North Central Regional Transit District
Board Meeting
Friday, February 5, 2016
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 Daniel Barrone, Chair, at 9:16 a.m. at the Jim West Regional Transit Center, Española, New Mexico.

1. Pledge of Allegiance

2. Moment of Silence

3. Roll Call

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

<table>
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<tr>
<th>Members Present</th>
<th>Elected Members</th>
<th>Alternate Designees</th>
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<tbody>
<tr>
<td>Los Alamos County</td>
<td>Councilor Pete Sheehey (T)</td>
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<td>Rio Arriba County</td>
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<td>Mr. Tomás Campos [later]</td>
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<td>Taos County</td>
<td>Commissioner Jim Fambro</td>
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<td>Town of Taos</td>
<td>Mayor Daniel Barrone</td>
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<td>Santa Fe County</td>
<td>Commissioner Miguel Chávez</td>
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<td>Nambé Pueblo</td>
<td>Absent</td>
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<td>Ohkay Owingeh</td>
<td>Christy Memejo</td>
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<td>Pojoaque Pueblo</td>
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<td>Anna Sanchez</td>
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<td>Santa Clara Pueblo</td>
<td>Excused</td>
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<td>City of Santa Fe</td>
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<td>Mr. Jon Bulthuis (T)</td>
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San Ildefonso Pueblo | Ms. Lillian Garcia (T)  
---|---  
Tesoque Pueblo | Absent  
City of Española | Councilor Tim Salazar  
Town of Edgewood | Absent  
Rio Metro (ex officio) | Elizabeth Carter  

**Staff Members Present**  
Mr. Anthony J. Mortillaro, Executive Director  
Ms. Stacey McGuire, Projects and Grants Specialist  
Mr. Jim Nagle, Public Information Officer  
Mr. Troy Bingham, Finance Director  
Ms. Jackie Trujillo, Executive Assistant

**Others Present**  
Mr. Peter Dwyer, Legal Counsel  
Mr. Carl Boaz, Stenographer  
Mr. Scott Scanlon, Legislative Liaison  
Mr. Farley Vener, Hinkle & Landers  
Mr. Ray Matthews, Santa Fe County  
Mr. Roger Duran, Senator Udall’s staff

4. **INTRODUCTIONS**  
Those present introduced themselves to the group.

5. **APPROVAL OF AGENDA**  
Chair Barrone requested to move item A after item E on the agenda.

Commissioner Chávez moved to approve the Agenda as amended with item A after action items B, C, D, E. Councilor Salazar seconded the motion and it passed by unanimous (9-0) roll call vote with Los Alamos County, Ohkay Owingeh, Pojoaque Pueblo, City of Española, City of Santa Fe, Santa Fe County, San Ildefonso Pueblo, Taos County and Town of Taos voting in favor and none voting against.

6. **APPROVAL OF MINUTES – January 8, 2016**  
Commissioner Chávez moved to approve the minutes of January 8, 2016 as presented. Councilor Salazar seconded the motion and it passed by unanimous (9) roll call vote with Los Alamos County, Ohkay Owingeh, Pojoaque Pueblo, City of Española, City of Santa Fe, Santa Fe County, San Ildefonso Pueblo, Taos County and Town of Taos voting in favor and none voting against.
7. PUBLIC COMMENTS

Mr. Duran made a brief statement on behalf of Senator Udall, asking for input from members that he would pass on to Senator Udall.

ACTION ITEMS:

B. Presentation of FY 2015 Comprehensive Annual Financial Report with Auditor’s Opinion

Mr. Bingham explained that this report was a bit different this year. This is a national format that breaks the CAFR into five different sections. At the end of the report are statistics over the last 10 years. It has all the things the State Auditor requires for New Mexico agencies.

Mr. Vener explained the audit and went through a summary presentation. The Finance Committee spent time reviewing it and asking questions. He congratulated the agency for being one of very few entities doing CAFRs and it is a best practice. The SAS 114 communications were covered. All required communications were completed. The biggest change was GASB 68 that covers unfunded liabilities. There was lots of discussion about it in the Finance Committee meeting.

He said the financial statements got an unmodified clean audit. The Federal awards section was also unmodified; a clean audit. State compliance has no opinion but was tested.

Mr. Vener added that this year is the last year before becoming a low-risk auditee.

There were no questions from the Board.

Mr. Mortillaro said this is the second year in a row with no findings. Three years ago there was one carry over. Lots of the credit goes to our finance department.

Mr. Campos moved to accept the audit report as presented. Commissioner Chávez seconded the motion and it passed by unanimous (10) roll call vote with Los Alamos County, Ohkay Owingeh, Pojoaque Pueblo, City of Española, Rio Arriba County, City of Santa Fe, Santa Fe County, San Ildefonso Pueblo, Taos County and Town of Taos voting in favor and none voting against.

C. Discussion and Consideration of Resolution 2016-06 Adopting Amended and Restated by-Laws

Mr. Mortillaro said the only modification since the review by the Finance Subcommittee was the addition of the Sustainability Committee. We brought it to the Board because they were adopted in 2004 and amended in 2007. We know the Board approved them but Staff couldn’t find the signed copy. This was the opportunity to do housekeeping cleanup and any ambiguity was clarified, eliminating any duplication and most of all, having a signed set of bylaws. Mr. Dwyer did a lot of the legal legwork so a lot of changes were those he felt were needed for legal purposes.
Mr. Dwyer agreed and said it could be postponed if needed and email any questions. We are reconciling three things; the Act that created RTDs. The IGC contract that each member signs and the bylaws in front of the Board. All three should agree. He just took the purposes from the State Statute. He reorganized the responsibilities and the authorities.

There are two types of decisions required to be done only by elected official Board members: bonding and sale of real property. GRT, membership, (simplified application) and territory boundaries were clarified. The GRT cannot be taken away if members leave.

The annual form for conflict of interest, performance review of the Executive Director- performance review. Mostly it is just putting in writing what we are currently practicing.

It identifies the three officers; board meetings; OMA and ADA requirements. Very few public hearings would be quasi-judicial.

It tells the agendas process and how to put something on by talking to the Chair and if denied, get 2/3 vote at next meeting. No rolling quorum is allowed.

It codified committees, eliminating those that which were never formed. Task forces can be formed ad hoc. It also clarified financial reporting.

Mr. Mortillaro invited any financial subcommittee comment.

Commissioner Chávez asked if there will be a method for regular review in the future.

Mr. Dwyer said the by-laws can be changed at any time but he suggested a review every 4 years or if you add new members or new transit systems, to review it. They have to work within the IGC and state law. A lot of it has to be in there because of the way it was formed. Most votes are by consensus and unanimous. So the way we do business is going quite well.

Commissioner Chávez observed that there seemed to be a lot of work needed.

Mr. Dwyer said it was a pretty substantial rewrite. So if you are not satisfied now, it can be postponed to next meeting.

Commissioner Chávez moved to approve the by-laws as revised, based on finance subcommittee, legal counsel and staff reviews with a condition that the bylaws should be reviewed every two years or as needed. Councilor Salazar seconded the motion and it passed by unanimous (10) roll call vote with Los Alamos County, Ohkay Owingeh, Pojoaque Pueblo, City of Española, Rio Arriba County, City of Santa Fe, Santa Fe County, San Ildefonso Pueblo, Taos County and Town of Taos voting in favor and none voting against.

D. Discussion and Consideration of the Amended NCRTD Social Media Policy and Resolution No. 2016-07

Mr. Jim Nagle introduced Ms. Christina Lupisto as the new media specialist. She will be working with him as the RTD moves forward.
He brought the social media policy to the Board last year and it was determined particularly with Facebook to limit to one-way communication and prevent people from posting on our web site. This is partly for protection of board and staff members but also to not need to police comments. Facebook changed their policy. In the past you could prevent comments. They changed that but we can still restrict people from commenting on our timeline. So this is the proposed policy change. Instagram and Twitter also have policies in place - no sexual content, vulgar, hateful speech, etc. so there is some control.

The primary change was on page 61, at the bottom, where he struck a line and inserted directing people to the Facebook terms of use, and the same with Twitter and Instagram. That is the primary change. We are seeing where the amount of things we could be doing to promote our services because so many of our entities are using social media. Rio Metro has almost 20,000 likes - quite successful.

Mr. Dwyer said his comment is the same as last time. Social media is a world you enter at your peril. There are lots of negative things that can happen but it would handicap the District not to use social media.

Mr. Nagle said the page is monitored quite actively and comment if need be. His counterparts have found that negative comments are responded to by other users to correct them.

Commissioner Chávez understood that the Staff could respond to comments but if someone is really being disrespectful and not using the system for the intended purpose, he wondered how Staff could kick them out.

Mr. Nagle said it depends on how much of a violation it is. They could be blocked if the violation is serious.

Mr. Dwyer added that we cannot amend their comments. Mr. Nagle has read articles and done research on how to marginalize them if needed. You don’t control it. It is very wide open.

Mr. Nagle said the RTD is no different from any other agency.

Commissioner Fambro moved to approve the Social Media Policy. Ms. Mermejo seconded the motion and it passed by unanimous (9) roll call vote with Ohkay Owinge, Pojoaque Pueblo, City of Española, Rio Arriba County, City of Santa Fe, Santa Fe County, San Ildefonso Pueblo, Taos County and Town of Taos voting in favor and none voting against. Los Alamos County had been excused before the vote.

E. Discussion and Consideration of Approval of Award of Bid Construction - ADA Compliance of Bus Stops

Mr. Mortillaro referred to a handout for Item E with revised dollar amounts.

Ms. McGuire said the District was awarded $87,500 for training in FY 14 and $165,000 in FY 15 for construction relate to the transition plan with 9 bus stops to be constructed. Invitation to bid was published December 29, non-mandatory bid meeting was held January 12 with two attendees. Submission deadline was January 28 and one bid was received - from Allied 360 Construction. This was a rebid because of issues related to state wage rate inclusion that required some clarification. The updated dollar amount was $137,550 inclusive of GRT that reflects a backhoe in a best and final offer in a negotiated agreement at $149,150. Allied’s bid of $137,550 was not inclusive of GRT. Any Board action is subject to DOT approval.
Mr. Scott Perkins from Wilson gave a quick review. He said that in support of the recommendation, we have to verify the Allied bid. They are licensed and bonded. They saw no issues after verification. He gave the information to Mr. Bingham that might be backed out of the bid. The recommendation has gone to the State for Allied 360 Construction.

Chair Barrone said it is always good if the GRT comes back to the District. He asked if there was a way for that to happen with Allied having a local address.

Mr. Dwyer explained that the location is done by business registration so that GRT is retained in that community.

Ms. Mermejo asked about project management.

Ms. McGuire said that is out by RFP now.

Commissioner Chávez asked about the dollar amount. He saw on page 63 showed $165,000.

Ms. McGuire clarified that amount is the federal grant award. The bid is about $162000 right now but could get lower.

Mr. Mortillaro said they could use the amount they bid and then pass a motion to set the project budget amount. That incorporates item 2 in the handout: GRT, contingency and project management.

Commissioner Fambro moved to approve the project budget at $195,000. Commissioner Chávez seconded the motion and it passed by unanimous (9) roll call vote with Ohkay Owingeh, Pojoaque Pueblo, City of Española, Rio Arriba County, City of Santa Fe, Santa Fe County, San Ildefonso Pueblo, Taos County and Town of Taos voting in favor and none voting against.

Commissioner Fambro moved to award the contract to Allied 360 Construction, LLC for the best and final offer in the bid results, not inclusive of GRT. Councilor Salazar seconded the motion and it passed by unanimous (9) roll call vote with Ohkay Owingeh, Pojoaque Pueblo, City of Española, Rio Arriba County, City of Santa Fe, Santa Fe County, San Ildefonso Pueblo, Taos County and Town of Taos voting in favor and none voting against.

PRESENTATION ITEMS:

A. Update on 2016 Legislative Session

Mr. Mortillaro said at the last meeting, the Board approved the legislative agenda. Scott Scanlon is here now to report on it.

Mr. Scanlon said “there is no money.” The budget will be on House floor tomorrow and along with HB 2 is HB 302 that sweeps lots of accounts. Lots of groups are trying to figure out how to avoid that. The bill will go to the Senate who will change it somewhat and maybe make a few cuts.
Right now, the price of oil is $31 and the budget is based on an oil price of $38. The lower it goes, the worse the budget will be. There will be shaving done in all departments. And next year could be even worse.

We tried to pursue in some legislation to create a fund to help transit and specifically for purchase of new buses. And we were listened to and denied. We will try again next year.

Capital outlay is paid for by a severance tax which is also down about $20 million. So the good news is that the legislature will have some money to spend. They did find some money. Capital outlay requests were all submitted and all legislators received the list. We put in for bus replacements and maintenance facility. So he has been running around to pushing blue buses and all of his emails are in blue fonts. So they are filling out those forms now and they are due tomorrow by 3 pm. He would suggest that the Board members reach out to our delegation. Just let them know the blue bus guys need money. The average cost is $75,000. Hopefully, the District can buy 2-3 buses out of it.

He said he has been working over the Taos guys more than normal. They know that the RTD has taken over the Taos city transit system.

Commissioner Chávez asked what the total request for capital outlay is.

Mr. Mortillaro said it is $524,000 for buses and $623,000 for the maintenance facility design.

Commissioner Chávez asked which is more important.

Mr. Mortillaro said the buses are more important.

Mr. Scanlon agreed. The bus is the priority.

Mr. Campos asked if the RTD qualifies for LGD grants. It is part of CDBG.

Ms. Mermejo asked if unspent CAFR funds will be swept.

Mr. Scanlon said every legislator will get a spreadsheet that lists all capital outlay build-outs and when those specific projects would expire. 2013 projects not done would be flagged. So there is a nonreverting bill out there. We show up on a list for about $6,000 or $9,000 of money that is encumbered but not spent. The bus hasn’t shown up yet so we can’t write the check yet. They are always talking about going in and sweeping unspent capital projects. Most of them are rural projects.

F. Discussion of the FY2016 Mid-Year Financial Summary Report

Mr. Bingham said under the financial policies, we come with the summary report every year. As of mid-year, did a budget increase in September of 34.3% on revenues. We will have a little revenue shortfall because we used the fund balance for some expenditures. But GRT revenues are up for the year and he didn’t think we will use ay fund balances this year.

State capital outlay is all encumbered. Local agreements are up with Taos Ski Valley and Mountain Ski Run.
The federal revenue is a little lower. It is not coming in as expected for Mountain Trail but up for others.

Mr. Bingham went through the pages of the financial report giving the status for GRT by county and comparing it with the budget amounts.

For expenses, $12.5 million was budgeted and he expected the District would spend $10.9 million. With changes in payroll, overtime could affect the number. In December we got fully staffed and projected $750,000 of payroll savings now.

Vehicle maintenance is exceeding the budget until new buses come in. High cost items like transmissions. That overage will be covered by fuel savings. Some months we pay $50,000 for fuel. Last month was $20,000.

Mr. Campos moved to accept the mid-year report as presented. Commissioner Fambro seconded the motion and the roll call vote revealed there was no longer a quorum present.

G. Discussion of Investment of District Funds Summary

Mr. Bingham said the investment report was in the packet at page 108 and commented on that report, providing information on the interest being earned on the various invested account. With the current changes in returns, other entities are updating their financial policies.

Commissioner Chávez reported that the Finance Subcommittee approved this and recommended approval to the Board, it can be acted on at the next meeting.

DISCUSSION ITEMS:


Mr. Bingham said the financial report begins on page 110. more revenue was received than we spent. He covered the highlights in the report and there were no comments or questions.

I. Finance Subcommittee Report

Mr. Mortillaro reported that the draft bylaws went to Finance. Compensation results also went to them. They planned to do a compensation study of all positions. Non represented results were shared. Represented employees were shared in a closed session prior to negotiations. Survey results regarding the Executive Director’s compensation was also shared, since this survey was specifically requested by the Board. The committee asked that we incorporate the survey results into the next budget. Represented employee contractual results won’t be known until we conclude negotiations (April). The current agreement expires in June.

Commissioner Chávez said the Finance Subcommittee also approved the mid-year budget report.

J. Tribal Subcommittee Report
Mr. Mortillaro said the tribal subcommittee has not met. Ms. McGuire is working with tribal members. When Lonnie Montoya, who represented Nambé Pueblo, left it left the Chair of the Subcommittee vacated. Hopefully, they will get a new chair appointed soon.

K. Executive Report and Comments from the Executive Director

   2. Performance Measures for December 2015

   3. Ridership Report for December 2015

   Mr. Mortillaro referred the Board members to the information in the packet for performance and ridership.

   They are having a public meeting for the La Cienega route and that provides a chance to get input on their desires. Staff are getting notices out and driving around for a route configuration and park and ride possibilities. He acknowledged county staff for their responsiveness. The meeting will be on Saturday morning at 9 a.m. at the community center.

   Regarding the discussion at the last meeting with the Forest Service related to Santa Fé National Forest and issues on our special use permit and insurance coverage, Mr. Mortillaro said the attorney-client privilege was revoked on that. Legal had a discussion with FS legal council and we still have a difference of opinion. Somehow we need to move it forward and get it to a place we can agree on whether a special use permit is required and if not, we can cancel our insurance but we do have insurance policy right now. We know mountain bikes are allowed up there and it is just a matter of whether we can transport them or not contrary to the FS position.

   Mr. Duran said he would contact the Senator and they will look into the matter and see if they can help with it. He said he has taken some notes and will forward this discussion to his office.

   Mr. Mortillaro said their definition of outfitter includes the NCRTD. The irony of this is that we’ve done some analysis of our routes and we have multiple stops on forest property including Carson National Forest. We take people to Taos Ski Valley and Sipapu and Red River, all of which is on USFS land. So we wonder why and where this comes from.

MATTERS FROM THE BOARD

   Commissioner Chávez said there are only two routes that are fare-based.

   Mr. Mortillaro agreed, plus on-demand service.

   Commissioner Chávez asked if the District could provide free rides for veterans on fare-based routes. He didn’t know if it would work with on-demand. But he wondered if that could be done as Rail Runner and Santa Fé Trails have done.

   Ms. McGuire said it is at the Board’s direction but that conversation could be done. We are a little different since
we are fare-free for most routes. But it is fair to do that for veterans.

Mr. Mortillaro said one thing to look at it is revenue loss versus federal offset. They will start deducting for our revenue gains if we are not collecting that.

Ms. Carter said they do allow to transfer for fixed routes but not for on-demand routes. Passengers bring their VA card to the main office and get a free Rail Runner pass to show.

Commissioner Chávez said Santa Fé Trails has the same program. Mr. Mortillaro agreed to bring a report next time.

Commissioner Chávez said he would be willing to see if the Santa Fe Board of Commissioners would supplement the RTD budget if need be for that loss.

Mr. Nagle said the Rail Runner has them vetted in advance. It is easy when they transfer off of Railrunner but otherwise, he didn’t know what they require.

Mr. Mortillaro said we did encounter a vet on the Mountain Trail who asked for the free ride because he was aware of what was happening.

Commissioner Chávez said it would provide seamless system. He thought it would be good to have those features in place as much as possible.

Ms. Carter said they do allow those from the NCRTD to ride for free.

Mr. Duran said he also works on veteran issues and is a veteran. He is hearing from constituents throughout northern New Mexico asking for free rides to VA facilities. There is one in Taos as well as Albuquerque and possible routes to the Rail runner to go to the VA Hospital.

Ms. Carter said the Railrunner has several promotions. Seniors ride free on Wednesdays to go to museums this month. They are also piloting a destination promotion for coupons to restaurants. If successful in Santa Fe we will do their places as well.

She said they are almost completed with the Albuquerque Bike Share program. We will take it over. Maybe we could expand it to other rail stations in Santa Fé or in Española.

Mr. Mortillaro said he and Chair Barrone are commencing the annual trips to all members for reporting on last year and a preview of next year.

Commissioner Chávez asked if they could save the BCC for last. We just went through Golden and Eldorado.

Mr. Mortillaro said he wants to talk about the La Cienega pilot route and what we will undertake. There are three approaches possible depending on public meeting. Traditional, dial a ride, or nothing.

He will also will present results of the Mountain Trail route.

Long range strategic plan will be an undertaking because that GRT election requires support of each of our
Ms. Mermejo asked if the annual trips would include coming to tribal council also.

Mr. Mortillaro agreed, if possible. If not, at least with the Governor.
Ms. McGuire announced a stakeholder meeting for Mountain Trail on February 16 at Santa Fe City council chambers at 2 pm.

MISCELLANEOUS

There were no miscellaneous items.

ADJOURN

NEXT BOARD MEETING: March 4, 2016 at 9:00 a.m.

The meeting was adjourned at 11:16 a.m.

Approved by:

Daniel R. Barone, Chair

Attest:

Dennis Tim Salazar, Secretary

Submitted by:

Carl Boaz for Carl G. Boaz, Inc.