers the agenda has not been followed, the Chair simply reminds the Board to return to the agenda item before them. If the Chair fails to do so, the Chair's determination may be appealed.

**Withdraw a motion.** During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the Chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other Director may make the motion if properly recognized.

## XV. Special Notes about Public Input

[Public input shall be allowed at the beginning and end of each meeting. Public input shall also be permitted at the Chair's discretion on individual agenda items.](#)

The rules outlined here help make meetings very public friendly. But in addition, and particularly for the Chair, it is wise to remember three special rules that apply to each agenda item:

**Rule One:** Tell the public what the Board will be doing.

**Rule Two:** Keep the public informed while the Board is doing their work.

**Rule Three:** When the Board has acted, tell the public exactly what the Board did.

Public input is essential to a healthy democracy, and community participation is an important element of that input. The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items. The rules presented here for conducting a Board meeting are offered as tools for effective leadership and as a means of developing sound policy.

[R](#)

[Dan Barrone, Chair,](#)

**North Central Regional Transit District**

# Memorandum

**To:** Finance Committee  
**From:** Peter Dwyer, Legal Counsel  
**Thru:** Anthony J. Mortillaro, Executive Director  
**Date:** November 21, 2018  
**Re:** **Abstentions**

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## **Background:**

The Board adopted "Rules Governing the Conduct of Board Meetings by Resolution 2011-2, in order to ensure the orderly and transparent conduct of the District's business at Board meetings. Since that time the procedural rules have never been reviewed. In order to keep the rules current and consistent with established practices some changes and updates are recommended.

When this item went to the full Board for consideration at the November Board Meeting, there were comments and concerns about tie-breaking procedures in the context of a Motion to Reconsider, Abstentions and Recusals, and inclusion of the Secretary/Treasurer as a listed individual permitted to preside and hold a meeting in the absence of the Chair and Vice Chair.

## **Current Rules:**

The current rule is "Abstentions shall be noted in the record, shall be counted as refraining from voting, and as such shall neither be counted in the affirmative or the negative. The voting units represented by an abstaining Director shall be deducted from the total number of voting units of those Directors present for purposes of tabulating whether a motion obtains a majority or supermajority approval." (Rules Governing Conduct of Board Meetings; Rule XI; Tabulation of Votes).

## **Executive Summary of Abstention Issues:**

In general the definition of abstention is "the act of withholding or keeping back (something or oneself); esp., the withholding of a vote." (Black's Law Dictionary, Eighth Edition).

The NCRTD has three kinds of votes that are impacted differently by abstentions; simple majority votes, absolute majority votes, and (two-thirds) supermajority votes which can be either simple or absolute majority votes. The NCRTD has no minority votes.

The NCRTD uses a "simple majority" in most cases. A simple majority is defined as "a majority of the members who vote, a quorum being present, **disregarding** absent members, members who are present but do not vote, blanks, and **abstentions**." (Id.). In simple majority

voting abstentions are effectively neutral and just remove the Board member from the equation without skewing the results

An absolute majority is defined as "a majority of all those who are entitled to vote in a particular election, whether or not they actually cast ballots." (Id.) Abstentions are effectively no votes in any absolute majority because the requirement is to meet a set number of votes or voting units and the abstention cannot count toward that number.

The Intergovernmental Contract (IGC) and Board Rules both require a "simple majority of the voting units present and voting" not an absolute majority of all voting units. The IGC and Board Rules do not require even a simple majority of Directors. However, our practice has been to apply that "simple majority" requirement to BOTH the number of Directors present and voting and the number of voting units voting and present.

For important supermajority votes the statutes call for an "affirmative vote of two-thirds of the directors" while our Intergovernmental Contract and Board Rules call for majority of voting units only. In keeping with our standard practices we again have required a supermajority of BOTH Directors and voting units. But the issue of whether we require an absolute majority has never arisen.

In supermajority votes abstentions effectively act as a 2/3 "yes" vote unless the vote is deemed to require an absolute majority.

**EXAMPLE: 2/3 vote of Directors is required to add a new member to the NCRTD. 15 total voters are present and 10 votes are required for the 2/3 majority. An initial vote of 9-6 fails. Six members (three for three against) abstain. The remaining voters vote the same as they did the first time. The new vote is 6-3 and the Motion now passes by the 2/3 majority required.**

### **Why Voter's Abstain:**

At the Board Meeting several members gave different explanations of what they intend to do when they abstain. Reasons for abstaining included following instructions from one's member organization not to participate in a decision or opposing a proposition but without taking a side. The following paragraph explains some common reasons for abstaining.

"In some cases, people abstain when they are indifferent among the electoral choices, or when they judge the benefits of voting to be outweighed by the costs. In other cases-when, for example, a potential voter has a conflict of interest-an institution may actually compel one of its members to abstain as a kind of "forced" indifference on the matter. The underlying assumption in both of these cases is that abstention, unlike voting, is neutral with respect to the outcome. But while the contours of the right to vote have been the subject of a tremendous amount of scholarship across many disciplines, abstention, despite its obvious connection to the right to vote, has been almost completely ignored."

Grant M. Hayden, *Abstention: The Unexpected Power of Withholding Your Vote*, 43 Conn. L. Rev. 585 (2010)

Available at: [https://scholarlycommons.law.hofstra.edu/faculty\\_scholarship/560](https://scholarlycommons.law.hofstra.edu/faculty_scholarship/560)

### **Statutory Regulation of NCRTD Voting:**

The NCRTD is required to establish "voting requirements for action by the board: by means of "a contract establishing the district..." NMSA 1978, Section 73-25-4. We have authority to establish voting requirements in the IGC but we still have to follow the state statutes.

Most of the NCRTD board votes (excluding voting units) are tabulated using a simple majority. However, due to the fact that we have voting units based on population, we are not strictly speaking using a "simple majority" system.

Supermajority voting is required by statute for important decisions. "The board, upon the affirmative vote of two-thirds of the directors, may adopt a resolution including or excluding all or a portion of the property described in the notice." NMSA 1978, Section 73-25-6 (C). "After the creation of a district, a governmental unit adjacent to but not part of that district may join the district and determine the territorial area to become a part of that district. A two-thirds affirmative vote by the board shall be required before the governmental unit may join the district." NMSA 1978, Section 73-25-17 (A).

The language is not entirely clear. I could not find a definition of an "affirmative" vote and it appears to simply mean a "yes" vote but it could be construed as meaning that abstentions would count as "no" votes and that the drafters wanted to require an absolute majority of all Directors and to count abstentions as a no rather than reducing the number of votes required. This is inconsistent with our IGC and Bylaws which both state that the 2/3 majority applies to either "voting units present and eligible to vote" or "voting units."

The safest thing to do is to require two-thirds supermajority of both Directors and voting units and to require an absolute majority rather than a simple majority so that we comply with the statute and our own IGC and Bylaws. Therefore, we should either prohibit abstentions on these votes or count them as no votes in order to ensure we meet the statutory standard.

Last but not least the organic statute prohibits voting in the case of conflicts. It states that "A director of the board shall not vote on an issue when the director has a conflict of interest." NMSA 1978, Section 73-25-5 (E). The mandate that a Board Member "shall not vote" is implemented in the Board's Bylaws that state "[a] Director of the Board shall disqualify him/herself from voting on any issue with which the Director has a potential conflict of interest." The language implies that some kind of affirmative act of "disqualification" must be taken but it is not clear if that should be an abstention, excusal, recusal or just going on record and making a statement is enough.

### **District Regulation of NCRTD Voting:**

According to Article IX of our Intergovernmental Contract we have also agreed to specific voting requirements as follows:

## **VOTING REQUIREMENTS**

**Section 9.01. Voting Strength of Members.** Each Member of the District shall have a voting strength as determined by the Voting Strength Analysis, Appendix B.

**Section 9.02 Quorum.** The presence of Directors representing a majority of the Members and a majority of the total number of voting units shall be necessary to constitute a quorum for the transaction of business.

**Section 9.03 Simple Majority Vote.** If a quorum is present, action by simple majority of voting units present and eligible to vote shall be the act of the Board, unless the act of a greater number is required by the Bylaws, the Contract, or applicable law.

**Section 9.04 Two-Thirds Vote.** If a quorum is present, two-thirds (2/3) majority of the voting units is required for the following actions:

- (a) Addition or withdrawal of territory or property, pursuant to Article 8 of the Bylaws, Article XI of this Contract, and Sections 73-25-6 and 73-25-17 of the Act;
- (b) Removal of Officers from the Board, pursuant to Article 10 of the Bylaws and Article VIII of this Contract;
- (c) Amendment of the Bylaws, pursuant to Section 15 of the Bylaws.
- (d) Amendments to this Contract, pursuant to Article IV of this Contract.

**Section 9.05 Budget.** The annual budget shall be passed by a simple majority of voting units.

The IGC adds the supermajority requirement to our votes on Officers, Bylaws, and the IGC itself. As noted earlier the IGC only requires a majority of the Directors to form a quorum and does not presently require a majority of Directors to take any action under 9.03. The failure to include the majority of Directors in section 9.04 conflicts with the statute on adding members or property and should be read as an additional requirement to those imposed by statute. Once again, the current abstention policy will effectively make it easier to get the 2/3 vote required for supermajority votes as long as the vote is not deemed to require an absolute majority.

### **Samples of Abstention/Recusal/Excusal Rules:**

At the request of the Board I reviewed the abstention rules of other public entities in New Mexico and related materials on Abstentions. The term "recusal" is often reserved for conflicts of interest. Excusal appears to be a term most often used to describe situations where the full body allows or requires a member to not vote where they would otherwise be required to vote. I was unable to locate specific rules for the Town of Taos, Taos County, Rio Arriba County, and Los Alamos County.

Here is a brief summary of how some others handle abstentions.

The 50 States have a variety of rules for their legislatures. New Mexico's rule is

Every senator shall vote on each question stated from the chair, unless he has a direct personal or pecuniary interest in the event of such question. If any senator refuses to vote, unless he is excused by the senate or unless he has such interest, his refusal shall be deemed a contempt of the senate. Senate Rule 7-5. A senator desiring to be excused from voting may, when his name is called, make a brief statement, not occupying over five minutes, explaining his reasons for desiring to be excused. Senate Rule 7-6.

Every member of the house shall vote on each question or motion coming up before the house when requested to do so by the speaker, unless excused by a majority vote of those members present. House Rule 7-5.

The full 50 State Table: Voting Recusal Provisions can be found at:

[file:///C:/Users/peterd/Desktop/50%20State%20Table\\_%20Voting%20Recusal%20Provisions.html](file:///C:/Users/peterd/Desktop/50%20State%20Table_%20Voting%20Recusal%20Provisions.html)

Santa Fe County

Santa Fe County has no general abstention policy. It does have a "Recusal/Excusal" rule for potential conflicts of interest and improper bias. The Recusal/Excusal rule was adopted as part of Ordinance 2011-9 and calls for Commissioners to explain why they do or do not believe they have a conflict and to decide for themselves on recusals. But the Commission can overrule the individual Commissioners and "Excuse" them from the proceeding if the Commission finds that the Commissioner has a conflict or bias.

City of Santa Fe:

**Policy on Abstention:**

1. If one or more Governing Body members abstain, then the abstentions (except for recusals or disqualifications due to conflicts of interest) shall be counted as "no" votes if the action being voted on is passage of an ordinance or resolution. If counting the abstention as a "no" vote results in a tie, then the motion fails.
2. If one or more Governing Body members abstain, and the action being voted on is other than the passage of an ordinance or resolution, then abstentions (except for recusals or disqualifications due to conflict of interest) shall be counted as acquiescence with the majority. If there is no majority because the vote is tied before the abstentions are taken into

account, then the abstentions shall not be counted at all and the motion fails.

3. A recusal or disqualification for conflict of interest purposes shall not be counted as a "yes" or "no" vote.

The New Mexico Municipal League's Model Rules of Procedure are as follows:

- A. Each councilor in attendance must vote for or against all measures before the Governing Body, **unless there is a conflict of interest, for which abstention is recognized.** Such conflict of interest disclosure shall be recorded in the minutes.
- B. A member shall not explain his vote during voting, which would be the same as debate at such a time.
- C. Except for procedural matters, voting shall be by roll call and each councilor's vote shall be recorded in the minutes. Roll call votes shall be at random. Actions declared as procedural by the presiding officer may be decided by a show of hands or voice vote.

The State of New Mexico Public Education Commission uses "recusals" for conflicts of interest and "Abstentions" for not conflict of interests as follows:

Recusal. A Commissioner shall recuse himself or herself from the consideration and voting on any issue for which he or she has a pecuniary interest not common to other members of the Commission, or a conflict of interest or the appearance of a conflict of interest.

- a. A Commissioner who recuses him or herself shall not influence consideration of an item or decision making on an item. Therefore the Commissioner shall not participate in the discussion, questioning, or commenting on the item. The Commissioner shall leave the meeting room during all proceedings related to the item.
- b. A Commissioner who recuses him or herself shall not participate in voting on the item.

A Commissioner who does not have adequate information on which to judge the merits of a matter or who is simply unable to make a decision in the matter may abstain from voting.

- i. Although a member cannot be compelled to vote, abstentions generally should be the exception.
- ii. Any abstention shall be noted to the body. An abstention must be noted before any Commissioners begin voting. An explanation for the abstention can be given at the time the Commissioner indicates the abstention.
- iii. **Abstentions shall not be counted in the tally of the vote unless the vote requires approval based on the number of the entire body.**

A wide variety of approaches are utilized by local bodies. For example, in Washington State here are four different approaches by four cities:

- **Issaquah** does not permit abstentions unless a councilmember has an obvious conflict of interest or appearance of fairness issue involving the matter. Unless there is such a legal disqualification, the

member is excused from voting only by majority vote of the council. Absent a valid disqualification, a member not voting is counted as voting "yes." See Issaquah Municipal Code [Sec. 2.06.110](#).

- The **Poulsbo** City Council allows abstentions only where the member is disqualified for a conflict of interest or under the appearance of fairness doctrine. Members may also be granted leave to abstain by the council if they provide a stated reason for their abstention. Absent a valid disqualification, an abstention is counted as a "yes." If the vote of a disqualified councilmember is necessary for the council to be able to take action, then in some circumstances the councilmember can still vote. See Poulsbo City Council Rules of Procedure, [Rule 5.3](#).
- The **Port Townsend** City Council follows *Robert's Rules*, with some exceptions. Councilmembers must vote on matters unless the council moves to excuse a member for "special stated reasons." A member who is not excused from voting and who does not vote is counted as a "no" vote. See City of Port Townsend City Council Rules of Procedure, [Rule 3.6](#).
- The **Shoreline** City Council counts a member's silence as a "yes" vote. If a member abstains, it shall be recorded as an abstention and not included in the vote tally. See City of Shoreline City Council Rules of Procedure, [Rule 7.16](#).

It is noteworthy that many local bodies do require an absolute majority for Resolutions:

In addition, to pass an ordinance or resolution you must have enough members voting in the affirmative to constitute a majority of all members of the governing body. In a mayor-council municipality, since the mayor may vote only in case of a tie, if you had to count the mayor to achieve a bare quorum you will not be able to pass an ordinance or resolution at that meeting.

New Mexico Municipal League's Guidance on "Governing Body Meetings."

The absolute majority requirement is relevant to any discussion of abstentions because where there is an absolute majority requirement an abstention is always effectively a "no" vote due to the fact that it reduces the number of Directors and voting units available to support the proposition.

### **Analysis of Abstentions:**

There has been a recent trend to reconsider traditional assumptions about abstentions. In two Law Review Articles I read the Author concludes that abstentions are misunderstood and that even Robert's Rules of Order has mistakenly discounted the actual impact of abstentions. The authors identify some false assumptions and counterintuitive results of abstention. The primary false assumption is that abstentions are neutral. The counterintuitive impact of abstentions is that abstaining has the same effect as casting a vote in favor of the proposition weighted at the level of the quota.

One key to understanding the impact of abstentions is to recognize the difference between "absolute quotas" versus "relative quotas." An absolute quota would be a requirement that 9 of the Board's 16 members approve a proposition. A relative quote would be a requirement

that a majority of those present and voting such as 5 of the 9 members required to form a quorum approve a proposition. In an absolute quota system abstentions are less of a problem because they generally have the impact of a straight "no" vote. But in a relative quota system they do not have such a simple impact.

Abstentions are NOT neutral in a super-majority context and they actually favor the proposition. In other words an abstention on a vote requiring a two thirds majority is weighted 2/3 in favor of the proposition even though the supermajority requirement is generally intended to make it harder to approve important decisions.

*Robert's Rules of Order Newly Revised*, along with its brief guide and online resources, gives quite a bit of guidance on the subject of abstentions. With respect to withholding a vote in situations with an absolute quota (generally disfavored by *Robert's Rules*),<sup>79</sup> it accurately notes that such an abstention functions as a vote against the proposition.<sup>80</sup> The rest of its advice about abstentions assumes they are made in the more favored relative quota situations, and complies with the commonplace understanding that abstentions are *neutral* with respect to outcome. For example, members with are counseled to abstain on questions in which they have a direct personal or pecuniary interest.<sup>81</sup> This advice wouldn't make sense if the abstention were thought to affect the outcome. More straightforwardly, and more troubling, *Robert's Rules of Order* supplementary guides advise that, for all relative quotas, abstentions have *no effect* on the outcome. Take, for example, the manual's advice when it comes to the all important step when the chair puts a question to the group: "Most motions require a majority of those present and voting to pass. Some require a two-thirds vote. (Abstentions—instances in which members who are present do not vote—are not counted and *have no effect on the result.*)"<sup>82</sup> The online guide contains similar advice, noting that "abstentions *have absolutely no effect on the outcome of the vote* since what is required is either a majority or two thirds of the votes cast."<sup>83</sup> This advice, as we now know, is wrong.

"Sins of Omission; Abstention in Democratic Institutions", Grant M. Hayden, pp. 437-438, *University of Illinois Law Review*, Vol. 2016, March 15, 2016.

The author goes on to conclude that:

The counterintuitive effects of abstention are real-world features of democratic decisionmaking. When voters fall victim, they vote, or fail to vote, against their best interests (by their own measures). When this happens to legislators, it can, of course, have an immediate effect on the course of the law. But more troubling is the fact that the procedures of hundreds of thousands of "ordinary societies," many of which have significant influence over the lives of their members, are vulnerable. ... Abstaining, then, carries with it real legal consequences that are often at odds with the intentions of many voters. These counterintuitive effects of withholding votes are exacerbated by the lack of competent guidance about the consequences of abstaining in many

common situations. **Indeed, the American bible of parliamentary procedure, *Robert's Rules of Order*, gives mistaken advice about the effect of abstention in some of the most significant decisions that may be made under the rules.** While there are not any voting procedures immune from all of the perverse effects of abstention, voters need to be aware of the possibilities to avoid being taken by surprise. Consider this Article the first attempt to remedy that situation. (emphasis added)

Id. at p.443.

One potential solution to this problem is to count abstentions as splitting the vote (and in the NCRTD's case the Voting Units) evenly so that the abstention is truly neutral as to the proposition.

### **Recommendation:**

The scholarly articles recommend the following:

Changing the reality of how abstentions are counted is also a possibility. The most straightforward way to do so would be to adopt procedures that count abstentions as equally splitting the weight of one's potential vote among the alternatives. This would ensure that a potential voter's indifference-whether honest, feigned in favor of some other value, or forced by a conflict of interest-is appropriately weighted in the outcome. This would allow us to avoid the kind of anomalous situations that occur, for example, at the intersection of supermajority requirements and conflict-of-interest rules. It makes absolutely no sense for a voter with a conflict of interest in a matter that requires supermajority approval to effectively cast a weighted vote in favor of his own position. A simple adjustment of the way abstentions are weighted in the outcome would align the perceived and actual effect of withholding your vote.

Grant M. Hayden, *Abstention: The Unexpected Power of Withholding Your Vote*, 43 Conn. L. Rev. 585 (2010)  
Available at: [https://scholarlycommons.law.hofstra.edu/faculty\\_scholarship/560](https://scholarlycommons.law.hofstra.edu/faculty_scholarship/560)

Staff will defer to the board on how to best deal with abstentions. They can count as a yes vote, a no vote, or as concurring with the majority. They can be permitted, permitted by a vote, or prohibited. The board could use recusals and excusals for conflicts of interest cases or just allow or required affirmative disclosures. As the analysis above shows, many entities take many different approaches to abstention and the impacts are different depending upon the voting requirements.

Staff recommends that the Finance Committee discuss specific concerns and establish a specific goal for the Abstention rule. There may need to be different rules for different types of votes rather than a single catch all rule.

Scenarios that should be considered are:

1. How to handle conflicts of interest or impermissible bias by Directors before or during a vote.
2. How to handle supermajority votes where abstention helps achieve the supermajority.
3. Which if any of the Board's votes should be subject to an absolute majority requirement that effectively makes abstention and automatic no vote.

## Robert's Rules of Order Newly Revised<sup>[edit]</sup>

<b>Reconsider (RONR)</b>	
<b><u>Class</u></b>	<u>Motion that brings a question again before the assembly</u>
<b><u>In order when another has the floor?</u></b>	When another <i>has been assigned</i> the floor, but not after he has begun to speak
<b><u>Requires second?</u></b>	Yes
<b><u>Debatable?</u></b>	If motion to be reconsidered is debatable, in which case debate can go into that question
<b>May be reconsidered?</b>	No
<b><u>Amendable?</u></b>	No
<b><u>Vote required</u></b>	Majority

A matter that was voted on could be brought back again through the motion to **reconsider**. Under *Robert's Rules of Order Newly Revised* (RONR), this motion must be made within a limited time after the action on the original motion: either on the same day or in the case of a multi-day session (such as a convention), on the next day within the session in which business is conducted.<sup>[3]</sup>

Until the motion to reconsider is disposed of or lapses, the effect of the original vote is suspended, and no action may be taken to implement it.<sup>[4]</sup> This is in contrast to the motion to rescind, which may be made at any later meeting, but until passed, has no effect on the original decision.

The motion to reconsider may be made only by a member who voted on the prevailing side in the original vote (such as someone who voted "yes" if the motion had passed or voted "no" if the motion was defeated).<sup>[1]</sup> If another member disputes an assertion by the maker of the motion to reconsider that he voted on the prevailing side, the member moving to reconsider is to be believed unless the record of a roll call vote says otherwise.<sup>[5]</sup>

The motion to reconsider is debatable to the extent that the motion being reconsidered is debatable.<sup>[6]</sup>

The making of the motion to reconsider takes precedence over all other motions and yields to nothing.<sup>[7]</sup> It is not, however, considered at the time it is made if other business is pending, and the

timing of its consideration depends on the ranking of the motion that led to the vote to be reconsidered.<sup>[8]</sup> If it could not be considered at the time, a member could call up the motion to reconsider when it is appropriate to do so.<sup>[9]</sup>

## Standard Code of Parliamentary Procedure<sup>[edit]</sup>

The [Standard Code of Parliamentary Procedure](#) (TSC) treats the motion to reconsider differently in the following ways. This motion could be made by any member (not just one who voted on the prevailing side).<sup>[10]</sup> It is debatable only as to the reasons for reconsideration, and the original motion is opened for debate only if the motion for reconsideration passes.<sup>[11]</sup> Only votes on [main motions](#) may be reconsidered (not secondary motions).<sup>[12]</sup> If made while other business is pending, the motion to reconsider is taken up as soon as the other business is disposed of (it does not wait for someone to call up the motion).<sup>[13]</sup>

## Legislative use<sup>[edit]</sup>

In American legislative bodies, there is a strong tradition of affirming the right to reconsider with almost no restrictions.<sup>[14]</sup> As with the case in other assemblies, reconsideration is not allowed if another motion would accomplish the result more directly (e.g. [take from the table](#) instead of reconsidering the motion to [lay on the table](#)). It is also not possible to reconsider if vested rights have been acquired as a result of the action, or the subject is otherwise beyond the control or out of reach of the body taking the original action.<sup>[15]</sup>

[Mason's Manual of Legislative Procedure](#) states that there are no time limits with the motion to reconsider other than the practical limits of the item being within the reach of the assembly.<sup>[16]</sup>

The rules in these bodies may provide that any member can make the motion to reconsider, not just someone who voted on the prevailing side (such as [California Senate](#) Rule No. 43 and [New York Senate](#) Rule No. VI).<sup>[17][18]</sup>

Mason's Manual permits a member to give notice of the motion to reconsider.<sup>[19]</sup>

In the U.S. Congress, there are specific limits to the motion to reconsider.<sup>[20]</sup> In addition, a custom that is followed in this body is that following a vote, the Speaker or [Speaker pro tempore](#) (in the [US House of Representatives](#)) or President or [Acting President pro tempore](#) (in the [US Senate](#)) typically announces that, "without objection, a motion to reconsider is laid on the table."<sup>[21]</sup> Although no motion to reconsider (or to table) have actually been made, the making of this statement (unless there is objection) precludes the making of a future motion for reconsideration and makes the vote final.

## Reconsider and enter on the minutes<sup>[edit]</sup>

The motion to **reconsider and enter on the minutes** is a special form of the motion to reconsider that automatically halts a passed motion from taking effect until it is called up at another meeting, which cannot be held on the same day.<sup>[22]</sup> Its purpose is to delay a temporary majority from taking action on a measure until there is time to notify absent members.<sup>[23][24]</sup>

This motion is needed in large societies with frequent meetings and small quorums. For example, at a long meeting, many members may have left, leaving a quorum consisting mostly of a group determined to take certain action. In this case, this motion prevents the vote on that action from becoming final.<sup>[23]</sup>

This motion cannot be applied to motions whose object would be defeated by the delay.<sup>[23]</sup>

Demeter's Manual notes, "If the motion to reconsider and enter a question is not called up before adjournment of the next meeting, the objectionable act then goes into effect upon adjournment. To reconsider and enter is out of order when its purpose is obviously [dilatatory](#)."<sup>[25]</sup> It is allowed to withdraw the motion to reconsider and enter before the end of the meeting in which it is made.

[The Standard Code of Parliamentary Procedure](#) does not have this motion.<sup>[26]</sup>



**Agenda Report**  
**NCRTD Board of Directors Meeting**  
**Meeting Date: December 7, 2018**

**Agenda Item - D**

**Title:** Discussion and Consideration of Resolution 2018-35 Demonstrating North Central Regional Transit District (NCRTD) Board Support of NCRTD-member Tribal Communities' Concerns Regarding the Federal Tribal Technical Assistance Program, its Current Administration and Recent Changes in Delivery.

**Prepared By:** Stacey McGuire, Planning, Projects & Grants Manager

**Summary:** At the October 18, 2018 Tribal Subcommittee meeting that occurred in Ohkay Owingeh Pueblo, Tribal Subcommittee Vice Chair Christy Van Buren provided an update of the Federal Tribal Technical Assistance Program (TTAP). The overview highlighted recent changes to the TTAP administration, a decrease in quality of training and support being provided, and the overarching impacts to Tribal communities as a result of current TTAP administration and its diminished level of support and consultation being provided.

**Background:** The Federal TTAP is in place to provide technical support to Tribes relating to a variety of areas, including roadway and infrastructure. Historically, TTAP was provided on a regional and local level, with training and support most often offered through face-to-face or hands-on interaction. Recent changes to the Federal TTAP have resulted in a more national approach to providing services, with less hands-on training options, and more tele-training or webinars. As a result of this "deregionalization" approach, New Mexico Tribes are forced to seek out alternative training options, often through programs that are not Tribally-focused (such as LTAP, the Local Technical Assistance Program). At the November NCRTD Board meeting, Tribal Subcommittee Chair Charlie Dorame briefed the NCRTD Board on the topic and asked that the discussion be brought back to the December NCRTD Board meeting.

As Tribal Transportation Program Coordinating Committee Secretary, Ohkay Owingeh Pueblo representative Christy Van Buren has been deeply involved in the local and Federal-level discussions regarding the current TTAP and its administration. I ask that she provide additional overview on TTAP, the recent changes, and the impacts to the Tribes. (Handout of TTPCC and TTAP overview which was shared at NCRTD Tribal Subcommittee)

**Recommended Action:** It is recommended that the Board consider adoption of Resolution 2018-35, which demonstrates the North Central Regional Transit District's Board of Directors support of its Tribal-member communities and the importance of appropriate technical support to allow for Tribes to fully participate in the betterment of their respective communities and regions.

**Options/Alternatives:**

- Board adopts Resolution 2018-35 To Demonstrate NCRTD Board Support of NCRTD-member Tribal Communities' Concerns Regarding the Federal Tribal Technical Assistance Program, its Current Administration and recent changes in delivery; or
- Direct Staff to work with NCRTD Tribal-member communities to identify opportunities to gain technical assistance through other avenues than TTAP; or
- Take no action at this time.

**Fiscal Impact:**

No fiscal impact is anticipated.

**Attachments:**

- Resolution No. 2018-35



**North Central Regional Transit District  
Resolution 2018-35**

**DEMONSTRATING NORTH CENTRAL REGIONAL TRANSIT DISTRICT  
(NCRTD) BOARD SUPPORT OF NCRTD-MEMBER TRIBAL COMMUNITIES'  
CONCERNS REGARDING THE FEDERAL TRIBAL TECHNICAL  
ASSISTANCE PROGRAM, ITS CURRENT ADMINISTRATION AND RECENT  
CHANGES IN DELIVERY**

**WHEREAS**, NCRTD Tribal-member communities provide a valuable contribution to the cultural, economic, and transportation landscapes of north central New Mexico; and

**WHEREAS**, the North Central Regional Transit District Board of Directors recognizes the importance of technical support, in particular in rural areas and Tribal communities; and

**WHEREAS**, the NCRTD Board understands the general impacts of lack of technical support potentially resulting in inadequate roadway maintenance and the trickle-down implications to public transit.

**NOW, THEREFORE, BE IT RESOLVED** by the NCRTD Board that it supports its Tribal-member communities' concerns regarding the Federal Tribal Technical Assistance Program (TTAP), its current administration and recent changes in delivery.

**PASSED, APPROVED AND ADOPTED BY THE GOVERNING BODY OF  
THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT ON THIS 7th DAY  
OF DECEMBER, 2018.**

\_\_\_\_\_  
Daniel Barrone, Chairman

Approved as to form:

\_\_\_\_\_  
Peter Dwyer, Counsel



**Agenda Report**  
**NCRTD Board of Directors Meeting**  
**Meeting Date: December 7, 2018**

**Agenda Item - E**

**Title:** Discussion and Consideration of a Resolution No. 2018-36 for Adoption of an Amended North Central Regional Transit District (NCRTD) Public Records Request Policy

**Prepared By:** Peter A. Dwyer, Legal Counsel

**Summary:** Inspection of Public records are a required function of the District. The legislation requiring inspection is contained primarily in The New Mexico Inspection of Public Records Act (hereinafter the "Act"); NMSA 1978, Sections 14-2-1 et seq. In order to administer this function, the District has a policy that guides the staff on how to properly comply with the law and honor record requests.

**Background:** The Act has been modified over time to accommodate some of the requirements of the modern information age. The Act has not been comprehensively updated and still lacks guidance on many specific issues. This has led to litigation regarding the nature of public records, compliance requirements and administrative functions including the collection of fees. Specifically, recent court decisions have imposed per day penalties on late requests to encourage prompt and comprehensive responses and barred public entities from charging page based fees for reproduction of electronic records. The attached revised Policy takes account of these changes and attempts to address the current requirements for compliance.

Uncertainty still remains as to certain issues such as what is deemed public data, how much manipulation of public data and records is permitted or required and whether fees and charges are permitted or even potentially required for proprietary data created or managed by the District.

The attached policy follows the Attorney General's guidance on "reasonable" charges for hard records. It acknowledges the limited exemptions for certain records under the Act and other laws and it generally adheres to the conservative principle that only charges for the media used, not for the costs associated with inspection and production, are to be charged. However, the Policy does leave room for the Executive Director to limit the use of District resources and property where expressly permitted by statute and to charge fees for the use of District data and databases.

The District has generally accommodated records requests by providing electronic copies of records at no cost. The "copying" costs of data remain disputed so the attached policy charges only for the CD, Tape, or Dropbox cost associated with the transmission of the electronic "copy" of the record. The prior policy provided for the assessment of costs associated with photocopying, scanning, legal review and related services which I deem suspect under the current law and ill advised. The District has not been charging these fees and the elimination of the fees should reduce legal exposure without impacting the District revenues.

**Recommended Action:** It is recommended that the Board adopt the attached Resolution and Policy. Subsequent modifications may be required or desirable based upon evolutions in the law and guidance from the Attorney General. However, the current policy does not appear to be advisable in light of the recent court decisions regarding fees, charges and penalties under the Act. Therefore, a change at the present time would mitigate potential liability of the District.

**Options/Alternatives:** The Board may consider the following options/alternatives:

1. Take no action and keep the current policy; or
2. Direct the Staff to conduct further research on the nature and extent of permissible charges on data and databases; or
3. Await training from the Attorney General anticipated to occur in March of 2019 prior to adoption of an amended policy; or
4. Provide further direction.

**Attachments:**

Resolution No. 2018- 36 and its exhibits



**North Central Regional Transit District (NCRTD)**

**Resolution No. 2018-36**

**ADOPTION OF AN AMENDED NCRTD PUBLIC RECORDS REQUEST POLICY**

**WHEREAS**, the New Mexico Inspection of Public Records Act (The Act) requires access to Public Records and recognizes such access as a fundamental right afforded in a democracy; and

**WHEREAS**, compliance with requests to inspect Public Records is an integral part of the routine duties of the officers and employees of the NCRTD; and

**WHEREAS**, the NCRTD Public Records Request Policy (Exhibit A) is intended to assist NCRTD personnel in dealing with requests for documents and information in a timely manner; and

**WHEREAS**, NCRTD wishes to address changes to The Act regarding requests for copies in electronic format; and

**WHEREAS**, the NCRTD desires to implement and move forward with an updated and amended policy.

**NOW THEREFORE BE IT RESOLVED THAT THE NCRTD PUBLIC RECORDS REQUEST POLICY IS APPROVED AND ADOPTED AS AMENDED AND ATTACHED HERETO AS EXHIBITS "A" THROUGH "D" ON THIS 7TH DAY OF DECEMBER, 2018.**

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Daniel Barrone, Chair

Approved as to form:

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Peter Dwyer, Counsel

## EXHIBIT A

### NCRTD ~~PUBLIC~~ PUBLIC RECORDS REQUEST POLICY

#### 1.0 PURPOSE:

- 1.1 The purpose of this policy is to ensure that all persons are entitled to the greatest possible information regarding the affairs of the NCRTD and the official acts of its ~~public~~ Public officers and employees. Providing persons with such information is an essential function of a representative government and an integral part of the routine duties of ~~public~~ Public officers and employees. The NCRTD shall be responsible for making available ~~public~~ Public ~~record~~ Records for inspection. The Purpose of this Policy is also to assist NCRTD personnel in dealing with requests for documents and information in a timely manner.

#### 2.0 APPLICABLE TO:

- 2.1 All NCRTD Departments, officers and employees.

#### 3.0 REFERENCES:

- 3.1 The New Mexico Inspection of ~~Public~~ Public ~~Record~~ Records Act (hereinafter the "Act"); NMSA 1978, Sections 14-2-1 et seq. ~~Chapter 14, Article 2 NMSA 1978.~~

#### 4.0 DEFINITIONS:

- 4.1 "Custodian" means ~~any person~~ the Executive Director or his/her designee who is responsible for the maintenance, care or keeping of ~~a public~~ the District's ~~public~~ Public ~~record~~ Records, regardless of whether the ~~record~~ Records are in that person's actual physical custody and control;
- 4.2 "File format" means the internal structure of an electronic file that defines the way it is stored and used;
- 4.3 "Inspect" means to review ~~all public~~ Public ~~record~~ Records that are not excluded under the Act in Section 14-2-1 NMSA 1978 as listed below:
- 4.4 ~~Right to inspect Public~~ Record ~~Records:~~ "Exemptions" Records or information means those Records or portions of Records exempted from the inspection requirements of the Act such as:-
- ~~Every person has the right to inspect public~~ Public ~~record~~ Records of the NCRTD ~~except:~~ (a) Records pertaining to physical or mental examinations and medical treatment of persons confined to an institution;
- (b) letters of reference concerning employment, licensing or permits;
- (c) letters or memoranda that are matters of opinion in personnel files or students' cumulative files;

(d) law enforcement Records that reveal confidential sources, methods, information or individuals accused but not charged with a crime. Law enforcement Records include evidence in any form received or compiled in connection with a criminal investigation or prosecution by a law enforcement or prosecuting agency, including inactive matters or closed investigations to the extent that they contain the information listed in this paragraph;

(e) as provided by the Confidential Materials Act [14-3A-1 and 14-3A-2 NMSA 1978];

(f) trade secrets, attorney-client privileged information and long-range or strategic business plans of Public hospitals discussed in a properly closed meeting;

(g) tactical response plans or procedures prepared for or by the state or a political subdivision of the state, the Publication of which could reveal specific vulnerabilities, risk assessments or tactical emergency security procedures that could be used to facilitate the planning or execution of a terrorist attack; and

(h) as otherwise provided by law

(i) redacted portions of Public Records to the extent redaction is permitted or required by the Act or by law including but not limited to the redaction of Protected Personal Identifier Information.

~~d) RecordRecords pertaining to physical or mental examinations and medical treatment of persons employed by the NCRTD;~~

~~d) Letters of reference concerning employment;~~

~~d) Letters or memorandums which are matters of opinion in personnel files.~~

~~d) As provided by the Confidential Materials Act~~

~~d) As otherwise provided by law~~

4.5 "Person" means any individual, corporation, partnership, firm, association or entity.

4.6

"Protected Personal Identifier Information" means:

(a) all but the last four digits of a:

(b) taxpayer identification number;

(c) financial account number; or

(d) driver's license number;

(e) all but the year of a person's date of birth; and

(f) a social security number;

4.10

4.11 ~~"PublicPublic Body" means the executive, legislative and judicial branches of state and local governments and all advisory boards, commissions, committees, agencies or entities created by the constitution or any branch of government that receives any publicPublic funding, including political subdivisions, special taxing districts, school districts and institutions of higher education; and~~

4.124.7 ~~"PublicPublic RecordRecords" or "Records" means all documents, papers, letters, books, maps, tapes, photographs, recordRecordings and other materials, regardless of~~

physical form or characteristics, that are used, created, received, maintained or held by or on behalf of the NCRTD and relate to publicPublic business, whether or not the recordRecords are required by law to be created or maintained that are not Exempt.

## 5.0 POLICY

- 5.1 It is the NCRTD's policy to comply with the New Mexico Inspection of PublicPublic RecordRecords Act regarding written requests to inspect and/or copy publicPublic recordRecords. The NCRTD shall strive to achieve openness and transparency of all NCRTD functions to the maximum extent permissible and consistent with all state and federal laws.

## 6.0 PROCEDURES:

- 6.1 All written requests for inspection of publicPublic recordRecords shall be filed in the RecordRecords Custodian's office. The RecordRecords Custodian shall serve as the Custodian of publicPublic recordRecords for the NCRTD. Written requests may be entered on a "Request for PublicPublic Information" form available at the NCRTD Office(s) or on the NCRTD website at [www.ncrtd.org](http://www.ncrtd.org) (Exhibit A.1)
- 6.2 A written request may be submitted on paper or electronically and the Custodian shall respond in the same medium in which the request was received. In addition Custodians may ~~also choose to~~ respond in any other medium they deem appropriate, but must also respond ~~to the initial request~~ in the same medium in which it was received. (See, The Act's Section 14-2-7 (B)).
- 6.3 Each written request shall provide the name, address and telephone number of the person seeking recordRecords and shall identify the recordRecords sought with reasonable particularity. Electronic requestors shall be responded to via either an e-mail or dropbox. The requestor is responsible for providing electronic contact information.
- ~~6.36.4~~ No person requesting recordRecords shall be required to state the reason for inspecting the recordRecords.
- ~~6.46.5~~ The NCRTD Custodian will notify ~~the originating department appropriate staff~~ of any recordRecord request and provide them with a copy to ensure they produce the responsive information in a timely fashion and are informed regarding the request for information.
- ~~6.56.6~~ The ~~originating department~~ staff contacted by the Custodian shall provide the publicPublic recordRecords to the Custodian immediately or as soon as is practicable under circumstances, but not later than ~~fifteen~~ twelve days after the date the written request was filed with the Custodian. If the recordRecords requested are too voluminous to provide to the Custodian, the Custodian will be informed of the location where they may be inspected. If the inspection is not permitted within three business days, the ~~originating department~~ staff contacted shall explain in writing to the Custodian when the recordRecords will be available for inspection or when the

NCRTD will respond to the request. (The three-day period shall not begin until the written request is delivered to the office of the Custodian). The written explanation shall be filed with the Custodian by noon (12:00 p.m.) on the third business day after the request for the inspection of publicPublic recordRecords was filed with the Custodian. The Custodian shall release the explanation to the requester.

6.66.7 If the Custodian determines that a written request is excessively burdensome or broad, an additional reasonable period of time shall be allowed to comply with the request. The Custodian shall provide written notification to the requester within fifteen days of receipt of the request that additional time will be needed to respond to the written request. The requester may deem the request denied and may pursue the remedies available pursuant to the Inspection of PublicPublic RecordRecords Act if the Custodian does not permit the recordRecords to be inspected in a reasonable period of time.

6.76.8 Requested publicPublic recordRecords containing information that is exempt and nonexempt from disclosure shall be separated by the Custodian prior to inspection, and the nonexempt information shall be made available for inspection. If necessary to preserve the integrity of computer data or the confidentiality of exempt information contained in a database, a partial printout of data containing publicPublic recordRecords or information may be furnished in lieu of an entire database. Exempt information in an electronic document shall be removed along with the corresponding metadata prior to disclosure by utilizing methods or redaction tools that prevent the recovery of exempt information from a redacted electronic document.

6.86.9 The ~~NCRTD may~~Custodian shall redact ~~pProtected pPersonal iIdentifier~~iInformation before providing a publicPublic recordRecord. The Custodian may seek the advise and counsel of the District's attorney as necessary for redactions. Personal identifier information is defined as: (1) a social security number; (2) all but the year of a person's birthdate; (3) all but the last four digits of a taxpayer identification number, financial account number or driver's license number.

6.96.10A Custodian shall provide a copy of a publicPublic recordRecord in electronic format if the publicPublic recordRecord is available in electronic format and an electronic copy is specifically requested. However, a Custodian is only required to provide the electronic recordRecord in the file format in which it exists at the time of the request.

6.106.11 Unless a written request has been determined to be excessively burdensome or broad, a written request for inspection of publicPublic recordRecords that has not been permitted within fifteen days of receipt by the office of the Custodian may be deemed denied. The person requesting the publicPublic recordRecords may pursue the remedies provided in the Inspection of PublicPublic RecordRecords Act.

6.10.16.11.1 If a written request has been denied, the Custodian shall provide requester with a written explanation of the denial. The written denial shall:

- a) Describe the ~~record~~Records sought;
- b) Set forth the names and titles or positions of each person responsible for the denial; and
- c) Be delivered or mailed to the person requesting the ~~record~~Records within fifteen days after the request for inspection was received.

~~6.11~~6.12 If the ~~public~~Public ~~record~~Record is located at an offsite location, the ~~Record~~Records Custodian for the NCRTD shall request and locate the ~~record~~Record from the offsite storage location as soon as possible, following existing procedures for withdrawal of ~~record~~Records.

~~6.12~~6.13 NCRTD originals or best copy documents shall not be physically released to anyone outside the NCRTD. The NCRTD ~~record~~Records Custodian shall issue verified, certified copies of any and all documents in the NCRTD's custody upon written request for ~~record~~Records or subpoenas.

~~6.13~~6.14 The Custodian shall provide copies of ~~public~~Public ~~record~~Records upon request with a reasonable cost charged for reproduction. The copy fees are listed in Exhibit A.2

~~6.14~~6.15 When producing documents in electronic format the Custodian can charge a requester the actual costs ~~associated with downloading copies of public~~Public ~~record~~Records ~~to a storage device and the actual cost~~ of the storage device, including the actual cost of the computer disk or storage device. ~~Standard per-side copy fees include up to 15 minutes of staff time to retrieve the record~~Records ~~and all photocopying/scanning. If the request requires additional staff time, research, or attorney review, additional labor fees will be charged. Labor fees are based on the actual cost of the employee performing the work, which includes hourly payroll rate, benefits, and overhead. Work to which the standard per side copy fees cannot be applied will be charged on the basis of actual cost.~~

~~6.15~~6.16 Any document to be provided in electronic format ~~shall~~may be converted into a PDF file format by the Custodian prior to release ~~and may be stamped or marked to indicate the authenticity or status of the document including whether the document is a draft and whether the document is current or outdated.~~

~~6.16~~6.17 Nothing in this section regarding the provision of ~~public~~Public data in electronic format shall limit the ability of the Custodian to engage in the sale of data as authorized by ~~NMSA 1978, Section 14-3-15.1~~NMSA—1978, including imposing reasonable restrictions on the use of the database and the payment of a royalty or other consideration.

~~6.17~~6.18 All responses to requests for electronic copies in draft stage shall carry the following disclaimer: "Documents produced in response to ~~public~~Public ~~record~~Records request may be altered subsequent to production particularly when in electronic format. Draft documents may be inaccurate, may have incorrect or misleading information, may not state the policies, positions or conclusions of

senior management or the NCRTD board and are subject to change subsequent to inspection or production. Draft documents should not be ~~relied~~ upon as representations by the NCRTD or its agents as to any fact or conclusion and are not reliable sources of accurate information."

**EXHIBIT B**

**NCRTD REQUEST FOR ~~PUBLIC~~PUBLIC RECORD~~RECORDS~~**

In accordance with NMSA 1978, Section 14.-2.-.1 ~~NMSA 1978~~, as amended, I would like to inspect and/or copy the following documents: (please list ~~record~~Records with reasonable particularity)

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I promise to pay ~~copying~~ charges as listed in the attached Copy Fee Schedule. If the ~~copying~~ charges will exceed \$ \_\_\_\_\_ please call me to discuss. I understand that payment is due at, or before, the time of receipt of any the copies requested. A receipt shall be provided upon request.

Public ~~record~~Records will be available from 8:00 a.m. to 5:00 p.m. on normal business days. Original ~~record~~Records may not be removed from the NCRTD offices.

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Name of Requester \_\_\_\_\_ Date \_\_\_\_\_

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Signature \_\_\_\_\_ Telephone Number \_\_\_\_\_

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Address \_\_\_\_\_ E-mail Address \_\_\_\_\_

**FOR DEPARTMENT USE ONLY**

<p>The request to inspect <u>public</u> <del>Public</del> <u>Record</u><del>Records</del> is:</p> <p>Approved _____</p> <p>Disapproved for the following reason(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p>3 Day Deadline _____</p> <p>15 Day Deadline _____</p> <p>Date Completed _____</p> <p>No. of Copies _____</p> <p>Cost _____</p> <p>Receipt No. _____</p>
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EXHIBIT C

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COPY-FEE SCHEDULE FOR PUBLIC RECORDS

PHYSICAL RECORDS

<u>11" x 17" copies or smaller</u>	Color or b&w , one side only <del>Two-sided copies</del>	\$ <del>1.01</del> <u>1.00</u> per page \$1.50 per page
<u>11" x 17" or larger</u>	Maps, drawings, documents	\$ <del>1.50</del> <u>1.25</u> per <u>pagesq-foot</u>

Free Copies

Each request is entitled to fifteen copies at no charge per calendar year for documents 11" x 17" in size of smaller.

Faxes

\$1.00 per page

Scan Fee

\$1.00 per page

US Postal Services

Actual costs incurred

Documents on CD/DVD

\$~~6.75~~3.00 per CD/DVD

Audio Tapes

\$2.75 per tape

ELECTRONIC

RECORDSTRANSMITTAL

Documents NOT in electronic format

\$1.00 per page

Documents ~~already saved~~ in electronic format

No charge for documents that can be sent in a single e-mail (currently about 20MB)

up to 1MB

Dropbox Charges Documents that cannot be sent in a single e-mail will be delivered to a dropbox for pickup by the requestor. The fee for these requests shall be any fee incurred by the District for the Dropbox.

~~(Documents that collectively total more than 1MB must be downloaded to a non-rewritable CD/DVD)~~

Free Copies

~~Each request is entitled to fifteen copies at no charge per calendar year for documents 11" x 17" in size or smaller.~~

~~Access to, and use of District data and databases may be restricted pursuant to NMSA 1978, Section 14-3-15.1. In the event that a requester seeks access to or use of District data the Executive Director is authorized to establish and impose such restrictions on use, fees and charges as the Executive Director deems reasonable and proper based upon the nature and extent of the request. Standard per side copy fees include up to 15 minutes of staff time to retrieve the recordRecords and all photocopying/scanning. If the request requires additional staff time, research, or attorney review, additional labor fees will be charged. Labor fees are based on the actual cost of the employee performing the work, which includes hourly payroll rate, benefits, and overhead. Work to which the standard per side copy fees cannot be applied will be charged on the basis actual cost (NCRTD PublicRecordRecords Request Policy Section 6.14).~~

## EXHIBIT D

NOTICE OF RIGHT TO INSPECT PUBLIC PUBLIC RECORD RECORDS

By law, under the New Mexico Inspection of Public Public Record Records Act (Act), every person has the right to inspect public Public record Records of the North Central Regional Transit District (NCRTD). The Act also makes compliance with requests to inspect public Public record Records an integral part of the routine duties of the officers and employees of the NCRTD.

**Procedures for Requesting Inspection.** Requests to inspect public Public record Records should be submitted to the record Records Custodian (public Public Information Officer) located at 1327 N. Riverside Drive, Espanola, NM 87532, 3600 Rodeo Lane, Suite, B-6, Santa Fe, New Mexico, 87507, by calling 505-438-3257 or faxing request to 505-438-0351 or by email to [jimm@ncrtd.org](mailto:jimm@ncrtd.org)

A person desiring to inspect public Public record Records may submit a request to the record Records Custodian orally or in writing. However, the procedures and penalties prescribed in the Act apply only to written requests. A written request must contain the name, address and telephone number of the person making the request. Written requests may be submitted in person or sent via US mail, email or facsimile. The request must describe the record Records sought in sufficient detail to enable the record Records Custodian to identify and locate the requested record Records.

The record Records Custodian must permit inspection immediately or as soon as practicable; but no later than 15 calendar days after the record Records Custodian receives the inspection request. If inspection is not permitted within three business days, the person making the request will receive a response, in the format by which it was received, explaining when the record Records will be available for inspection or when the public Public body will respond to the request. If any of the record Records sought are not available for public Public inspection, the person making the request is entitled to a response from the record Records Custodian explaining why the reasons inspection has been denied. Generally, the written denial shall be delivered in the format by which it was originally received and/or mailed within 15 calendar days after the record Records Custodian received the request for inspection. Some burdensome requests may take additional time and the Custodian will provide notice if the request is deemed burdensome pursuant to the District's then current Public Records Request Policy.

Procedures for Requesting Copies and Fees. If a person requesting inspection would like a copy of a public record, a reasonable fee may be charged. The fee for documents eleven inches by 17 inches or smaller is up to \$1.00 per page per NCRTD fee schedule. Fees to print larger documents as well as other fees for copies are set forth in the NCRTD Public Records Request Policy (Exhibit C). Payment is due at, or before, the time of receipt of the copies requested. A receipt indicating that the fees have been paid for making copies of public records will be provided upon request to the person requesting the copies.



**Agenda Report**  
**NCRTD Board of Directors Meeting**  
**Meeting Date: December 7, 2018**  
**Agenda Item F**

**Title:** Discussion and Possible Action on a Memorandum of Agreement (MOA) between Santa Fe County (County) and the North Central Regional Transit District (District) for Funding of the Mountain Trail Route

**Prepared By:** Anthony J. Mortillaro, Executive Director

**Summary:** The attached MOA between the County and District provides the terms and conditions related to the County's contribution towards continued funding of the Mountain Trail Route. The agreement provides a contribution of \$25,172.00 (which is the same amount contributed previously) and a description of the services to be performed by the District. It is anticipated that the Santa Fe County Commission will approve the MOA again this year.

**Background:**

In April 2017, the Board authorized the Mountain Trail Route as year-round service. For the Pilot season (September 2015 through June 2016), the service transported 4,597 riders. For July 2016 through June 2017, the Mountain Trail Route transported 5,917 riders. For July 2017 through June 2018 it transported 4,546 riders. The ridership for FY 2018 was impacted by a lack of snow as well as closure of the route in June 2018 due to the closure of the Santa Fe National forest because of fire risks related to very dry conditions.

**Recommended Action:** Staff recommends approval of the MOA between the County and District for continued funding of the Mountain Trail Route.

**Options/Alternatives:**

1. Take no action; or
2. adopt the recommendation, (recommended); or
3. amend, modify or reject the recommendation and provide direction to staff.

**Fiscal Impact:** The costs and anticipated revenues from Mountain Trail Route was incorporated into the FY 19 budget. Rio Metro Regional Transit District has committed to \$15,000, and the City of Santa Fe and Santa Fe County respectively have authorized a contribution of \$25,000 each. The NCRTD would contribute \$128,055 of Regional Transit GRT as well as the use of its current vehicles. In addition, the District is allocating 5307 funds (Small Urban) in the amount of \$75,188 as additional funding for this route as well as the fares that are collected. As of this date Ski Santa Fe has not indicated if it will be contributing \$15,000 in cash, however it appears that it is providing

a \$5 discount on the lift ticket for every person that utilizes transit to arrive at Ski Santa Fe, as it has in the past.

**Attachments:**

- Memorandum of Agreement

**MEMORANDUM OF AGREEMENT  
BETWEEN SANTA FE COUNTY  
AND THE  
NORTH CENTRAL REGIONAL TRANSIT DISTRICT  
TO PROVIDE FOR CONTRIBUTION OF FUNDING FOR  
THE MOUNTAIN TRAIL ROUTE**

**THIS MEMORANDUM OF AGREEMENT** (hereinafter referred to as the “Agreement”) is entered into on this \_\_\_ day of \_\_\_\_\_ 2018, by and between Santa Fe County (hereinafter the “County”), a political subdivision of the state of New Mexico, and the North Central Regional Transit District (hereinafter “NCRTD”), a political subdivision of the state of New Mexico created pursuant to NMSA 1978, Section 73-25-1, et seq.

**RECITALS**

**WHEREAS**, this Agreement confirms the parties’ commitment and mutual cooperation on regional transit routes; and

**WHEREAS**, pursuant to the authority in NMSA 1978, Section 73-25-1, et seq., the Regional Transit District Act (the Act) the NCRTD is authorized to finance, construct, operate, maintain and promote an efficient sustainable transportation system; and

**WHEREAS**, in 2015 the County and NCRTD entered into a Memorandum of Understanding to support the launch, on a trial basis, of NCRTD’s new “Mountain Trail Route;” and

**WHEREAS**, the Mountain Trail Route provides transit service from the City of Santa Fe to the area at the North end of Hyde Park Road; and

**WHEREAS**, the Mountain Trail Route was successfully launched but still requires further adaptation and modification to optimize service; and

**WHEREAS**, the NCRTD wishes to continue to operate the Mountain Trail Route as a premium service that benefits the citizens of Santa Fe County; and

**WHEREAS**, continued operation of the Mountain Trail Route requires financial contribution and support beyond the NCRTD’s current revenue and the County wishes to contribute funding to the NCRTD for the NCRTD’s continued operation of the Mountain Trail Route; and

**WHEREAS**, the County will contribute funds to the NCRTD for the continued operation of the Mountain Trail Route in accordance with the terms and conditions of this Agreement.

**NOW, THEREFORE, IT IS MUTUALLY AGREED BETWEEN THE PARTIES AS FOLLOWS:**

**1. SCOPE OF AGREEMENT**

A. The NCRTD will:

- (1) Operate the Mountain Trail Route in accordance with NCRTD's standards, procedures and policies.
- (2) Expend any funding received from the County under this Agreement solely and exclusively for the operation of the Mountain Trail Route.
- (3) Further develop, refine and implement year round transit services for a non-winter schedule (commences the day following the close of Ski Santa Fe and concludes the day prior to its opening) and a Winter schedule (effective Thanksgiving Day or upon the opening of Ski Santa Fe through April 2 or the closing of Ski Santa Fe) with 7-day a week service for the Mountain Trail Route. Nothing in this Agreement shall limit NCRTD's ability to amend the route, dates of operation, hours of operation, or service levels depending on the availability of funding, the viability and safety of the Mountain Trail Route and other criteria as determined by NCRTD. NCRTD shall provide the County with 15 days advance written notice of any such changes in the route, dates of operation, hours of operation, or service levels.

B. The County will provide economic development funds in the amount of \$25,172.00 in FY 2019. The transfer of these funds to the NCRTD will be completed no later than December 31, 2018.

**2. EXCESSIVE FUNDS**

The contribution of funds under this Agreement shall not foreclose the right of the County to recover excessive payment in the event Contractor permanently terminates the operation of the Mountain Trail Route during the term of this Agreement or otherwise breaches this Agreement.

**3. EFFECTIVE DATE AND TERM; FUNDING CONTRIBUTION**

This Agreement shall become effective upon the date of last signature by the parties and shall terminate December 31, 2019 unless terminated earlier pursuant to Section 4 (Termination) or Section 14 (Appropriations and Authorizations). The parties have the option to mutually agree to extend the term of this Agreement.

If the amount of the contribution stated in 1.B (1) above increases or decreases during the term of this Agreement, the change contribution shall be acknowledged by the parties by an amendment to this Agreement.

#### **4. TERMINATION**

This Agreement may be terminated by either party upon written notice delivered to the other party at least 30 days prior to the intended date of termination. Upon termination of this Agreement, any unmatched and unexpended funds that were contributed by the County under this Agreement shall be returned by NCRTD to the County.

#### **5. ASSIGNMENT**

Neither party shall assign or transfer any interest in this Agreement or assign any claims for money due or to become due under this Agreement without the prior written approval of the other party.

#### **6. NO THIRD-PARTY BENEFICIARIES**

The NCRTD and the County are the only parties to this Agreement. Nothing in this Agreement provides any benefit or right, directly or indirectly, to third parties. This Agreement was not intended to and does not create any rights in any persons or party not a party to this Agreement. The parties shall cooperate fully in opposing any attempt by any third person or entity to claim any right, benefit, protection, release, or other consideration under this Agreement.

#### **7. LIABILITY**

Each party shall be solely responsible for fiscal or other sanctions occasioned as a result of its own violation or alleged violation of requirements or terms or conditions of this Agreement. Each party shall be liable for its own actions in accordance with this Agreement. Neither party shall be responsible for liability incurred as a result of the other party's negligence, acts or omissions in connection with this Agreement. Any liability incurred by the County or NCRTD in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, § 41-4-1, et seq.

#### **8. NO WAIVER OF IMMUNITIES, DEFENSES OR PROTECTIONS**

Nothing in this Agreement waives or alters any immunities, defenses or protections provided to the County or NCRTD, and their respective employees, agents, commissioners, board members, or officers. No provision of this Agreement shall be deemed a waiver of immunity, an agreement to indemnify the other party, or to create or effect liabilities between the parties.

#### **9. NEW MEXICO TORT CLAIMS ACT**

No provision of this Agreement modifies or waives any sovereign immunity or limitation of liability applicable to the County or NCRTD and their respective employees, agents,

board members, or commissioners or at common law or under the New Mexico Tort Claims Act, NMSA 1978, § 41-4-1, et seq.

## **10. ACCOUNTABILITY**

During the term of this Agreement and for a period of six years thereafter, each the parties will maintain accurate and complete records of all disbursements made and monies received by each under this Agreement; and, upon receipt of reasonable written request, each shall make such records available to the other party and to the public, including any federal, state or local authority during regular business hours.

## **11. AMENDMENT**

This Agreement shall not be altered, changed or amended except by an instrument in writing executed by the parties hereto.

## **12. INTEGRATION CLAUSE**

This Agreement incorporates all the covenants and understandings between the parties hereto concerning the subject matter hereof, and all such covenants and understandings have been merged into this Agreement. No prior covenants or understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

## **13. APPLICABLE LAW; VENUE**

This Agreement shall be governed by and construed in accordance with the laws of the State of New Mexico. The parties agree that the exclusive forum for any litigation between them arising out of or related to this Agreement shall be the State District Court of New Mexico, First Judicial District, Santa Fe County or Rio Arriba County.

## **14. APPROPRIATIONS AND AUTHORIZATIONS**

The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the Santa Fe County Board of County Commissioners and, if state funds are involved, the Legislature of the State of New Mexico. If sufficient appropriations and authorization are not made by the Legislature in this or future fiscal years, this Agreement shall terminate upon written notice being given by the County to NCRTD and the County shall have no duty to compensate the NCRTD for expenditures made in the performance of this Agreement incurred after written notice to the NCRTD is provided by the County pursuant to this paragraph. The County is expressly not committed to expenditure of any funds until such time as they are programmed, budgeted, encumbered and approved for expenditure by the County. The County's decision as to whether sufficient appropriations are available shall be accepted by the NCRTD and shall be final and not subject to challenge by the NCRTD.

The NCRTD will make best efforts to operate the Mountain Trail Route subject to sufficient revenue to support operations. Any and all services by the NCRTD shall be contingent upon sufficient funding. Any decision by NCRTD to terminate or cease operations of the Mountain Trail Route for insufficient funding shall not constitute a breach of this Agreement by NCRTD.

**15. REQUIRED APPROVALS**

This Agreement will not be final or binding upon the parties until or unless approved by both parties.

**16. FASCIMILE SIGNATURES**

The parties hereto agree that a facsimile signature has the same force and effect as an original for all purposes.

**17. EQUAL OPPORTUNITY COMPLIANCE**

Each party agrees to abide by all federal and state laws, rules and regulations, pertaining to equal employment opportunity. It is the policy of Santa Fe County to ensure equal employment opportunity to all persons regardless of race, color, age, physical or mental handicap, sex, national origin, ancestry, religion, serious medical condition, sexual orientation, gender identity, political affiliation or spousal affiliation. The County encourages those who do business with the County to practice equal employment opportunity. If a party is found not to be in compliance with this policy during the life of this Agreement, that party agrees to take appropriate steps to correct these deficiencies.

**18. INVALID TERM OR CONDITION**

If any term or condition of this Agreement shall be held void, invalid or unenforceable, such provision shall be severed from the remainder of the Agreement and the remainder of this Agreement shall not be affected and shall be valid and enforceable.

**19. NOTICES**

Any notice required by this Agreement shall be given in writing to the parties designated below. Notice shall be effective when delivered personally to any party, or three business days after deposited, postage fully prepaid, registered or certified, in an official receptacle of the U.S. Postal Service.

For NCRTD: Anthony Mortillaro, Executive Director  
North Central Regional Transit District  
1327 North Riverside Drive

Espanola, New Mexico 87532

For County: Katherine Miller  
Santa Fe County Manager  
PO Box 276  
102 Grant Avenue  
Santa Fe, New Mexico 87504-0276

**20. COMPLIANCE WITH STATE AND FEDERAL REQUIREMENTS**

The NCRTD and the County shall assure compliance with all applicable state and federal statutes and regulations in the performance of this Agreement.

**21. AUTHORIZATION**

The parties warrant that each signatory to this Agreement is authorized to execute this Agreement on behalf of its respective party.

**22. MERGER AND INTEGRATION**

This Agreement contains the entire agreement of the parties with respect to the subject matter hereof.

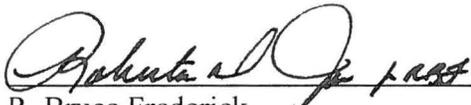
**IN WITNESS WHEREOF** the parties have duly executed this Agreement effective on the date of last signature by the parties.

**SANTA FE COUNTY**

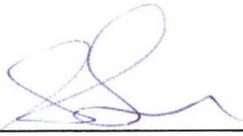
\_\_\_\_\_  
Anna Hansen, Chair  
Santa Fe Board of County Commissioners

**ATTESTATION:**

\_\_\_\_\_  
Geraldine Salazar  
Santa Fe County Clerk  
Approved as to form: \_\_\_\_\_ Date: \_\_\_\_\_

  
\_\_\_\_\_  
R. Bruce Frederick  
Santa Fe County Attorney \_\_\_\_\_ Date: 11-13-18

Finance Department:

  
\_\_\_\_\_  
Stephanie S. Clarke  
Finance Director

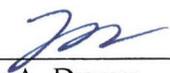
Date: 11/13/18

**NORTH CENTRAL REGIONAL TRANSIT DISTRICT:**

\_\_\_\_\_  
Daniel Barrone  
NCRTD Chair

Date: \_\_\_\_\_

Approved as to form:

  
\_\_\_\_\_  
Peter A. Dwyer  
Legal counsel for NCRTD

Date: 11/27/18



# North Central Regional Transit District

## Monthly Financial Report

### As of October 30, 2018

#### Summary

The North Central Regional Transit District (NCRTD) is currently reporting four months of financial activity for the Fiscal Year Ending October 2018. Expenses and Revenues reported for the period through October 31, 2018 represent 33% of the budget.

Total revenue received this fiscal year is \$3,530,579 and \$2,675,369 of expenses have incurred; this means that the District has received \$855,211 more in revenues than it has spent.

The monthly budget figures for GRT, federal and capital grant revenues and expenses were calculated utilizing trends from the last three fiscal years.

#### Financial Highlights

##### Revenue:

As of October 31, 2018, total revenue received this fiscal year was \$3,530,579 this represents 26.80% of total revenues budgeted for the year.

##### Expenditures:

As of October 30, 2018, the District recognized expenditures totaling \$2,675,369 this represents 20.31% of total budgeted expenditures for this fiscal year

##### **Significant Variances:**

- *Revenues –*
  - Federal Revenues are \$184,634 less than the prior year because no draw-downs requests were made to NMDOT during the month of October.
  - Local match decrease of \$49,638 consists of 2 contributions received last year. A one-time contribution from Jicarilla Apache Nation in the amount of \$24,638 and a Contribution of \$25,000 from Santa Fe trails.
- *Expenses –*
  - Salaries- Increase of \$45,182 Leave Payouts of \$18,000, Finance Director Salary \$20,000, and increases related to the implementation of the new CBA Agreement that went into effect in July.
  - Overtime – Increase of \$26,178 consists of \$4,700 Finance (Audit related), \$17,980 Drivers, \$2,500 supervisors, \$1,000 Facilities

- Employee Benefits – Increase of \$22,241 includes \$7,000 increase in FICA, \$8,000 in PERA & 8,000 Workers Comp and 2,000 Health insurance
- Contributions to Other Transit Agencies – Difference of \$449,057.35 consist of a contribution made to Santa Fe trails earlier this year in the amount of \$ 412,242.
- Contractual Services- Increase of \$75,358.34 related to payments made to Griffin & Associates for consulting services related to the removal of the sunset tax (\$25,000) and \$50,000 to Huitt-Zollars for the Design of the Taos Facility
- Insurance – Decrease of \$68,046.40 related to monthly vs annual accrual.
- Fuel –Increase of \$31,466 is related to increase in fuel price
- Employee Related and Travel- Differences are related to year end accruals there are 3 reclass of \$10,000 for prior year.

#### **GRT Revenue:**

GRT Revenue received in August was \$638,122 this is \$33,935 more than budgeted and \$ 20,798 less than what we received the same month last year.

#### **GRT Revenue by County:**

- Los Alamos County receipts were \$50,942 this is \$43,340 less than budgeted and \$70,411 less than the prior year.
- Rio Arriba County receipts were \$42,920, this is \$6,489 less than budgeted and \$5,200 less than the prior year.
- Santa Fe County receipts were \$461,103, this is \$80,048 more than budgeted and \$52,142 more than the prior year.
- Taos County receipts were \$83,156 this is \$3,716 more than budgeted and \$2,672 more than the prior year

#### **Grant Revenue:**

Grant Revenue received in September is \$28,041; this is \$148,900 less than we budgeted and \$130,582 less than what we received the same month last fiscal year. This is due to no draw downs requested during the month of October.

#### **Expense Categories:**

Total Expenses for the month of September are \$2,745,818. The net effect between the administrative, operating and capital expense categories is an increase of \$559,550 from the prior year which correlates to the differences in the amount of \$559,911 that were discussed in the Statement of Revenues and Change in net Position.

The following is Expenditures can be allocated in the following categories:

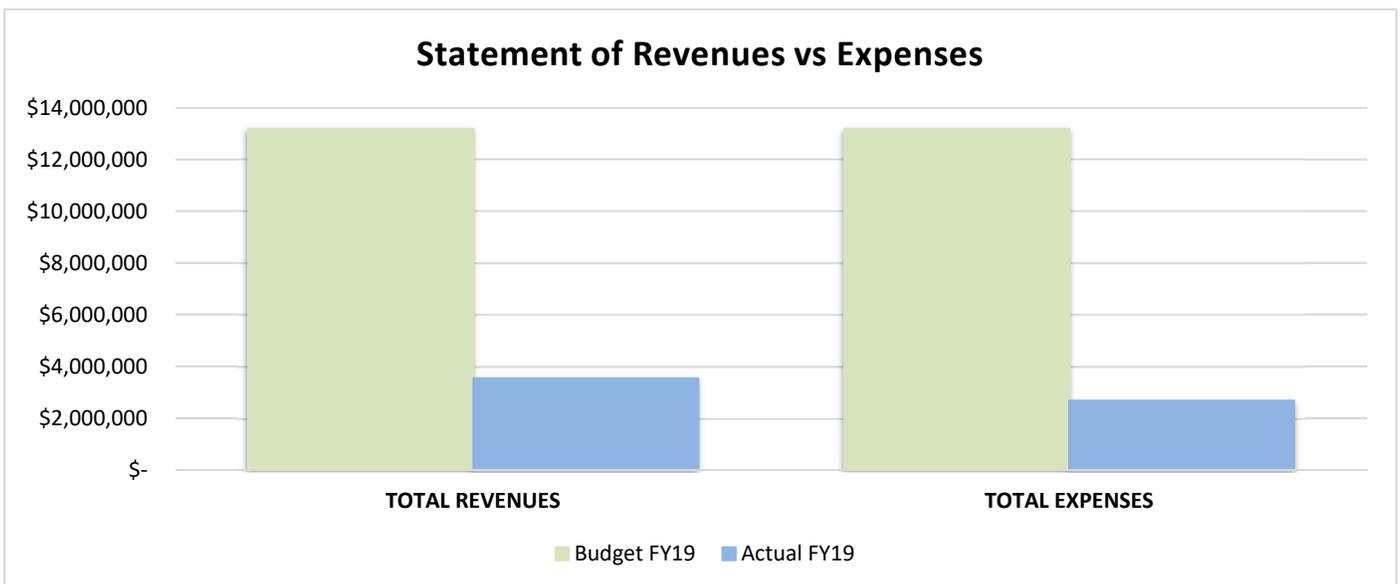
- Administrative expenses totaled \$185,241 this is \$50,480 more than we budgeted and \$76,800 more than the same month last year (administrative expenses are at 29.35% of their annual budget)
- Operating expenses totaled \$946,524 this is \$425,369 more than we budgeted and \$447,826 more than the same month last year (operating expenses are at 23.46% of the annual budget)
- Capital expenses totaled \$0.00 this is \$265,701 less than we budgeted and \$130,694 less than the same month last year (capital expenses are at 0.00 % of their monthly budget)

**Other Matters:**

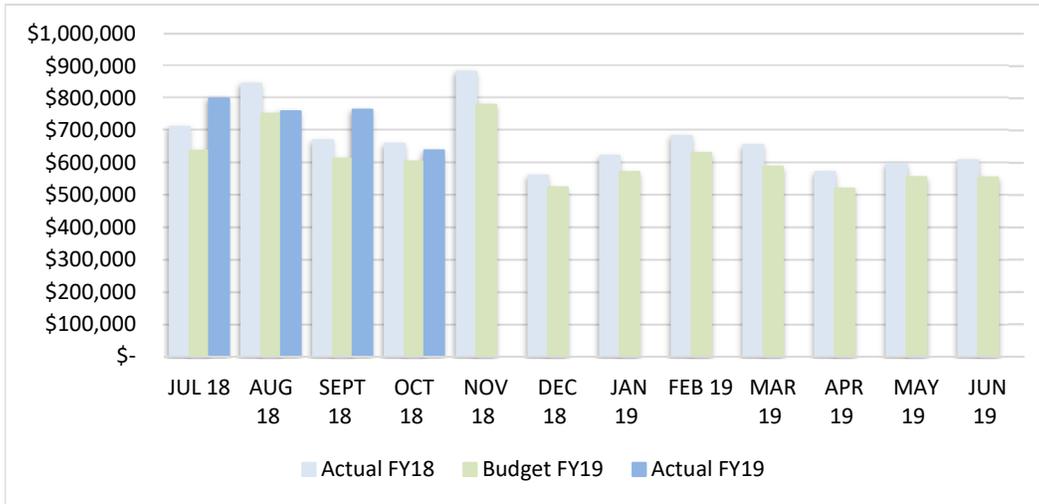
N/A

**North Central Regional Transit District**  
**Statement of Revenues, Expenses and Change in Net Position**  
**As of October 30, 2018**  
**FY2019 (July 1, 2018 to June 30, 2019)**

	Actual FY18	Budget FY19	Actual FY19	Inc/(Dec) from Prior Year to Current Year	% Year to Date vs Budget
<b>Revenues:</b>					
Gross Receipt	\$ 2,828,581	\$ 7,330,000	\$ 2,961,012	\$ 132,432	40.40%
Fed Grant	711,895.98	3,436,221	527,262	(184,634)	15.34%
5311c/Member Contributions	-	306,552	-	-	0.00%
State Capital/Outlay	-	195,000	-	-	0.00%
Local Match	49,638	482,114	-	(49,638)	0.00%
Use of Fund Balance	-	1,262,920	-	-	0.00%
Charges for Services	11,718	42,500	9,887	(1,831)	23.26%
Misc Revenues	26,187	120,600	32,419	6,232	26.88%
<b>Total Revenues</b>	<b>\$ 3,628,019</b>	<b>\$ 13,175,907</b>	<b>\$ 3,530,579</b>	<b>\$ (97,440)</b>	<b>26.80%</b>
<b>Expenses:</b>					
Salaries	\$ 784,876	\$ 2,900,940	\$ 830,058	\$ 45,182	28.61%
Overtime	53,700	147,500	79,878	26,178	54.15%
Employee Benefits	367,942	1,353,299	390,183	22,241	28.83%
Contributions to Other Transit Agencies	413,631	4,743,220	862,689	449,057	18.19%
Office	8,990	51,928	10,049	1,058	19.35%
Utilities	25,368	90,782	14,484	(10,883)	15.96%
Contractual Services	63,409	525,978	138,767	75,358	26.38%
Advertising	23,337	112,295	27,989	4,651	24.92%
Equipment & Building	23,289	33,500	3,917	(19,371)	11.69%
Insurance	104,622	111,811	36,576	(68,046)	32.71%
Employee Related	23,641	71,601	11,498	(12,143)	16.06%
Travel, Meetings, Lodging and Per Diem	10,935	71,869	6,869	(4,066)	9.56%
Fuel	131,921	400,000	163,388	31,467	40.85%
Vehicle Maintenance/Repairs	74,361	338,500	94,250	19,889	27.84%
Bus & Shelter Amenities	-	6,000	-	-	0.00%
Other	-	1,870	4,773	4,773	255.22%
Capital	5,436	2,214,814	-	(5,436)	0.00%
<b>Total Expenses</b>	<b>\$ 2,115,458</b>	<b>\$ 13,175,907</b>	<b>\$ 2,675,369</b>	<b>\$ 559,911</b>	<b>20.31%</b>
<b>Change in Net Position</b>	<b>\$ 1,512,561</b>	<b>\$ -</b>	<b>\$ 855,211</b>	<b>\$ (657,350)</b>	<b>6.49%</b>



**North Central Regional Transit District  
Gross Receipts Revenue- By Month  
As of October 30, 2018  
FY2019 (July 1, 2018 to June 30, 2019)**



**Budget to Actual FY2019**

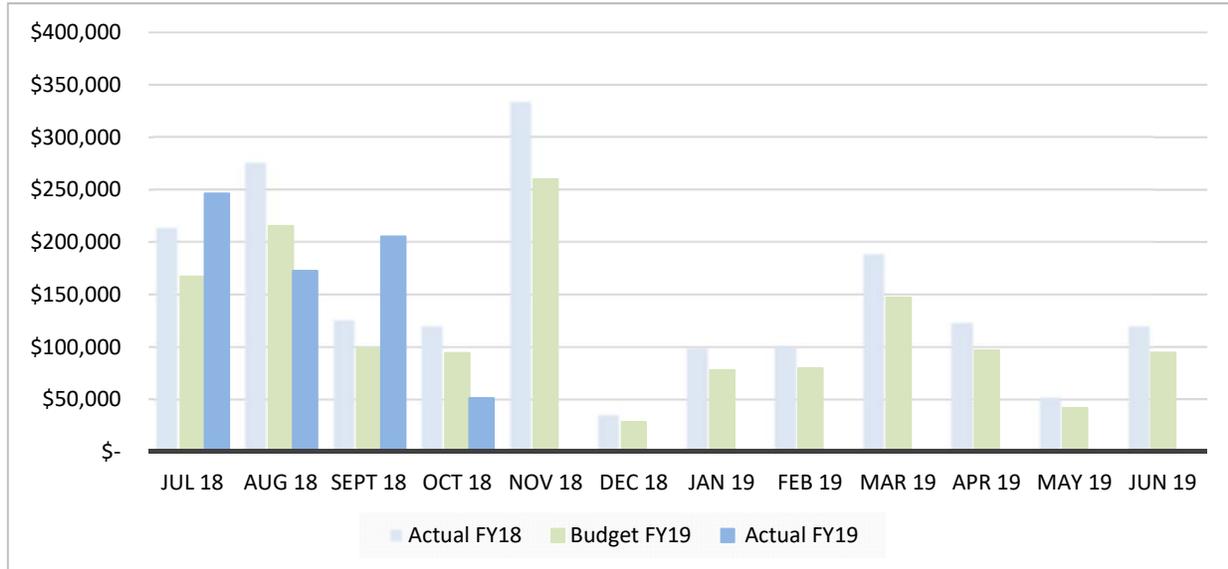
	Budget FY19	Actual FY19	Year-to-Date Budget Variance	% Increase or (decrease)
JUL 18	\$ 637,283	\$ 798,916	\$ 161,633	25.36%
AUG 18	752,132	759,415	7,283	0.97%
SEPT 18	612,854	764,560	151,706	24.75%
OCT 18	604,186	638,122	33,935	5.62%
NOV 18	778,984	-	-778,984	-100.00%
DEC 18	524,277	-	-524,277	-100.00%
JAN 19	571,662	-	-571,662	-100.00%
FEB 19	629,933	-	-629,933	-100.00%
MAR 19	588,374	-	-588,374	-100.00%
APR 19	520,255	-	-520,255	-100.00%
MAY 19	555,675	-	-555,675	-100.00%
JUN 19	554,385	-	-554,385	-100.00%
<b>TOTAL</b>	<b>\$ 7,330,000</b>	<b>\$ 2,961,012</b>	<b>\$ (4,368,988)</b>	<b>-59.60%</b>

**Prior Year vs. Current Year FY2019**

	Actual FY18	Actual FY19	(Inc/Dec) from Prior Year to Current Year	% Increase or (decrease)
JUL 18	\$ 710,922	\$ 798,916	\$ 87,994	12.38%
AUG 18	843,852	759,415	(84,437)	-10.01%
SEPT 18	669,620	764,560	94,939	14.18%
OCT 18	658,919	638,122	(20,798)	-3.16%
NOV 18	881,679	-	(881,679)	-100.00%
DEC 18	559,911	-	(559,911)	-100.00%
JAN 19	621,205	-	(621,205)	-100.00%
FEB 19	682,867	-	(682,867)	-100.00%
MAR 19	655,087	-	(655,087)	-100.00%
APR 19	571,516	-	(571,516)	-100.00%
MAY 19	596,378	-	(596,378)	-100.00%
JUN 19	607,593	-	(607,593)	-100.00%
<b>TOTAL</b>	<b>\$ 8,059,548</b>	<b>\$ 2,961,012</b>	<b>\$ (5,098,536)</b>	<b>-63.26%</b>

**North Central Regional Transit District**  
**Gross Receipts Revenue- By County**  
**As of October 30, 2018**  
**FY2019 (July 1, 2018 to June 30, 2019)**

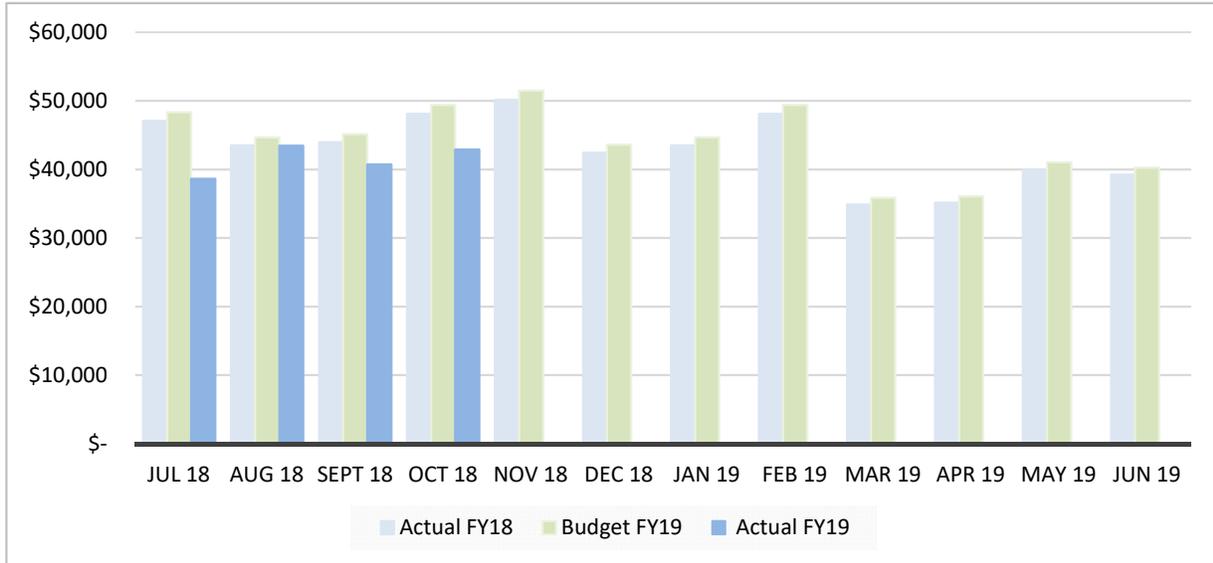
**LOS ALAMOS COUNTY**



	Actual FY18	Budget FY19	Actual FY19	Inc/(Dec) from Prior Year to Current Year	Year-to-Date Budget Variance
<b>JUL 18</b>	\$ 215,014	\$ 167,048.03	\$ <b>246,238</b>	\$ 31,224	\$ 79,190
<b>AUG 18</b>	276,922	215,145.04	<b>172,593</b>	(104,329)	(42,552)
<b>SEPT 18</b>	127,129	98,768.79	<b>205,402</b>	78,272	106,633
<b>OCT 18</b>	121,353	94,281.25	<b>50,942</b>	(70,411)	(43,340)
<b>NOV 18</b>	334,441	259,833.21	-	(334,441)	(259,833)
<b>DEC 18</b>	36,324	28,220.73	-	(36,324)	(28,221)
<b>JAN 19</b>	100,116	77,782.18	-	(100,116)	(77,782)
<b>FEB 19</b>	102,279	79,462.59	-	(102,279)	(79,463)
<b>MAR 19</b>	189,345	147,105.20	-	(189,345)	(147,105)
<b>APR 19</b>	124,148	96,452.99	-	(124,148)	(96,453)
<b>MAY 19</b>	53,389	41,479.13	-	(53,389)	(41,479)
<b>JUN 19</b>	121,533	94,420.87	-	(121,533)	(94,421)
<b>\$</b>	<b>1,801,994</b>	<b>\$ 1,400,000</b>	<b>\$ 675,174</b>	<b>\$ (1,126,820)</b>	<b>\$ (724,826)</b>

**North Central Regional Transit District**  
**Gross Receipts Revenue- By County**  
**As of October 30, 2018**  
**FY2019 (July 1, 2018 to June 30, 2019)**

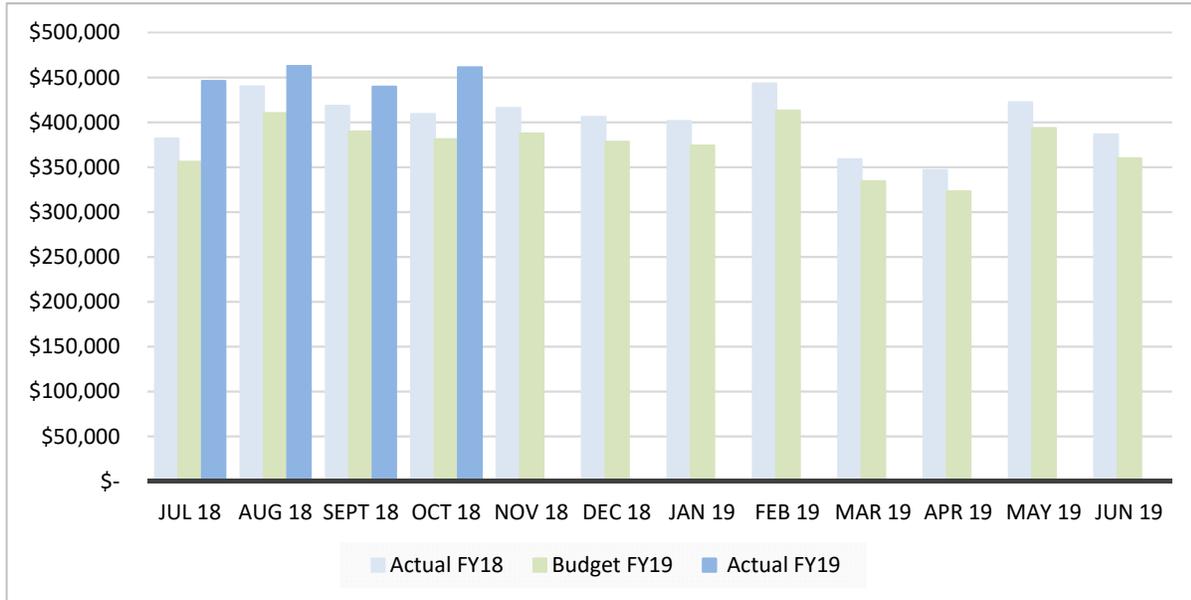
**RIO ARRIBA COUNTY**



	Actual FY18	Budget FY19	Actual FY19	Inc/(Dec) from Prior Year to Current Year	Year-to-Date Budget Variance
<b>JUL 18</b>	\$ 47,069	\$ 48,329.48	\$ 38,636	\$ (8,433)	\$ (9,693)
<b>AUG 18</b>	43,519	44,684.42	43,486	(33)	(1,198)
<b>SEPT 18</b>	43,970	45,147.82	40,743	(3,227)	(4,405)
<b>OCT 18</b>	48,121	49,409.38	42,920	(5,200)	(6,489)
<b>NOV 18</b>	50,166	51,509.38	-	(50,166)	(51,509)
<b>DEC 18</b>	42,469	43,606.30	-	(42,469)	(43,606)
<b>JAN 19</b>	43,502	44,666.98	-	(43,502)	(44,667)
<b>FEB 19</b>	48,097	49,385.33	-	(48,097)	(49,385)
<b>MAR 19</b>	34,905	35,839.80	-	(34,905)	(35,840)
<b>APR 19</b>	35,149	36,089.95	-	(35,149)	(36,090)
<b>MAY 19</b>	39,973	41,043.73	-	(39,973)	(41,044)
<b>JUN 19</b>	39,237	40,287.41	-	(39,237)	(40,287)
<b>TOTAL</b>	<b>\$ 516,177</b>	<b>\$ 530,000</b>	<b>\$ 165,785</b>	<b>\$ (350,392)</b>	<b>\$ (364,215)</b>

**North Central Regional Transit District  
Gross Receipts Revenue- By County  
As of October 30, 2018  
FY2019 (July 1, 2018 to June 30, 2019)**

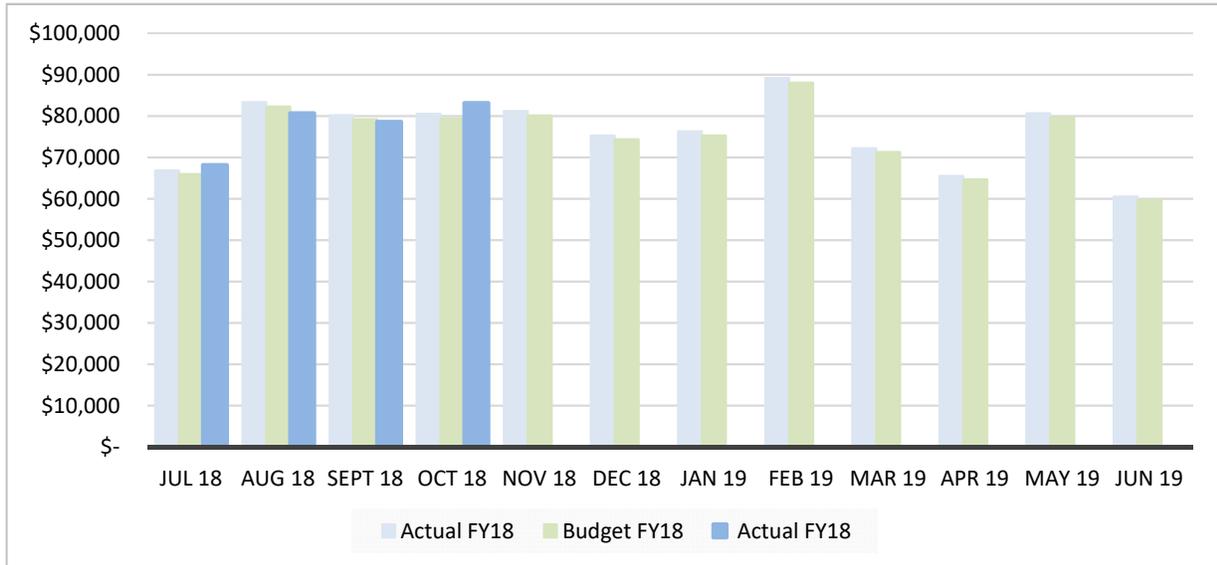
**SANTA FE COUNTY**



	Actual FY18	Budget FY19	Actual FY19	Inc/(Dec) from Prior Year to Current Year	Year-to-Date Budget Variance
<b>JUL 18</b>	\$ 382,000	\$ 355,934	\$ 445,926	\$ 63,926	\$ 89,992
<b>AUG 18</b>	440,066	410,037	462,694	22,628	52,657
<b>SEPT 18</b>	418,301	389,758	439,788	21,487	50,030
<b>OCT 18</b>	408,961	381,055	461,103	52,142	80,048
<b>NOV 18</b>	415,851	387,475	-	(415,851)	(387,475)
<b>DEC 18</b>	405,811	378,120	-	(405,811)	(378,120)
<b>JAN 19</b>	401,313	373,929	-	(401,313)	(373,929)
<b>FEB 19</b>	443,285	413,037	-	(443,285)	(413,037)
<b>MAR 19</b>	358,636	334,164	-	(358,636)	(334,164)
<b>APR 19</b>	346,691	323,034	-	(346,691)	(323,034)
<b>MAY 19</b>	422,307	393,490	-	(422,307)	(393,490)
<b>JUN 19</b>	386,328	359,966	-	(386,328)	(359,966)
<b>TOTAL</b>	<b>\$ 4,829,550</b>	<b>\$ 4,500,000</b>	<b>\$ 1,809,511</b>	<b>\$ (3,020,038)</b>	<b>\$ (2,690,489)</b>

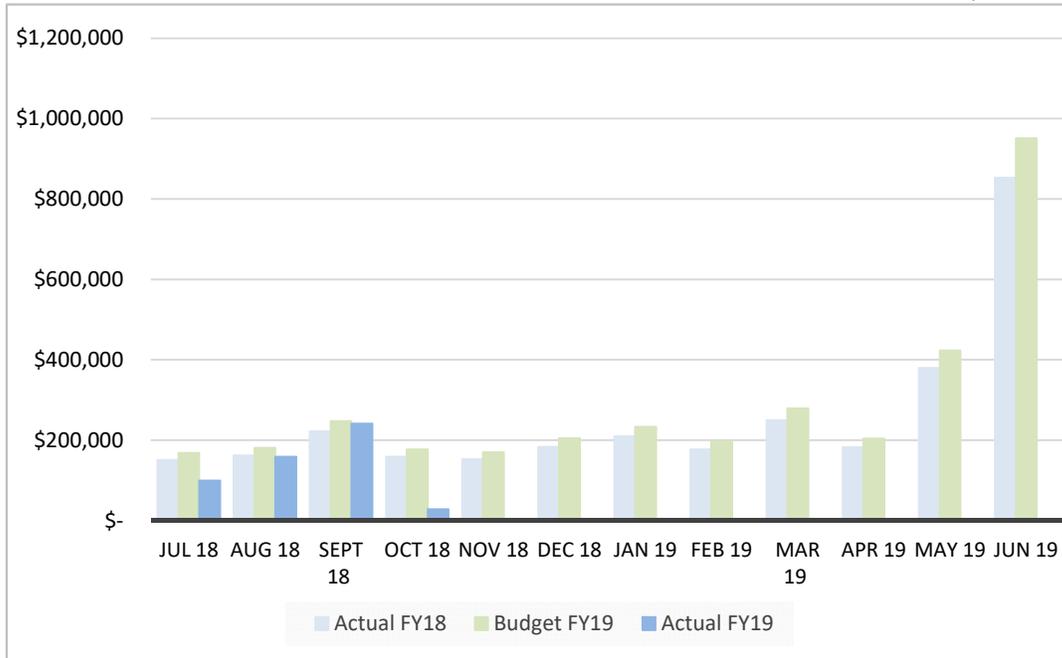
**North Central Regional Transit District**  
**Gross Receipts Revenue- By County**  
**As of October 30, 2018**  
**FY2019 (July 1, 2018 to June 30, 2019)**

**TAOS COUNTY**



	Actual FY18	Budget FY18	Actual FY18	Inc/(Dec) from Prior Year to Current Year	Year-to-Date Budget Variance
<b>JUL 18</b>	\$ 66,839	\$ 65,972.04	<b>\$ 68,116</b>	\$ 1,277	\$ 2,144
<b>AUG 18</b>	83,346	82,265	<b>80,642</b>	(2,704)	(1,623)
<b>SEPT 18</b>	80,220	79,179	<b>78,627</b>	(1,593)	(552)
<b>OCT 18</b>	80,485	79,441	<b>83,156</b>	2,672	3,716
<b>NOV 18</b>	81,220	80,167	-	(81,220)	(80,167)
<b>DEC 18</b>	75,307	74,330	-	(75,307)	(74,330)
<b>JAN 19</b>	76,273	75,284	-	(76,273)	(75,284)
<b>FEB 19</b>	89,205	88,048	-	(89,205)	(88,048)
<b>MAR 19</b>	72,201	71,265	-	(72,201)	(71,265)
<b>APR 19</b>	65,528	64,678	-	(65,528)	(64,678)
<b>MAY 19</b>	80,708	79,662	-	(80,708)	(79,662)
<b>JUN 19</b>	60,495	59,710	-	(60,495)	(59,710)
	<b>\$ 911,827</b>	<b>\$ 900,000</b>	<b>\$ 310,541</b>	<b>\$ (601,286)</b>	<b>\$ (589,459)</b>

**North Central Regional Transit District  
Grant Revenue- By Month  
As of October 30, 2018  
FY2019 (July 1, 2018 to June 30, 2019)**



**Budget to Actual FY2018**

	Budget FY19	Actual FY19	Year-to-Date Budget Variance	% Year to Date vs Budget
JUL 18	\$ 168,529	\$ 99,705	\$ (68,824)	59.16%
AUG 18	180,587	158,743	(21,844)	87.90%
SEPT 18	247,616	240,773	(6,843)	97.24%
OCT 18	176,941	28,041	(148,900)	15.85%
NOV 18	169,900	-	(169,900)	0.00%
DEC 18	204,810	-	(204,810)	0.00%
JAN 19	233,369	-	(233,369)	0.00%
FEB 19	197,074	-	(197,074)	0.00%
MAR 19	278,783	-	(278,783)	0.00%
APR 19	203,918	-	(203,918)	0.00%
MAY 19	423,187	-	(423,187)	0.00%
JUN 19	951,507	-	(951,507)	0.00%
<b>TOTAL</b>	<b>\$ 3,436,221</b>	<b>\$ 527,262</b>	<b>\$ (2,908,959)</b>	<b>15.34%</b>

**Prior Year vs. Current Year FY2018**

	Actual FY18	Actual FY19	Inc/(Dec) from Prior Year to Current Year	Inc/(Dec) from Prior Year to Current Year
JUL 18	\$ 151,082	\$ 99,705	\$ (51,377)	65.99%
AUG 18	161,892	158,743	(3,149)	98.05%
SEPT 18	221,981	240,773	18,792	108.47%
OCT 18	158,623	28,041	(130,582)	17.68%
NOV 18	152,311	-	(152,311)	0.00%
DEC 18	183,607	-	(183,607)	0.00%
JAN 19	209,209	-	(209,209)	0.00%
FEB 19	176,672	-	(176,672)	0.00%
MAR 19	249,922	-	(249,922)	0.00%
APR 19	182,807	-	(182,807)	0.00%
MAY 19	379,376	-	(379,376)	0.00%
JUN 19	853,001	-	(853,001)	0.00%
<b>TOTAL</b>	<b>\$ 3,080,483</b>	<b>\$ 527,262</b>	<b>\$ (2,553,221)</b>	<b>17.12%</b>

North Central Regional Transit District  
 NCRTD Expenses- By Segment  
 As of October 30, 2018  
 FY2019 (July 1, 2018 to June 30, 2019)

**Administrative Expenses FY18 - FY19**

	Actual FY18	Budget FY19	Actual FY19	Inc (Dec) 2018 vs 2019	Year to Date Budget Variance	% Month (Year) to Date vs Budget
JUL 18	\$ 99,486	\$ 123,633	\$ 55,792	\$ (43,695)	\$ (67,842)	45.13%
AUG 18	107,481	133,568	145,371	37,890	11,803	108.84%
SEPT 18	119,392	148,371	120,935	1,543	(27,436)	81.51%
OCT 18	108,441	134,762	185,241	76,800	50,480	137.46%
NOV 18	92,475	114,920	-	(92,475)	(114,920)	0.00%
DEC 18	103,590	128,733	-	(103,590)	(128,733)	0.00%
JAN 19	139,393	173,226	-	(139,393)	(173,226)	0.00%
FEB 19	107,551	133,655	-	(107,551)	(133,655)	0.00%
MAR 19	164,395	204,296	-	(164,395)	(204,296)	0.00%
APR 19	104,971	130,449	-	(104,971)	(130,449)	0.00%
MAY 19	91,106	113,219	-	(91,106)	(113,219)	0.00%
JUN 19	152,611	189,653	-	(152,611)	(189,653)	0.00%
<b>\$</b>	<b>1,390,891</b>	<b>\$ 1,728,486</b>	<b>\$ 507,339</b>	<b>\$ (883,552)</b>	<b>\$ (1,221,147)</b>	<b>29.35%</b>

**Operating Expenses FY18 - FY19**

	Actual FY18	Budget FY19	Actual FY19	Inc (Dec) 2018 vs 2019	Inc/Dec of Budget vs Actual	% Month (Year) to Date vs Budget
JUL 18	\$ 305,477	\$ 319,233	\$ 172,069	\$ (133,408)	\$ (147,164)	53.90%
AUG 18	288,854	301,862	411,265	122,410	109,403	136.24%
SEPT 18	582,554	608,788	638,172	55,618	29,384	104.83%
OCT 18	498,698	521,156	946,524	447,826	425,369	181.62%
NOV 18	1,121,952	1,172,477	-	(1,121,952)	(1,172,477)	0.00%
DEC 18	532,522	556,503	-	(532,522)	(556,503)	0.00%
JAN 19	1,077,633	1,126,162	-	(1,077,633)	(1,126,162)	0.00%
FEB 19	538,627	562,883	-	(538,627)	(562,883)	0.00%
MAR 19	904,175	944,892	-	(904,175)	(944,892)	0.00%
APR 19	873,562	912,901	-	(873,562)	(912,901)	0.00%
MAY 19	829,014	866,346	-	(829,014)	(866,346)	0.00%
JUN 19	1,291,112	1,349,254	-	(1,291,112)	(1,349,254)	0.00%
<b>\$</b>	<b>8,844,180</b>	<b>\$ 9,242,457</b>	<b>\$ 2,168,030</b>	<b>\$ (6,676,150)</b>	<b>\$ (7,074,427)</b>	<b>23.46%</b>

**Capital Expenses FY18 - FY19**

	Actual FY18	Budget FY19	Actual FY19	Inc (Dec) 2018 vs 2019	Inc/Dec of Budget vs Actual	% Month (Year) to Date vs Budget
JUL 18	\$ 2,435	\$ 4,950	\$ -	\$ (2,435)	\$ (4,950)	0.00%
AUG 18	3,001	6,101	-	(3,001)	(6,101)	0.00%
SEPT 18	-	-	-	-	-	0.00%
OCT 18	-	-	-	-	-	0.00%
NOV 18	125,258	254,650	-	(125,258)	(254,650)	0.00%
DEC 18	42,500	86,403	-	(42,500)	(86,403)	0.00%
JAN 19	147,269	299,399	-	(147,269)	(299,399)	0.00%
FEB 19	22,522	45,787	-	(22,522)	(45,787)	0.00%
MAR 19	100,200	203,707	-	(100,200)	(203,707)	0.00%
APR 19	36,444	74,091	-	(36,444)	(74,091)	0.00%
MAY 19	-	-	-	-	-	0.00%
JUN 19	604,955	1,229,876	-	(604,955)	(1,229,876)	0.00%
<b>\$</b>	<b>1,084,584</b>	<b>\$ 2,204,964</b>	<b>\$ -</b>	<b>\$ (1,084,584)</b>	<b>\$ (2,204,964)</b>	<b>0.00%</b>



## EXECUTIVE REPORT November 2018

### EXECUTIVE

- Attended Village of Taos Ski Valley Council meeting to address their request for membership on the NCRTD Board.
- Staff and I met with New Mexico Finance Authority regarding maintenance facility borrowing.
- Met with Representative Jim Trujillo regarding state wide transit fund.
- Presented with NMTA President to Transportation Infrastructure Revenue Subcommittee regarding the need for state wide transit fund.
- Met with NMTA Legislative Committee regarding state wide transit funding.
- Met with NMTA Legislative Committee and Albuquerque Journal Editorial Board regarding the need for state wide transit fund.
- Staff and I met with various micro transit software providers.
- Participated in interviews for Transit Planner position.
- Meet with Studio Six Branding.
- Continued discussion with engineering firm regarding Taos maintenance facility.
- Participated in NMDOT small urban vanpool discussion.
- Participated in shelter design selection process.
- Prepared Board packet.
- Prepared finance subcommittee packet.
- Meet with Finance Director regarding annual audit.
- Continued conducting project meetings for GRT Election, ADA Phase V and VI, Maintenance Facility Design and Construction project, Taos Facility Masterplan, Fleet and Facilities Asset Management Software Acquisition and Short-Range Service Plan update.
- Conducted NMTA Legislative Advocacy subcommittee meeting.
- Continued discussions on employee staffing issues.
- Participated in new employee orientations.
- Participated in NMTA Board meeting.
- Attended monthly MPO TCC meeting.
- Attended APTA Small Operations Committee (telephonically).
- Met with Attorney and Staff regarding various legal issues and associated documents.
- Met weekly as needed (telephonically) with Board Chair Barrone on various issues.
- Continued review, revision and creation of various NCRTD policies.
- Maintained continuous communication with board members, subcommittee members, and Chair.
- Attendance at various NCRTD staff and subcommittee meetings, including Board, Finance and Tribal subcommittees meeting.
- Addressed a variety of employee human resources issues and prepared memorandums to document district actions.

### LEGAL

- Review and assist in preparation of Board Packet materials
- Research and Editing of 3.6 million dollar Maintenance Facility contract documents
- Gather Post-election canvass of results and submit documents to Tax and Rev
- Research and preparation on City of Albuquerque v. Tax and Rev GRT case

- Work on Security Contract
- Work on Code of Conduct
- Review and Suggest Changes to Board Procedural Rules
- Restart process on Records Management
- Coordinate Efforts to Stabilize Reporting and Funding from Los Alamos Labs
- Assist in various personnel matters
- Prepare Legal Updates for Staff Meetings
- Review various contracts and amendments
- Research and Drafting on Architectural Services Fees
- Prepare for and Attend Meeting on Potential Financing of Maintenance Facility through NMFA
- Review Open Government laws in conjunction with IPRA and OMA related Resolutions
- Pursue Collection Matters
- Resolve issues relating to termination of Megapath contract

### **MARKETING/PUBLIC INFORMATION**

- Concluded work on the November 6 ballot question which was successful
- Prepared and submitted an entry for an APTA AdWheel Award
- Began work on the FY2018 Annual Report which will be submitted this year as a PAFR (Popular Annual Financial Report)
- Registered Jim Nagle and Cara Fazio for the 2019 APTA Marketing and Communications Workshop
- Printed vinyl stickers and affixed to token for the upcoming Ski Santa Fe season
- Issued press releases regarding Veterans Day and Thanksgiving schedules and the switch to winter schedule on 255 Mountain Trail to coincide with open at Ski Santa Fe
- Delivered schedules for TSV Green and Taos Night Rider to TSV Village

- Chamber for them to deliver to businesses around the Village
- Participated in the Taos Holiday Light Parade and registered for the Española Light Parade
- Prepared the Board packet for the November meeting and assisted in the prep for the Board meeting
- Spent the day in Taos shooting photos for the RTD photo library
- Delivered 255 Mountain Trail schedules around Santa Fe to Ski Swap, Ski Santa Fe, Tourism Santa Fe, State Tourism, Ten Thousand Waves, Santa Fe Chamber and La Posada Hotel
- Attended a Rio Arriba County Health Council meeting
- Issued various rider alerts throughout the month – both print and digital
- Provided a series of updates to the NCRTD website throughout the month
- Provided near daily posts and tweets on our Facebook and Twitter pages, as well as Instagram, leading to additional followers and connections to local businesses
- Met with LMNOC Broadcasting to develop an ad program for KXMT
- KDCE – 950 AM radio in Espanola, :30 sec radio spot and sponsorship of the 7:30 AM news ran 17 days in November excluding Saturdays and Sundays
- KSWV 810-AM in Santa Fe, :30 sec spots ran 20 times in November as well as 30 :20 sec promos announcing RTD sponsorship during the 7:30 AM drivetime
- KTAOS 101.9 FM in Taos, 14 :30 sec radio spots ran each week in November
- KRSN Los Alamos ran a series of sports throughout the month promoting the ballot question through November 6
- One banner ad ran in the Taos News and one in Los Alamos Monitor. One 1/8-page ad ran in the Rio Grande Sun. A strip ad ran on the front page of the Locals Section for the New Mexican

- Continued radio campaign through November 6 on Outlaw Radio and KTRC. A total of 28 30-second commercials ran within the month
- A series of digital ads ran on Santa Fe Hometown News, Valley Daily Post and Los Alamos Daily Post
- A series of ads ran in the Santa Fe Reporter, Edgewood Independent, Albuquerque Journal and one in Round the Roundhouse regarding the reauthorization
- Ads also continued running on the Taos News website as well as Facebook pages in the Taos County area
- Ads ran in the Chama Valley Times and in the Green Fire Times this month

## **OPERATIONS**

- Assisted with Supervisor Open/Closing Duties
- Conducted Transit Operator Interviews for Operator I, II & Drivers Academy positions
- Coordinated employee appreciation event
- Participated in Maintenance Facility meetings
- Final Draft and Review of Maintenance Facility RFP
- Participated in multiple On Demand Demo Meetings
- Reviewed and selected candidates for Transit Manager Interviews
- Worked on Annual Leave Bid memo and documents
- Worked on Vehicle Inventory for 5307 NTD report submission
- Met with Finance to discuss service type breakdown
- Met to discuss duties that will be transferred from Finance to Fleet
- Worked on Employee history list
- Worked on multiple personnel issues
- Coordinated Operations assistance in the Trunk or Treat event in Taos
- Work on and finalize Transit Security Contract
- Review daily pre-trip (DVCR) reports
- Schedule/coordinate preventive maintenance on buses and commuter vehicles
- Schedule/coordinate repairs on buses and commuter vehicles
- Assist with opening and supervisor coverage in Espanola
- Schedule buses for routes
- Schedule commuters for operators
- Schedule buses/commuters for cleaning/washing
- Schedule staff to pick up trash at bus stops
- Schedule staff to clean, cut weeds, and repair bus stops
- Review, process, and submit invoices for payment
- Review and address Vehicle defect and deficiency reports
- Review and submit timesheets for staff
- Schedule leave for staff
- Schedule facility inspection report
- Coordinate addressing concerns found in facilities report
- Request POs as appropriate
- Disseminate POs as appropriate
- Provide fleet data as requested by other staff
- Coordinate wrapping of new buses
- Coordinate install of components on new buses
- Coordinate installation and removal of ads on buses
- Work on needs assessment report for assets management software
- Coordinate Avail system repairs
- Coordinate Camera system repairs
- Work on new bus estimates (2019 and 2020)
- Coordinate buses for special events
- Drive special event
- Coordinate acquisition of estimates to repair body damage on buses

- Replace all Mountain Trail route schedules on route

### **SERVICE DEVELOPMENT**

- October 2018 Ridership Report (via electronic tracking)
- ITS AVL/CAD project work including:
  - Ongoing feedback loop and review with Avail as necessary, email correspondence and discussion related to MDT issues, ridership data, Wi-Fi and cellular usage
  - Tally sheet ridership reconciliation support as necessary
- Ongoing bimonthly meetings with Santa Fe Trails Staff to provide progress updates, discuss opportunities to collaborate
- Ongoing quarterly meetings with Los Alamos and Atomic City Transit
- Represented NCRTD and chaired November NPRTPO meeting; presented NCRTD's FFY20 §5311 request for funding
- Collaborated with Human Resources in hiring process for Transit Planner position; multiple applications received, review process initiated, interview process initiated
- Participated in NMDOT NM68 roadway project as requested by District Five as project progression impacts bus stops
- Worked with NTD representatives on §5307 reporting requirements for FY18 reporting; coordinated interdepartmental contributions to report package completion; application successfully submitted, awaiting review and response from NTD
- Participated in an online demonstration of microtransit software with various vendors
- Represented NCRTD at SFMPO FLAP project discussion; offered transit perspective and input as pertinent
- Collaborated with Wilson & Co. on the ADA Transition Plan draft update to include periodic concalls, stop assessment discussions, etc.

- Attended the Town of Taos Holiday Light Parade

### **HUMAN RESOURCES**

- Celebrated Birthdays and Anniversaries on Wednesday, November 7, 2018
- Two (2) continued Workers' Compensation issues
- Investigative Report
- December Calendar
- Blue Bus Times Newsletter
- Continued recruitment for Seasonal Positions
- December Quotes of the week
- Performance Evaluation
- Two (2) FML requests processed
- Advertising for Transit Supervisors, Transit Operators, Fleet and Facilities Worker Specialist, Transit Leads
- Attended Northern New Mexico Human Resources Association Luncheon
- Thanksgiving luncheon for Staff
- Holiday Food Driver
- Processed one (1) disability request
- Five (5) new hires
- Processed one (1) termination
- Above & Beyond drawing
- Birthday and Anniversary Cards to employees
- Interviews for Regional Transit Planner
- Working with Operation Director on Transit Manager Interviews
- Ordered badges for employees
- Employee Performance Evaluations conducted
- Safety Audit conducted and follow-up to be written
- Sent out Non-Selection Letters to candidates interviewed
- Reconciled Bank of America Human Resources Statement
- Worked on Active Shooter Plan (Continued)
- Updated New Employee Forms – Ongoing



**PARATRANSIT  
Performance Measures**

**for**

**Fiscal Year 2018**

**October 2018**



## DEMAND RESPONSE / PARATRANSIT Performance Measures for Fiscal Year 2018

The performance measures that were developed are designed to provide data that can be evaluated in a logical manner. It allows the District to identify areas in which its performance may need to be improved and to understand the characteristics and factors that impact that performance. In addition, to the extent feasible a peer comparison or a benchmark has been included as available or appropriate. This performance data is important since many times the District's costs, efficiencies and productivity is not measured against any benchmark or standard or attempts are made to compare it against systems that bear no similarities in mission, complexity or service area. Therefore, the data presented should provide some context in which to assess the District and its efforts to deliver services based upon its mission, goals and objectives."

The report data collected is grouped into 3 areas: Demand Response Administrative, Paratransit Operations and Customer Relations:

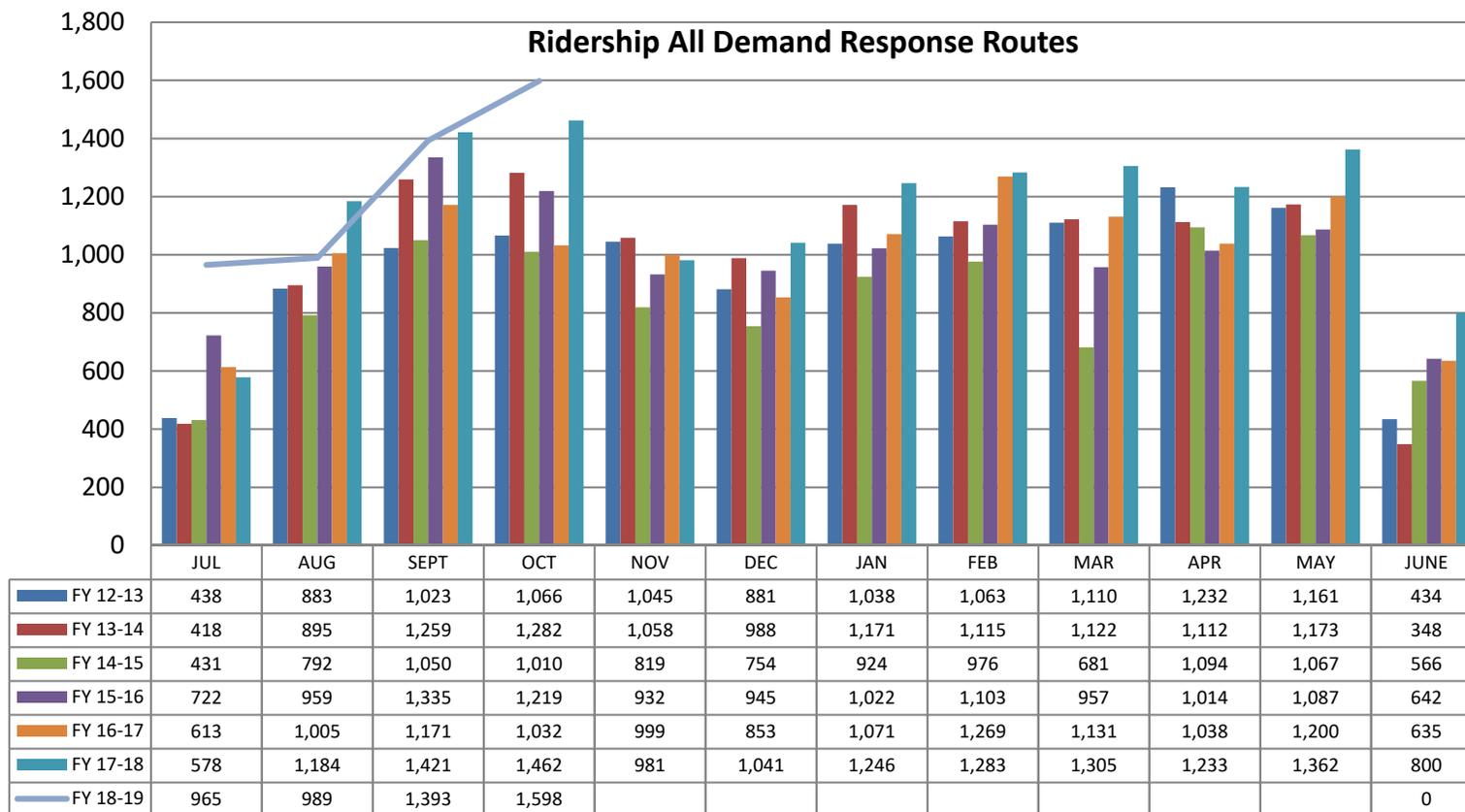
1. **Demand Response Administrative:**
  - A. Ridership, All Demand Response Routes
  - B. Ridership, Demand Response Paratransit
  - C. Demand Response Operational Cost
  - D. Cost Per Mile
  - E. Cost Per Trip
  
2. **Paratransit Operations**
  - A. Cancellations
  - B. Late Cancellations
  - C. No-Shows
  - D. On-Time Performance
  - E. Trip Length
  
3. **Customer Relations:**
  - A. Complaints
  - B. Incidents

The closest peer comparison is Rio Metro Regional Transit District-Sandoval/Valencia County for 2014. Theirs covers a large area as does NCRTD giving a close comparable to cost per mile. Their percentage of Demand Response trips are 46% of their total ridership, higher than NCRTD's at 4.7%, showing a considerable spread on the cost per trip. The FTA benchmarking data used originates from the Rural Transit Fact Book 2014. The data is for 2012 in FTA Region 6, rural providers which includes New Mexico, Texas, Oklahoma, Arkansas and Louisiana.



## Ridership Tracking of All Demand Response Routes

This measurement tracks the number of rides (trips) taken each month on all the demand response routes within the district. This graph shows the NCRTD demand response ridership numbers, and compares them each month, identifying any increases or decreases in the number of monthly trips. This also indicates how well the regional district is continuing to address the issue of accessible mobility by routes that are in areas where there is public demand.



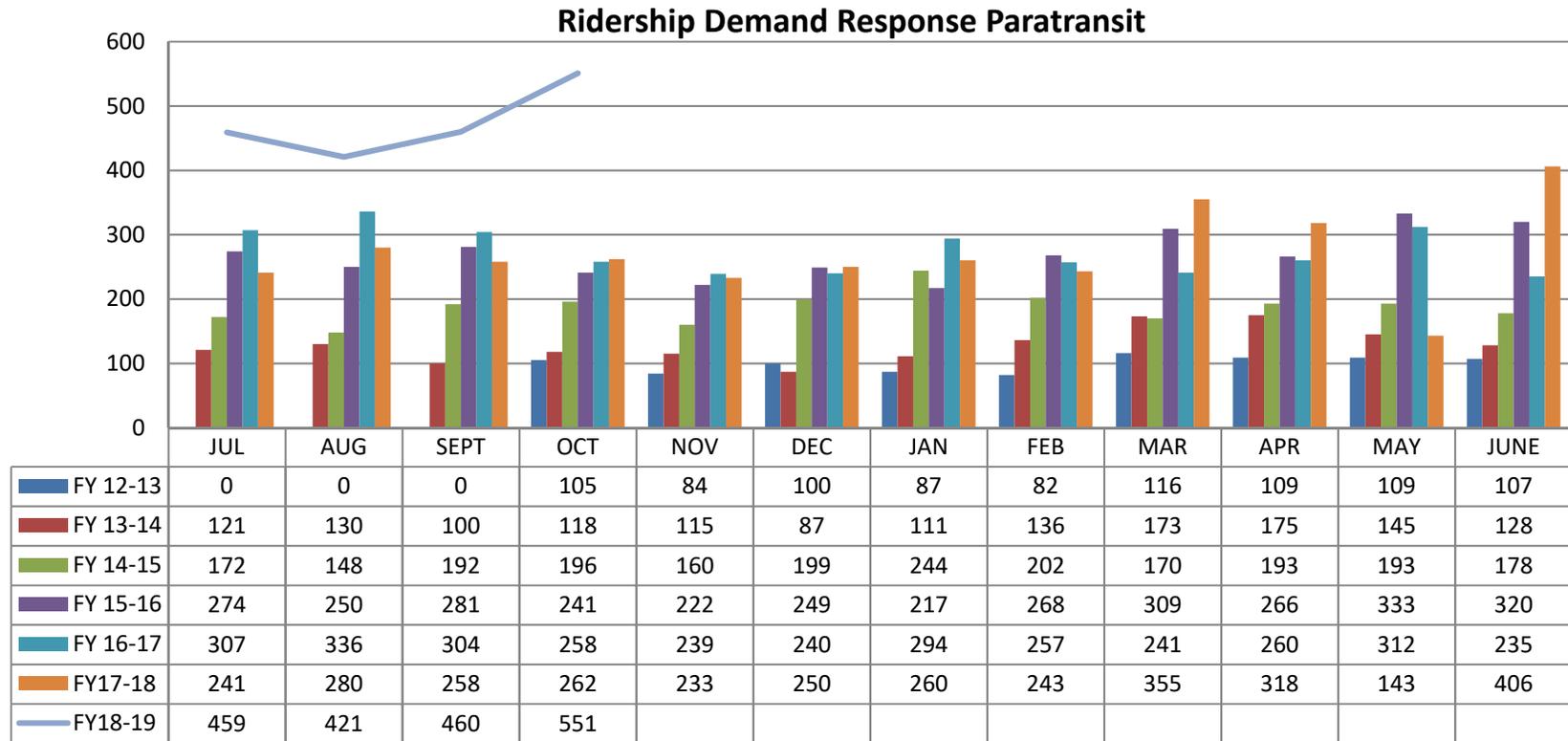
**FY12/13 = 11,374 FY13/14 = 11,941 FY14/15 = 10,164 FY15/16 = 11,937 FY16/17 = 12,017 FY17/18= 13,896 FY18/19 = 4,945**





## Ridership Tracking of Demand Response / ADA Paratransit Trips

This ridership data represents the number of ADA paratransit trips that occurred each month within the demand response routes. This also includes any ADA eligible trips that occurred on the fixed/flex routes. Please note that this an incomplete chart at this time will be updated as ADA Paratransit ridership can be mined from the historical data.



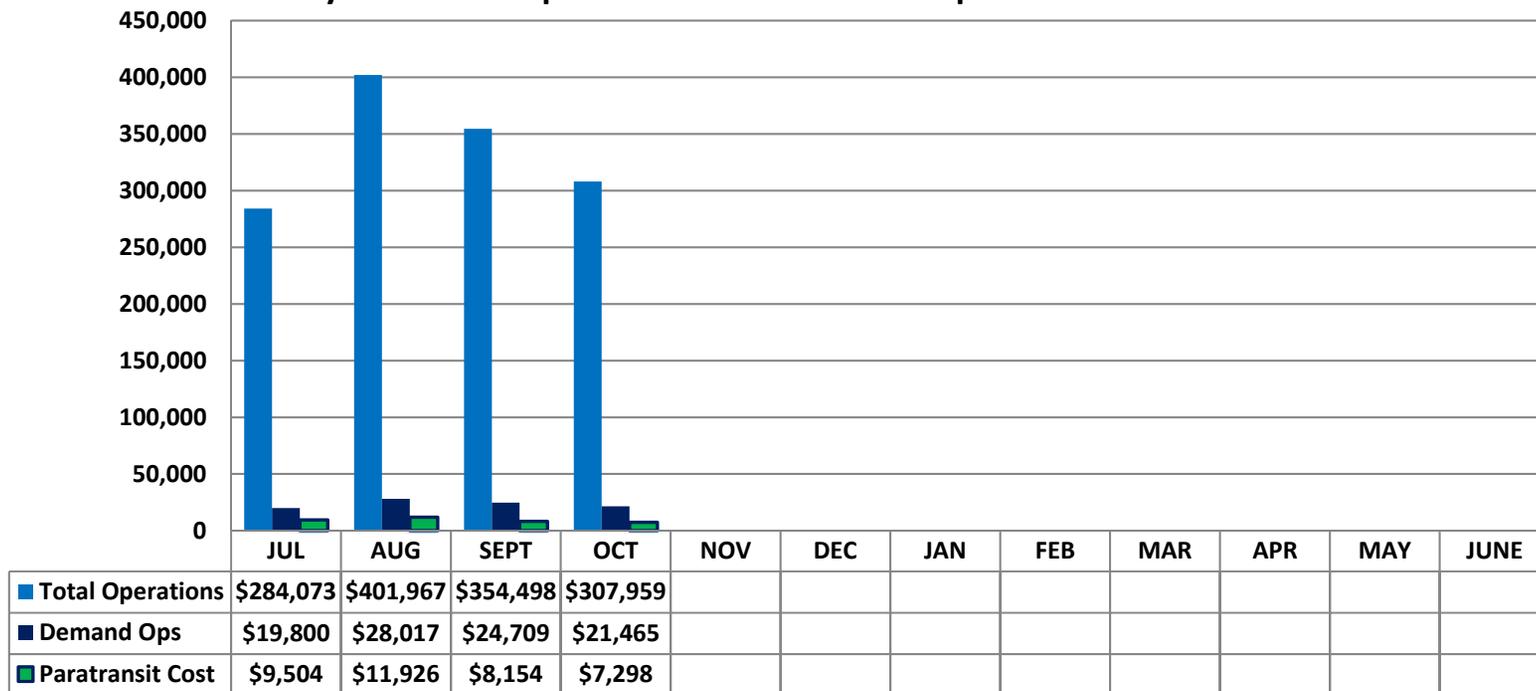
**FY 12/13 = 899 FY13/14 = 1,539 FY 14/15 = 2,247 FY 15/16 = 3,230 FY 16/17 = 3,283 FY 17/18= 3,249 FY18/19 = 1,891**



## Monthly Demand Response & ADA Paratransit Operational Costs

The NCRTD’s Finance Department provides the administrative and operating expenses in a monthly budget status report. It is important to measure the operational costs to maintain a balanced budget, as well as tracking the administrative and operating margins. This data is used in determining the cost per trip and the cost per mile. The operating budget for demand response is 6.97% of the overall operating budget. Each month’s operating expenditures are calculated at 6.97% to acquire a crude demand response share. That share is then calculated to a percentage of the actual ADA trips for the month to determine a cost for paratransit. This number will be used to calculate cost per mile and cost per trip.

**Monthly Demand Response & ADA Paratransit Operational Cost FY 18-19**



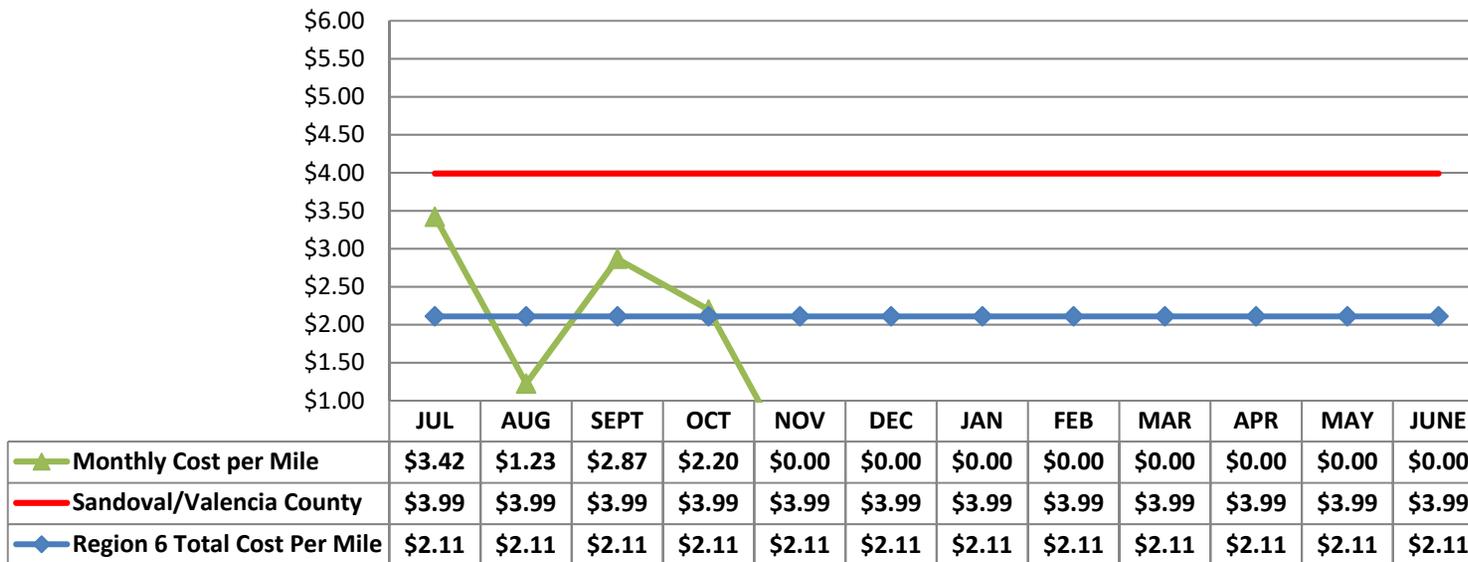
YEAR TO DATE: FY 18-19 **\$36,882**



## Paratransit Operational Cost per Vehicle Mile

The Paratransit Cost per vehicle mile is the total operating costs per month in relation to the percentage of ADA vehicle miles per month traveled. The mileage data is logged daily for each route and compiled into a monthly report. As a cost efficiency measure, operating costs per vehicle mile assesses the financial resources needed for the District’s demand response paratransit route operations. This measurement is a beneficial tool for the planning and operation’s departments. The NM Department of Transportation uses this as one of their performance measures in the state-wide transit guide published annually. Additionally this is used when NMDOT evaluates a transit system for the state-wide awards of 5311 and 5310 funding. The peer comparison is Rio Metro Regional Transit District-Sandoval/Valencia County for 2014. Theirs covers a large area as does NCRTD giving a close comparable. Data from the 2015 Rural Transit Data Fact Book with data from 2013 (NTD), specifically FTA’s District 6 (our district) annual cost per trip is included as a benchmark.

Paratransit Operating Cost Per Vehicle Mile

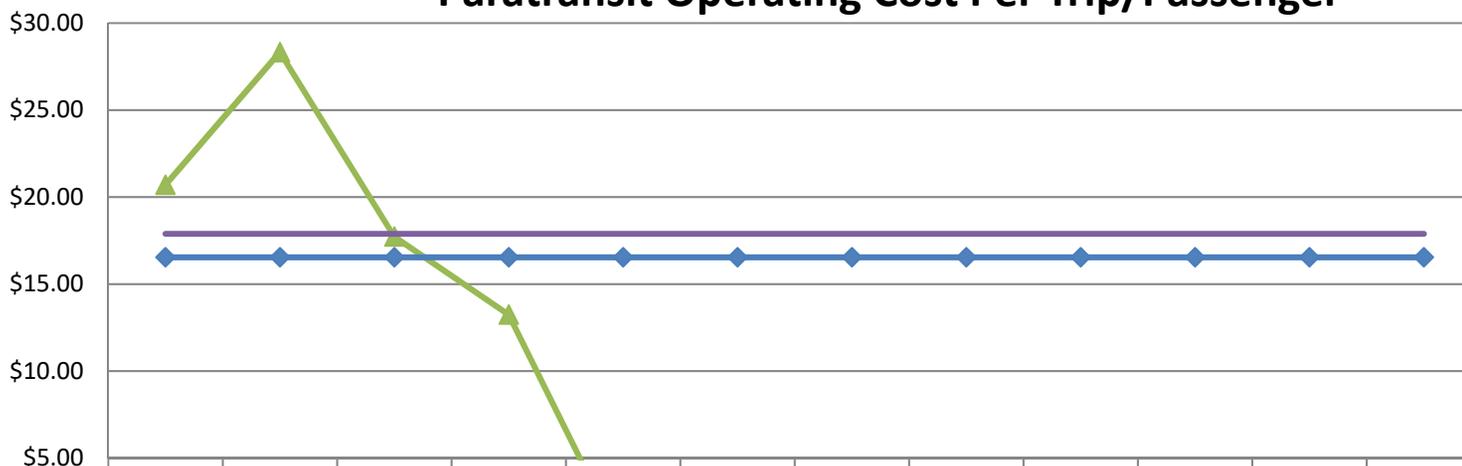




### Paratransit Operating Cost per Trip

The paratransit cost per trip is computed on a monthly basis by dividing the paratransit monthly operating costs from the paratransit cost (chart above), by the total monthly number of trips (ridership). NM Department of Transportation uses this as one of their performance measures to the state-wide transit guide published annually. Additionally this is used when NMDOT evaluates a transit system for the state-wide awards of 5311 and 5310 funding. This is a management tool to track our cost per trip vs. the amount of budget being spent to operate a particular route as well as collectively for all routes.. The peer comparison is Rio Metro Regional Transit District-Sandoval/Valencia County for 2014. Theirs covers a large area as does NCRTD giving a close comparable . Data from the 2015 Rural Transit Data Fact Book with data from 2013 (NTD), specifically FTA’s District 6 (our district) annual cost per trip is included as a benchmark.

### Paratransit Operating Cost Per Trip/Passenger



	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE
▲ Monthly Cost per Trip	\$20.71	\$28.33	\$17.73	\$13.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
— Sandoval/Valencia County	\$17.89	\$17.89	\$17.89	\$17.89	\$17.89	\$17.89	\$17.89	\$17.89	\$17.89	\$17.89	\$17.89	\$17.89
◆ Region 6 Total Cost Per Trip	\$16.54	\$16.54	\$16.54	\$16.54	\$16.54	\$16.54	\$16.54	\$16.54	\$16.54	\$16.54	\$16.54	\$16.54

**\*Data Update to reflect the 2013 National Transit Data Base beginning January 2017**



## Performance Measure – Paratransit Operations:

### Cancellations, Late Cancellations and No-Shows

Cancellations, Late Cancellations and No-shows by the paratransit rider are tracked as a performance measure. A late cancellation (cancelled within 2 hours of the scheduled trip) is counted as a No-Show. When a rider has accumulated 3 No-Shows in a 30 day period, he/she may be subject to a 30 day suspension of service.

**Cancellations = 382 Late Cancellations = 120 No-shows = 118**

On Time Performance and Trip Length tracked for scheduling and driver performance. On-Time performance is considered on-time from 10 minutes before to 20 minutes after the scheduled pickup time for the scheduled ride. This is reflected in the percentages of total trips that were early, late and on time. The performance goal for this measure is to attain 90% On-time.

**Early = 35.14% On Time = 61.21% Late = 2.20%**

Trip length is measured to determine the average trip length riders are on the bus during their trip as the rides are shared with other rider's pick up and drop offs. This is considered acceptable when ride time is not longer than twice the time it would take to make the ride on a fixed route bus. The average trip time on comparable fixed routes is 15 minutes.

**Average Trip Length Per Client = 21.1 Minutes, 7.2 Miles On Board**



## Performance Measure – Customer Relations:

### Commendations per Month

This performance tracks monthly the number and type of complaints received by the Operations Division of the NCRTD. The complaints are received by the Operations and Maintenance Manager. These are categorized by the type of complaint, and evaluated as to the seriousness of the complaint and whether or not a course of action needs to be taken, i.e. driver reprimand, driver retraining, vehicle maintenance, etc. This measure is intended to measure the percentage of complaints versus the total ridership for the month. Driver performance can be graded and we can see if more drivers training needs to be scheduled for particular drivers. Customers also have complained about routes, stops, dispatch, bus cleanliness and other various categories.

***No Commendations for October 2018***

**FY 18/19 Number of Commendations**

	Total	Scheduling Issues	Driver Performance	CSR/Dispatch	Miscellaneous*	Percent VS Ridership
July	0	0	0	0	0	0.00%
August	0	0	0	0	0	0.00%
Sept	0	0	0	0	0	0.00%
Oct	0	0	0	0	0	0.00%
Nov						
Dec						
January						
Feb						
March						
April						
May						
June						
<b>Total</b>	0					<b>0.00%</b>



## Performance Measure – Customer Relations:

### Complaints per Month

This performance tracks monthly the number and type of complaints received by the Operations Division of the NCRTD. The complaints are received by the Operations and Maintenance Manager. These are categorized by the type of complaint, and evaluated as to the seriousness of the complaint and whether or not a course of action needs to be taken, i.e. driver reprimand, driver retraining, vehicle maintenance, etc. This measure is intended to measure the percentage of complaints versus the total ridership for the month. Driver performance can be graded and we can see if more drivers training needs to be scheduled for particular drivers. Customers also have complained about routes, stops, dispatch, bus cleanliness and other various categories.

***No Complaints for October 2018***

**FY 18/19 Number of Complaints**

	Total	Scheduling Issues	Driver Performance	CSR/Dispatch	Miscellaneous*	Percent VS Ridership
July	0	0	0	0	0	0.00%
August	0	0	0	0	0	0.00%
Sept	0	0	0	0	0	0.00%
Oct	0	0	0	0	0	0.00%
Nov						
Dec						
January						
Feb						
March						
April						
May						
June						
<b>Total</b>	0					<b>0.00%</b>



## Performance Measure – Customer Relations:

### Customer Incidents

This performance measure calculates the number of customer incidents reported to the Operations and Maintenance Manager on a monthly basis. Customer incidents are any serious occurrence that may have an outcome that could be potentially hazardous to the driver or other passengers. These situations could be anything such as two passengers arguing over something, or a rider threatening a driver, or a non rider harassing a driver for not being on time. It could also be a passenger falling down on the bus, or a passenger stepping in front of the bus as it pulls away from the curb to stop it to get on the bus. This data is collected by the driver writing an incident report and turning it in to the Operations and Maintenance Manager. This is intended to measure the types of situations that arise and how frequently they arise on the various routes of service provided by the NCRTD. This measurement tells us the frequency of incidents versus the number of monthly riders. We can then see if additional training needs to be implemented for the driver to avoid or control incidents that may occur on his route.

*No Customer Incidents for October 2018*

#### FY 18/19 Number of Customer Incidents

	Total	Driver-Non Rider	Rider-Rider	Driver-Rider	Rider	% of Ridership
July	3	0	0	2	1	0.65%
Aug	0	0	0	0	0	0.00%
Sept	0	0	0	0	0	0.00%
Oct	0	0	0	0	0	0.00%
Nov						
Dec						
Jan						
Feb						
March						
April						
May						
June						
<b>Total</b>	0					<b>0.22%</b>



# **Performance Measures**

**for**

**Fiscal Year 2019**

**October 2018**



## Performance Measures for Fiscal Year 2018-2019

The performance measures that were developed are designed to provide data that can be evaluated in a logical manner. It allows the District to identify areas in which its performance may need to be improved and to understand the characteristics and factors that impact that performance. In addition, to the extent feasible a peer comparison or a benchmark has been included as available or appropriate. This performance data is important since many times the District's costs, efficiencies and productivity is not measured against any benchmark or standard or attempts are made to compare it against systems that bear no similarities in mission, complexity or service area. Therefore, the data presented should provide some context in which to assess the District and its efforts to deliver services based upon its mission, goals and objectives."

The report data collected is grouped into 3 areas: Administrative, Fleet and Customer Related:

1. **Administrative:**
  - A. Ridership, All Funded Routes
  - B. Ridership, NCRTD Operated Routes
  - C. Monthly Expenditures
  - D. Cost Per Mile
  - E. Cost Per Trip
  
2. **Fleet:**
  - A. Spare Vehicle Ratio
  - B. Average Vehicle Age
  - C. Percentage of "On-Time" PM / Inspections
  - D. Accidents, Major/Minor Tracking
  
3. **Customer Relations:**
  - A. Complaints
  - B. Incidents

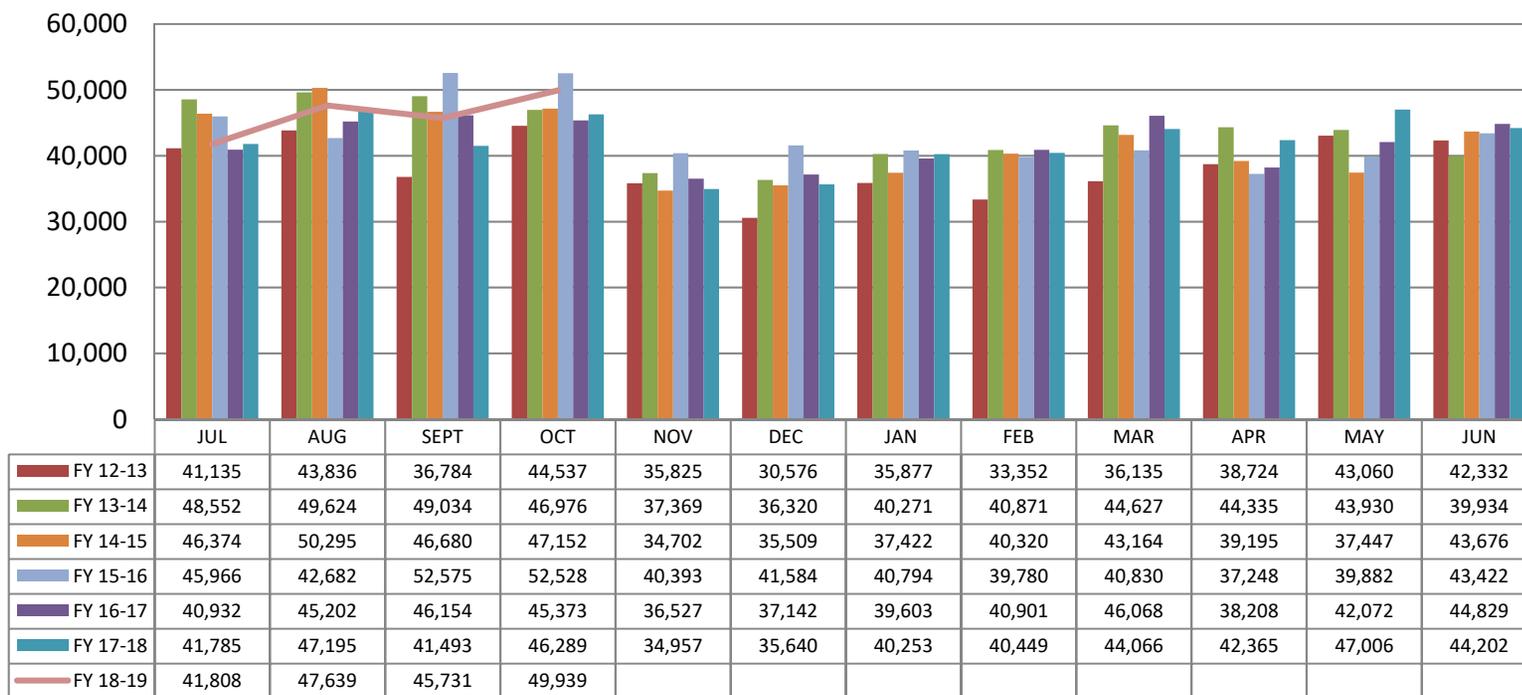
The In-state/local comparable is Sandoval/Valencia Counties which are operated by the Rio Metro Regional Transit District. This benchmark/peer entity was chosen since they are within New Mexico and somewhat similar to rural transit service. The FTA benchmarking data used originates from the Rural Transit Fact Book 2014. The data is for 2012 in FTA Region 6, rural providers which includes New Mexico, Texas, Oklahoma, Arkansas and Louisiana.



## Ridership Tracking of All NCRTD Funded Routes

Tracking ridership is the #1 way a public transportation agency can gauge its effectiveness of the service it provides. Ridership data for all routes funded by the NCRTD are collected by City of Santa Fe and Los Alamos County. This data is forwarded and combined with the data from the District's operated routes. These numbers are then compiled into a monthly ridership report. This measurement tracks the number of one way trips taken on all the routes within the district. This graph shows the NCRTD combined total ridership numbers, and compares them each month, identifying any increases or decreases in the number of monthly trips. This also indicates how well the regional district is continuing to address the issue of accessible mobility by routes that are in areas where there is public demand. Sandoval/Valencia counties are used local/in-state comparison benchmark, as they are similar in service but smaller in size: a two county service of the Rio Metro Transit District.

Ridership All Funded Routes



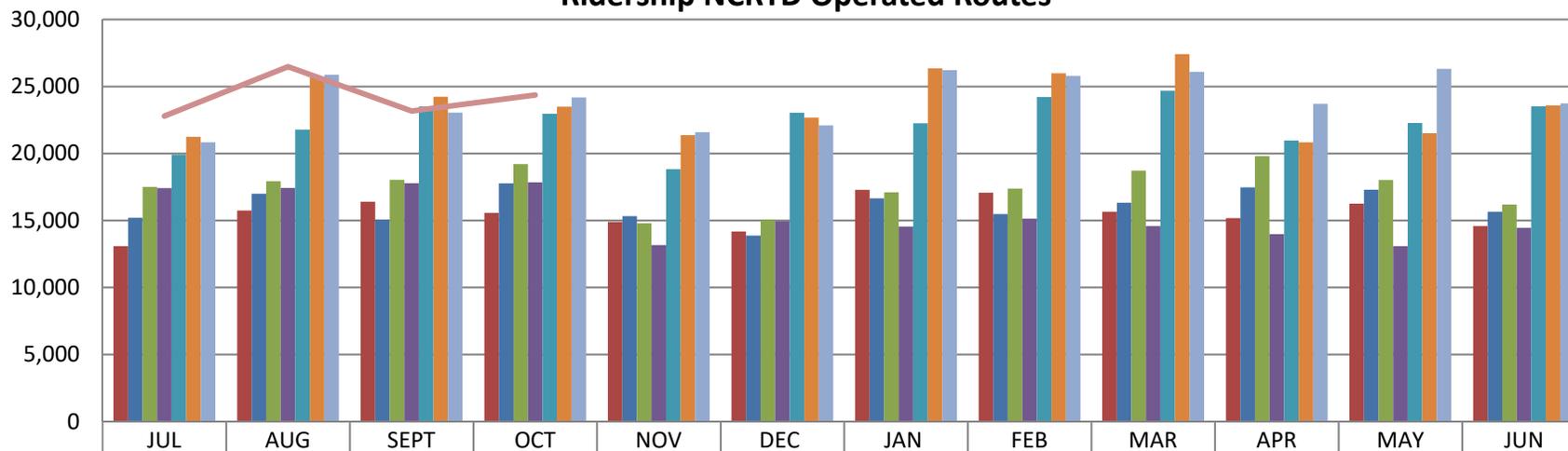
**FY12/13 = 462,173 FY13/14 = 521,843 FY14/15 = 501,936 FY15/16 = 517,684 FY16/17 = 503,011 / FY17-18= 505,700 FY18/19 = 185,117**



## Ridership Tracking of NCRTD Operated Routes

This ridership data is collected by the NCRTD drivers for all routes operated by the District. This includes flex and commuter routes as well as the demand response and paratransit routes. Totaling the number of one way trips on NCRTD routes, allows staff to evaluate effectiveness and to ensure that the service is reaching areas in the district that have high demand for accessible mobility. Sandoval/Valencia counties were selected as a local/in-state comparison benchmark.

Ridership NCRTD Operated Routes



	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
FY 11-12	13,081	15,739	16,397	15,567	14,886	14,167	17,274	17,071	15,650	15,178	16,244	14,573
FY 12-13	15,200	16,995	15,052	17,760	15,317	13,872	16,642	15,471	16,315	17,465	17,285	15,653
FY 13-14	17,504	17,934	18,033	19,205	14,792	15,069	17,102	17,380	18,719	19,804	18,021	16,187
FY 14-15	17,415	17,419	17,781	17,843	13,155	14,933	14,545	15,134	14,578	13,983	13,087	14,447
FY 15-16	19,899	21,768	23,498	22,962	18,824	23,033	22,245	24,214	24,675	20,963	22,273	23,516
FY 16-17	21,241	25,654	24,227	23,487	21,364	22,666	26,341	25,981	27,404	20,829	21,513	23,578
FY 17-18	20,834	25,875	23,045	24,173	21,586	22,097	26,212	25,783	26,092	23,699	26,314	23,731
FY 18-19	22,789	26,475	23,168	24,360								

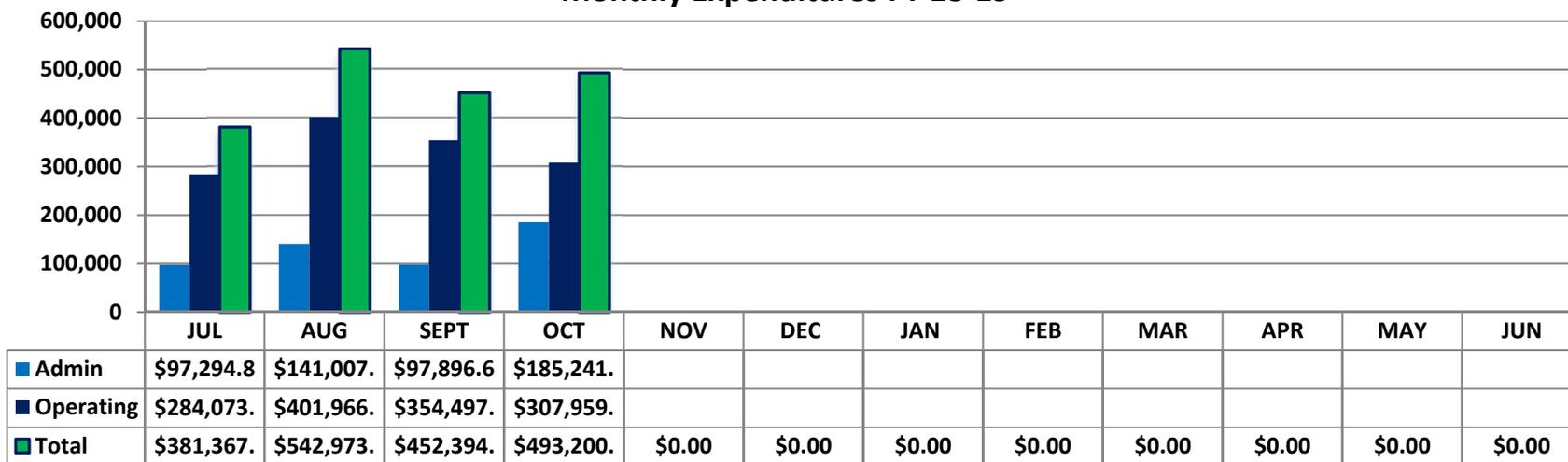
**FY12/13 = 193,027 FY13/14 = 209,750 FY14/15 = 184,320 FY15/16 = 267,870 FY16/17 = 284,285 / FY17/18 = 289,441 FY18/19 = 96,792**



## Monthly Expenditures for Administrative and Operating

The NCRTD’s Finance Department provides the administrative and operating expenses in a monthly budget status report. It is important to measure the expenditures to maintain a balanced budget, as well as tracking the administrative and operating margins. This data is used in determining the cost per trip and the cost per mile. Tracking the budget and monitoring operational costs allows management to target specific dollar amounts when creating future budgets and requesting federal funding from the NM Department of Transportation.

Monthly Expenditures FY 18-19

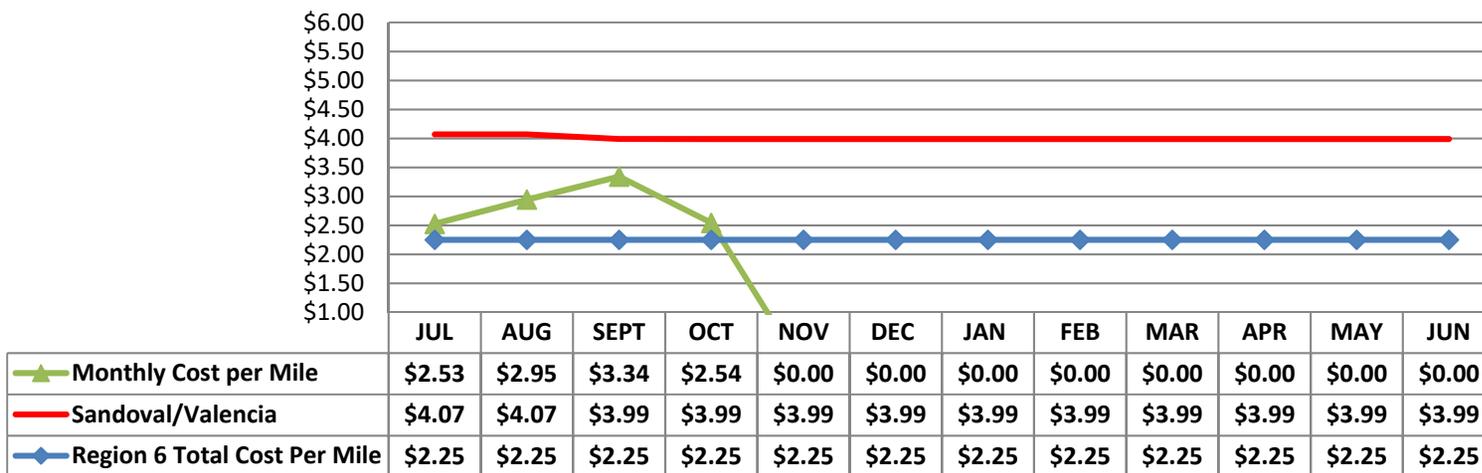




## Operational Cost per Vehicle Mile

Cost per vehicle mile is the total operating costs per month in relation to the total vehicle miles per month traveled on NCRTD routes. The mileage data is logged daily for each route and compiled into a monthly report. Monthly operating costs are obtained from the Monthly Expenditures (chart above) and the number of miles travelled for NCRTD operated routes. As a cost efficiency measure, operating costs per vehicle mile assesses the financial resources needed for the District's route operations. This measurement is a beneficial tool for the planning and operation's departments. The NM Department of Transportation uses this as one of their performance measures in the state-wide transit guide published annually. Additionally this is used when NMDOT evaluates a transit system for the state-wide awards of 5311 funding. This is a management tool to track our cost per mile vs. the amount of budget being spent to operate a particular route as well as collectively for all routes. Sandoval and Valencia counties' annual average are used as a local/in state comparable benchmark, even though their system is smaller than NCRTD. Data from the **2015 Rural Transit Data Fact Book**, specifically FTA's District 6 (our district) annual cost per mile is included as a benchmark. **\*This Data from 2015 Rural Transit Data Fact Book has been revised for the FY17 year.**

### Operating Cost Per Vehicle Mile



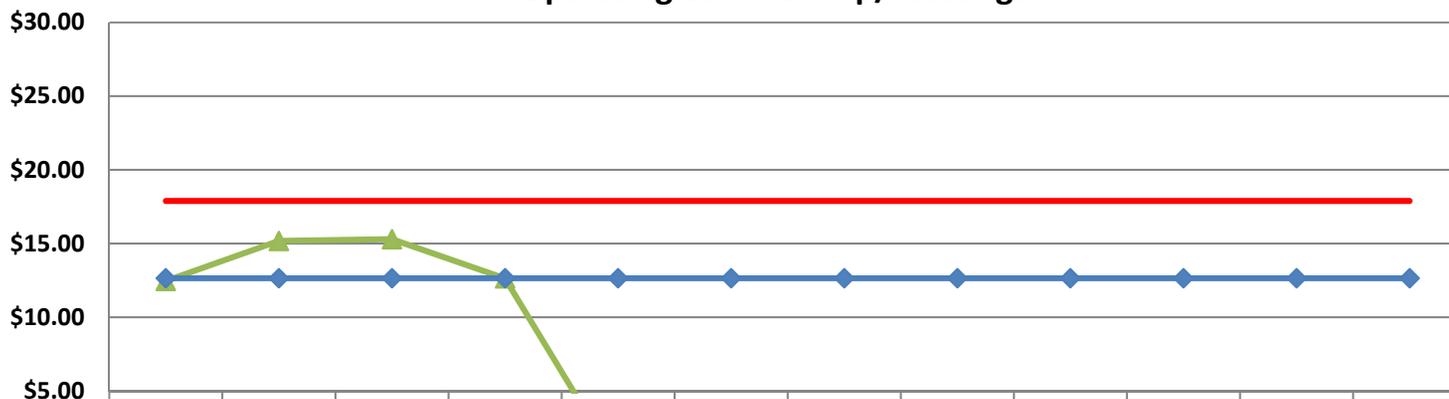
\*Data Update to reflect the 2013 National Transit Data Base beginning January 2017



## Operating Cost per Trip

When transit data is collected, passengers, riders and rides are counted and referred to as “trips.” One passenger can generate several trips in a day, and these are counted individually. Example, a particular rider may board in Questa (1 trip) and transfer to the Taos to Espanola bus (1 trip) and again transfer to the Santa Fe bus in Espanola (1 trip) for a total of three trips. The cost per trip is computed on a monthly basis by dividing the monthly operating costs from the Monthly Expenditures (chart above), by the total monthly number of trips (ridership). NM Department of Transportation uses this as one of their performance measures to the state-wide transit guide published annually. Additionally this is used when NMDOT evaluates a transit system for the state-wide awards of 5311 funding. This is a management tool to track our cost per trip vs. the amount of budget being spent to operate a particular route as well as collectively for all routes. Sandoval and Valencia counties’ annual average are used as a local/in state comparable benchmark, even though their system is smaller than the NCRTD. Data from the **2015 Rural Transit Data Fact Book**, specifically FTA’s District 6 (our district) annual cost per trip is included as a benchmark. . **\*This Data from 2015 Rural Transit Data Fact Book has been revised for the FY17 year (data is from 2013).**

Operating Cost Per Trip/Passenger



	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN
Monthly Cost per Trip	\$12.47	\$15.18	\$15.30	\$12.64	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Sandoval/Valencia	\$17.89	\$17.89	\$17.89	\$17.89	\$17.89	\$17.89	\$17.89	\$17.89	\$17.89	\$17.89	\$17.89	\$17.89
Region 6 Total Cost Per Trip	\$12.65	\$12.65	\$12.65	\$12.65	\$12.65	\$12.65	\$12.65	\$12.65	\$12.65	\$12.65	\$12.65	\$12.65

\*Data Update to reflect the 2013 National Transit Database (NTD) beginning January 2017

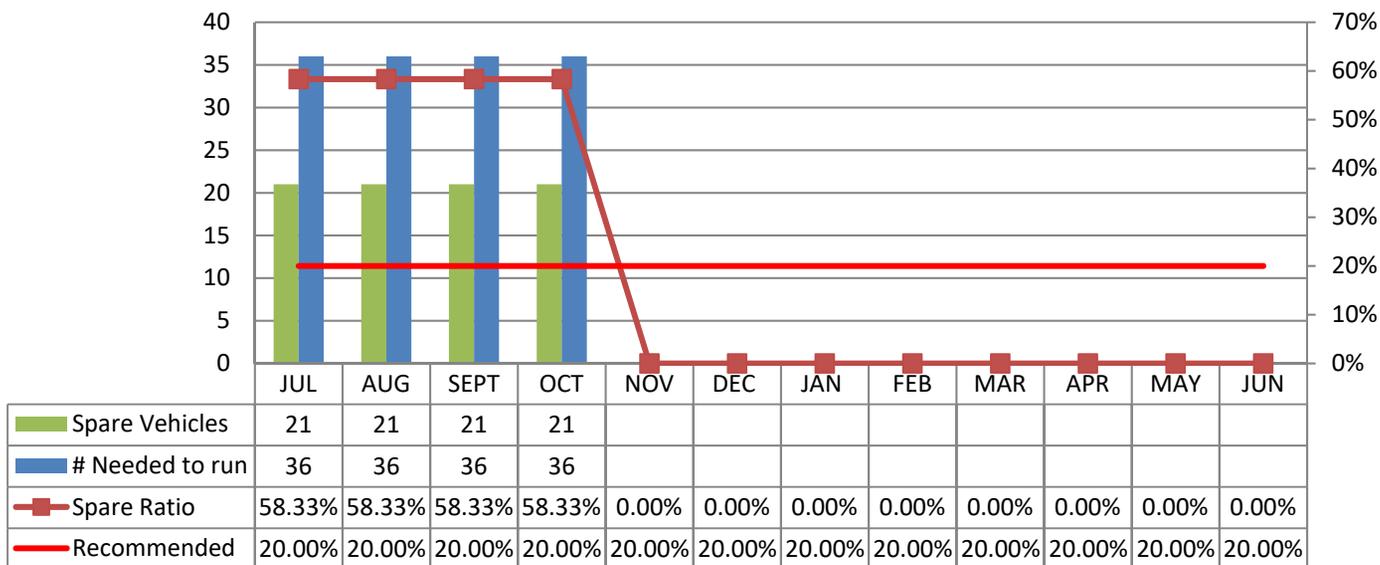


### Performance Measure - Fleet:

#### Spare Vehicle Ratio/Combined all Vehicles

FTA defines the spare ratio as the percentage of spare vehicles in comparison to the number of vehicles required for annual maximum service. Recommended FTA spare vehicle ratio is 20% for fleets over 51 vehicles. NCRTD's fleet totals 54 and is exempt from this guideline but it is a good benchmark to keep in place. With an annual maximum service of now 37 and a backup fleet of 17, the backup ratio is 45.95%. This higher number is needed and reasonable due to the variety of passenger seating requirements for specific routes throughout the District. These backup vehicles ensure consistent coverage of all routes when vehicles are off line due to routine maintenance or unexpected breakdowns.

#### Spare Vehicle Ratio/Combined All Vehicles



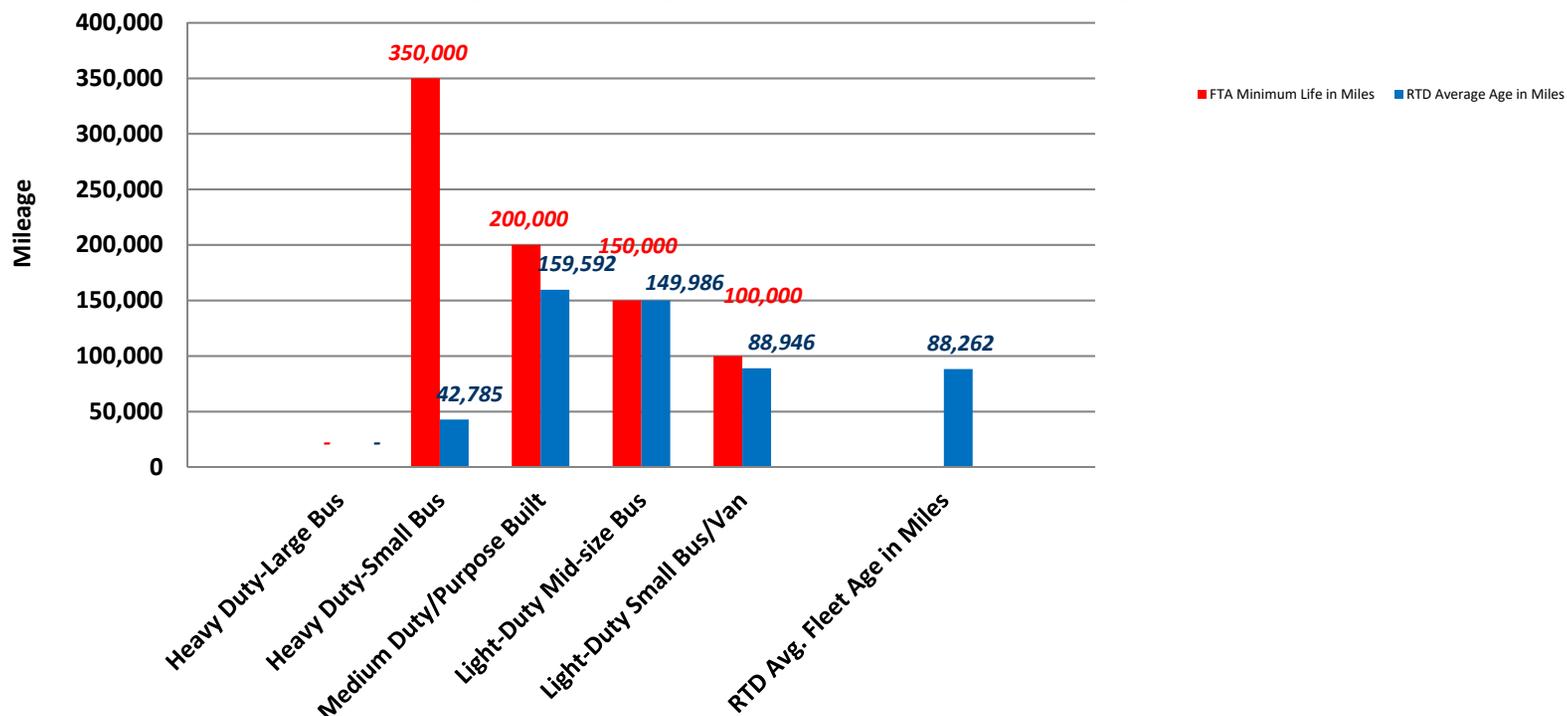


## Performance Measure - Fleet:

### Average Fleet Age

The FTA allows the use of years or mileage to attain usable life. The District uses mileage rather than the year of manufacture because of the large area of the district and the high number of miles traveled on an annual basis. This compares the age of specific kind of vehicles by mileage in accordance to the FTA guidelines. This is useful in fleet replacement planning. The numbers will vary month to month as mileages increase and old vehicles are replaced by new.

### Average Fleet Age in Miles by FTA Category



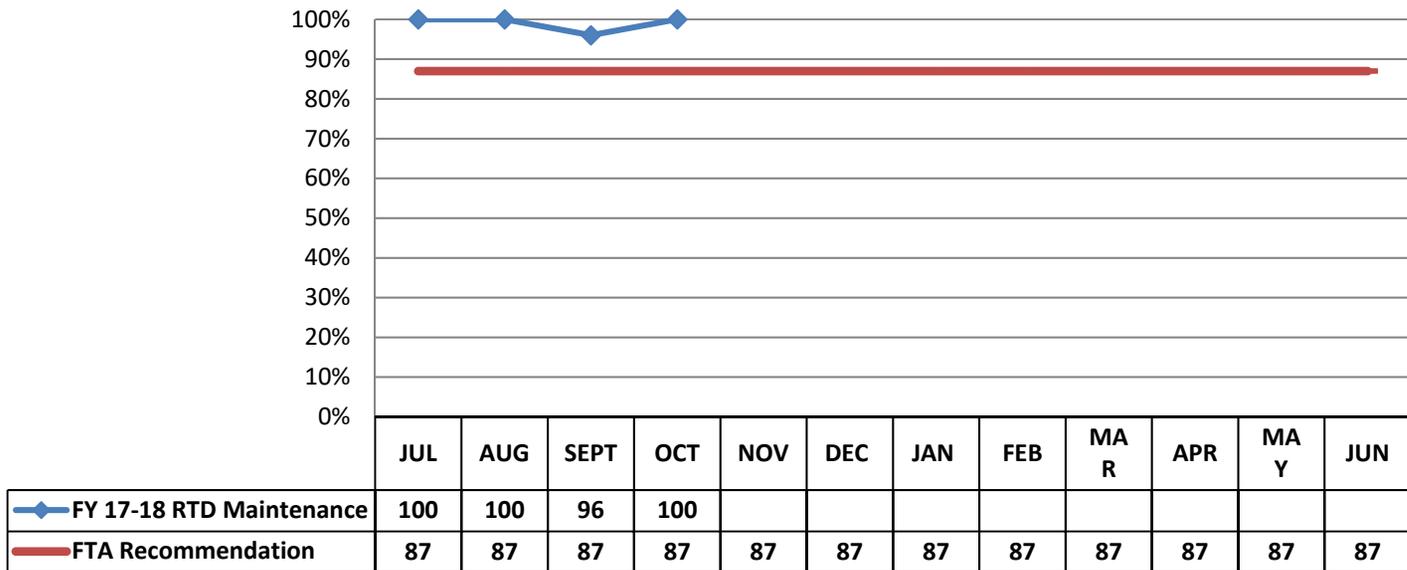


## Performance Measure - Fleet:

### Percentage of “On-Time” PM / Inspections

The federal benchmark for the percentage of “on-time” preventative maintenance (PMs) and inspections for the fleet is 87%. Inspections are required to be conducted within certain mileage timeframe by vehicle manufacturers for the various sizes of vehicles. Manufacturer’s recommended maintenance schedules may range in mileage due to the component makeup of a particular vehicle. The FTA recommends they be conducted within the manufacturer’s recommended maintenance schedule. However, as a sub recipient of NMDOT we are allowed varied standards as approved by NMDOT. With the variety of sizes and component makeup of District vehicles, we have determined and hold to a standard of 6000 mile intervals for the light and medium gasoline powered fleet and 7000 miles for the diesel powered medium-heavy fleet. This ensures frequent safety inspections and PM services at reasonable intervals that result in a more dependable and safer fleet. This data is collected and tracked by the Fleet Maintenance Manager.

**Percent of Preventative Maintenance Completed Within Scheduled Mileage**

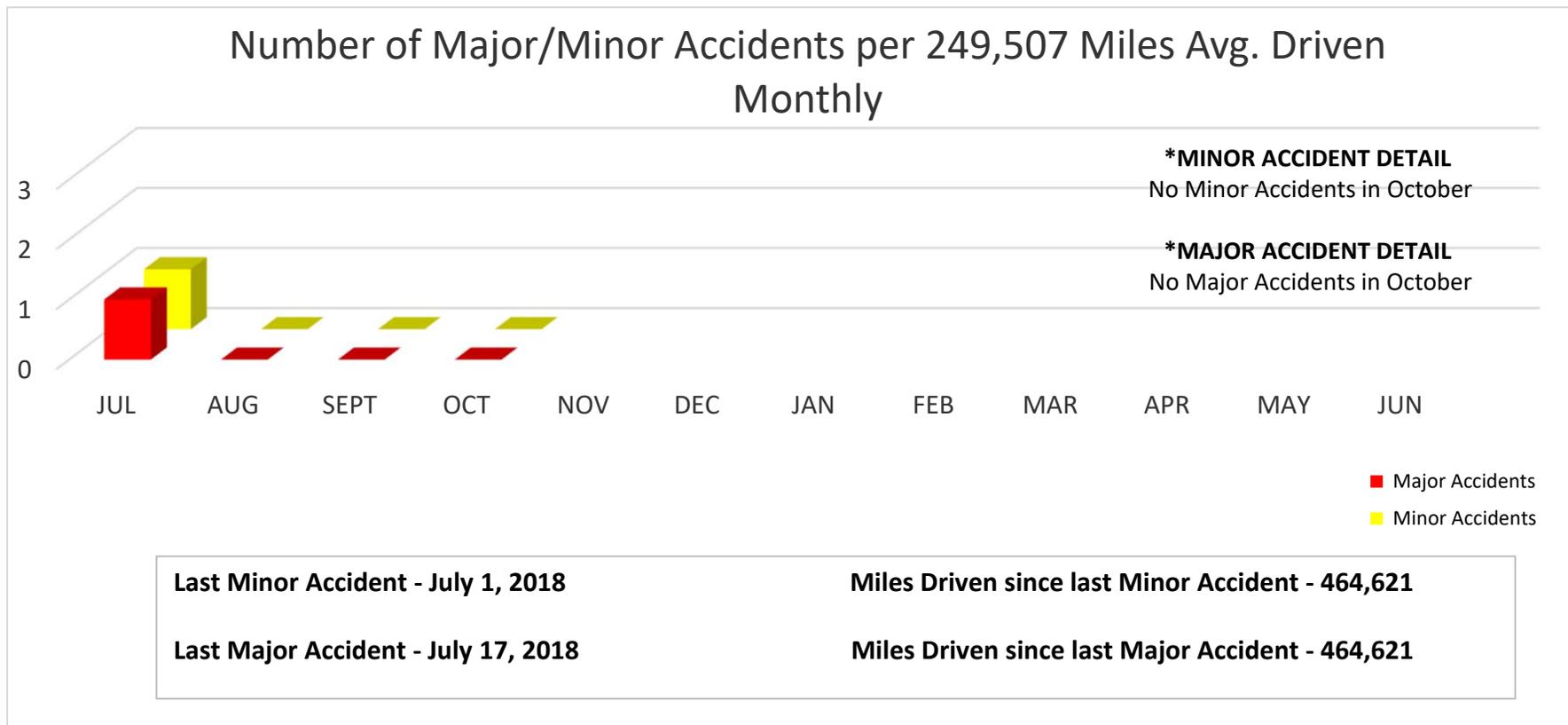




## Performance Measure - Fleet:

### Accidents per Month

This measurement shows us how many accidents occur within a month and to what frequency they occur. These are logged as minor or major accidents. A minor accident for example, is one where a driver hits a stationary object while backing but there is minimal damage. A major accident is one where there may be significant damage and/or injury, and a FTA Post accident drug screen is required. All accidents are reported to the Operations and Maintenance Manager to decide on what corrective action needs to be taken. There are established internal reporting and follow up procedures. All accidents, major or minor, are investigated and documented, and dealt with accordingly by the operations management team. As a result, disciplinary measures and/or driver re-training may be required by the outcome of the investigation.



## Performance Measure – Customer Relations: Commendations per Month

This performance tracks monthly the compliments received by the Operations Division of the NCRTD. The compliments are received by Operations and Admin staff. These are categorized by the different positions within Operations, and are recognized with an incentive in the “Above and Beyond” recognition program at the NCRTD. Driver’s may use recognition at the time of their evaluation.

**No Commendations in October 2018**

### FY 18/19 Number of Commendations

	Total	Driver Performance	Dispatch	Miscellaneous*	Percent VS Ridership
July	1	1	0	0	0.004%
August	0	0	0	0	0.000%
Sept	0	0	0	0	0.000%
Oct	0	0	0	0	0.000%
Nov					
Dec					
January					
Feb					
March					
April					
May					
June					
<b>Total</b>					0.004%



## Performance Measure – Customer Relations:

### Complaints per Month

This performance tracks monthly the number and type of complaints received by the Operations Division of the NCRTD. The complaints are received by the Operations and Maintenance Manager. These are categorized by the type of complaint, and evaluated as to the seriousness of the complaint and whether or not a course of action needs to be taken, i.e. driver reprimand, driver retraining, vehicle maintenance, etc. This measure is intended to measure the percentage of complaints versus the total ridership for the month. Driver performance can be graded and we can see if more driver training needs to be scheduled for particular drivers. Customers also have complained about routes, stops, dispatch, bus cleanliness and other various categories.

1. *Caller stated she was 10 steps away from the bus stop waving at the driver, the driver did not stop to pick her up.*

**Supervisor pulled the hard drive; the video shows there was no one at the bus stop or near the bus stop. The supervisor returned a phone call notified her of the findings. The caller admitted she wasn't at the bus stop, she was walking to the bus stop when she saw the bus pass. The supervisor advised her she needs to be directly at the bus stop for the driver to know to stop for passengers. The caller understood our policies and agreed to stand directly at the stop.**

2. *Caller wanted to know if the Santa Clara bus would be on time. Dispatch advised her at that moment it was difficult to say due to the bus not being on route yet. Dispatch did advise the caller the bus may be delayed due to the construction in the Pojoaque area. The caller became upset, began yelling "the bus is always late and wanted to know why the bus was always late." The caller continued to yell at dispatch and then hung.*

**Supervisors were advised of the complaint. Caller didn't leave a call back number for a return call.**

3. *Caller stated he was wanting to go to the OhKay Casino, but the bus had passed him by at the Allsup's stop and again at the Walgreen's stop.*

**Supervisor pulled the hard drive, there were no passenger's at either of the stops as suggested by the caller.**

4. *Caller stated he was at the Snow Bird stop waiting for the bus as the bus drove past him.*

**Supervisor pulled the hard drive; the video does show the man at the bus stop at the time specified. The driver did not stop for him. The supervisor will advise the driver to be more cautious, checking all bus stops while driving past them to ensure there are no passengers waiting.**

5. *Caller stated he was at the Lovin Oven stop waiting for the bus as the bus drove past him.*

**Supervisor viewed the hard drive; saw the man was at the stop as he stated. The driver drove past him not acknowledging him at the stop. The supervisor talked with the driver advising him to be more cautious, checking all bus stops while driving past them to ensure there are no passengers waiting.**

6. *Caller stated he had concerns how the driver was running the route. He stated the driver didn't pull up to the curb and was parking in the middle of the street at the Sheridan stop. He also stated the bus was very filthy.*

**Supervisor called back to advise the caller the driver was new to the route and was in training/learning the route. The supervisor also advised the caller the drivers receive extra training if needed. The caller stated the driver had gotten better as the week progressed.**

7. *Caller stated the driver did not allow them to board the bus, advised them they would need to wait at the stop until he came back again to board the bus.*

**Supervisor viewed the hard drive; the video doesn't show anyone at the stop or approach the driver at the time specified. The Supervisor returned the phone call, but no one answered, she left a message for a call back.**

8. Caller stated she had several issues with various drivers but wanted to complain about an incident that just occurred on the bus with a driver. She stated she asked the driver if he could turn on the heater, in which the driver replied it was on. The caller stated she kept insisting for the driver to turn on the heater. The caller stated the driver offered her to come to the front of the bus and sit on his laps. She feels the drivers are very rude and do whatever they want to do and stated they were all a bunch of Nazi's. She stated she has had several bad experiences with different drivers and the NCRTD needed to do something about it.

**Supervisor pulled the hard drive; the video did not show anything the caller stated occurred. The video shows the driver and the passenger having a conversation about the European race, homo sapiens, super volcanos, and various other subjects. The passenger looks like she is becoming angry with the conversation they were having. At some point the driver tells the passenger he doesn't want to further the conversation as it seemed like she was becoming angry and turned up the radio. The passenger continued to talk louder over the radio. She finally exited the bus at the State Police. (It is to be noted there has been several incidents/complaints regarding this passenger reflecting to 2016.)**

9. Caller stated a driver was driving fast into the Arroyo Seco Fire Station almost rear ending him, laughed and continued to drive fast almost hitting another vehicle. **Supervisor view the hard drive; the video did not show any erratic driving or breaking suddenly to avoid another vehicle. The supervisor called back the caller to notify him of the findings.**

10. Caller stated he saw a bus heading to the Chama Rail Station but never went to the Chama Senior Center where he was waiting to catch the bus. **Supervisor pulled the hard drive; the video shows the driver pulling in to the Chama Senior Center, but no one was at the stop. The bus he saw headed to the Chama Rail Station was the Jicarilla bus, not the Chama bus that he was waiting for.**

11. Caller stated he told the driver what stop he wanted to be dropped off at. He claimed the driver drove past the stop causing the passenger to walk back to the stop he requested. The caller stated the driver was very rude and unprofessional. **Supervisor pulled the hard drive; he did observe the passenger tell the driver where he wanted to get off at. It shows the passenger walking back to the stop he requested to be dropped off at.**

12. Caller stated her daughter was waiting at the Arroyo Seco Fire Station and the bus had not been by to pick her up yet. The mother wanted to know why the RTD was late in picking her up. She mentioned the prior week her daughter had to wait one hour at the Arroyo Seco Fire Station before the bus went to pick her up. She was upset, stating the "druggies" get picked up before the school kids.

**Supervisor advised her a driver was on his way to pick up her daughter. He did advise her we are public transportation, the reason for the bus being delayed in picking up her daughter was due to dropping off another passenger before heading to pick up her daughter.**

**FY 18/19 Number of Complaints**

	Total	Schedule Issues	Driver Performance	Against other Passengers	Miscellaneous*	Percent VS Ridership
July	1	0	1	0	0	0.004%
August	4	2	2	0	0	0.015%
Sept	1	0	1	0	0	0.004%
Oct	12	0	12	0	0	0.049%
Nov						
Dec						
January						
Feb						
March						
April						
May						
June						
Total						0.073%



## Performance Measure – Customer Relations: Customer Incidents

This performance measure calculates the number of customer incidents reported to the Operations and Maintenance Manager on a monthly basis. Customer incidents are any serious occurrence that may have an outcome that could be potentially hazardous to the driver or other passengers. These situations could be anything such as two passengers arguing over something, or a rider threatening a driver, or a non rider harassing a driver for not being on time. It could also be a passenger falling down on the bus, or a passenger stepping in front of the bus as it pulls away from the curb to stop it to get on the bus. This data is collected by the driver writing an incident report and turning it in to the Operations and Maintenance Manager. This is intended to measure the types of situations that arise and how frequently they arise on the various routes of service provided by the NCRTD. This measurement tells us the frequency of incidents versus the number of monthly riders. We can then see if additional training needs to be implemented for the driver to avoid or control incidents that may occur on his route.

1. *While arriving at the Sheridan bus stop a driver found a passenger crawling on the floor of the bus with an empty alcohol bottle in his hands. The man was intoxicated and began to argue with the driver. The driver asked him to get off the bus and refused him service for the remainder of the day. (This incident was an August incident, turned in to Operations office in October.)*
2. *While a passenger was exiting the bus at the H & R Block bus stop he began to use foul language towards the driver.*
3. *A woman boarded the bus at the Taos Admin bus stop, the driver asked where she was headed. She told the driver she was wanting to go to the KTAO stop. When arriving at the KTAO stop she did not exit the bus. While in route to pick up the students, the woman remained on board not sure where she wanted to get off. A while later the teacher on board advised the driver the woman had vomited on the bus. The driver directed the teacher to relay to the woman she needed to clean the area where she had vomited. The woman was still on the bus when he arrived at the Taos Admin Office. The driver radioed into dispatch for assistance, the woman then exited the bus.*
4. *Two passengers boarded the bus at the Wal-Mart stop going to the Habitat for Humanity Stop. When the bus stopped at the Habitat for Humanity stop the men told the driver they were going to continue the route. When arriving at the Park N Ride stop both men began to argue with the driver. The driver refused them service for the remainder of the day.*
5. *Driver stopped at the Placitas stop for a passenger who was sitting at the bus shelter. The man was intoxicated, the driver refused him service due to intoxication.*
6. *A passenger at the Park N Ride wanted to bring a car battery on board with him. The driver told him he was not allowed to bring the battery on board. The passenger placed the battery on the steps of the bus, refusing to get off the bus. The driver radioed to dispatch requesting assistance from a supervisor. At this time there was another driver from another route at the Park N Ride stop as well, he observed the driver was having a difficult time with the passenger and approached the passenger. The 2<sup>nd</sup> driver asked him to please remove the battery from the bus, in which he did so at that time. The driver of the bus was able to leave on route while the man waited at the stop for the supervisor to arrive.*
7. *A passenger on the Riverside bus was walking around on the bus while the bus was in motion. The driver advised the passenger to stay seated while the was moving. When they reached the OhKay Casino stop the passenger exited the bus using foul language at the driver.*

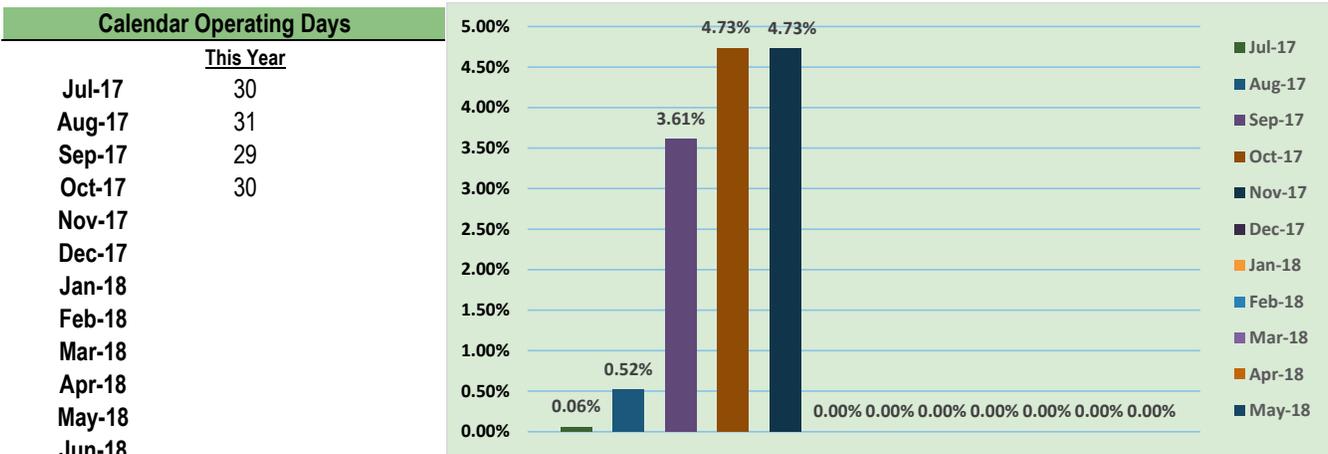
7. *A passenger on the Riverside bus was walking around on the bus while the bus was in motion. The driver advised the passenger to stay seated while the bus was moving. When they reached the OhKay Casino stop the passenger exited the bus using foul language at the driver.*
8. *While parked at the Park N Ride stop a driver observed a man dressed in jeans, and a dark blue t-shirt who was acting very strange. He was yelling and hitting the fence. He approached the bus. and began hitting the passenger window with his hands. The driver radioed dispatch about the situation; a supervisor was dispatched to the scene. When the supervisor arrived at the Park N Ride stop he found the man was in the parking lot area hitting the parked cars that were in the parking lot. Espanola City Police were called. The driver was able to leave without incident. (This incident was a September incident, turned in to Operation's office in October).*
9. *As a driver approached a stop on the Mountain Trail route he noticed there was no one at the stop but did observe a woman waving him down a few feet away from the bus stop. The driver pulled over and the woman approached the bus. She began yelling at the driver, asking him why he was going to leave her. The driver tried to explain to her she needed to be at the stop for him to know she was needing a ride, but the woman wasn't happy with anything the driver tried to tell her. (This incident was a September incident, turned in to Operation's office in October).*
10. *A driver had a disruptive passenger on the bus who began to argue with the driver over mileage. The driver radioed in to dispatch requesting assistance from a supervisor. The passenger on the bus threatened to cut the driver's throat. The supervisor met the driver, asked the passenger to exit the bus. As the passenger exited the bus he made a derogatory comment to the supervisor and threatened to kill him as well. Espanola City Police were called, and the man was arrested.*

**FY 18/19 Number of Incidents**

	Total	Driver-Non Rider	Rider-Rider	Driver-Rider	Non- Rider	Rider	% of Ridership
July	11	2	0	6	0	3	0.048%
Aug	0	0	0	0	0	0	0.000%
Sept	6	1	0	4	0	1	0.026%
Oct	10	1	0	6	1	2	0.041%
Nov	0						
Dec	0						
Jan	0						
Feb	0						
March	0						
April	0						
May	0						
June	0						
Total	0						0.028%

## NCRTD Monthly Ridership Summary

October 1, 2018 through October 31, 2018



	Monthly System Totals			Year to Date Totals			
	This Year	Last Year	% Change	This Year	Last Year	Difference	% Change
<b><u>NCRTD Operated</u></b>	24,360	24,173	<b>0.77%</b>	96,792	93,927	2,865	<b>3.05%</b>
<b><u>NCRTD Funded</u></b>	25,579	22,116	<b>15.66%</b>	88,325	82,835	5,490	<b>6.63%</b>
<b><u>All Systems Funded</u></b>							
<b><u>Total</u></b>	<b>49,939</b>	<b>46,289</b>	<b>7.89%</b>	<b>185,117</b>	<b>176,762</b>	<b>8,355</b>	<b>4.73%</b>

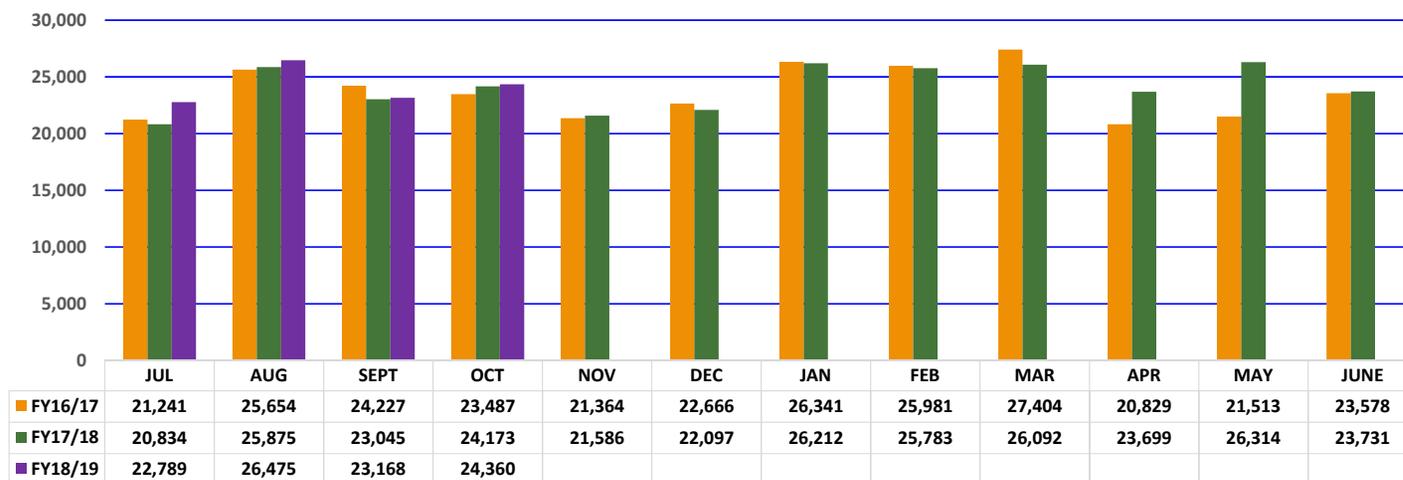
System Daily Averages			
	This Year	Last Year	% Change
<b><u>NCRTD Operated</u></b>	812	806	<b>0.74%</b>
<b><u>NCRTD Funded</u></b>	853	737	<b>15.74%</b>
<b><u>Systems Total</u></b>	<b>1665</b>	<b>1543</b>	<b>7.91%</b>

Total Ridership YTD % Change	
Jul-17	0.06%
Aug-17	0.52%
Sep-17	3.61%
Oct-17	4.73%
Nov-17	
Dec-17	
Jan-18	
Feb-18	
Mar-18	
Apr-18	
May-18	
Jun-18	

On Time Performance		
On Time	Late	Early
64.51%	10.75%	24.02%

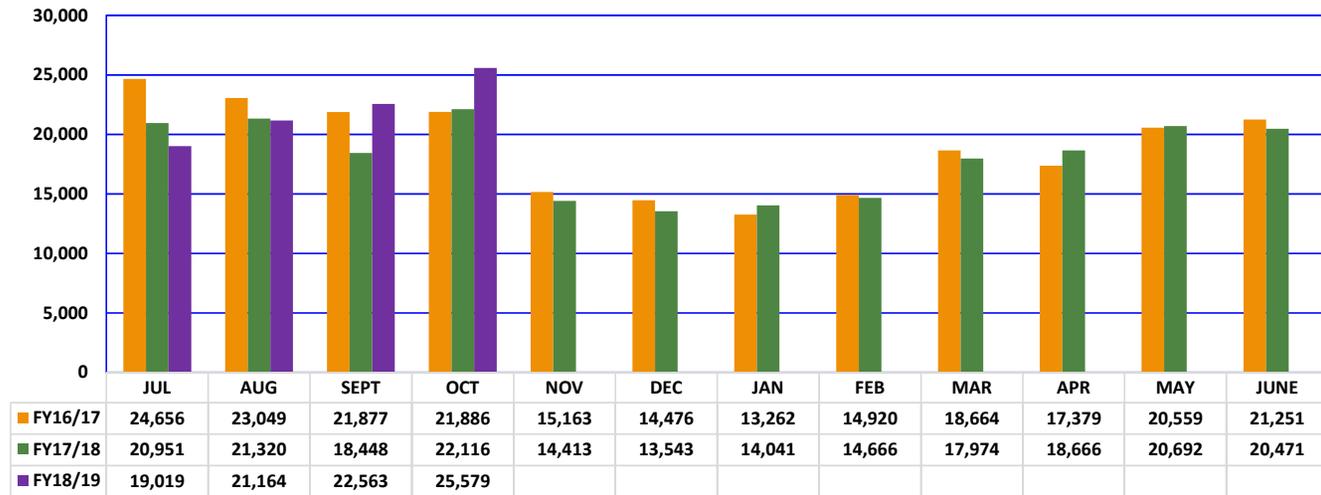
# FY 18/19 October Ridership

Comparative Ridership NCRTD Operated Routes ONLY



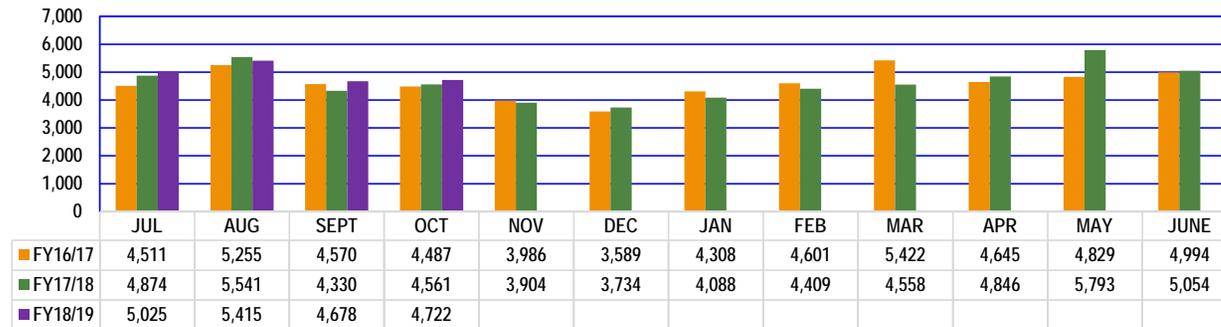
FY16/17 = 284,285 FY17/18 = 289,441 FY18/19 = 96,792

### Comparative Ridership NCRTD Funded Routes



FY16/17 = 227,142 FY17/18 = 217,301 FY18/19 = 88,325

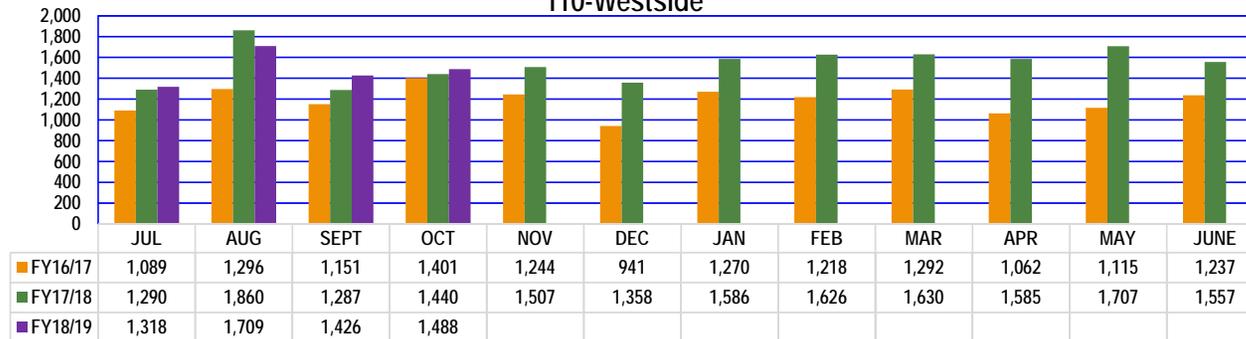
### 100-Riverside



FY16/17 = 55,197 FY17/18 = 55,692 FY18/19 = 19,840

On Time Performance: On Time 73.6% / 15.6% Late / 10.8% Early

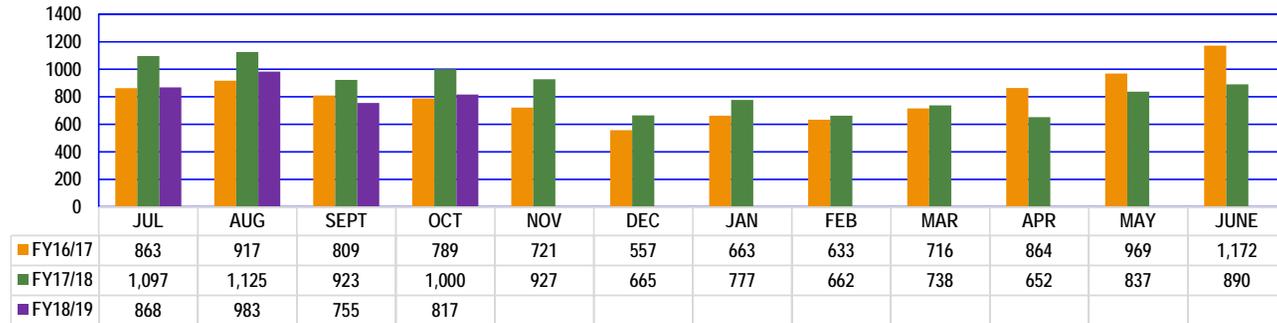
### 110-Westside



FY16/17 = 14,316 FY17/18 = 18,433 FY18/19 = 5,941

On Time Performance: 58.9% On Time / 36.5% Late / 4.7% Early

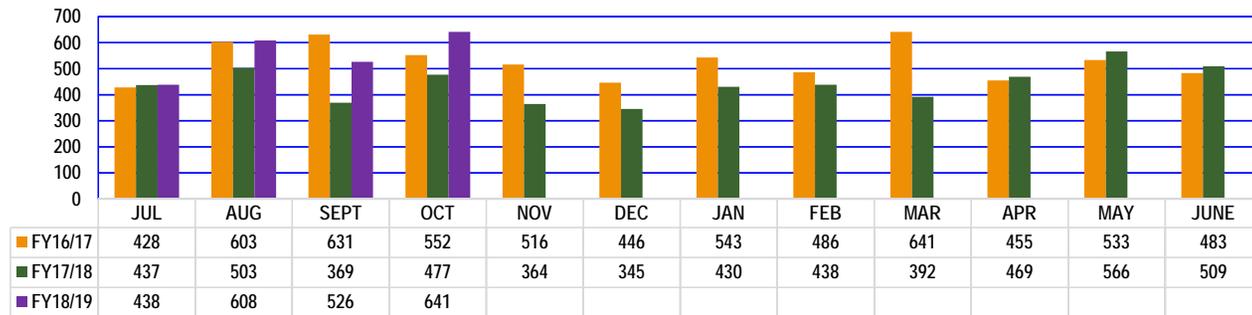
### 150-Chimayo



FY16/17 = 9,673 FY17/18 = 10,293 FY18/19 = 3,423

**On Time Performance: 69.4% One Time / 19.8% Late / 10.8% Early**

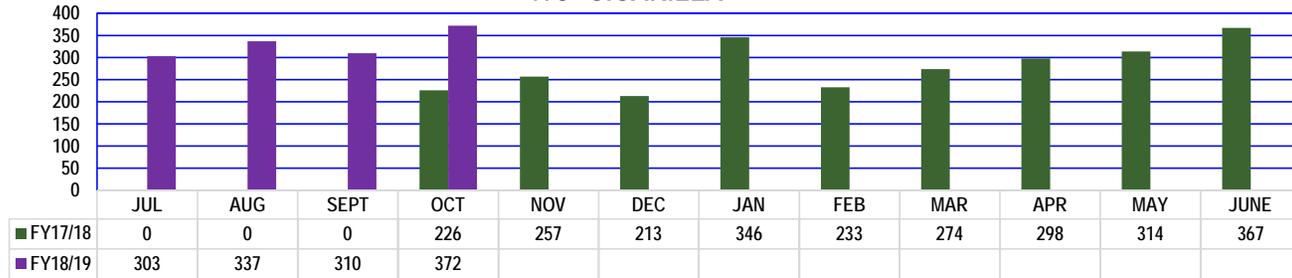
### 160-Santa Clara



FY16/17 = 6,317 FY17/18 = 5,299 FY18/19 = 2,213

**On Time Performance: 87.6% On Time / 8.2% Late 4.3% Early**

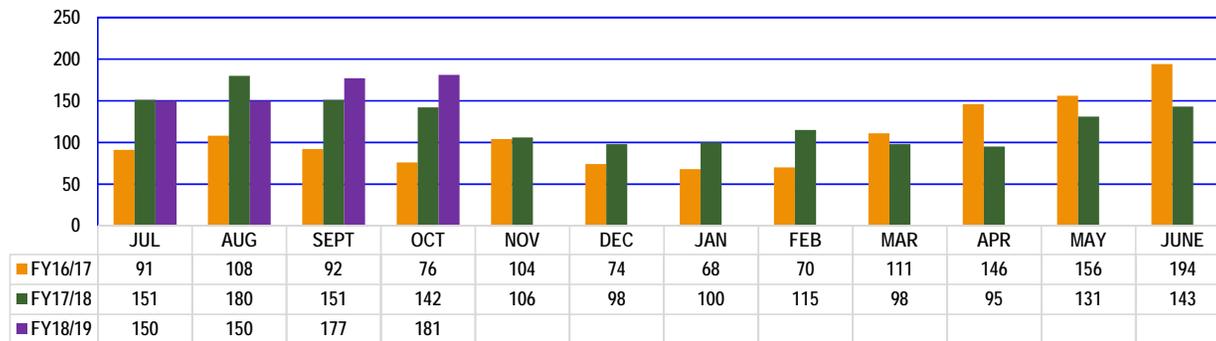
### 170 - JICARILLA



FY17/18 = 2.528 FY18/19 = 1.322

**On Time Performance: 53.2% On Time / 27.6% Late / 19.2% Early**

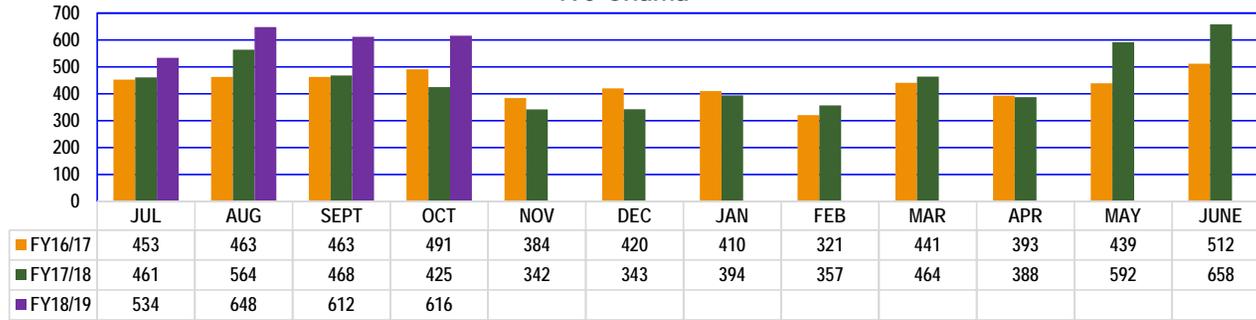
### 180-EI Rito



FY16/17 = 1,290 FY17/18 = 1,510 FY18/19 = 658

**On Time Performance: 48.1% On Time / 44.1% Late / 7.8% Early**

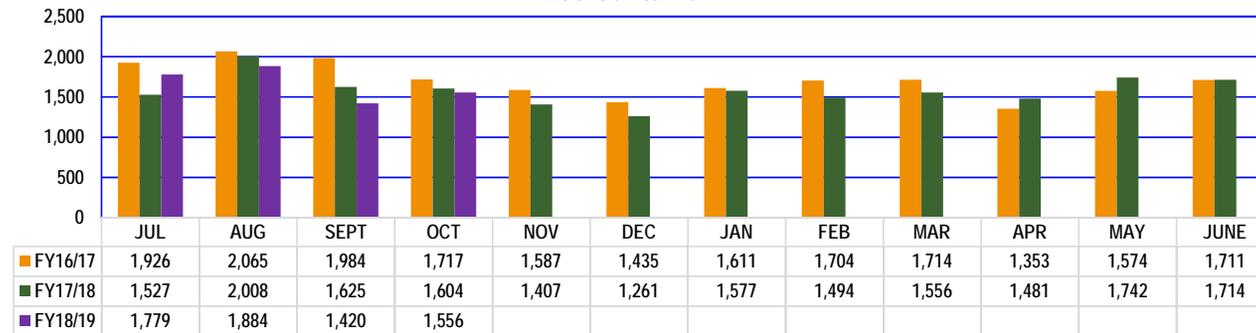
### 190-Chama



FY16/17 = 5,190 FY17/18 = 5,456 FY18/19 = 2,410

**On Time Performance: 58.2% On Time / 31.1% Late / 10.7% Early**

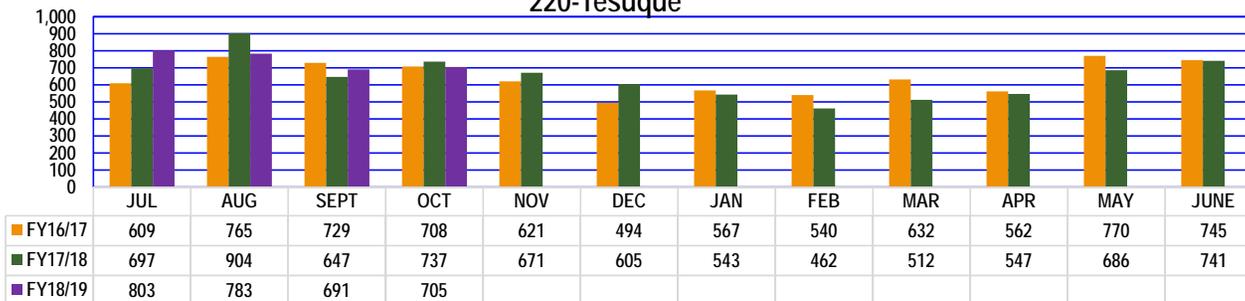
### 200-Santa Fe



FY16/17 = 20,381 FY17/18 = 18,996 FY18/19 = 6,639

**On Time Performance: 61.7% On Time / 30.4% Late / 7.9% Early**

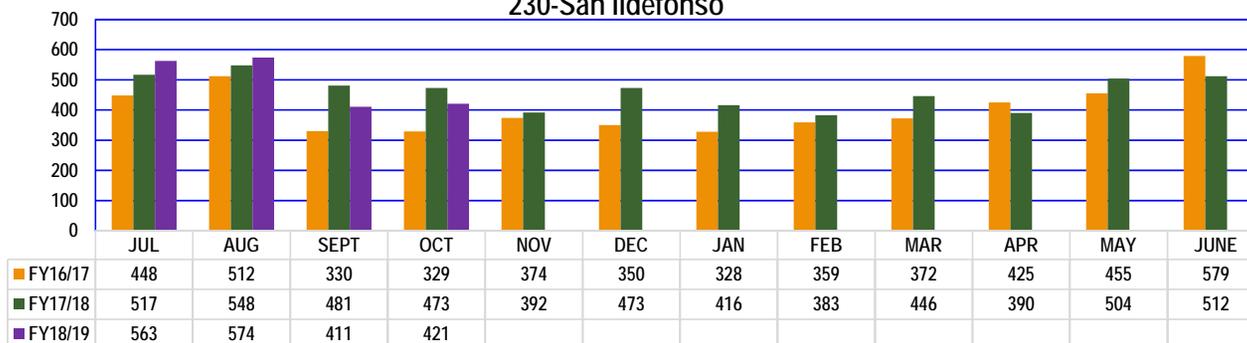
### 220-Tesuque



FY16/17 = 7,742 FY17/18 = 7,752 FY18/19 = 2,982

**On Time Performance: 76.5% On Time / 14.2 Late / 9.3% Early**

### 230-San Ildefonso

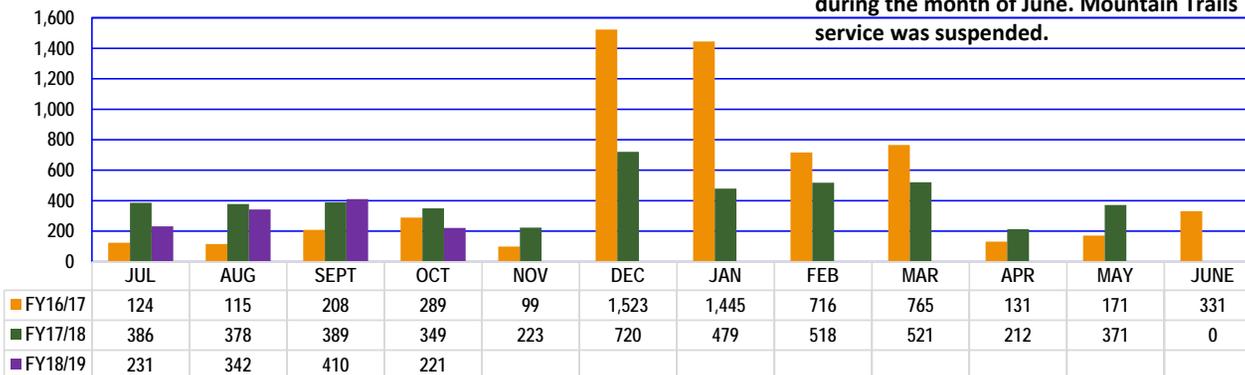


FY16/17 = 4,861 FY17/18 = 5,535 FY18/19 = 1,969

**On Time Performance: 59.8% On Time / 27.2% Late / 13% Early**

### 255-Mountain Trail

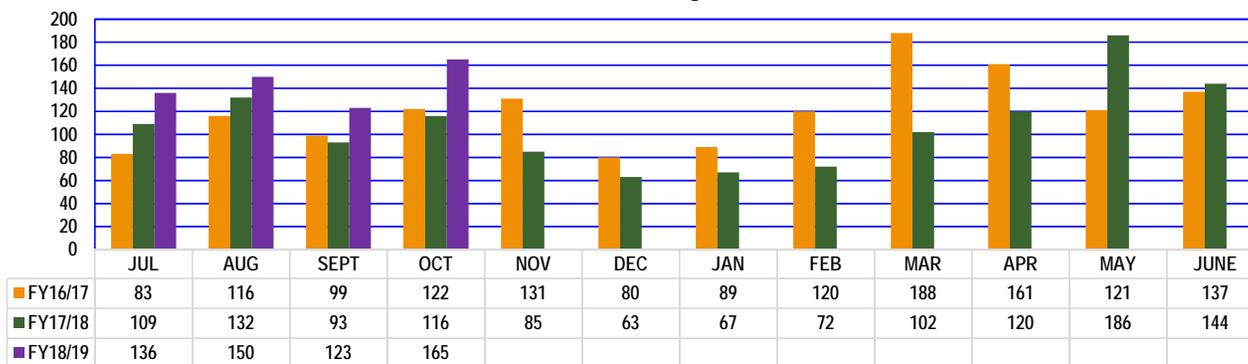
\*Santa Fe National Forest was closed during the month of June. Mountain Trails service was suspended.



FY16/17 = 5,917 FY17/18 = 4,546 FY18/19 = 1,204

On Time Performance: 61% On Time / 6.75% Late / 32.30% Early

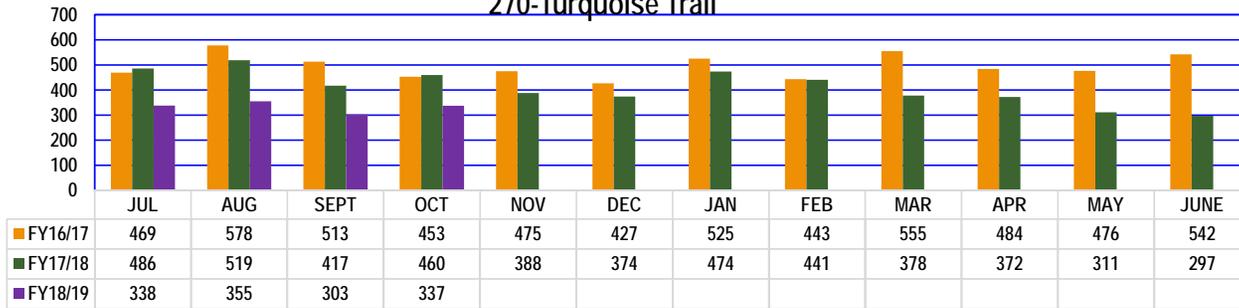
### 260-La Cienega



FY16/17 = 1,447 FY17/18 = 1,289 FY18/19 = 574

On Time Performance: 86.5% On Time / 9.1% Late / 4.4% Early

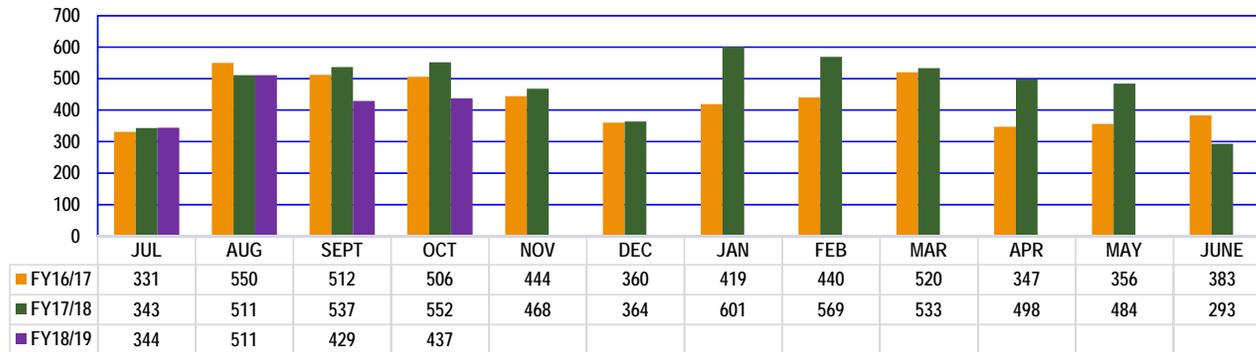
### 270-Turquoise Trail



FY16/17 = 5,940 FY17/18 = 4,917 FY18/19 = 1,333

**On Time Performance: 77% On Time / 10.3% Late / 12.7% Early**

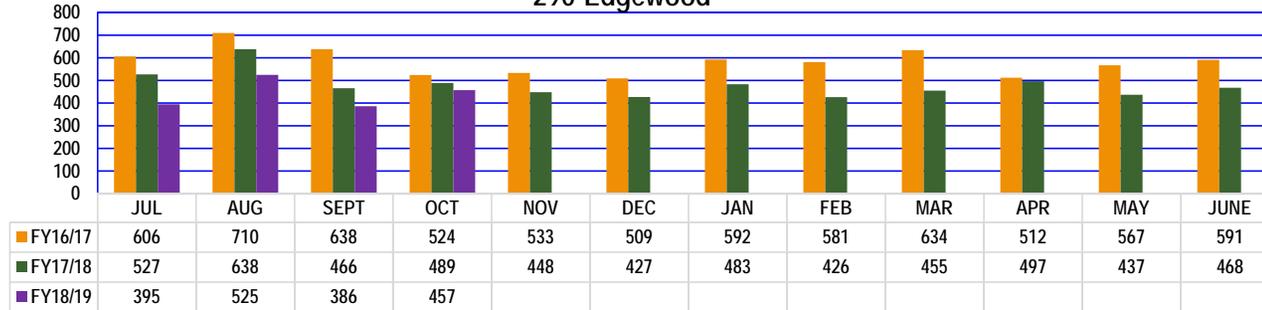
### 280-Eldorado



FY16/17 = 5,168 FY17/18 = 5,753 FY18/19 = 1,721

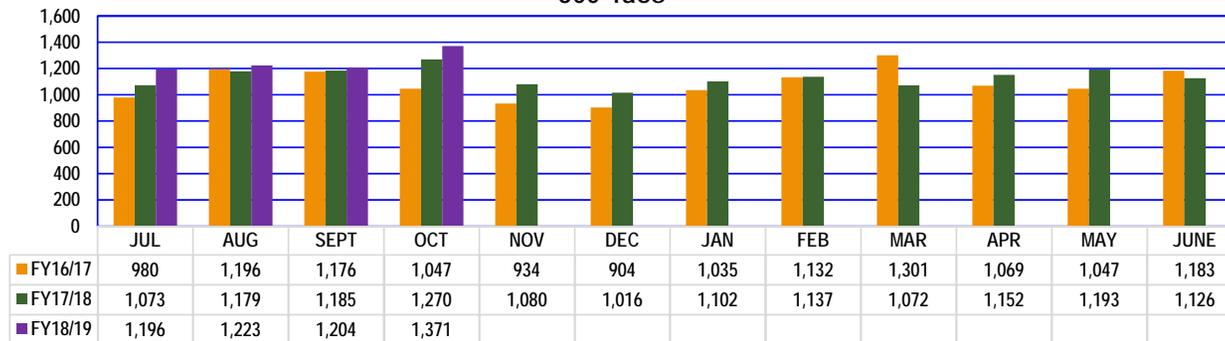
**On Time Performance: 83.7% On Time / 10% Late / 6.3% Early**

### 290-Edgewood



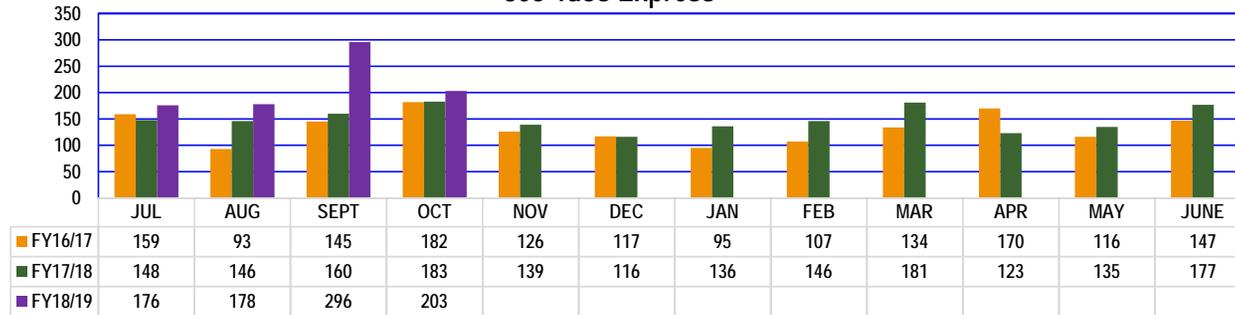
FY16/17 = 6,997 FY17/18 = 5,761 FY18/19 = 1,763  
**On Time Performance: 47.7% On Time / 46.7% Late / 5.5% Early**

### 300-Taos



FY16/17 = 13,004 FY17/18 = 13,585 FY18/19 = 4,994  
**On Time Performance: 51.7% On Time / 34.4% Late / 13.9% Early**

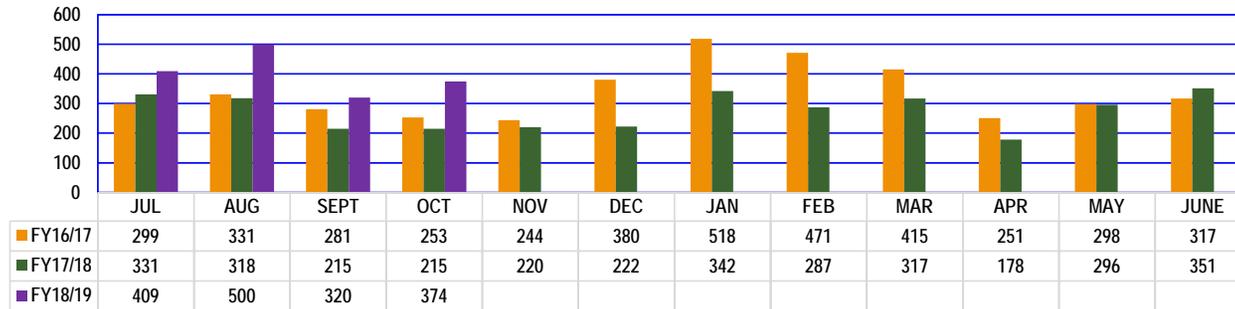
### 305-Taos Express



FY16/17 = 1,591 FY17/18 = 1,790 FY18/19 = 853

**On Time Performance: 51.3% On Time / 39.7% Late / 9% Early**

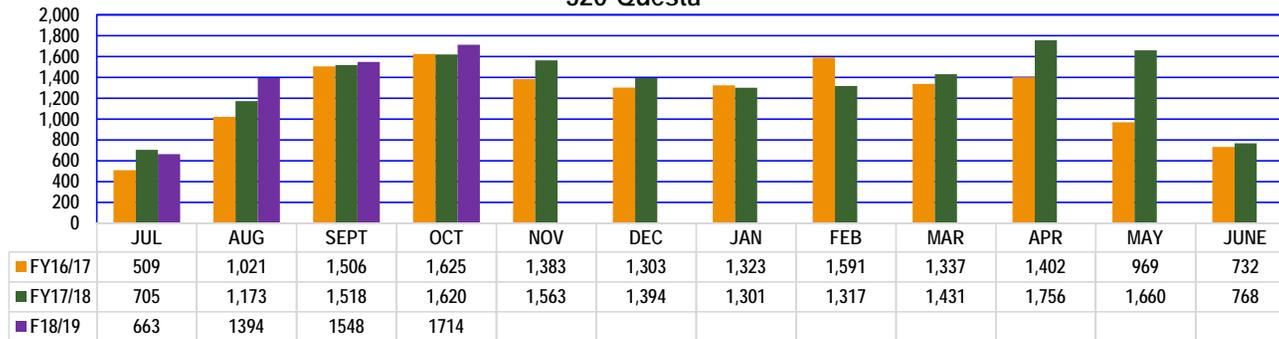
### 310-Red River



FY16/17 = 4,058 FY17/18 = 3,292 FY18/19 = 1,603

**On Time Performance: 86.9% On Time / 12.5% Late / 0.6% Early**

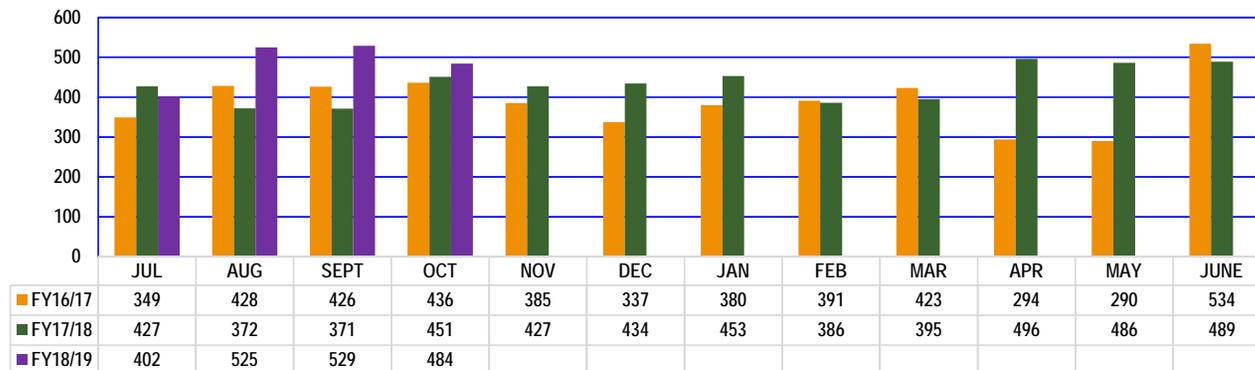
### 320-Questa



FY16/17 = 14,701 FY17/18 = 16,206 FY18/19 = 5,319

**On Time Performance: 83.1% On Time / 10% Late / 6.9% Early**

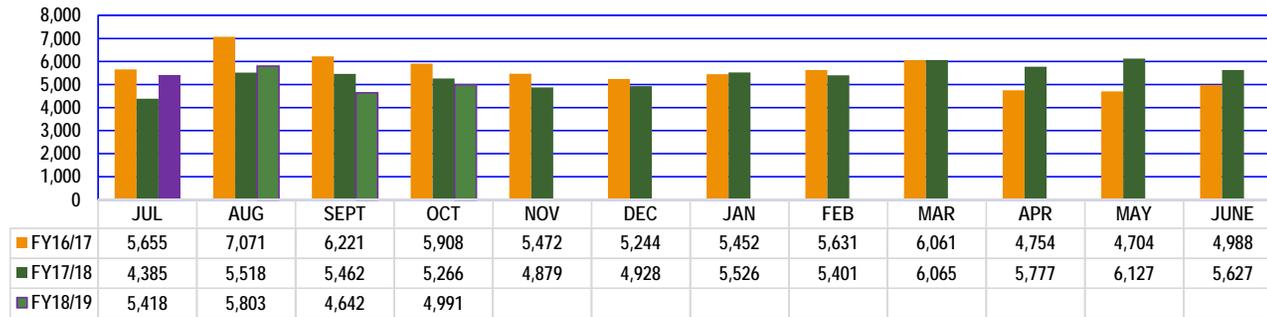
### 330-Penasco



FY16/17 = 4,673 FY17/18 = 5,187 FY18/19 = 1,940

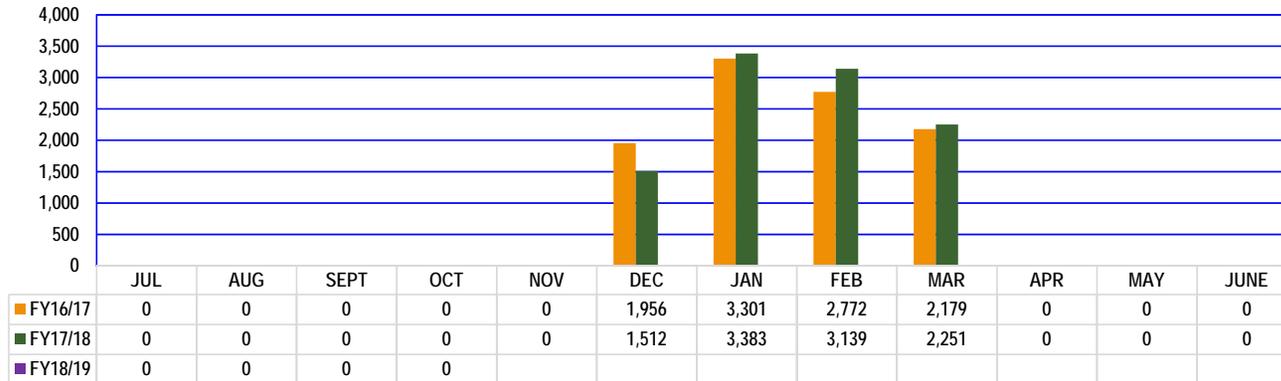
**On Time Performance: 67.3% On Time / 22.5% Late / 10.2% Early**

### 340-Chile Line



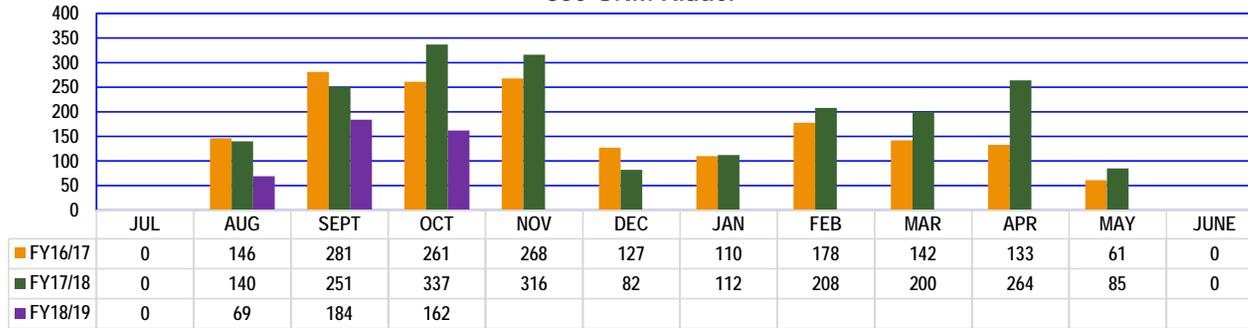
FY16/17 = 67,161 FY17/18 = 64,961 FY18/19 = 20,854  
**On Time Performance: 68.1% On Time / 14.9% Late / 17% Early**

### 341-Taos Ski Valley



FY16/17 = 10,208 FY17/18 = 10,285 FY18/19 = 0

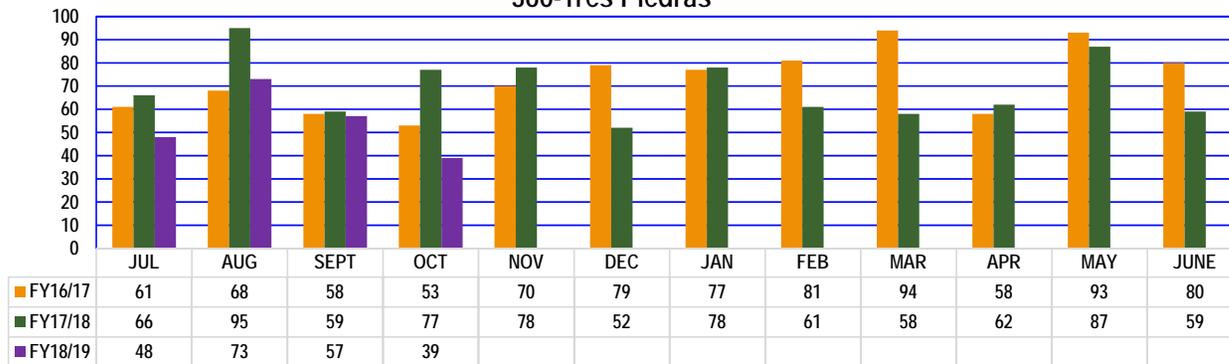
### 350-UNM Klauer



FY16/17 = 1,707 FY17/18 = 1,995 FY18/19 = 415

**On Time Performance: 80.2% On Time / 6.9% Late / 12.8% Early**

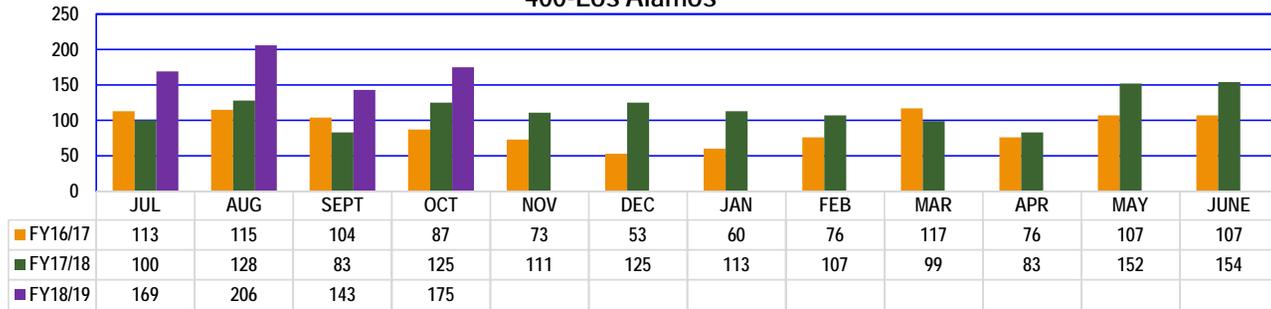
### 360-Tres Piedras



FY16/17 = 872 FY17/18 = 832 FY18/19 = 217

**On Time Performance: 67.4% On Time / 9.1% Late / 23.5% Early**

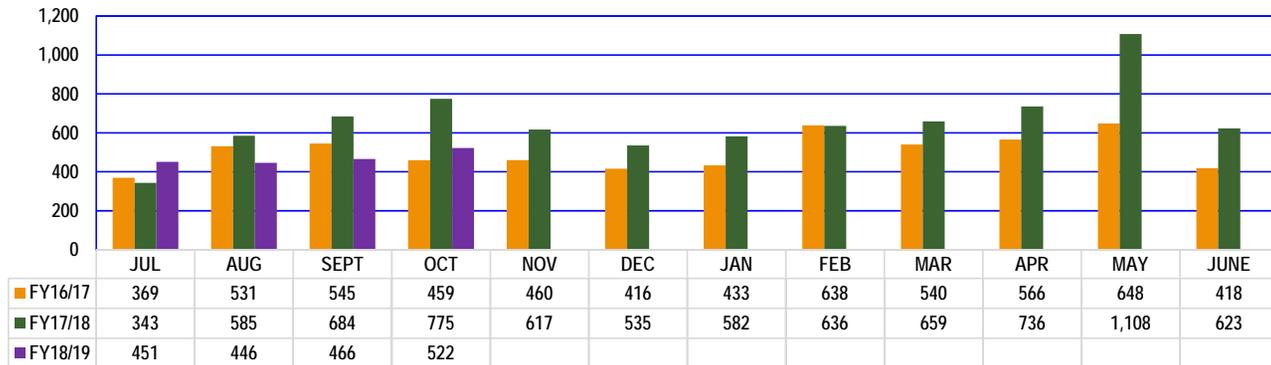
### 400-Los Alamos



FY16/17 = 1,088 FY17/18 = 1,380 FY18/19 = 693

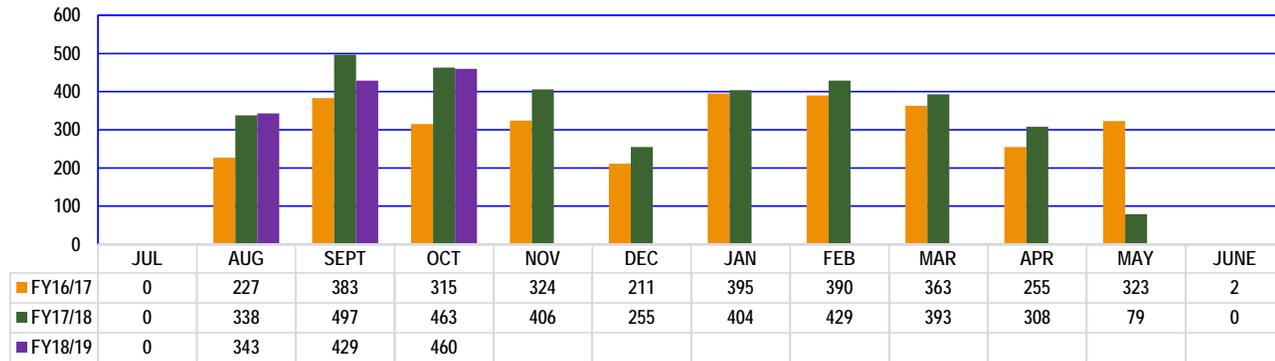
**On Time Performance: 73.3% On Time / 19.5% Late / 7.3% Early**

### Demand Response



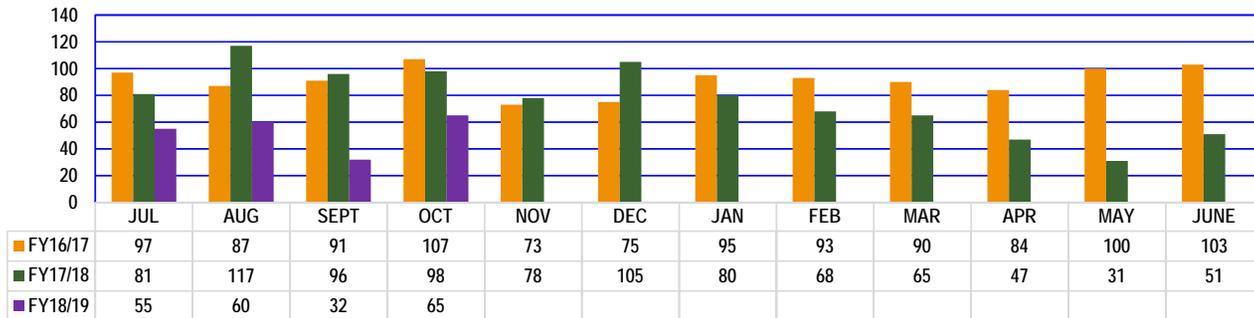
FY16/17 = 6,023 FY17/18 = 7,883 FY18/19 = 1,885

### Pojoaque Demand Response



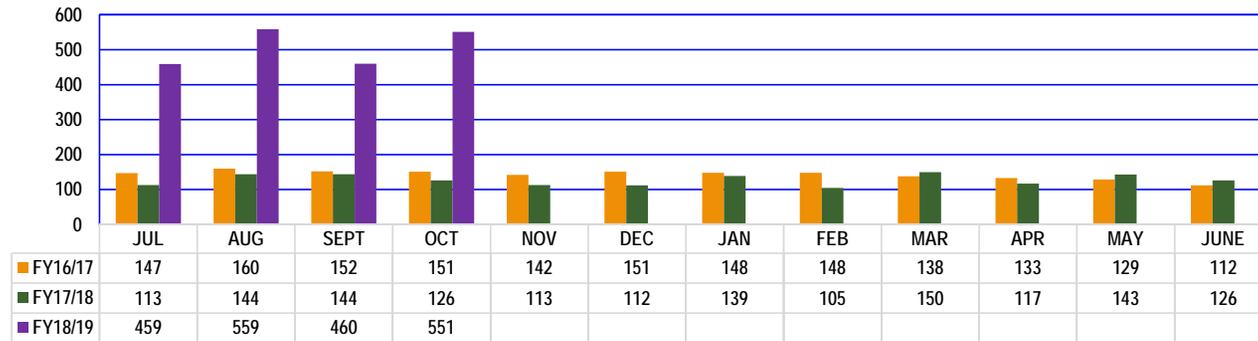
FY16/17 = 3,188 FY17/18 = 3,572 FY18/19 = 1,232

### Pojoaque-Dial-A-Ride



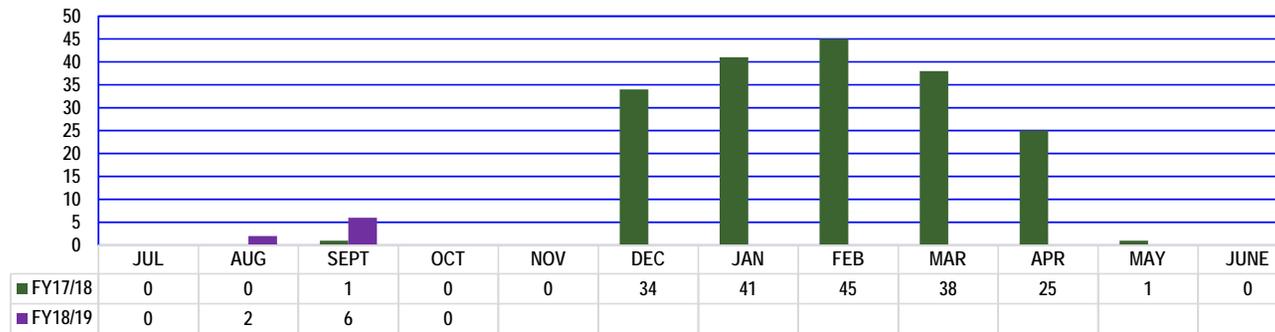
FY16/17 = 1,095 FY17/18 = 917 FY18/19 = 212

### Paratransit - ADA



FY16/17 = 1,711 FY17/18 = 1,532 FY18/19 = 2,029

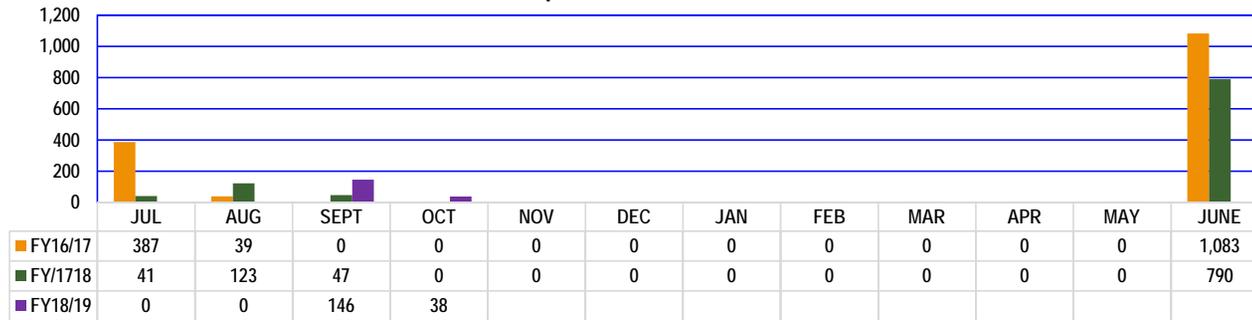
### Flex Route



FY17/18 = 184 FY18/19 = 8

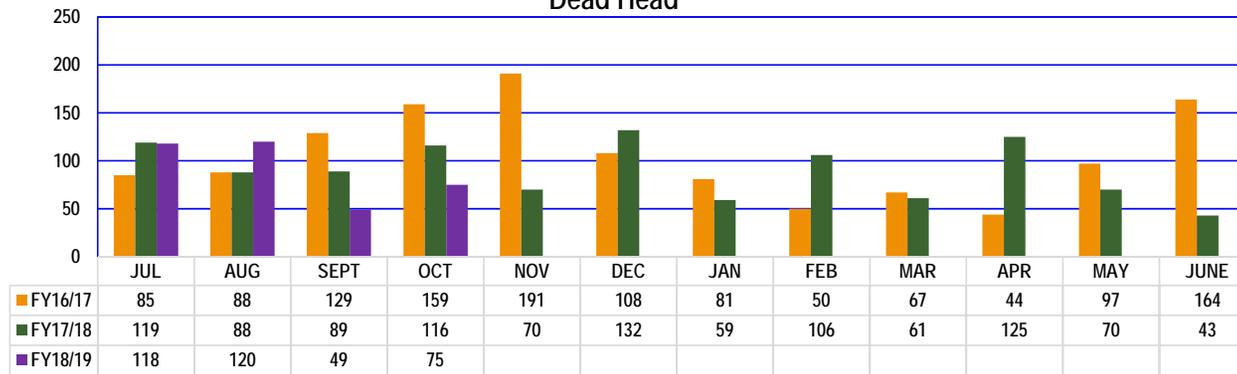
\* Include ADA Flex Route

### Special Events



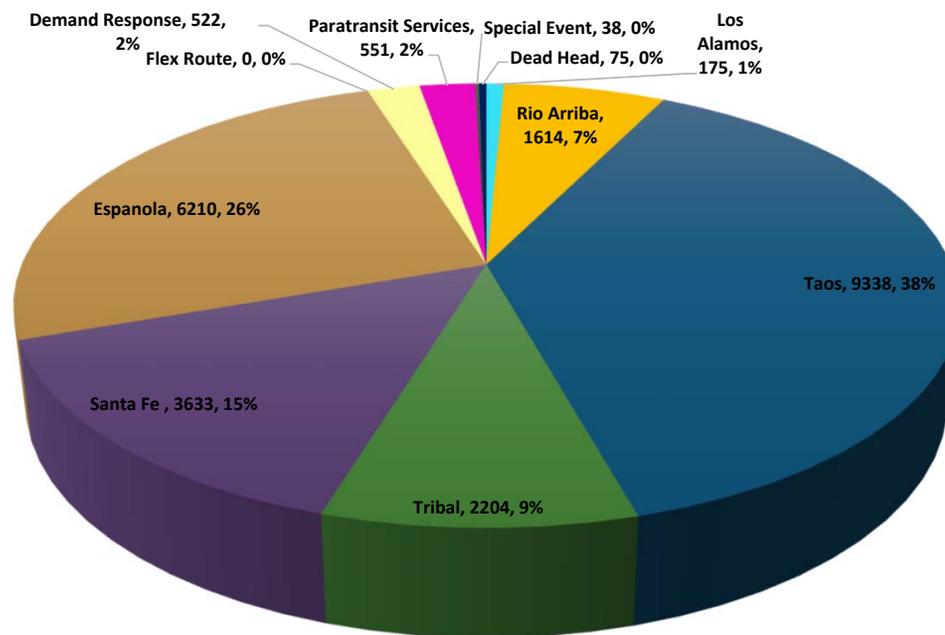
FY16/17 = 1,509 FY17/18 = 1,001 FY18/19 = 184

### Dead Head



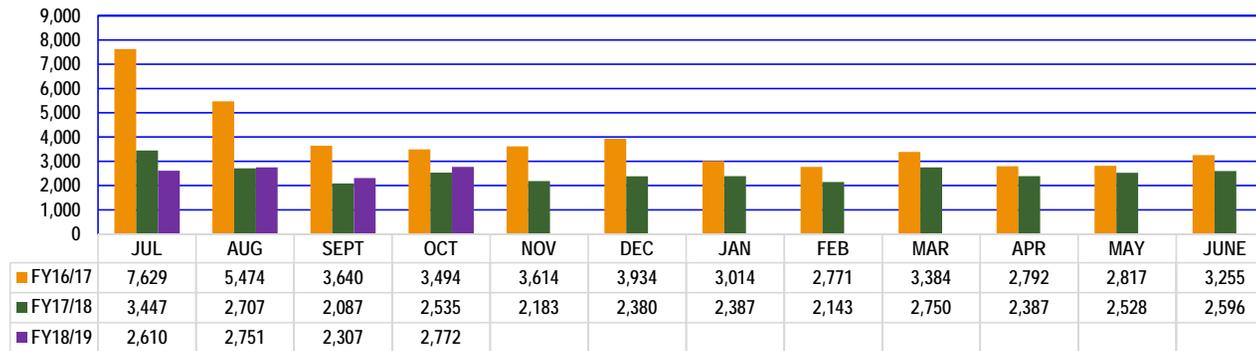
FY16/17 = 1,263 FY17/18 = 1,078 FY 18/19 = 362

**On Time Performance: 50.7% On Time 23.2% Late / 26% Early**



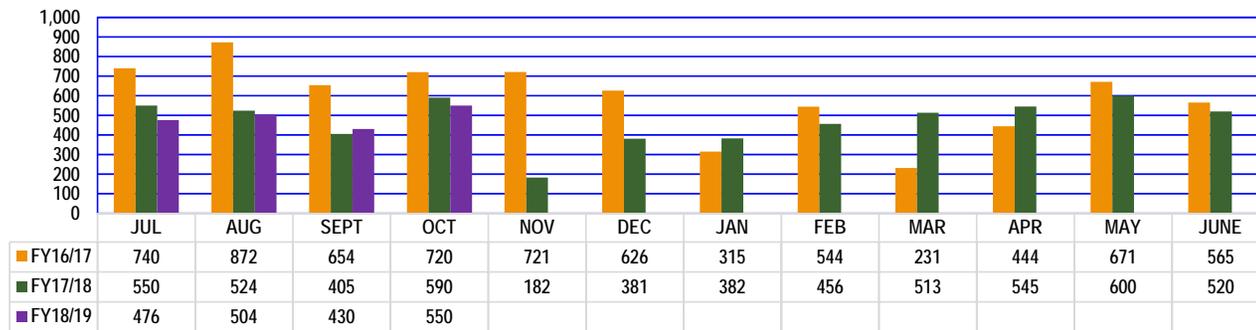
- Los Alamos
  Rio Arriba
  Taos
  Tribal
- Santa Fe
  Espanola
  Flex Route
  Demand Response
- Paratransit Services
  Special Event
  Dead Head

### Santa Fe Rt 2



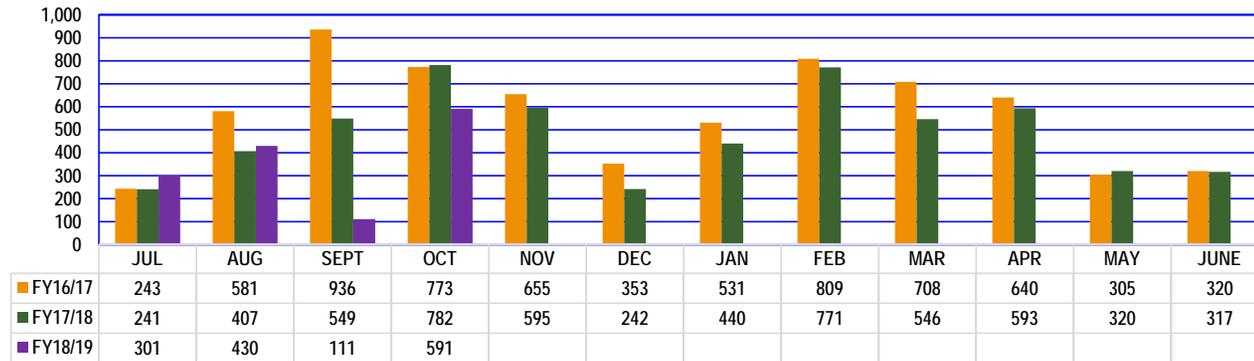
FY16/17 = 45,818 FY17/18 = 30,130 FY18/19 = 10,440

### Santa Fe 4



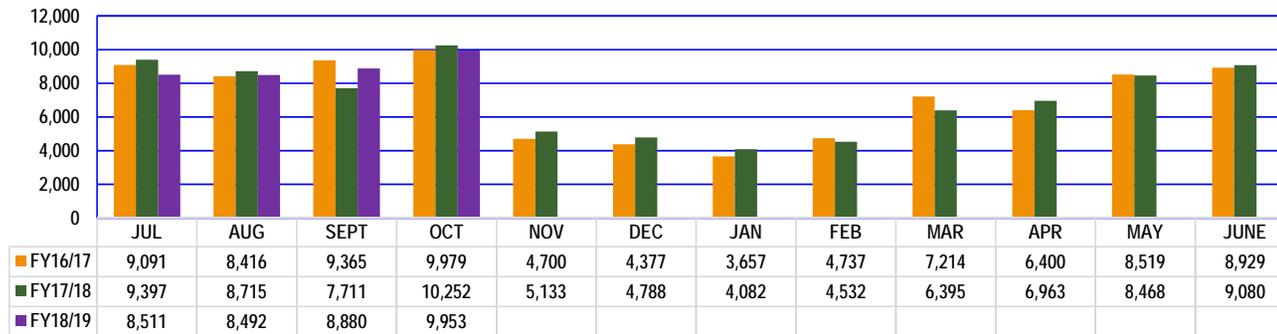
FY16/17 = 7,103 FY17/18 = 5,648 FY18/19 = 1,960

### Santa Fe 22



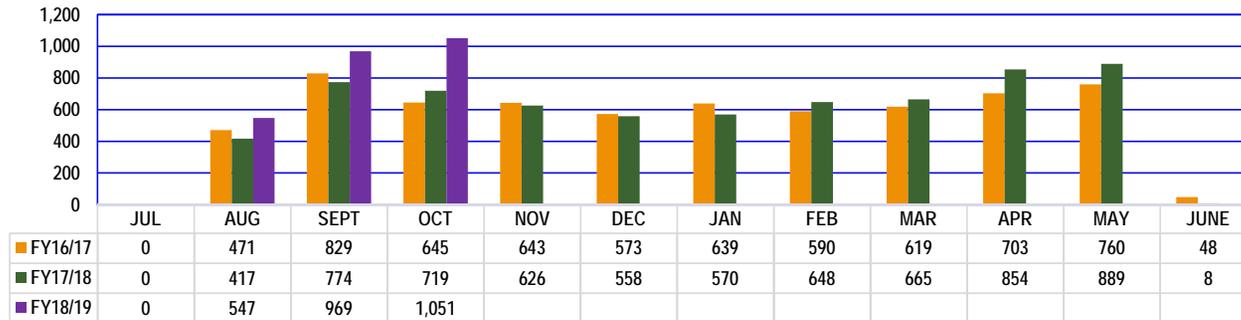
FY16/17 = 6,854 FY17/18 = 5,803 FY18/19 = 1,433

### Santa Fe Pickup



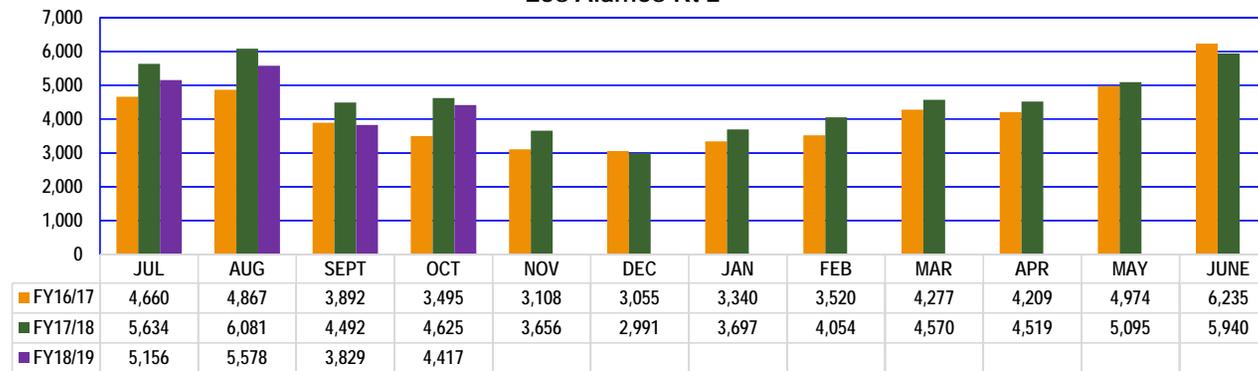
FY16/17 = 85,384 FY17/18 = 85,516 FY18/19 = 35,836

### Los Alamos Rt 11



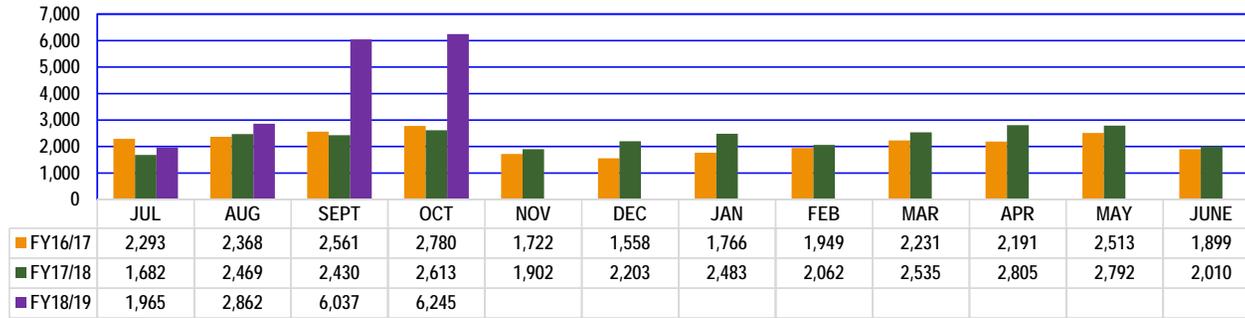
FY16/17 = 6,520 FY17/18 = 6,728 FY18/19 = 2,567

### Los Alamos Rt 2



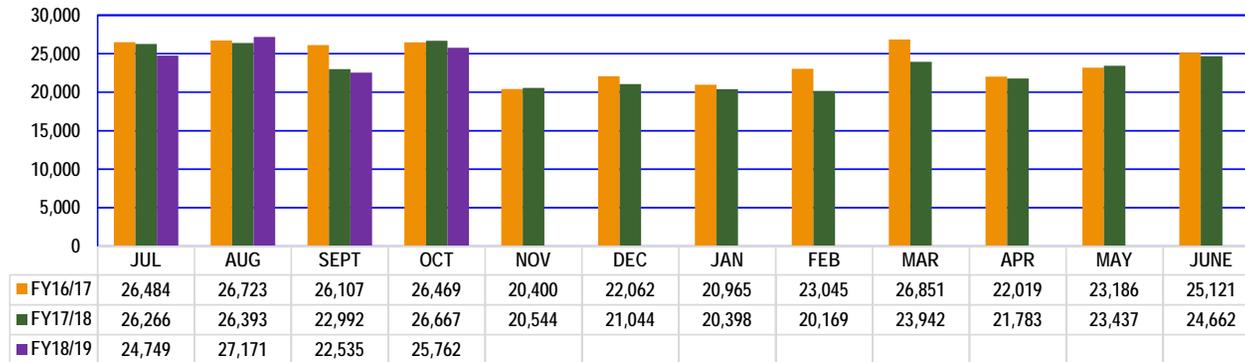
FY16/17 = 49,632 FY17/18 = 55,354 FY18/19 = 18,980

### Los Alamos Enhanced



FY16/17 = 25,831 FY17/18 = 27,986 FY18/19 = 17,109

### Rail Runner



FY16/17 = 289,432 FY17/18 = 278,297 FY18/19 = 100,217