North Central Regional Transit District
Board Meeting
Friday, April 3, 2009
1. CALL TO ORDER:
A regular monthly meeting of the North Central Regional Transit District Board was called to order on the above date at approximately 9:00 a.m. by Chairman Alfred Herrera at the Old Taos Courthouse, Taos Plaza, Taos, New Mexico
a. PLEDGE OF ALLEGIANCE
b. MOMENT OF SILENCE
c. ROLL CALL
Roll call indicated the presence of a quorum as follows:
Members Present:
City of Española Councilor Alfred Herrera, Chairman
Los Alamos County Councilor Michael Wismer and Mr. Anthony Mortillaro
Rio Arriba County Commissioner Elias Coríz and Mr. Tomás Campos
Pojoaque Pueblo
San Ildefonso Pueblo
Ohkay Owingeh
Santa Clara Pueblo
City of Santa Fe Councilor Rosemary Romero and Mr. Mike Kelly
Santa Fe County Commissioner Liz Stefánies and Mr. Andrew Jandáček
Tesuque Pueblo
Taos County Commissioner Charlie Gonzales and Mr. Sammy Pacheco
Members Excused
Staff Members Present NCRTD Board Meeting April 3, 2009 Page 1
Ms. Lucero, Executive Director
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Ms. Linda Trujillo, Regional Coordinator not here
Mr. Jack Valencia, Transit Project Manager
Mr. Ivan Guillen, Assistant Regional Coordinator
Ms. Cynthia Altheyab, Executive Assistant
Mr. Peter Dwyer, NCRTD Legal Counsel
Ms. Marjorie Kaplan, Financial Director
Others Present
Ms. Mary Helen Follingstad, Santa Fe RPA
Mr. David Harris, NMDOT
Ms. Nancy Talley, Los Alamos County
Mr. Carl Moore
Ms. Jessie Lawrence
Mr. Francisco Espinoza, Town of Taos
Ms. Cathy Connelly, Town of Taos
d. INTRODUCTIONS
Those who were present introduced themselves to the group.
e. APPROVAL OF AGENDA
Chairman Herrera said Mr. Moore agreed to use only 1.5 hours for the retreat.
Councilor Romero was concerned with the switching of the retreat. It would be helpful to know ahead of time as much as possible instead of getting the agenda and realizing it was not what was planned.
Commissioner Stefanics asked if they could move items N and O up higher on the agenda in the event that Board members had to leave early.
Councilor Romero said she needed to leave at 1:00.
Chairman Herrera suggested the agenda as it was and, if needed, to amend it at item g. He thought some members wanted to be present for N and O and would arrive later.
Commissioner Stefanics moved to approve the agenda with N and O considered before 1:00 p.m. Councilor Romero seconded the motion and it passed by unanimous voice vote.

f. APPROVAL OF MARCH 6, 2008 BOARD MEETING MINUTES
Councilor Romero moved to approve the minutes of March 6, 2009 as submitted.
Councilor Wismer seconded the motion and it passed by unanimous voice vote.

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g. PUBLIC COMMENTS REGARDING TRANSPORTATION ITEMS OR ISSUES
Ms. Lucero reported that Jim West called yesterday. He would be having his 6th treatment on the 23rd. He was doing well and might be home in early June. He wished the Board and staff well and thanked them for their prayers and well wishes.
Commissioner Gonzales said he was not yet ready to go to all the Commission meetings but was here and grateful for the Board’s accommodation for him. He thanked Board members for their prayers. It was a rude awakening for him and he advised everyone to watch what they ate, see the doctor and pray a lot. He considered himself fortunate to be back. He spent two weeks in the hospital and had a stint in his main artery. He hoped to take care of it with medication.
Chairman Herrera welcomed him back and thanked him for his hospitality
Councilor Romero said the web site needed to be updated. She tried to download minutes but couldn’t. She urged staff to do anything to make it more accessible.
Ms. Lucero said this past week they put all the minutes for this year on the web. Ms. Altheyab was getting trained and hoping to do better.

2. RETREAT:
Mr. Moore and Ms. Lawrence began the retreat with the intent of completing the planning from last time and completing work on Service Plan and then return to the Ground rules
Whatever we do here would eventually go back to the full Board so we could have the kind of conversation we need to have.
Most of the time spent in the retreat dealt with a full discussion to clarify the difference of and the relationship of regional service plan and local governments’ service plans. The discussion included that local routes that were in a service plan might not have any bearing on the regional service plan. So parts of the plan might not be subject to ratification by the NCRTD Board and/or that changes might be made to such routes without first seeking to have NCRTD Board approve them. Other routes were important for connectivity to other parts of the region and those should be included in the service plan that was approved by the NCRTD Board to insure a seamless network of service and one that did not have duplication or redundancy.
It was clarified that the guidelines for the regional plan were based upon the statutory provisions and were for the benefit of all parts of the region.
It was agreed that resources were limited so not every vision or goal could be realized in the service plans but the components were based on the needs assessments made and prioritized according to available resources.

Mr. Moore offered that the Region offered guidelines that local jurisdictions could use and local jurisdictions could develop their own routes and approve them in a service plan that was based on coordination of those routes and submit them for inclusion in the regional service plan as approved by the Board.

At the end of the retreat time, Mr. Moore agreed to create a draft based on the conversation.

3. APPROVAL ACTION AND/OR DISCUSSION ITEMS:
   a. Legislative Update – Jack Valencia

   Mr. Valencia reviewed the legislative summary in the packet and commented on several bills that would impact the RTD. He said he would send out a more extensive report to the Board on Monday with the whole text of each bill and the FIRs connected with each. Mr. Pacheco asked for further clarification on HB 860.

   Mr. Valencia said the GRT monies were collected by TRD and had been distributed to the counties and then the counties had to send them on to the RTD. The legislation would eliminate the counties in the process loop and TRD would send the revenues directly to the RTD.

   He explained that the RTD also received federal monies that were passed through DOT and the state provided $250,000 for startup. He added that they were getting some capital money from the state also.

   b. Tribal stimulus Funding:

   Mr. Valencia said the RTD was granted $550,000 for Tesuque and Pojoaque and three tribes got their own appropriations. They were currently working on a joint application for more of the specific tribal stimulus monies. The Tribal Sub-Committee would decide on their uses. He hoped part of it would include the new transit facility.

   c. Approval of NCRTD Attendance Report – Jack Valencia

   Mr. Valencia noted that the attendance report was in the packet. It had been prepared from the roll call and the minutes.

   Councilor Romero was surprised that it should the City of Santa Fe missing two meetings. She asked if that was while they were not members.

   Mr. Valencia said the report was very simplistic and acknowledged her concern. Councilor Romero said they did not miss any of the meetings while they were members. - Mr. Valencia agreed to research and clarify that.

   d. Tribal Subcommittee – Jack Valencia

   Mr. Valencia noted the synopsis was in the packet. The committee would meet next on April 16th.
Chairman Herrera encouraged everyone to make an extra effort to have their representatives present at the subcommittee meetings because it was where the work would get done.

Councilor Romero noticed there was no chairman of the Tribal Subcommittee.

Mr. Guillen explained that two pueblos were represented at the committee meeting and none were interested in being the chair.

Mr. Pacheco asked if they were required to give public notice of the subcommittees. Ms. Lucero agreed and said they were all open to the public. Ms. Altheyab added that they provided the call in number in the posting for conference call meetings. Ms. Lucero said they used the same phone number and pass code each time and they would send it out.

e. Finance and Personnel subcommittee Report – Anthony Mortillaro

Mr. Mortillaro referred to the two sets of minutes in the packet. The first meeting focused on the 2009-3 resolution. The issue had to do with Regional Transit Systems and modifying the definition. Each entity had its own independent systems as part of the region.
They talked about money and how it was distributed. They discussed budgets for anticipated revenues to align with each entity. It would follow the current practice.

They discussed how tribal entities would be included and decided to include them under that county’s allocation. They talked about left over funds and concern about losing them if not spent in a given year.

There were other policies they didn’t get to regarding flexibility. They were presented with how the money would be allocated and the four counties got $140,000 for capital outlay and pondered if they could take additional capital needs out of the operating budgets.

They discussed whether to use a percentage or a specific dollar amount in the allocations. They questioned whether debt financing could be used for capital purchases. Right now the capital needs were greater than the money coming in each year. Those still needed to be discussed.

Lastly, how do you define what those expanded transit services were that were eligible for funding under RTD.

At their second meeting on March 26 they talked about the resolution and then about personnel leave policies.

Mr. Pacheco said they discussed two different classes of employees. When the RTD decided to assume the Española or Rio Arriba routes, there was an agreement that the RTD would take their employees and that none of their employee benefits would be reduced in any way. The vacation accrual rate was adopted but new employees were at a lower accrual rate. So they discussed how to handle that disparity. They discussed a system that would bring the new ones up on a graduated scale or allow credit from other jurisdictions to balance it out. There was also talk about cashing in annual leave as a stimulus package but no decision was made on that. They were not yet ready to make a recommendation to the Board.

Ms. Kaplan explained that the leave accrual was based on a calendar year and they were not under compulsion to resolve it right away. There was no deadline.

f. Regional Coordination and Consolidation Subcommittee – Josette Lucero
Ms. Lucero said they did not elect a chair and would try to next time. They discussed the 2009-02 resolution on the service plan. Mr. Mortillaro recommended a change in language. Jon Bulthuis sat in and made the changes over the weekend and asked Councilor Romero to review and recommend. Councilor Romero said she reviewed and approved it.

Ms. Lucero said there were questions on the expiration of G line at the end of July. Mr. Guillen said the contract with All Aboard America included a base price, GRT and a fuel charge if diesel went above $4. Since it did not go above $4 there might be a reduction on the contract or it could be extended with that remaining amount.

g. RPA Update – Mary Helen Follingstad
Ms. Follingstad reviewed the background for establishing the Regional Planning Authority through a JPA with Santa Fe County and the City of Santa Fe to provide for planning of transit services. The RTD resolution on funding allocated 86% of what was collected by city and county to assist the city and county to provide new services connected to the Rail Runner and the RTD.

The RPA passed its own resolution in October agreeing to be the entity that would oversee this service and moved forward with a professional transit planner to put together a service plan and to set up a series of private meetings.

It would be a seamless plan and would review all current plans and then work on some potential ideas. From the RTD guidelines, it looked like it would all work out for the RPA. Everything was covered. Once this service plan was compiled, it would be presented to the RPA, then to County and the City and then to NCRTD and Eight Northern Pueblo Council. The RPA was very diligent to make sure it was complete. They anticipated having the planner in May 2009, barring unforeseen events, and the plan would be completed by July 2009. She agreed to provide a copy of the scope and or proposal for anyone wishing a copy.

Commissioner Stefanics thought they should discuss what the RTD had in mind with HB 860 and what it would mean. She thought it was not clear.

Chairman Herrera clarified that HB 860 was not an NCRTD initiative; not something it proposed legislatively. Without the HB 860 the GRT revenues would flow from TRD to the respective counties and then to the NCRTD. In a simplistic way, 860 merely bypassed the counties and they would go directly to the RTDs. The end result would be basically the same regardless of whether 860 were signed by the Governor or not. It was to improve the efficiency of the flow of dollars.

Commissioner Stefanics said regardless of what happened with HB 860, the Santa Fe County Commissioners’ sentiment was probably not going to change much and she would need to take back what was agreed upon.

Chairman Herrera said in Resolution 2008-11, it included that the NCRTD agreed to provide 86% of the tax revenues for NCRTD raised in Santa Fe County. There was a lot of discussion and one of the things not specifically contemplated at the time was whether there would be a specific check handed over to Santa Fe County or whether it was the service plan developed by the RPA and might or might not be administered by the RTD. Today they were trying to answer those questions and needed to decide what the best way
to handle it was. If they had goals mutually agreed to by the RPA and the RTD, then to
decide how they would be carried out.
He believed that they could figure out the most efficient way without duplication to
provide the services to Santa Fe County. But how that was to be accomplished was still a
matter of discussion but in subject to accomplishing the goal. He said the RTD was doing
a good job in Rio Arriba county and City of Española.
Commissioner Stefanics asked that staff send her a copy of all the resolutions so she
could get up to speed. They would have discussions and then bring it back to the Board.
Councilor Romero said she thought all the resolutions were on line. Ms. Lucero agreed.
Chairman Herrera had some concern about a professional transit planner for the RPA. He
said if the planner was needed by the RPA to take care of the local projects independent
of the RTD, it was their call but if it was a professional planner who would duplicate
what RTD staff were already doing, then he would question if it was the best use of
funds. And it might be reinventing the wheel regarding the service plans. He offered to be
part of those discussions.
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Commissioner Stefanics thought part of it was a trust issue. She said the RPA had voted
on it a couple of times and to change that now would create a lot of ire.
Ms. Follingstad clarified that the planner would use city and county funds only
Councilor Romero offered to email the scope of work to any member who asked for it.
Mr. Kelly thought it would benefit everyone to have a person from outside come in to
look at it.
Commissioner Coriz said that as part of the discussions to get Santa Fe County and City
to rejoin, the RPA had been mentioned but was not part of the discussion then.
Commissioner Montoya was communicating with the RPA but that detail had not been
shared with the NCRTD. He said they respected the work that pertained to that part of the
region. He felt this board went above and beyond to get Santa Fe to come back in. Now it
looked like Santa Fe was putting their own needs above what the region needs were. He
asked if each county was going to come up with their own RPAs to develop their own
plans.
Commissioner Stefanics said they were doing something internal with the City or if it
extended to the County such as the existing Santa Fe Trails system. She understood what
was being said but the RPA was an entity and they had a meeting on where the authority
came from so they were looking at the legal perspective as well. From her point of view,
they needed the coordination and could only grow with that coordination. She
acknowledged she wasn’t here during that time and was not sure what all the issues were
but not everything was settled and was the occasion of a hot discussion.
Commissioner Coriz suggested she needed to represent the RTD at their local
Commission.
Councilor Romero said they were trying to eliminate the overlaps and explained that
Commissioner Stefanics and she were members of the RPA and Ms. Follingstad was their
staff. The RPA was funded by the City and the County. She agreed it was kind of
confusing, especially when adding in the MPO. She offered to do a graph that would
clarify it for the RTD.
Commissioner Stefanics said the MPO was set by federal statute and set up by the state and also approved transit plans. So they had three entities that they were working with bringing approval of plans.

Mr. Campos noted that half of Española was in Santa Fe County so there was a part of Española’s GR-T that was going to the RPA. Chairman Herrera agreed and said that was where the importance was.

Chairman Herrera agreed the RTD was statutorily established and the MPO was by federal mandate. The coordination was critical.

Commissioner Gonzales said he sat at a few meetings with City and County in Santa Fe when trying to get them in the RTD. He heard the word “trust” mentioned. There was a lot of trust in the Board now. If the Board members didn’t trust each other, they didn’t have anything. It had to be there.

The RTD hired Gannet Fleming West as planners. He asked if the RPA was in contact with them. They could help out. He asked how capital needs would be addressed. He asked what the procedure was for approvals of service plans. He also felt there was a lot of dancing around the 86/14 split. He said he knew that Taos County gave 100% of those funds to the RTD. He thought they needed to define those and separate them and determine how the RTD was going to work with Santa Fe County and City on this.

Ms. Follingstad said the JPA had been in place. It was originally signed for the purpose of the City and County working together. Then they began to look into implementation of things and morphed into a situation where the City and County agreed to a strategy. The City and County decided they wanted to keep the RPA for multiple planning and a whole host of things on economic development, zoning, and transportation. It looked like it made sense to have transportation go through it. Its authority was mostly trying to work together and was a recommending body for anything having to do with City’s and County’s GRT revenues. Everything required both City and County approval.

Councilor Romero said she could provide the JPA and Gannet Fleming was embedded in the task. The percentage question was a separate issue. She said the County and City Attorneys reviewed the procurement and found it in order. All the questions were answered. She didn’t think the councilors were aware of all that had transpired.

Mr. Guillen said his concern was that they had been talking about collaboration and coordination and trust and there were anti RTD sentiments that were not favorable to the RTD.

Mr. Valencia said SB 245 for RTD law enforcement was passed and the funding mechanism would have a set aside that the RPA might have a responsibility to enforce. There was also the $250,000 set aside for capital and questions on the RTD’s collaboration on it.

h. Approval of Memorandum of Agreement between the NCRTD and the City of Santa Fe – Rosemary Romero

Councilor Romero moved to approve the resolution. The motion was seconded by Mr. Mortillaro and Commissioner Stefanics.

Chairman Herrera clarified that this process came back a second time because it appeared to not have gone through the City Council.
Councilor Romero confirmed that it was approved unanimously by the City Council two weeks ago.

Mr. Pacheco raised a discrepancy in the MOU on page 2 regarding bus service. In one place it was five months and in another it was six months and he could not reconcile those provisions. He explained that April to September was five months but the paragraph said six months.

Councilor Romero it was six months (April 1 to September 30).

The motion passed by unanimous voice vote.

i. Approval of Resolution 2009-02 Requiring Accountability for all NCRTD Funds – Josette Lucero

Because of time constraints, this item was skipped over.

j. NCRTD Ridership Report – Josette Lucero

Because of time constraints, this item was skipped over.

k. NCRTD Financial Report – Marjorie Kaplan

Because of time constraints, this item was skipped over.

l. NCRTD Annual Audit Report – Marjorie Kaplan

Because of time constraints, this item was skipped over.

m. New Mexico State Transit Conference and Expo – Josette Lucero

Because of time constraints, this item was skipped over.

n. Closed Session: Executive Session on Personnel Matters – Councilor Alfred Herrera

Chairman Herrera asked that only the elected representatives from the member entities be present for the closed session.

Commissioner Stefanics moved, seconded by Commissioner Coriz, that the NCRTD Board go into closed session as authorized under NMSA 1978 §10-15-1(H)(2) of the Open Meetings Act to discuss limited personnel matters related to the evaluation of the Executive Director. The motion was approved unanimously on a Roll Call Vote with the elected representatives from City of Española, Los Alamos County, Rio Arriba County, City of Santa Fe, Santa Fe County and Taos County voting in favor of the motion, none voting against. The Board went into closed session at 12:44 p.m.

At 1:13 p.m. Commissioner Stefanics moved to go back into open session. Commissioner Romero seconded the motion and it passed by unanimous roll call vote with the elected representatives from City of Española, Los Alamos County, Rio Arriba County, City of Santa Fe, Santa Fe County and Taos County voting in favor of the motion, none voting against.

Chairman Herrera said no actions were taken during the closed session and the only matter discussed in closed session was limited personnel matters pursuant to the Open Meetings Act, Section 10-15-1(H)(2)

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NMSA 1987.

o. Approval of Executive Director Evaluation – Councilor Alfred Herrera

Mr. Dwyer asked if they wanted to take action about the direction given by the board during executive session that he could follow up on in preparing the formal documents. Commissioner Stefanics moved it. Councilor Romero seconded the motion and it passed by unanimous voice vote.
4. ADJOURNMENT
Commissioner Gonzales moved to adjourn the meeting. Commissioner Coríz seconded the motion and it passed by unanimous voice vote.
The meeting adjourned at 1:18 p.m.
Approved by:
Alfred Herrera, Chairman
Attest:
Michael Wismer, Secretary-Treasurer