

**MINUTES OF THE  
CITY OF SANTA FE / SANTA FE COUNTY**

**Tuesday, June 17, 2008  
2:00 PM  
Santa Fe, New Mexico**

The meeting of the City of Santa Fe / Santa Fe County Regional Planning Authority (RPA) was called to order by Chair Rebecca Wurzburger at approximately 2:05 PM on the above-cited date in the County Commission Chambers in the County Administration Building.

**ROLL CALL**

**County Commissioners Present:**

Paul Campos  
Jack Sullivan

**County Commissioner Excused:**

Harry Montoya  
Virginia Vigil

**City Councilors Present:**

Matthew Ortiz  
Rosemary Romero  
Rebecca Wurzburger, Chair

**City Councilors Excused:**

Patti Bushee

**Santa Fe RPA Staff:**

Mary Helen Follingstad, Executive Director

**Santa Fe County Staff Members:**

Rachel Brown, Assistant Attorney  
Judy McGowan, Planning

**City of Santa Fe Staff Members:**

John Bulthuis, Transportation

**Others Present:**

Lucas Cruse, SF MPO  
Kiera Hay, *Journal Santa Fe*  
Carol Raymond, SF TAB  
Linda Trujillo, NC RTD

**APPROVAL OF AGENDA**

**Councilor Ortiz moved to approve the agenda, seconded by Councilor Romero and approved unanimously.**

**APPROVAL OF MINUTES FROM MAY 20, 2008, REGULAR MEETING**

**Commissioner Sullivan moved to approve the minutes of the May 20, 2008, meeting, seconded by Councilor Romero and approved unanimously.**

**REGIONAL PLANNING AUTHORITY BUSINESS**

- **Resolution supporting formation of a Santa Fe City and County Regional Transit District with RPA functioning as the authority**

Ms. Follingstad presented a number of documents for the discussion, one a draft memorandum of agreement (MOA) put together by the staffs of the city and county and the North Central

Regional Transit District (NC RTD), a Board of County Commissioners (BCC) resolution that was tabled at its meeting, a proposed transit program that Jon Bulthuis and Jack Kolkmeier presented at the last RPA meeting, and the most recent version of a joint powers agreement (JPA) that is under development between the New Mexico Department of Transportation (DOT) and a number of other parties, including the BCC.

Ms. Follingstad also presented for discussion purposes a draft city staff resolution that would establish the RPA as the party who shall implement and monitor the performance of a Santa Fe County Transit District that would be composed of both the city and the county of Santa Fe. The district would address, in particular, local transit connections with the Rail Runner commuter train.

Chair Wurzbarger stated that she emailed the resolution to Commissioner Sullivan and that it will go to the next Public Works meeting on June 23 and then to the City Council the next week.

Commissioner Sullivan explained that the city resolution is identical to the county resolution, with the substitution of the word city, and indicates the same intent to form a cooperative partnership. The resolution looks at the RPA as the managing entity that would have the ability to contract with other entities.

Commissioner Sullivan said that work sessions began six weeks ago with the concept of including the Rail Runner, DOT and the NC RTD. The focus and consensus has been on how to keep from having two duplicative taxes, if there is a GRT proposed, which is still a question. The NC RTD would like to put the GRT on the ballot in November and the county would prefer to do it in February or March. The split would be 1/16 to operate the Rail Runner and 1/16 to local transit, which means about \$19 million for each 1/16, including Santa Fe County and the four other southern counties. Of the \$26 million the Rail Runner needs for operations, DOT would come up with the balance.

Commissioner Sullivan pointed out a problem, that some officials in DOT have said they do not want the county to be a part of this JPA. Notwithstanding that, the county has written a JPA to which it is a party to embody a discussion held early in the six-week process that 86% of the remaining 1/16 would come to the county to be used for in-county transit operations and 14% would be used for connector routes to the Rail Runner from other areas, which the RTD would administer. The JPA also says that no further taxes would be proposed by the RTD without the BCC approval.

Commissioner Sullivan said that, at the last BCC meeting, Commissioner Robert Anaya stated that DOT does not want Santa Fe County to be a party to the JPA, and so Mr. Kolkmeier and Mr. Bulthuis crafted the MOA, which Commissioner Sullivan said he finds to be extremely lacking for a number of reasons. The MOA sets up another board with the RTD having two members, it has the RTD approving the bylaws of this separate entity, and it has this separate entity funding money that is funneled to the city of Santa Fe and not to the RPA, which is quite a bit different from what has been discussed.

Councilor Ortiz said that he has had conversations with Mr. Jack Valencia, who is with the RTD. Councilor Ortiz said he felt it would be beneficial in discussing the resolution and for decision

purposes to see a matrix of comparison of the advantages and disadvantages for both the city and the county in either staying in the NC RTD or removing themselves from the RTD. He expressed his concern if it would be advantageous for the city and the county to remove themselves from that transit district, given the history with the different transit initiatives that have been pursued with Española, the Eldorado shuttle, and the commuter shuttle to Los Alamos.

Commissioner Sullivan explained that the Los Alamos shuttle does not receive RTD funding.

Councilor Ortiz stated his second concern with regard to the sources of revenue. As he understood the negotiations, there would be essentially two sources of revenue from the increments, Rail Runner funding revenue and the RTD revenue, so there would not be a double taxation burden. There would be specific uses for that money, in particular, transit connections for the Santa Fe Trail system to the Rail Runner stops, as well as some of the other operational items the City has talked about, such as proposed development and the improvements needed for the DOT center. He said the conversations and the JPA do not seem to speak to those and perhaps that assumes if the city were to go along with the county, it would be in the same position as the county.

Councilor Ortiz added that Mr. Valencia has yet to answer what the city's options might be if the county goes its own way and the city decides to stay with the RTD.

He said that these questions need to be discussed and answered if a decision is going to be made. He said he feels the same kind of pressure that the BCC feels in being forced into a decision. Yet, on behalf of the city, Councilor Ortiz said he felt equally pressured by the county to come along with the plan that the county has put forward. He said that he could not make a decision until he sees the county's intents for funding county transit initiatives.

Chair Wurzbarger agreed that part of the problem has been that both the city and county have been under the gun to make a decision quickly. She said that she prepared the resolution with others a week ago, but then because the county had not made a decision yet, she was advised by BCC Chair Vigil to hold off with the resolution, and now there is even more of a rush. She requested Mr. Bulthuis to give an update on the negotiation meetings.

Mr. Bulthuis stated that the meetings that started six weeks ago were an attempt to have an agreement that would allow a tax to go forward to support the Rail Runner and, beyond that, to have funding available for local transit services and connections. The JPA that was under development by that working group for the past six weeks links the Rio Metro Transit District to the NC RTD that Santa Fe city and county are a part of and talks specifically about how the Rail Runner elements would be funded through that new tax. What it does not include is how the local portion of that tax revenue would be managed or spent on transit services. That whole planning element is absent from the JPA, as it was presented by that working group.

Mr. Bulthuis said that the state had taken off the table the possibility of having those local services included in the JPA in favor of a separate document between the city, the county and the NC RTD that deals with the local services. As of last Friday, staff met and tried to put together something that could be used as a framework for discussion about how that could happen, if the city and the county wanted to continue in partnership with the NC RTD, and how that local

funding would be allocated. There is no agreement that has yet been met at the district level as to whether it would be acceptable to them, but it does include having basically 86% of those revenues filtered off the top and provided to the city or the county. However, a fiscal agent has to be identified to receive those monies, and then a board of some composition between the city and the county would be set up to plan and then expend those monies. However, they would be separate agreements, because all those elements are not included in the JPA.

In response to further questions from Chair Wurzburger, Mr. Bulthuis explained there is no guarantee that the legislature would not come back with a further double tax, but the JPA addresses the wish to not have that happen. At this time, the MOA talks about the 86% never going to the NC RTD, but coming to a joint city/county body to decide how to spend and then to manage the operations.

Commissioner Sullivan added that approximately \$8 million would be generated by the bond issue and about \$4.5 million of that comes from Santa Fe city and county, for which they would receive 86%. Representatives from Española at some of the meetings have said that their residents come to Santa Fe and spend GRT monies, so Santa Fe should help subsidize rural transit in areas such as Española and Taos.

To respond to Councilor Ortiz' concerns, Commissioner Sullivan stated that one of the problems was that a different service plan has been presented at each meeting, with proposals for different routes and different percentages. He said that he did not personally feel comfortable in believing those service plans and feels more comfortable believing in local control of the county's future destiny. No one will know what the service plan should be until the Rail Runner comes to town, and ridership and which stations are open first are known. Because Santa Fe Trails is the experienced entity, the area will have to rely heavily on it to provide the connectivity service.

Commissioner Sullivan said the opportunity he and others see is to forge the county's own transportation destiny. If the 1/8 GRT proposal by the transit district is put on the ballot and approved by the voters, then the city and county have no control where that money goes. Only the NC RTD would control whether the money would go to the Rail Runner or Santa Fe Trails. And the county must decide on July 7 whether to put it on the ballot. He added that Councilor Chavez and Commissioner Anaya, who is chairman of the NC RTD, think it is a good idea.

He stated his support for a type of more local partnership to be created. While the city has not been involved in the negotiations, city staff has, and the city has an important say in this issue. If the city does not want to involve itself in creating another transit district, he requested it tell the county quickly. If having the RPA as the transit district is off the table, then the only other direction is to craft some agreement with the NC RTD. Or, he said that a third option is to withdraw.

Chair Wurzburger inserted that the advantage of the withdraw is that the tax could not be imposed in Santa Fe County without approval.

Commissioner Sullivan confirmed it could be imposed in Rio Arriba, Taos and Los Alamos counties. Also, another HB 400 scenario may be brought up in the next legislature to try to fund the transit district. But in the interim, the county would continue negotiations with Rio Metro

Transit and with DOT and choose the entity for them to deal with. He said he understood this is a radical change, but he recommended that the city give it serious consideration.

Councilor Romero asked Mr. Bulthuis what the next steps are, and if there was anything that might help alleviate the concerns expressed by Councilor Ortiz around his proposed matrix of pros and cons about the withdrawal.

Mr. Bulthuis pointed out that there is a resolution pending before Public Works on Monday, June 23, that would then go before the City Council. He suggested that may be an opportunity for the NC RTD to make comments about the questions being asked. At the present time, he said he has not been directed to create such a matrix, but if direction comes forward from the city's management team, he would be happy to participate in preparing that kind of an evaluation.

Chair Wurzburger that she and the other councilors present will request that Galen Buller have that information available as a basis for Public Works to better address the issue.

Chair Wurzburger expressed her concern that there has not been very much planning around the Rail Runner and its operations and connections. She stated that, to her, it is a control issue and an issue that may lead to more priorities for regional work later. But starting in December, a plan will need to be in place for when people get off the train. She felt it might be easier to sit down at the table with the county and those directly affected, rather than people from other areas. When she became involved in this in the beginning, she said she did not like taxes being imposed from outside the control of the city and the county. A major issue is which taxes will be put on the ballot. She said that she put forward the resolution to see how this should be done and that she is waiting for the information and to see where the other councilors are.

Commissioner Campos stated that Santa Fe is different from a lot of the counties to the north and has transportation issues more in common with Sandoval, Valencia or Bernalillo. He felt that local control would make it simpler and that the RPA can make really important decisions. Santa Fe Trails services the community, but it does not have the resources to service it as well as it needs to. With the price of gasoline and with the Rail Runner, there has to be a better bus system in the city and a better bus system in the county. If the city and county have the resources, they can make the decisions very simply and very directly, without having to deal with 10 other entities and all their different interests. Working with the northern counties can be done with JPAs.

Commissioner Sullivan pointed out provisions in the JPA that are important for the future, where it says Santa Fe county and city may withdraw from the NC RTD at any time and may form a regional transit district comprising only Santa Fe County. If the district is formed, the parties agree that the revenue distribution described in this agreement shall remain intact, but that the new RTD may levy additional increments. He added that all of the side agreements they are looking at now only deal with the current one and do not deal with what the NC RTD might levy in the future.

He read further in the JPA that says whether the transit district is formed or not, the NC RTD will not request any additional GRT increments within Santa Fe County without the express advanced written authorization of the BCC. As an example of the weak decision-making of the transit

district, it came to the county a year ago and asked about its priorities, noting that the Eldorado route had started. The county replied that its priority is extending Santa Fe Trails service to the CCD and going out through Rancho Viejo and back through Route 14. In reply, the transit district established a bus line from Edgewood to Eldorado, which carries perhaps six people a day. Commissioner Sullivan said he did not have a warm fuzzy feeling that the district has been responsive to the county's priorities and also doubted they would be responsive to the city's priorities.

Councilor Ortiz asked whether the NC RTD was required by law to set itself up based on population.

Mr. Bulthuis said that is a decision that the board makes when it adopts its bylaws.

Commissioner Sullivan added that the transit district also set up minimum voting. Each pueblo has a vote, which does not come up to the level of one vote by population. It is by no means a strict population-based membership.

Responding further to Councilor Ortiz, Commissioner Sullivan explained that the 75 days to put the GRT on the ballot expires July 6. Because that is a Sunday, the BCC is allowed to meet the following working day and still remain within the 75 days. After that, if the BCC were not to take any action, it would be in conflict with the statute, and perhaps legal action could take place against the county. The two items in front of the BCC on July 7 are a withdraw resolution from the RTD and an ordinance, which would place the 1/8<sup>th</sup> GRT on the November ballot. If the BCC withdraws from the district, it will not act on the second ordinance because it will no longer be a member of the district. If the BCC does not vote to withdraw, then it must act on that ordinance on that day.

Councilor Ortiz noted that the city is certainly a governmental unit as defined under law and asked why Commissioner Sullivan said the city does not have any taxing authority within the transit district.

Commissioner Sullivan replied the taxing authority is specifically given to counties. The other point is that a transit district can be formed by any two entities, such as the city and the county, or it could be formed by the city and other entities. Two transit districts cannot form another transit district, which was an earlier proposal.

If the county pulled out of the transit district and the city did not, then the city could have the option of staying as a member of the NC RTD. It would, however, have no taxing authority, which lies with the county. The county could then decide to form a regional transit district with another entity if it wanted. Commissioner Sullivan stated that his intent is to partner and work with the city. The statute requires equal representation by both entities to a transit district, which is the interesting thing about the RPA in that it has equal representation by the city and the county.

Chair Wurzbarger commented that this seems to her to be a case where disjointed incrementalism works. There is no long-range, strategic plan, nor is there even a tactical plan.

The issue is being forced to put something on the ballot that neither the city nor the county is sure is ready to be there, or that it will provide what is needed as a city or a county.

Commissioner Sullivan added that there is going to be a GRT tax, even if the county and/or city withdraw from the NC RTD.

Commissioner Campos said it is very clear to him that the city benefits very directly in forming a transit district with the county as far as planning and providing adequate transportation to all working citizens. Santa Fe Trails will have additional resources to have more and better bus routes. The NC RTD organization has dropped the ball on planning and has not been effective. He added there is a good possibility that if the NC RTD puts the tax out for a vote in November, based its weak and not well defined plans, it will fail.

Councilor Ortiz said he did not think the city was at the point to say what avenue is in its best interest without first seeing the data to support why going out with the county makes the most sense and without first hearing from Jack Valencia.

Chair Wurzburger reiterated that the three councilors present at this meeting will request that Mr. Buller give direction to Mr. Bulthuis to have a staff analysis available at the upcoming Public Works meeting. She invited the county members and Mr. Valencia to come to the meeting and testify.

Commissioner Sullivan said that he would be out of town at the time of the Public Works meeting and asked Commissioner Campos to carry the discussion from the county side. In terms of the city's ability to negotiate with the transit district, if Santa Fe County remains a member of the transit district, then the city's ability to negotiate with the transit district is limited to the city's five votes. If the county withdraws and the city stays, then he said he would assume that the city could become a member of the transit district subject to its administration, and the city's transit dollars would be administered the same way as they are now, by the NC RTD. The only difference would be the money generated from a tax would just come from the city, and the city would not get the county portion.

Chair Wurzburger agreed that was a very important point and there would be less money to be used in the city if it were not with the county. The money generated in the city from the GRT is less than half that of the total GRT.

Commissioner Sullivan said the advantage to a transit district being created between the city and the county is that the transit district itself can issue bonds through the imposition of GRT. He said he felt that it is a better situation than the current one, or one in which the city would be a sole member of the transit district.

Councilor Romero asked Mr. Bulthuis if he had enough direction to give the councilors the information they will need.

Mr. Bulthuis suggested that the councilors provide any additional items they would like to bring forward when Chair Wurzburger meets with Mr. Buller.

Councilor Ortiz added that the NC RTD should also be present at the Public Works and City Council meetings for their presentation as well.

Since Chair Wurzburger had to leave for another meeting and there would then be no quorum, the remaining items were moved to the July meeting.

- **Priority list of topics for RPA discussion in 2008**
- **Regional GRT funds spent**
- **Regional Planning Authority FY2009 Budget**

## **ADJOURNMENT**

**Commissioner Campos moved to adjourn the meeting, seconded by Councilor Romero and approved unanimously.**

There being no further business to come before the RPA, this Regular Meeting was adjourned at approximately 3:05 PM. The next regular meeting of the RPA will be at 5:30 PM on July 15, 2008.

Approved by:

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Chair, Regional Planning Authority  
Rebecca Wurzburger, Councilor, City of Santa Fe

Minutes transcribed and drafted by: Kay Carlson