



Despite our dry climate, our region experiences severe monsoon rainfall in the form of high-intensity, short duration thunderstorms. Through continued voter support, SSCAFCA can continue ensuring the safety of our community while maintaining the natural landscape of our surroundings for families to enjoy.



IMPORTANT DATES

ABSENTEE VOTING

October 11 – November 8

EARLY VOTING

October 22 – November 5

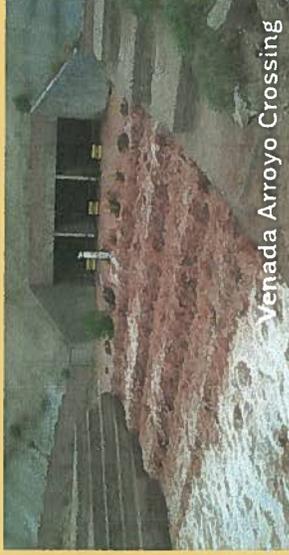
ELECTION DAY

Tuesday, November 8
7am – 7pm

NO TAX INCREASE

1041 Commercial Dr. SE, Rio Rancho, NM 87124
505.892-7241 (RAIN) • info@sscafca.com

For nearly 30 years, SSCAFCA has built and maintained flood control infrastructure, protected watersheds and created community-use projects throughout our district. As **good stewards of taxpayer dollars**, SSCAFCA has worked to not only protect lives and property, but has also been committed to enhancing our quality of life throughout Southern Sandoval County.



Venada Arroyo Crossing



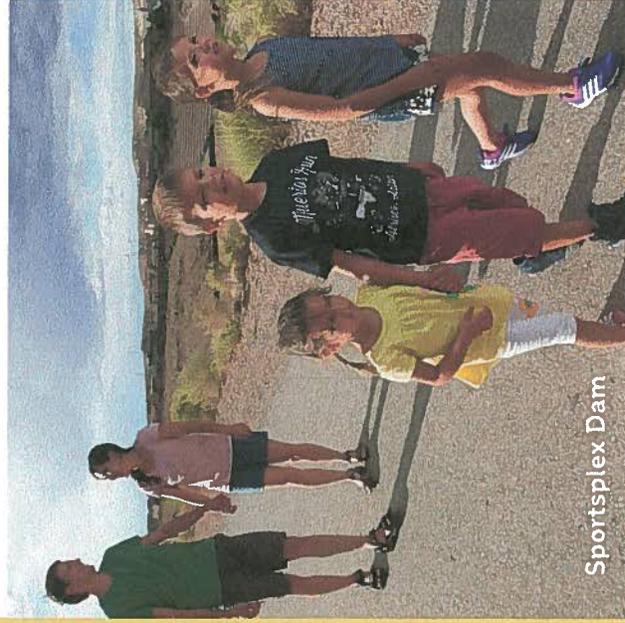
Black Arroyo Wildlife Park



Campus Dam

To view the full list of SSCAFCA's community priority projects, visit SSCAFCA.org/bond

SSCAFCA
FLOOD CONTROL
Securing and Sustaining
Our Community



Sportsplex Dam

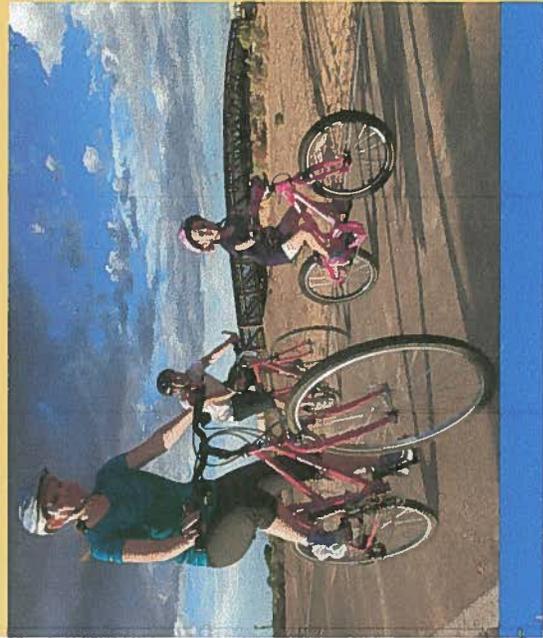
SUPPORTING
THE BOND
WILL NOT
INCREASE
YOUR TAXES!



This November, voters will be asked to approve a \$21 million bond that will provide the Southern Sandoval County Arroyo Flood Control Authority (SSCAFCA) the ability to upgrade and construct new flood control infrastructure and protection of watersheds in Rio Rancho, the Village of Corrales and parts of the Town of Bernalillo west of the Rio Grande.

Your support of November's bond will not raise your taxes but will provide SSCAFCA critical funding to ensure the safety of countless residents, homes, businesses and infrastructure from damage caused by monsoon rainfall and erosion.

With an elected board that is responsible for the policies behind the control of storm water, flooding and watersheds, **SSCAFCA is committed to protecting the community** from storm events through the construction and maintenance of flood control facilities throughout its jurisdiction.



Corrales Heights Dam Improvements – This project will increase the protection of downstream properties, homes and businesses in Corrales by enclosing the diversion to the Montoyas Arroyo.

Westside Dam – Located at Westside & Unser Blvd, this project will reduce downstream flows to protect Unser and nearby commercial and residential properties from flooding.

Voter approval of the SSCAFCA bond will provide \$21 million for the upgrade of flood control structures and the continued protection of watersheds as well as new, much-needed flood control projects including:

Saratoga Dam – Located on the Lomitas Negras Arroyo just upstream of Enchanted Hills Elementary School, this project will protect the school grounds and buildings, Highway NM 528 and areas in Corrales from flooding.

District-Wide Channel Stabilization – SSCAFCA will work to stabilize active arroyos throughout the district to ensure that homes, businesses and infrastructure are protected from erosion along the arroyo banks.

District-Wide Pedestrian Bridges – Committed to ensuring the safety of residents near arroyos, SSCAFCA will construct pedestrian bridges throughout our area to provide safe crossings for pedestrians over active arroyos.



WHERE TO VOTE

(Partial List)

Carroll Elementary School
Bernalillo Middle School
Placitas Community Library
Las Placitas Presbyterian Church
Corrales Recreation Center
Sandia View Elementary School
Maggie Cordova Elementary School
Highlands University, Rio Rancho Campus
Calvary Chapel, Rio Rancho
Enchanted Hills Elementary
Rio Rancho Public Library
Sandoval County Administrative Building
Rio Rancho Middle School
Meadowlark Senior Center
Santa Ana Star Center

For a complete list of early voting and Election Day polling locations or to find the location nearest you, visit SSCAFCA.org/bond



SSCAFCA Bond



Home \ SSCAFCA Bond

This November, voters will be asked to approve a \$21 million bond that provides the Southern Sandoval County Arroyo Flood Control Authority (SSCAFCA) the ability to upgrade and construct new flood control facilities and protect watersheds within Southern Sandoval County including Rio Rancho, parts of the Town of Bernalillo and the Village of Corrales. Your support of November's bond **will not raise your taxes** but provide SSCAFCA critical funding to ensure the safety of residents, homes, businesses and infrastructure from damage caused by monsoon rainfall and disastrous erosion.

Priority Projects

- Lisbon Dam & Channel
- Saratoga Dam
- 19th Avenue Dam
- Cactus Ponds
- Paseo del Volcan Dam
- Industrial Park Water Quality Facility
- Black Arroyo Wildlife Park
- Venada Water Quality Dam
- Willow Creek Watershed
- Cleveland Pond
- Badger Dam
- Landfill Pond



[View The Bond Newspaper Insert](#)

Important Dates

Absentee Voting
October 11 - November 8

Early Voting
October 22 - November 5

Election Day
Tuesday, November 8
7am - 7pm

Early Voting Locations
Voting Machine Warehouse
800 South Hill Rd, Town of Bernalillo

Corrales Community Center
4326 Corrales Rd., Village of Corrales

Voting Convenience Centers

Carroll Elementary School
301 Calle Del Esquela, Town of Bernalillo

Bernalillo Middle School
485 Camino Don Tomas, Town of Bernalillo

Corrales Recreation center
500 Jones Rd, Village of Corrales

Sandia View Elementary School
24 Academy Lane, Village of Corrales

Maggie Cordova Elementary School
1500 Veranda S.E., City of Rio Rancho

Highlands University, Rio Rancho
1700 Grande Ct. S.E., City of Rio Rancho

Calvary Chapel, Rio Rancho*
138 Frontage Rd N.E., City of Rio Rancho

Enchanted Hills Elementary School
5400 Obregon Rd N.E., City of Rio Rancho

Rio Rancho Public Library*
755 Loma Colorado Dr., City of Rio Rancho

Guadalajara Improvements, Phase 2
 Tributary A Dam
 North Hills Diversion Facility
 Unser Dam
 Corrales Heights Dam improvements
 Cabezon Channel Extension
 Calabacillas Watershed



[View The Bond Brochure](#)

SSCAFCA Bond FAQ's

Q: Will I experience an increase in my property taxes should the SCAFCA Bond pass in November?

A: Passage of the SCAFCA Bond **will not increase your taxes.**

Q: Will my taxes go down if the SCAFCA Bond is defeated in November?

A: **Taxes will not decrease** should voters decide not to pass the SCAFCA Bond, but what will be lost is our ability to continue investing in both the maintenance of current flood control systems and the construction of new, much-needed flood control facilities throughout the community.

Q: What is SCAFCA asking for from voters?

A: Passage of the SCAFCA Bond **will provide \$21 million** to allow for the maintenance, **upgrade and construction of flood control infrastructure** throughout southern Sandoval County, including City of Rio Rancho, Village of Corrales and the Town of Bernalillo.

Q: Will the SCAFCA Bond be used for staff and administrative raises and payroll?

A: No, voter-approved funds are earmarked for critical community projects only and **will not be used** to finance staff or administrators.

Q: What projects will be paid for with November's bond funds?

A: SCAFCA's **district-wide project priority list** (shown above) will be partially funded by the passage of November's bond. These projects range from the improvement and upgrade of current flood control structures and watersheds to the construction of new flood control structures.

Q: Do SCAFCA projects really have any impact on my life?

A: Although we live in a desert climate, short term, high intensity rainfall during the monsoon season have a significant impact on our environment and local infrastructure. SCAFCA flood control projects are designed to protect people, homes, property and businesses within proven flood zones while maintaining the natural beauty of our surroundings. Additionally, the upgrading and construction of these facilities puts local engineering firms, architects and construction companies to work on important community projects.

Sandoval County Administration Building*
 1500 Idalia Rd, Bldg. D, Town of Bernalillo

Esther Bone Memorial Library*
 950 Pinetree Rd. NE, City of Rio Rancho

Rio Rancho United Methodist Church
 1652 Abrazo Rd, City of Rio Rancho

Puesta Del Sol Elementary School
 450 Southern Blvd, City of Rio Rancho

Cielo Azul Elementary School
 3408 Shiloh Rd NE, City of Rio Rancho

Rio Rancho Middle School
 1600 Loma Colorado Blvd, City of Rio Rancho

Meadowlark Senior Center*
 4330 Meadowlark Ln SE, City of Rio Rancho

Rio Rancho City Hall*
 3200 Civic Center Circle, City of Rio Rancho

Mountain View Middle School
 4101 Montreal Loop NE, City of Rio Rancho

Vista Grande Elementary School
 7001 Chayote Rd. NE, City of Rio Rancho

Alegria Club House
 901 Cottonwood Circle, City of Rio Rancho

Gospel Light Church
 1500 Southern Blvd. SE, City of Rio Rancho

Colinas Del Norte Elementary School
 1001 Night Skye Ave NE, City of Rio Rancho

*Also acts as an early voting location

Administrator's Report

Tuesday October 11, 2016

Announcements

The Middle Rio Grande Conservancy District Board and Director have the Draft of the Corrales Trails Master Plan for review. The paths included on MRGCD facilities will require a submission for license in order to get MRGCD formal approval.

The Village of Corrales was recognized in the Mid Region Council of Government's Public School Traffic Report as a Best Practice for cooperation between the Corrales Elementary School and Village. Safe Routes to School program is also a recognized Best Practice. *Attached*

Our YCC members have been invited to participate in unveiling ceremony at Bandelier National Park October 14 of CCC Worker Statue #67. Held at the Quarry Amphitheater at Bandelier.

Items

The New Mexico Municipal League asks for municipal support of SB6. Originally, the Bill would have taken funds out of this fiscal year's municipal budgets. Chairman Harper was the sponsor of the amendment with strong support from Committee members. The amended Senate Bill 6 then goes to the House Floor for action and if passed will go back to the Senate for concurrence. The House Ways and Means Committee amended Senate Bill 6 to remove the acceleration of Hold Harmless distribution takebacks while Senate Bill 8 attempts balance State budget through capital outlay rescissions. *Attached*

The Village of Corrales Municipal Separate Storm Sewer System (MS4) - Annual Report and Storm Water Management Program (SWMP) are open for public comment as of 10/15. Copies of the SWMP and Annual Report are located at Village Offices in card copy and on the Kiosk, they also can be viewed on the Village Web page. After 30 day public comment, the final documents are due to EPA by December 1, 2016. Please direct comments or questions to Cyndie Tidwell Planning and Zoning Administrator/ Flood Plains Manager.

We may also need an Administrative Regulation to formalize the policy based on the Direction received at Council. On the whole staff is caught in a no win situation if they are required to enforce ordinance that are not clear, or supported. But if it is also declared potentially unconstitutional, Staff needs additional clarification of policy. *Attached*

Best Practices

National Best Practices

It is important to document national best practices that have provided excellent service to the public. Plans and procedures that have been successfully implemented by other jurisdictions can be used as a blueprint for the Albuquerque Metropolitan Planning Area. Also, relevant research that has been produced by agencies such as the Institute of Traffic Engineers and the Texas A&M University's Texas Transportation Institute and the Institute of Transportation Engineers can also be a valuable source of information regarding school site design. The three subject areas explored are as follows:

- School site selection, design, and operations
- Safe routes to school programs
- Metropolitan planning organizations

Successful examples of where guidelines and strategies have been implemented are included in this section.

Texas Transportation Institute, Texas A&M University

The State of Texas has experienced high population growth. As a result, many new schools were constructed, sometimes in areas where the roadways were not designed or built sufficiently for that type of land use. The Texas Transportation Institute established school site planning guidelines for the transportation related elements such as site selection; general site requirements; and design, bus operations, parent drop-off/pick-up zones, bicycle, and pedestrian access; and many other aspects of school site development. Proper school site location and design are critical elements as to whether or not a school becomes a source of traffic congestion exposing students and the public to unsafe conditions. Although published in 2004, this document is still very relevant, and strategies identified are regarded nationally as state of the art. The document categorizes the guidelines into three areas: design, planning, and operations. The guidelines are as follows:

Site Size and Frontage

“The overall size of a school site is important to the design and layout of the necessary facilities (buildings, roadways, parking lots, recreational areas, etc.). Several agencies have existing guidelines indicating the number of acres required based on the type of school being built. The most used guidelines are those published by the Council of Educational Facility Planners International (CEFPI), a professional society composed primarily of school district personnel, architects, engineers, and contractors.

CEFPI Guidelines for School Site Size

Elementary (K–6)	10 acres
Middle (5–8)	20 acres
Junior (7–9)	20 acres
Senior (9–12)	30 acres

Closely related to the overall size of the site is the amount of frontage space (width). Only a few agencies had existing guidelines for the required frontage space based on the school type. The

amount of frontage space is important to the transportation operations and design (primarily on-site queuing space/stacking length) of the site. Guidelines relating to frontage space include:

- Provide ample frontage to allow for separate car and bus entrances and exits;
- Provide adequate frontage to avoid congestion at site entrances/exits; and
- Provide adequate frontage to provide safe access from roads or streets.

Building Setback Requirements

Building setback is an important consideration because the placement of the building significantly affects the traffic circulation and amount of on-site space for stacking of vehicles.

School Site Location and Accessibility

Avoid locations with direct access to high-speed roadways. (DESIGN)

General Site Requirements

Provide access from more than one direction to the immediate vicinity of the site and provide access to the site from at least two adjacent streets. (DESIGN) School site should be situated where the road alignment provides good visibility. (DESIGN) The physical routes provided for the basic modes (buses, cars, pedestrians, and bicycles) of the traffic pattern should be separated as much as possible from each other. (DESIGN) All primary building entrances for students shall be weather protected by overhead cover or soffit. (DESIGN) The school site and proposed plans should be reviewed by the proper road agency. (PLANNING and DESIGN)

School Bus-related Design and Operations Guidelines

Single-file right wheel to the curb is the preferred staging method for buses. (DESIGN and OPERATIONS)

Design and Operation of Parent Zones

Provide an adequate driveway for stacking cars on site. (DESIGN) Students should be loaded and unloaded on the right side directly to the curb/sidewalk. (DESIGN and OPERATIONS) Short-term parking spaces should be identified past the student loading area and near the building entrance. (DESIGN and OPERATIONS) Parent loading should occur in designated zones to minimize pedestrian/vehicle conflicts. (OPERATIONS) Student safety patrols and loading supervisors should be well trained and wear reflective safety vests. (PLANNING and OPERATIONS) Traffic cones and other channelizing devices can be used to minimize pedestrian/vehicles conflicts. (DESIGN and OPERATIONS)

Bicycle and Pedestrian Guidelines for Schools

Provide safe crosswalks with crossing guards. (OPERATIONS) There should be well-maintained sidewalks leading to the school. (DESIGN, PLANNING, and OPERATIONS) Create wider paved student queuing areas at major crossings and paint sidewalk “stand-back lines” to show where to stand while waiting. (DESIGN) Facilities should be provided for bicycle access and storage. (DESIGN)

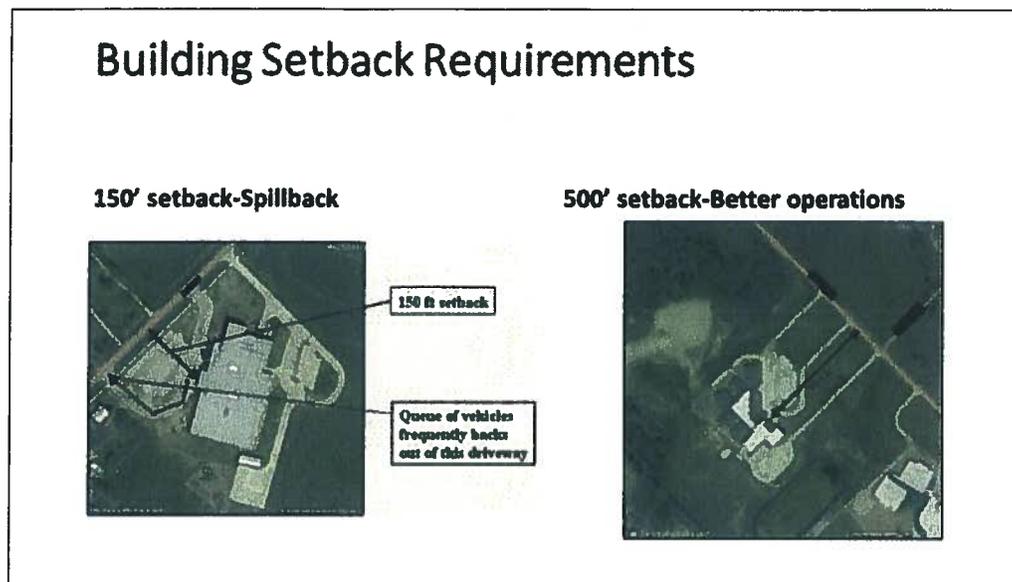
School Access Driveways

School driveways should conform to Texas Department of Transportation design and access management guidelines for number, spacing, location, and layout. (DESIGN) Utilize the existing Texas Department of Transportation design guidelines for left- and right-turn lanes and apply these to school sites. (DESIGN) All site and regulatory signage and markings within school sites shall comply with the *Texas Manual on Uniform Traffic Control Devices*. (DESIGN)

Parking Design and layout

Parking areas for students, staff, and visitors should be separated from loading zones. (DESIGN and OPERATIONS)²⁸

²⁸ *Traffic Operations and Safety at Schools*, <http://tti.tamu.edu/documents/0-4286-2.pdf>, Texas Transportation Institute, Texas A&M University System College Station



Source: Texas Transportation Institute: Traffic Operations and Safety at Schools

Institute of Transportation Engineers

The Institute of Transportation Engineers created a series of briefing sheets on the practice of creating a safe environment for school children.²⁹ These briefing sheets were cooperatively developed with the National Center for Safe Routes to School. The briefing sheets are intended for use by transportation engineers and planners in the development of school sites and to support their active participation in the planning and implementation of Safe Routes to School programs and activities. There are nine briefing sheets in the series covering the following subjects:

1. Introduction to Safe Routes to Schools
2. School Site Selection and Off-site Access
3. Walking and Bicycling Audits
4. School Route Maps
5. Strategies to Improve Traffic Operations and Safety
6. School On-site Design
7. School Area Traffic Control
8. Reduced School Area Speed Limits
9. The Use of Traffic Calming Near Schools

Focusing on site location and design, the guidelines were developed to enhance walking and bicycling thus reducing traffic impacts at schools. The briefing sheets identify elements to design or re-design a school site and describe the non-infrastructure aspects of Safe Routes to School Programs.

²⁹ Safe Routes to School Briefing Sheets, <http://www.ite.org/safety/>

Safe Routes to Schools

Traffic congestion around schools has been exacerbated by the trend of children increasingly being driven to school between 1969 and 2009. It is a trend common to virtually every community in the United States. A related issue is that children today are less active than in the past and obesity rates among children are at the highest level ever. Safe Routes to School programs involve the entire community in identifying problems and solutions. There is a vast amount of information available regarding Safe Routes to School concepts and programs. Safe Routes to School programs have been proven to be an important strategy to resolve traffic problems, increase the activity level for children, and combat childhood obesity. There are many case studies of successful Safe Routes to School programs from every geographical area of the United States. Getting children to walk and bike at an early age can result in lifelong behavior and health improvements. Walking is particularly important, and facilitating pedestrianism is a strategy that works well in communities of all income levels since walking does not require any specialized equipment or skills. An additional benefit of Safe Routes to School programs is that they have the potential to spread interest into other parts of the community.

Pedestrian and Bicycle Information Center: The University of North Carolina

The University of North Carolina published the *Safe Routes to School Guide*,³⁰ which comprehensively covers a wide range of topics on the subject. The guide includes a history of Safe Routes to School programs giving examples of successfully implemented programs. Safe Routes to School strategies identified in the document fall into five categories:

- **Education.** The educational aspect of Safe Routes to School is aimed at parents, neighbors, drivers, and school children. This can be accomplished through flyers distributed to the community, newspapers, and public service announcements through media outlets. Media attention not only helps grow Safe Routes to School programs by raising community awareness but also improves safety by alerting local drivers that more children will be walking and biking in the area. School time educational programs are used to teach students how to walk and bike safely. Special events can also be used to get the message out.
- **Encouragement.** These strategies are aimed at generating interest and excitement in walking and biking. Special events, contests and mileage clubs are examples of this approach. Encouragement activities are inexpensive, quick, easy to start, and offer teachable moments regarding safe behavior for pedestrians and bicyclers. Walking school buses and bike trains (when a group of students led by a parent walk or bicycle to school together) is another way to encourage students and teach safe pedestrian concepts through example.

³⁰ *Safe Routes to School Guide*, University of North Carolina, Highway Safety Research Center with support from the National Highway Transportation Safety Administration, Federal Highway Administration, Centers for Disease Control and Prevention, and the Institute of Transportation Engineers: guide.saferoutesinfo.org

Putting It Into Practice: Walking School Bus

C.P. Smith Elementary School, Burlington, VT

C.P. Smith Elementary School's walking school bus has operated every Wednesday since March 2005 as part of a Safe Routes to School program.

While the neighborhood bordering the school has a fairly complete sidewalk system, some families were concerned about their children walking to school with the considerable traffic congestion along the route. In winter 2005, parents organized a meeting with other interested families to discuss their concerns and develop guidelines for a walking school bus. The group determined the bus's route, time of departure, meeting points and other details.

Now, every Wednesday morning the bus departs from a walk leader's house with a small group of children. For late arriving students, a closed garage door indicates that the bus has left the station. The group continues along a major roadway picking up children along the way. Some parents join in the walk while others escort their children to the stop and leave when the bus arrives. There is no written schedule, however, organizers plan to install signs along the route indicating stops and schedule.

Before the walking school bus began, approximately six children walked this route to school. Now on Walking Wednesdays there are between 25 and 40 children, and the traffic congestion along the route has all but disappeared.



Cold weather does not stop C.P. Smith's walking school bus.

Source: University of North Carolina, Highway Safety Research Center: Safe Routes to School Guide

- **Engineering.** Creating a physical environment that is conducive to safe walking and biking is critical to the success of Safe Routes to School programs. Making sure that a roadway can safely accommodate other modes of travel while allowing traffic to keep moving is important in order to avoid driver frustration and the bad behavior that results.
- **Enforcement.** Enforcement of traffic, pedestrian, and bicycle regulations is an important aspect of Safe Routes to School. Law enforcement presence encourages good behavior on the part of drivers. Community members, faculty, staff, and students can also play a role in enforcement through participation on safety patrols, working as crossing guards and school zone safety volunteers.
- **Evaluation.** In order to identify which Safe Routes to School strategies are effective, it is important to carefully monitor the impact on children walking or biking to school after a Safe Routes to School program begins. The Safe Routes to School Guide explores ways to measure the effectiveness of Safe Routes to School programs. The guide covers subjects such as planning, objective identification, data collection and measurement, and how to interpret findings.

Metropolitan Planning Organizations (MPOs)

Metropolitan Planning Organizations (MPOs) can play an important role when it comes to providing solutions to school traffic safety issues. In 2012, the United States Congress approved a transportation bill called Moving Ahead for Progress in the 21st Century, also known as MAP-21. With MAP-21, the Safe Routes to School program was placed under the Transportation Alternatives Program (TAP). Before MAP-21, Safe Routes to School was implemented through each state's department of transportation as a grant program. With MAP-21, Safe Routes to

School projects have to compete with other local projects for the TAP funding and are also required to have matching funds from the jurisdiction sponsoring the project.

National Partnership for the National Center for Safe Routes to School

The National Partnership for the National Center for Safe Routes to School produced a publication that explored how various MPOs in the United States adapted to their roles as decision makers for Safe Routes to School projects within the TAP. Because MPOs had not been involved with Safe Routes to School efforts, there was a lot to learn. This publication looked at the enactment of MAP-21, the new TAP, the many changes made that affected how Safe Routes to School projects were funded, and how some MPOs adapted to these changes. MAP-21 changed how Safe Routes to School programs and projects related to other types of projects.

“Safe Routes to School projects must compete alongside a range of other types of bicycling, walking, trail, historic preservation, and environmental mitigation projects, instead of having guaranteed funding set aside.

Funding for TAP was cut by 30% (compared to the previous combined funding for the Transportation Enhancement Activities, Recreational Trails Program, and Safe Routes to School), and states are also allowed to shift up to half of the funding to other transportation projects and priorities.

Local communities looking for funding for Safe Routes to School projects can no longer receive 100% Federal share for the project and must instead identify state or local matching funds for up to 20% of project costs (a lower match may be required in some western states).

In addition, and most relevant for this brief, decision-making about which TAP projects to fund is split between states and MPOs representing large urbanized areas. State Departments of Transportation still choose some projects throughout the state and all projects in rural and mid-sized areas, but MPOs for urbanized areas with more than 200,000 people now administer their own TAP competitions and choose the projects within their region. Altogether, nearly 200 MPOs around the country control more than \$200 million of TAP money each year—approximately one-quarter of available funds.

Prior to MAP-21, schools and local governments in nearly all states applied directly to the state Department of Transportation for support and funding with little involvement from MPOs. In their new role as gatekeepers to TAP funding, large MPOs have the authority to determine which types of active transportation projects (including Safe Routes to School) receive funding. MPOs now make many decisions about how to administer TAP that affect whether or not Safe Routes to School projects are competitive—such as the funding priorities, what type of scoring criteria are used, how schools are notified about the availability of funding, whether funding is set aside for Safe Routes to School projects and more.”³¹

Several MPOs have taken advantage of the new rules by ensuring that Safe Routes to School projects were included for TAP funding. The following MPOs each had unique approaches that can serve as an example.

³¹ *The Role of MPOs in Advancing Safe Routes to School through the Transportation Alternatives Program*, National Center for Safe Routes to School, | www.saferoutesinfo.org, 2015

Maricopa Association of Governments (MAG): Phoenix

“The Maricopa Association of Governments (MAG) represents nearly 4 million people spread across 27 towns and cities and three tribal communities in the Phoenix metropolitan area of Arizona. A survey was initiated by MAG to gain input as to how to use TAP funds. Approximately 75% of survey respondents, the third highest response, wanted TAP money to be used for Safe Routes to School projects and suggested allocating nearly 30% of TAP funds to Safe Routes to School infrastructure and non-infrastructure projects. MAG also opted to set aside \$200,000 per year—later increased to \$400,000—just for Safe Routes to School non-infrastructure projects, including both the development of safety assessments and plans as well as staffing and expenses related to encouragement or education activities.

As a result of the survey, MAG established three priorities for TAP projects:

1. Improving bicycle and pedestrian access and connectivity;
2. Improving safety for bicycling and walking; and
3. Making bicycling and walking to school safer and more desirable

Going off these priorities MAG developed a project application form and scoring factors that that prioritized projects based on safety improvements, connectivity, proximity to schools, and other factors. For non-infrastructure projects, a separate application and scoring criteria were created. In the competition held in 2013 for infrastructure funding, 18 of the 33 projects submitted would have benefitted a K–8 school within the project limits. The ratio was even greater for awarded projects: 11 of 13 projects selected for funding have a direct impact on a K–8 school within the project boundaries. For non-infrastructure, three Safe Routes to School projects have been funded across two competitions in 2014 totaling nearly \$350,000. A new competition closed in May 2015 with nearly \$800,000 available for Safe Routes to School activities and safety studies.”³²

Metropolitan Transportation Commission (MTC): San Francisco Bay Area

“The Metropolitan Transportation Commission (MTC) covers the 9 counties in the San Francisco Bay area— with 101 municipalities, 7,000 square miles, and 7 million people. Prior to MAP-21, Safe Routes to School initiatives were already an established priority of MTC, with \$5 million available each year from a regional Climate Initiatives program intended to reduce vehicle emissions from travel to school.

The MTC created additional scoring criteria consistent with regional priorities, including Safe Routes to School, for projects submitted for its 2014 regional TAP competition. The MTC also held a series of workshops to help potential applicants develop competitive applications. In the first competition, held in 2014, applicants submitted a total of 127 applications requesting \$201 million, of which 49 were for Safe Routes to School projects. MTC chose 11 projects totaling \$31 million to support. Nearly half, 5 projects totaling \$15 million, were Safe Routes to School projects.”³³

³² *The Role of MPOs in Advancing Safe Routes to School through the Transportation Alternatives Program*, National Center for Safe Routes to School, | www.saferoutesinfo.org, 2015

³³ *The Role of MPOs in Advancing Safe Routes to School through the Transportation Alternatives Program*, National Center for Safe Routes to School, | www.saferoutesinfo.org, 2015

Regional Transportation Commission of Southern Nevada (RTCSNV): Las Vegas

“The Regional Transportation Commission of Southern Nevada (RTCSNV) covers the 8,000-square-mile Clark County, with most of the 2 million residents concentrated in the urbanized Las Vegas valley. There are four large local government jurisdictions, two small jurisdictions, and one school system—the Clark County School District, which is the fifth-largest school district in the country—within RTCSNV’s jurisdiction. With the creation of TAP, RTCSNV had to modify its process to incorporate Safe Routes to School and other eligibility changes enacted by MAP-21. RTCSNV developed an application that had four project types:

1. Non-motorized infrastructure (including Safe Routes to School infrastructure projects)
2. Safe Routes to School non-infrastructure projects
3. Community improvement projects
4. Environmental projects

Because different project types provided a different service, unique criteria were developed for each type. For example, non-motorized infrastructure projects were scored for things like multiagency collaboration, proximity to schools, or high-density populations, and filling gaps in the non-motorized system. Safe Routes to School non-infrastructure projects were assessed on past experience implementing Safe Routes to School initiatives, supportive policies or plans, and involvement of multiagency partners.

In the competition held in 2013, 16 projects totaling \$9.7 million were submitted for TAP funding, of which five were Safe Routes to School infrastructure projects and one was a Safe Routes to School non-infrastructure project to support a coordinator. After applications were scored, 10 projects totaling \$5.4 million, including all six Safe Routes to School projects, were selected for funding.”³⁴

North Central Texas Council of Governments (NCTCOG): Dallas

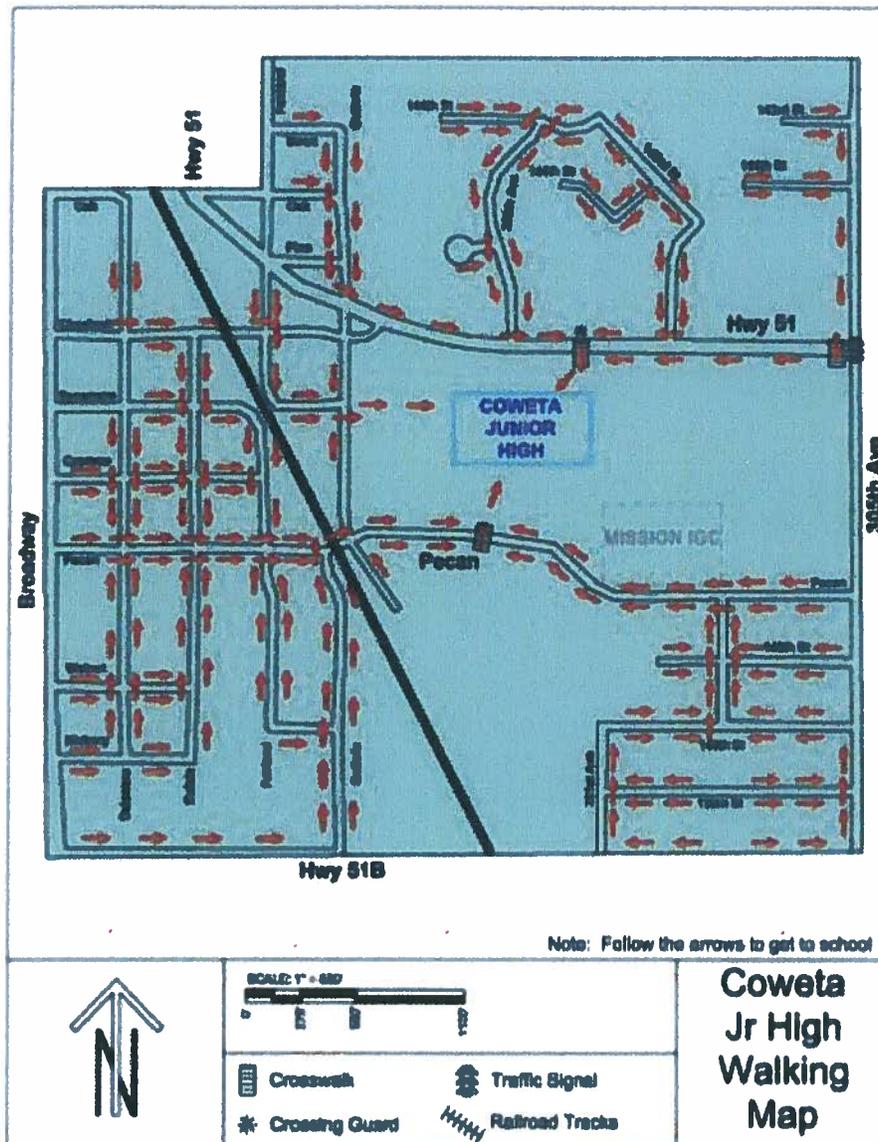
“The North Central Texas Council of Governments (NCTCOG) is responsible for the greater Dallas/Fort Worth area, which includes 230 local governments, 127 school districts, and almost 7 million people spread across 16 counties. The NCTCOG decided to fund three types of projects with its TAP funds, active transportation infrastructure such as bike lanes and trails, safety and access to schools (i.e., Safe Routes to School projects), and urban Complete Streets boulevards. Scoring criteria was developed which awarded points on such factors as improved access to schools and alignment with Safe Routes to School plans. NCTCOG also applied other financial resources available to them to offset the local matching requirements. In 2014, there were 47 projects totaling \$61 million submitted for funding, including 15 school safety projects totaling \$8 million. After scoring and ranking 33 projects totaling \$38 million were funded from TAP and Congestion Management and Air Quality (CMAQ) funds including 13 school safety projects.

The region also successfully applied for a TIGER planning grant in late 2014 to improve coordination between school districts and local governments. Through the grant, the NCTCOG is creating a planning subcommittee to enhance school and city coordination and is developing a manual for cities and school districts to support collaboration on school siting, transportation needs, safety, and land use.

NCTCOG is considering having two separate TAP competitions in the future, with one just for Safe Routes to School projects that would require collaboration between school systems and local governments on land use planning. Separating out the Safe Routes to School competition would ensure that jurisdictions do not have to choose between a Safe Routes to School project and another kind of TAP project when applying. The funded school safety and access projects included several miles of sidewalks and shared use paths, on-street bikeways, a pedestrian bridge, and traffic signal and crosswalk improvements to enhance safety for area schools.³⁵

³⁴ *The Role of MPOs in Advancing Safe Routes to School through the Transportation Alternatives Program*, National Center for Safe Routes to School, | www.saferoutesinfo.org, 2015

³⁵ *The Role of MPOs in Advancing Safe Routes to School through the Transportation Alternatives Program*, National Center for Safe Routes to School, | www.saferoutesinfo.org, 2015



Source: The National Partnership for the National Center for Safe Routes to School: The Role of MPOs in Advancing Safe Routes to School through the Transportation Alternatives Program City of Coweta, Oklahoma, USA

Above: Walking Route Map. Walking Route Maps are an example of Non-Infrastructure Safe Routes to Schools projects.

It is apparent that, if given priority, Safe Routes to School projects can compete with other regionally significant projects. The similarity in each of these different regional government's implementation was that each MPO considered how a Safe Routes to School project fit within the needs of their member governments and then crafted applications and scoring criteria that allowed the Safe Routes to School projects to be competitive. Creating a special funding category and criteria for both infrastructure and non-infrastructure Safe Routes to School projects will help these projects be advanced and foster collaboration between the school districts and local governments.

Examples of Success

Hundreds of case studies on how communities have dealt with school traffic and safety problems can be found. Each one is unique; however, all have common elements. The most important common element found in the successful case studies was community participation and support. The involvement of elected officials, community leaders, professional governmental staff (engineers and planners), school faculty and staff, parents and, most importantly, the students themselves is critical to the successful implementation of a plan.

Madison Metropolitan School District: Madison, Wisconsin

In response to chronic traffic problems around schools, the Madison Metropolitan School District formed a School Traffic Safety Committee (STSC). The committee assisted individual schools in solving traffic problems by developing a five-step process for developing a school traffic safety plan.³⁶ The five steps were as follows:

1. **Identify the problem.** The STSC developed an evaluation form to assist the school staff to identify and quantify the problem.³⁷ The STSC performed field observation of the school site along with parent volunteers and designated school staff. Pertinent information from law enforcement was pursued. Photos of areas of concern were also utilized.
2. **Hold a stakeholder meeting to discuss the problems and possible solutions.** Stakeholders included school staff, local law enforcement, traffic engineers, parents, neighborhood association representatives and local political leaders.
Develop a school traffic safety brochure for parents. The brochure could be done by a parent or school employee.
3. **Educate parents and students.** Classes were conducted on pedestrian and bicycle safety. Safety patrols were formed from student volunteers.
4. **The evaluation process.** The effectiveness of the plan was assessed. It was recommended that the issue be re-assessed annually.

The Madison Wisconsin model is a relatively low-cost, non-infrastructure, effective approach to these types of problems.

The Texas Department of Transportation

The Texas Department of Transportation initiated the Precious Cargo Program in cooperation with local governments, the Texas State Department of Education, and the school districts. Population growth in Texas has been considerable and this growth has resulted in new schools being built in areas near highways originally designed for lower volumes and relatively high speeds. This has necessitated the critical consideration of the design of roadways in and around schools to enhance traffic safety. The location and design of the school site during the planning stages are integral aspects considered.

³⁶ <https://curriculum.madison.k12.wi.us/node/869>, *Steps for Developing a School Traffic Safety Plan*

³⁷ https://curriculum.madison.k12.wi.us/files/tnl/STSCCommittee_evaluationForm.pdf

“Precious Cargo allows Texas Department of Transportation staff to review school site plans and make recommendations before the schools are built. Since the program’s inception, more than 180 schools in 70 various school districts statewide have seen traffic safety improvements around their schools or future school sites.”³⁸

Through the Precious Cargo program, the Texas Department of Transportation staff assist school districts with application of transportation principles and fundamentals. Precious Cargo reviews are done at no cost to the schools and have been endorsed by the Federal Highway Administration and the National Highway Traffic Safety Administration. The program has won several national awards and citations.

The City of Phoenix, Arizona

The City of Phoenix, Arizona, developed pick-up/drop-off guidelines centering around the concept that what happens on the school site very often has a direct effect on what happens on the streets near the school. The guidelines focus on organizing safe and efficient pick-up/drop-off plans and creating a safer environment for the students, therefore improving traffic conditions outside the school. The process to develop an efficient pick-up/drop-off plan is a cooperative effort. The Phoenix Street Transportation Department provides a team of professional engineers and planners who exclusively work with schools to develop their own pick-up/drop-off plans. The process to develop successful plans involves City staff, school officials, and parents. The procedure is as follows.

1. “City staff meet with parents and school officials during an arrival or dismissal time to observe traffic conditions. It is recommended that the observation take place during a time that school-related traffic is heaviest. The presence of a police officer is optional during this first observation. Parent volunteers or school officials may wish to videotape traffic conditions to help illustrate the concern to other parents and to preserve a “before” condition for comparison purposes.
2. Parents, school officials, and city staff should discuss options immediately after this observation. The plan should try to follow the following criteria as closely as possible:
 - a. There should be one pick-up/drop-off zone for all students.
 - b. The student pick-up area should be inside the parking lot and not along the street.
 - c. There should be only one lane of traffic for loading students. Loading students in two lanes of traffic simultaneously is not recommended.”
 - d. There should be one moving lane adjacent to the loading lane to allow vehicles free passage through the parking lot, even at busy times such as dismissal.
 - e. Vehicles waiting to load students in the loading lane must never be left unattended. The loading lane can never be used as parent parking, even for short-term stops. Anyone who must leave their vehicle for any reason must use a designated parking space in the lot. Because of this restriction, it is possible to utilize a fire lane for loading, as parking remains strictly prohibited.
 - f. The waiting area for all the students should be as close to the parking lot driveway exit as possible. Staff or volunteers should assist in loading students. They should also work to get individual students ready to be loaded before their vehicle has pulled up to the loading area.

³⁸ Texas A&M University, *Texas Transportation Institute: Precious Cargo Program*
<http://tti.tamu.edu/documents/0-4286-3.pdf>

- g. Up to three vehicles along the curb should load simultaneously. Once all these vehicles have pulled away, the next group of vehicles pulls all the way forward to the end of the loading area.
 - h. “Stand-back” lines along the curb are helpful so students do not get too close to moving traffic.
 - i. It is not recommended to load more than three vehicles at a time. Loading four or more vehicles slows the traffic flow because it requires some students to walk longer distances to get to their vehicles. Meanwhile, vehicles closer to the group of students will leave the parking lot, leaving a space in the loading area not being used.
 - j. The student loading zone must be separated from the school bus loading, as well as from walkers and bicycle riders.
 - k. Adult driveway monitors are needed where students are required to cross a busy driveway. Bicyclists should walk their bikes while on campus or when on the sidewalk adjacent to the campus. Scooters, rollerblades, and skateboards should not be allowed on campus.
3. The parking lot team should then decide how the plan will function based on their school’s design. Before the plan is implemented the following preparations should be made:
- a. The school must allocate staff or volunteers to assist in the smooth operation of the loading plan. Their function is to assist the students during loading/unloading and to make sure that parents are not parking in the loading lane or loading students outside the designated area.
 - b. Traffic signs and pavement markings must be changed to reflect the new plan. The City of Phoenix will complete any work in the right-of-way. The school or district is responsible for work on the school property. The school must also purchase cones or vests for volunteers used in the plan.
 - c. The school must notify parents of the new loading procedures well in advance. This can be done through newsletters, flyer sent home with the students, announcements to students, announcements during Parent Teacher Organization (PTO) meetings, and information given out at school registration.”³⁹

Law enforcement early in the implementation of a new plan is important. Only police officers should direct traffic on public roads. Anyone actively involved with vehicular, bicycle, or pedestrian traffic must wear safety vests to improve visibility and give them an official look when directing drivers and students. This increases the likelihood of compliance. New plans are more successful if implemented after a break in the school calendar. Students play a key role in educating their parents, so actively involving students in the formulation and implementation of the plan is helpful. It is important to stick with the plan as much as possible as frequent changes can lead to driver confusion and frustration leading to bad behavior and non-compliance.

The City of Plano, Texas

Residents in the area of Barron Elementary School in the City of Plano, Texas, begin to experience significant and chronic traffic problems. They solicited the help of Officer Alecia S. Nors who was the neighborhood police officer. In late 2000, Officer Nors led a coordinated effort with the City of Plano, the Village Creek planning team, residents, and the Plano School District.

³⁹ *City of Phoenix Street Transportation Department: Student Pick-up and Drop-off Guidelines*
<https://www.phoenix.gov/streets>

“Officer Nors began working with Traffic Engineering to make changes to improve the flow of traffic. These included installing traffic control devices to re-route traffic and making additional parking restrictions to improve visibility on the narrow streets. Officer Nors began working with Traffic Engineering to make changes to improve the flow of traffic. These included installing traffic control devices to re-route traffic and making additional parking restrictions to improve visibility on the narrow streets. Officer Nors suggested:

- Posting signs directing traffic exiting the carpool lane to turn right during posted times;
- Painting the curbs of prohibited parking areas yellow;
- Creating four marked crosswalks for pedestrian traffic; and
- Synchronizing the school zone lights with school dismissal times.

In the beginning, heavy enforcement was necessary, since many motorists refused to obey the signs. Despite Officer Nors’ efforts to educate motorists about these changes, motorists did not perceive much risk in committing violations. Even when Officer Nors was visibly issuing citations, motorists would blatantly violate the law, believing that she was too busy and they would still escape notice or enforcement. Officer Nors began stopping every violation she observed and issuing citations. Often, this meant stopping six, seven, or more cars at a time and issuing citations to them all. This caused motorists to reconsider the value of breaking the law to save a few minutes in traffic. Upon conducting surveys of motorists and those living in the community in April 2004, Officer Nors found a significant majority of those surveyed had favorable comments on these changes and did believe traffic congestion and safety had been improved. Furthermore, crashes had been significantly reduced from previous years and street blockage had been virtually eliminated.”⁴⁰

Once new traffic patterns had been established and drivers became accustomed, the need for enforcement diminished. Another important step taken was to monitor other streets in the area for increased traffic. Only moderate displacement was observed.

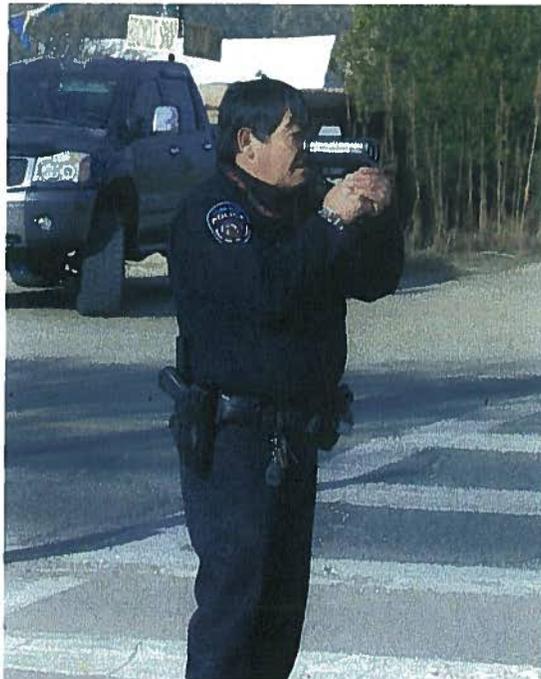
The Village of Corrales, New Mexico

The Village of Corrales has taken a collaborative approach in handling the morning rush hour at Corrales Elementary School. The school was first built in 1927 and remodeled in the 1950s. While semi-rural, the area around the Corrales Elementary School has built out, almost to the edge of the road, with mixed commercial and residential buildings. Corrales Road, NM 448, a two-lane road, is the primary north/south roadway, and residents rely on it heavily. During the rush hour the road is very congested. Traffic moves very slow, and it can be difficult for cars to turn onto Corrales Road from the intersecting roads. Children and parents need to cross from the west side of the road to the east to get to the school’s front entrance. There is a safety beacon that was installed and is operated by the NMDOT at this location, which begins flashing at 8:45 am. At the same time, parents who drive their children to school turn onto Target road, where the school’s drop-off area is. The Village has dedicated Officer Walt Heaton to assist during the morning rush hour, Monday through Thursday. Officer Heaton’s presence is one of the keys to how this potentially chaotic traffic situation is kept orderly and smooth. There are also citizen volunteers, wearing proper safety vests, who assist with the operation. Some of these volunteers have been assisting the school in this way for more than 10 years providing consistent

⁴⁰ *It Takes a Village: Easing Traffic Congestion around Barron Early Childhood School*, Plano Texas Police Department, [www.popcenter.org/library/awards/goldstein/2004/04-31\(F\).pdf](http://www.popcenter.org/library/awards/goldstein/2004/04-31(F).pdf)

application of the plan. During observation, it was noted that drivers were very courteous, obeyed the speed limit, and never drove on the shoulder. This collaboration between the Village, Corrales Elementary School staff, the volunteers, and the drivers themselves has established a safe environment for the students and their parents. Some elements that are key to Corrales' success are as follows:

- Strong law enforcement presence; Officer Heaton frequently carries a radar gun with him when managing the cross walk.
- Motorists are familiar with the plan, which has been implemented in a consistent ongoing manner; they are aware of the school zone.
- Corrales road is two-lane road making it nearly impossible to speed during congested times.
- Citizen volunteers who are both knowledgeable and dedicated to safety.
- Good visibility of signage and the safety beacon.



Above: Officer Walt Heaton deploys a radar gun while standing in the crosswalk in front of Corrales Elementary School

Please let your House and Senate members know of your support for the amend bill SB6. Please ask them to vote for this amended version. Special thanks is in order for members of the House Ways and Means Committee which is listed below:

Committee Members

<u>Title</u>	<u>Name</u>	<u>Party</u>	<u>Role</u>
Representative	<u>Jason C. Harper</u>	R	Chair
Representative	<u>Tim D. Lewis</u>	R	Vice Chair
Representative	<u>Randal S. Crowder</u>	R	Member
Representative	<u>David M. Gallegos</u>	R	Member
Representative	<u>Miguel P. Garcia</u>	D	Member
Representative	<u>Idalia Lechuga-Tena</u>	D	Member
Representative	<u>Javier Martínez</u>	D	Member
Representative	<u>Bill McCamley</u>	D	Member
Representative	<u>Rod Montoya</u>	R	Member
Representative	<u>Larry R. Scott</u>	R	Member
Representative	<u>James R.J. Strickler</u>	R	Member
Representative	<u>Carl Trujillo</u>	D	Member
Representative	<u>Jim R. Trujillo</u>	D	Member

Bill Fulginiti

Bill Fulginiti, Executive Director

NM Municipal League

1 SENATE BILL 8

2 52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SPECIAL SESSION, 2016

3 INTRODUCED BY

4 Carlos Cisneros and Stuart Ingle

5
6
7
8
9
10 AN ACT

11 RELATING TO CAPITAL EXPENDITURES; REVERTING OR DISENCUMBERING
12 BALANCES OF APPROPRIATIONS MADE FOR CERTAIN CAPITAL PROJECTS;
13 CHANGING PURPOSES AND AUTHORIZATIONS FOR THE EXPENDITURE OF
14 SEVERANCE TAX BOND PROCEEDS OR CERTAIN OTHER FUNDS; VOIDING
15 APPROPRIATIONS MADE FOR CERTAIN CAPITAL PROJECTS; AUTHORIZING
16 THE ISSUANCE OF SEVERANCE TAX BONDS; REDUCING THE PERCENTAGES
17 OF ESTIMATED SEVERANCE TAX BONDING CAPACITY ALLOCATED TO WATER,
18 TRIBAL AND COLONIAS INFRASTRUCTURE PROJECTS; PROVIDING FOR A
19 TEMPORARY CHANGE IN THE DETERMINATION OF ESTIMATED SEVERANCE
20 TAX BONDING CAPACITY ALLOCATED TO THOSE PROJECTS; MAKING
21 APPROPRIATIONS; DECLARING AN EMERGENCY.

22
23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

24 SECTION 1. GENERAL FUND BALANCES REVERTED.--The following
25 appropriations from the general fund shall not be expended, and

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1 the unexpended balances up to the amount specified shall revert
2 to the general fund:

3 A. to the administrative office of the courts, five
4 hundred thirty-four thousand five hundred sixty-one dollars
5 (\$534,561) in Item (4) of Section 5 of Chapter 11 of Laws 2016
6 to address court priorities, including funding for vehicles,
7 furniture and equipment, at courts statewide;

8 B. to the corrections department, two million four
9 hundred thousand dollars (\$2,400,000) in Item (19) of Section 7
10 of Chapter 11 of Laws 2016 to purchase a commercial off-the-
11 shelf offender management information system;

12 C. to the cultural affairs department, three
13 hundred thousand dollars (\$300,000) in Item (13) of Section 7
14 of Chapter 11 of Laws 2016 to modernize the cultural resources
15 information system;

16 D. to the economic development department, twenty-
17 one million five hundred fifty thousand dollars (\$21,550,000)
18 in Item (21) of Section 5 of Chapter 101 of Laws 2015 for local
19 economic development projects statewide;

20 E. to the department of public safety, three
21 million two hundred eighteen thousand dollars (\$3,218,000) in
22 the other category of appropriations to that department in Laws
23 2016, Chapter 11, Section 4;

24 F. to the Indian water rights settlement fund, five
25 hundred thousand dollars (\$500,000) in Laws 2015 (1st S.S.),

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1 Chapter 3, Section 49;

2 G. to the office of the state engineer, five
3 hundred thousand dollars (\$500,000) in Laws 2015 (1st S.S.),
4 Chapter 3, Section 48 to plan, design and construct repairs,
5 including purchase and installation of a liner to address the
6 abutment and seepage mitigation, at Cabresto dam in Taos county
7 and to design and construct outlet structures and other site
8 improvements at Morphy Lake dam in Mora county; and

9 H. to the department of transportation:

10 (1) twenty-two million five hundred thousand
11 dollars (\$22,500,000) to the state road fund in Laws 2015 (1st
12 S.S.), Chapter 3, Section 44 for expenditure in fiscal years
13 2016 through 2018 for road improvements statewide;

14 (2) four million dollars (\$4,000,000) in
15 Subsection 1 of Section 45 of Chapter 3 of Laws 2015 (1st S.S.)
16 to plan, conduct environmental clearances, design, acquire
17 rights of way, construct and reconstruct New Mexico highway
18 136, Airport road and Industrial road in the Santa Teresa area
19 of Dona Ana county; and

20 (3) six hundred fifty thousand dollars
21 (\$650,000) in Subsection 2 of Section 45 of Chapter 3 of Laws
22 2015 (1st S.S.) to acquire rights of way and to plan, design
23 and construct a bridge across the Puerco river on Allison road
24 in Gallup in McKinley county.

25 SECTION 2. SEVERANCE TAX BONDS--CHANGE PURPOSES--CHANGE

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1 AUTHORIZATIONS AND PROVIDE FOR EXPENDITURES.--

2 A. Notwithstanding the requirements for reversion
3 in Laws 2013, Chapter 226, the unexpended or unencumbered
4 balances remaining up to the amount specified of severance tax
5 bond proceeds authorized or appropriated in Laws 2013, Chapter
6 226 for the following described projects under the control of
7 the following agencies shall not be expended for the original
8 purposes but may be expended as provided in Section 3 of this
9 2016 act:

10 (1) to the aging and long-term services
11 department:

12 1. sixty thousand dollars (\$60,000) to
13 make improvements for building code compliance, including
14 purchase and installation of equipment, to the Reserve senior
15 center in Catron county; and

16 2. five thousand dollars (\$5,000) to
17 make improvements for building code compliance, including
18 purchase and installation of equipment, to the Pueblo of Santa
19 Ana senior center in Sandoval county;

20 (2) to the department of environment, ten
21 thousand dollars (\$10,000) to plan, design and construct water
22 system improvements, including a water storage tank, for the
23 Sena mutual domestic water consumers association in San Miguel
24 county;

25 (3) to the department of transportation:

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1 1. fifteen thousand dollars (\$15,000) to
2 plan, design and construct a mid-block pedestrian safety
3 crossing with pedestrian signal on Zuni road near Pennsylvania
4 street in the international district in southeast Albuquerque
5 in Bernalillo county;

6 2. four hundred thirty thousand dollars
7 (\$430,000) to plan, design and construct improvements to Zuni
8 road in Albuquerque in Bernalillo county;

9 3. two hundred ninety-nine thousand
10 dollars (\$299,000) to plan, design and construct improvements,
11 including curbs, gutters and drainage, to Corona road in the
12 east mesa area of Dona Ana county; and

13 4. seventy-five thousand dollars
14 (\$75,000) to plan, design and construct improvements to Navajo
15 route 7054 in the Pinedale chapter of the Navajo Nation in
16 McKinley county;

17 (4) to the interstate stream commission:

18 1. thirty thousand dollars (\$30,000) to
19 plan, design and construct improvements to acequias Anton
20 Chico, La Loma and Tecolotito in Guadalupe county;

21 2. one hundred thousand dollars
22 (\$100,000) to purchase water rights and storage space at the
23 reservoirs in northern New Mexico for use by the memberships of
24 acequias nortenas and the Rio de Chama acequias on the Rio
25 Chama in Rio Arriba county;

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1 3. fifteen thousand dollars (\$15,000) to
2 plan, design and construct ditch improvements, including a
3 concrete-capped gabion and irrigation pipeline water control
4 system, for the Gallina east and west community ditch in Rio
5 Arriba county and to pay off an interstate stream commission
6 loan; and

7 4. nine thousand five hundred dollars
8 (\$9,500) to construct improvements to the acequia de Morada in
9 Santa Fe in Santa Fe county;

10 (5) to the local government division of the
11 department of finance and administration:

12 1. ten thousand dollars (\$10,000) to
13 plan, design, construct and equip outdoor lighting at the
14 Anthony ballpark in Chaparral in Dona Ana county;

15 2. two hundred sixteen thousand dollars
16 (\$216,000) to plan, design, repair, renovate and equip the
17 sexual assault service provider and trauma treatment center and
18 site, including purchasing and installing information
19 technology and related infrastructure, in Santa Fe in Santa Fe
20 county;

21 3. twenty-five thousand dollars
22 (\$25,000) to plan, design and construct improvements, including
23 renovation of the parking area and installation of surrounding
24 fencing, at the Talpa community center in Taos county; and

25 4. twenty-five thousand dollars

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1 (\$25,000) for renovations to the plaza in the arts and cultural
2 district in Taos in Taos county;

3 (6) to the office of the state engineer:

4 1. twenty thousand dollars (\$20,000) for
5 a hydrologic study of the upper Rio Hondo basin, including
6 purchase and installation of well-monitoring equipment, in
7 Lincoln county;

8 2. fifty thousand dollars (\$50,000) to
9 plan, design, renovate and construct improvements, including
10 dredging, to the Nambe dam in Santa Fe county; and

11 3. four hundred twenty-five thousand
12 dollars (\$425,000) to construct a flood control facility and
13 infrastructure downstream of interstate 25 in Belen in Valencia
14 county; and

15 (7) to the public education department:

16 1. fifty thousand dollars (\$50,000) to
17 purchase, repair, replace and install perimeter fencing for the
18 playground at El Dorado elementary school in the Santa Fe
19 public school district in Santa Fe county; and

20 2. one hundred thousand dollars
21 (\$100,000) to plan, design, renovate and construct roofs at El
22 Dorado elementary school in the Santa Fe public school district
23 in Santa Fe county.

24 B. Notwithstanding the requirements for reversion
25 in Laws 2014, Chapters 64 and 66, the unexpended or

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1 unencumbered balances remaining up to the amount specified of
2 severance tax bond proceeds authorized, appropriated or
3 reauthorized in Laws 2014, Chapters 64 and 66 for the following
4 described projects under the control of the following agencies
5 shall not be expended for the original or reauthorized purposes
6 but may be expended as provided in Section 3 of this 2016 act:

7 (1) to the aging and long-term services
8 department, fifty thousand dollars (\$50,000) to design and
9 construct an addition to the senior center in the Two Grey
10 Hills chapter of the Navajo Nation in San Juan county;

11 (2) to the board of regents of New Mexico
12 state university, one hundred twenty-five thousand dollars
13 (\$125,000) to construct the rehabilitation of the Garfield
14 watershed structure for the Caballo soil and water conservation
15 district in Dona Ana county;

16 (3) to the cultural affairs department, five
17 hundred sixty-four thousand dollars (\$564,000) to plan, design,
18 construct, equip and furnish an information and welcome center
19 at the entrance of the national Hispanic cultural center in
20 Albuquerque in Bernalillo county;

21 (4) to the department of environment:
22 1. forty thousand dollars (\$40,000) for
23 property acquisition, and to construct and equip a zero
24 discharge wastewater treatment facility, in Cimarron in Colfax
25 county;

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- 1 2. twenty-five thousand dollars
2 (\$25,000) to purchase and install information technology and
3 upgrades to the supervisory control and data acquisition
4 system, including related furniture, equipment and
5 infrastructure, in Jal in Lea county;
6 3. one hundred fifty thousand dollars
7 (\$150,000) to plan, design and construct water system
8 improvements in the Becenti chapter of the Navajo Nation in
9 McKinley county;
10 4. twenty-five thousand dollars
11 (\$25,000) for site improvements and remediation for a community
12 water tank in the Red Lake chapter of the Navajo Nation in
13 McKinley county;
14 5. fifty thousand dollars (\$50,000) to
15 plan, design and construct improvements and repairs to water
16 infrastructure and acequias for the Rio Arriba regional
17 association of water users in Rio Arriba county;
18 6. fifty thousand dollars (\$50,000) to
19 plan, design, purchase and install water system improvements
20 for the Gallina mutual domestic water consumers and mutual
21 sewage works association in Rio Arriba county;
22 7. fifty-five thousand dollars (\$55,000)
23 to plan, design and construct a well and rehabilitate pumps in
24 the Pueblo of Jemez in Sandoval county;
25 8. one hundred thousand dollars

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1 (\$100,000) to design and construct improvements to the water
2 lines and system and to install fire hydrants in Elephant Butte
3 in Sierra county; and

4 9. twenty-six thousand dollars (\$26,000)
5 to plan, design, construct and equip a well and water system
6 improvements for La Lama mutual domestic water consumers
7 association in Taos county;

8 (5) to the department of transportation:

9 1. one hundred five thousand dollars
10 (\$105,000) to plan, design and construct phase 2 improvements
11 to the intersection of Carlisle boulevard and Constitution
12 avenue in Albuquerque in Bernalillo county;

13 2. one hundred thousand dollars
14 (\$100,000) for a center lane road median in the 100 block of
15 Louisiana boulevard northeast in Albuquerque in Bernalillo
16 county;

17 3. seventy thousand dollars (\$70,000) to
18 plan, design and construct improvements and rehabilitation of
19 Rio Grande boulevard from Candelaria road to Griegos road,
20 including signage and bicycle and pedestrian lanes, in
21 Albuquerque in Bernalillo county;

22 4. one hundred thousand dollars
23 (\$100,000) for pedestrian safety, traffic calming and public
24 art improvements on San Mateo boulevard, Gibson boulevard,
25 Tramway boulevard and Lomas boulevard in Albuquerque in

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- 1 Bernalillo county;
- 2 5. one hundred fifty thousand dollars
- 3 (\$150,000) to plan, design and construct pedestrian safety,
- 4 traffic calming and public art improvements on south Fourth
- 5 street in Albuquerque in Bernalillo county;
- 6 6. one hundred thousand dollars
- 7 (\$100,000) to purchase and install street lights along Trumbull
- 8 avenue southeast and San Pedro drive southeast in Albuquerque
- 9 in Bernalillo county;
- 10 7. two hundred twenty-five thousand
- 11 dollars (\$225,000) to design and construct infrastructure
- 12 improvements on Second street in Grants in Cibola county;
- 13 8. one hundred thousand dollars
- 14 (\$100,000) to construct street lighting and lighting
- 15 improvements in the Alameda Depot neighborhood in Las Cruces in
- 16 Dona Ana county;
- 17 9. four hundred twenty-five thousand
- 18 dollars (\$425,000) to plan, design, construct and equip a
- 19 terminal at the regional airport in Lea county;
- 20 10. seventy-five thousand dollars
- 21 (\$75,000) to design, construct and equip improvements to
- 22 downtown Main street, including curbs and gutters, sidewalks,
- 23 irrigation, lighting and drainage, in Eunice in Lea county;
- 24 11. twenty-five thousand dollars
- 25 (\$25,000) to plan, design and construct sidewalk improvements

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1 to comply with the Americans with Disabilities Act of 1990 on
2 Main street, United States highway 54, in Corona in Lincoln
3 county;

4 12. one hundred thousand dollars
5 (\$100,000) to plan, design and construct improvements to
6 Johnson road in the Twin Lakes chapter and surrounding area of
7 the Navajo Nation in McKinley county;

8 13. one hundred thousand dollars
9 (\$100,000) to plan, design, construct and equip quiet railroad
10 crossings south of Algodones in Sandoval county;

11 14. four hundred thousand dollars
12 (\$400,000) to plan, design and construct phase 2 drainage
13 improvements for flood control on Alberta road for the southern
14 Sandoval county arroyo flood control authority in Rio Rancho in
15 Sandoval county;

16 15. one hundred seventy-five thousand
17 dollars (\$175,000) to design a south bridge over the Rio Grande
18 in the Pueblo of San Felipe in Sandoval county; and

19 16. two hundred fifteen thousand dollars
20 (\$215,000) to plan, design and construct phase 2 improvements
21 to Christopher road in Belen in Valencia county;

22 (6) to the Indian affairs department:

23 1. five hundred eighty-seven thousand
24 five hundred dollars (\$587,500) reauthorized to plan, design,
25 renovate, construct, equip and furnish the permanent museum at

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1 the Indian pueblo cultural center;

2 2. one hundred thousand dollars
3 (\$100,000) to design and construct improvements to the chapter
4 house in the Baahaali chapter of the Navajo Nation in McKinley
5 county;

6 3. ninety-five thousand dollars
7 (\$95,000) to plan, design and construct power lines in the
8 Coyote Canyon chapter of the Navajo Nation in McKinley county;

9 4. four hundred thousand dollars
10 (\$400,000) to plan, design and construct a veterans building in
11 the Tohatchi chapter of the Navajo Nation in McKinley county;

12 5. fifty thousand dollars (\$50,000) to
13 plan, design and construct phase 2 of a roads maintenance yard
14 for the Navajo department of transportation in the Whitehorse
15 Lake chapter of the Navajo Nation in McKinley county;

16 6. three hundred sixty-five thousand
17 dollars (\$365,000) to plan, design and construct a multipurpose
18 building in the Rock Springs chapter of the Navajo Nation in
19 McKinley and San Juan counties; and

20 7. forty-five thousand dollars (\$45,000)
21 to construct and equip the Captain Tom irrigation canal system
22 in the Newcomb chapter of the Navajo Nation in San Juan county;

23 (7) to the interstate stream commission:

24 1. sixty thousand dollars (\$60,000) to
25 plan, design and construct improvements for acequia de las

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1 Canovas in Servilleta Plaza in Rio Arriba county;

2 2. twenty thousand dollars (\$20,000) to
3 plan, design, construct and equip improvements to the Tecolote
4 acequia system and infrastructure in San Miguel county;

5 3. eighty thousand dollars (\$80,000) to
6 plan, design and construct improvements to acequia Agua Fria in
7 Santa Fe county; and

8 4. twenty thousand dollars (\$20,000) to
9 construct improvements to La Bajada community ditch in Santa Fe
10 county;

11 (8) to the local government division of the
12 department of finance and administration:

13 1. one hundred seventy-three thousand
14 dollars (\$173,000) to plan, design, construct and equip a
15 radiology room at Roosevelt general hospital in the Roosevelt
16 county special hospital district in Roosevelt county;

17 2. one hundred thousand dollars
18 (\$100,000) to plan, design, construct and replace the roof on
19 the Roosevelt general hospital in the Roosevelt county special
20 hospital district in Roosevelt county; and

21 3. one hundred thousand dollars
22 (\$100,000) to construct phase 3 improvements to the community
23 center and commercial kitchen in Sabinal in Socorro county;

24 (9) to the office of the state engineer:

25 1. four hundred thousand dollars

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1 (\$400,000) to plan, design, renovate and construct improvements
2 to the San Mateo dam in Cibola county; and

3 2. three hundred thousand dollars
4 (\$300,000) to plan, design, renovate and construct improvements
5 to the Cimarroncito dam in Colfax county; and

6 (10) to the public education department:

7 1. fifty-five thousand dollars (\$55,000)
8 to renovate, equip and furnish facilities at La Promesa early
9 learning center charter school in Albuquerque in Bernalillo
10 county;

11 2. ninety thousand dollars (\$90,000) to
12 purchase land and a building and to plan, design, construct,
13 renovate and equip facilities for the Nuestros Valores charter
14 school in the Albuquerque public school district in Bernalillo
15 county;

16 3. ninety thousand dollars (\$90,000) to
17 plan, design and construct a hangar and tarmac for the
18 Southwest Aeronautics, Mathematics and Science Academy charter
19 school in Albuquerque in Bernalillo county;

20 4. forty thousand dollars (\$40,000) to
21 plan, design and construct a rainwater catchment and
22 distribution system at the El Dorado community school in the
23 Santa Fe public school district in Santa Fe county;

24 5. thirteen thousand five hundred
25 dollars (\$13,500) reauthorized to design, construct, equip and

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1 furnish improvements to the playground areas at Nye early
2 childhood center at Wood Gormley elementary school in the Santa
3 Fe public school district in Santa Fe county; and

4 6. thirty-five thousand dollars
5 (\$35,000) reauthorized to plan, design, construct and equip
6 drainage improvements at the SER career academy in the Santa Fe
7 public school district in Santa Fe county.

8 **SECTION 3. SEVERANCE TAX BONDS--APPROPRIATIONS OF**
9 **PROCEEDS.--**The proceeds from severance tax bonds issued
10 pursuant to Section 8 of this 2016 act or authorized as
11 indicated in Section 2 of this 2016 act may be expended in the
12 following amounts by the following agencies for the following
13 purposes:

14 A. to the administrative office of the courts, five
15 hundred thirty-four thousand five hundred sixty-one dollars
16 (\$534,561) to address court priorities, including funding for
17 vehicles, furniture and equipment, at courts statewide;

18 B. to the corrections department, two million four
19 hundred thousand dollars (\$2,400,000) to purchase and implement
20 a commercial off-the-shelf offender management information
21 system;

22 C. to the cultural affairs department, three
23 hundred thousand dollars (\$300,000) to modernize the cultural
24 resources information system;

25 D. to the economic development department, twenty-

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1 one million five hundred fifty thousand dollars (\$21,550,000)
2 for local economic development projects statewide;

3 E. to the department of public safety, three
4 million two hundred eighteen thousand dollars (\$3,218,000) to
5 purchase and equip law enforcement vehicles;

6 F. to the Indian water rights settlement fund, five
7 hundred thousand dollars (\$500,000); notwithstanding the
8 requirement for a joint resolution of the legislature in
9 Subsection A of Section 72-1-11 NMSA 1978, if corresponding
10 commitments have been made for the federal portion of the
11 settlements in the Navajo Nation, Taos and Aamodt cases, the
12 money may be expended by the interstate stream commission in
13 fiscal year 2017 and subsequent fiscal years to implement the
14 state's portion of the settlements, and any unexpended or
15 unencumbered balance remaining at the end of a fiscal year
16 shall not revert;

17 G. to the office of the state engineer, five
18 hundred thousand dollars (\$500,000) to plan, design and
19 construct repairs, including purchase and installation of a
20 liner to address the abutment and seepage mitigation, at
21 Cabresto dam in Taos county and to design and construct outlet
22 structures and other site improvements at Morphy Lake dam in
23 Mora county; and

24 H. to the department of transportation:

25 (1) twenty-two million five hundred thousand

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1 dollars (\$22,500,000) to the state road fund for expenditure in
2 fiscal years 2017 through 2020 for road improvements statewide;
3 notwithstanding the provisions of Subsection A of Section
4 13-1-119.1 NMSA 1978, the department may use a design and build
5 delivery system for all projects funded through this
6 appropriation;

7 (2) four million dollars (\$4,000,000) to plan,
8 conduct environmental clearances, design, acquire rights of
9 way, construct and reconstruct New Mexico highway 136, Airport
10 road and Industrial road in the Santa Teresa area of Dona Ana
11 county; notwithstanding the provisions of Subsection A of
12 Section 13-1-119.1 NMSA 1978, the department may use a design
13 and build delivery system for all projects funded through this
14 appropriation; and

15 (3) six hundred fifty thousand dollars
16 (\$650,000) to acquire rights of way and to plan, design and
17 construct a bridge across the Puerco river on Allison road in
18 Gallup in McKinley county; notwithstanding the provisions of
19 Subsection A of Section 13-1-119.1 NMSA 1978, the department
20 may use a design and build delivery system for the project
21 funded through this appropriation.

22 SECTION 4. SEVERANCE TAX BONDS--CHANGE AUTHORIZATIONS TO
23 RESTORE GENERAL FUND ALLOTMENTS.--

24 A. Notwithstanding the requirements for reversion
25 in Laws 2013, Chapter 226, the unexpended or unencumbered

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1 balances remaining up to the amount specified of severance tax
2 bond proceeds authorized or appropriated in Laws 2013, Chapter
3 226 for the following described projects under the control of
4 the following agencies shall not be expended for the original
5 purposes but may be expended as provided in Subsection C of
6 this section:

7 (1) to the aging and long-term services
8 department:

9 1. seventy-five thousand dollars
10 (\$75,000) to construct and renovate the senior center in the
11 Manuelito chapter of the Navajo Nation in McKinley county; and

12 2. fifty thousand dollars (\$50,000) to
13 plan and design the renovation and conversion of a senior
14 center to a group home in the Two Grey Hills chapter of the
15 Navajo Nation in San Juan county;

16 (2) to the department of environment:

17 1. fifty thousand dollars (\$50,000) to
18 plan, design, renovate, construct and equip water and
19 wastewater system improvements in Cimarron in Colfax county;

20 2. fifty-one thousand dollars (\$51,000)
21 to plan, design and construct wastewater system improvements,
22 including a collection system, for the Desert Aire mutual
23 domestic water and sewer works association in Dona Ana county;

24 3. fifty thousand dollars (\$50,000) to
25 plan, design and construct water system improvements, including

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1 a well and water lines, for the Desert Aire mutual domestic
2 water and sewer works association in Dona Ana county;

3 4. one hundred thousand dollars
4 (\$100,000) to construct phase 3 water system improvements in
5 the Alamo chapter of the Navajo Nation in Socorro county; and

6 5. fifteen thousand dollars (\$15,000) to
7 plan, design and construct water system improvements, including
8 a well for fire suppression, in Bartola canyon in Valencia
9 county;

10 (3) to the department of game and fish, one
11 hundred fifty thousand dollars (\$150,000) to plan, design,
12 construct, equip and landscape a cold water fish production
13 facility in Santa Rosa in Guadalupe county;

14 (4) to the department of transportation:

15 1. three hundred three thousand dollars
16 (\$303,000) to plan, design and construct improvements,
17 including environmental remediation, to the Albuquerque
18 railyards in Bernalillo county;

19 2. three hundred twenty-five thousand
20 dollars (\$325,000) to plan, design and construct improvements
21 to streets in Roswell in Chaves county;

22 3. twenty-five thousand dollars
23 (\$25,000) to design and construct Sky City road in the
24 Manuelito chapter of the Navajo Nation in McKinley county;

25 4. twenty thousand dollars (\$20,000) to

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1 plan, design and construct improvements to roads in the Red
2 Lake chapter of the Navajo Nation in McKinley county;

3 5. one hundred thousand dollars
4 (\$100,000) to plan, design and construct improvements to
5 Johnson road in the Twin Lakes chapter of the Navajo Nation in
6 McKinley county; and

7 6. one hundred thousand dollars
8 (\$100,000) to design and construct improvements to the north
9 Belen interchange in Valencia county;

10 (5) to the interstate stream commission:

11 1. twenty-five thousand dollars
12 (\$25,000) to plan, design and construct improvements to acequia
13 del Molino in east Pecos in San Miguel county;

14 2. forty-six thousand seven hundred
15 fifty dollars (\$46,750) to plan, design and construct system
16 improvements, including providing connections to acequia water
17 sources and purchasing rights of way, for the acequia Agua Fria
18 in Santa Fe county; and

19 3. fifty thousand three hundred eighty-
20 six dollars (\$50,386) to improve the electrical system to
21 convey water from the well to the acequia for the acequia de la
22 Cienega in La Cienega in Santa Fe county;

23 (6) to the local government division of the
24 department of finance and administration, fifty thousand
25 dollars (\$50,000) to plan, design, construct and equip a

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1 shooting range in northern Eddy county; and

2 (7) to the office of the state engineer, fifty
3 thousand dollars (\$50,000) to plan and purchase water rights
4 for Questa in Taos county.

5 B. Notwithstanding the requirements for reversion
6 in Laws 2014, Chapters 64 and 66, the unexpended or
7 unencumbered balances remaining up to the amount specified of
8 severance tax bond proceeds authorized, appropriated or
9 reauthorized in Laws 2014, Chapters 64 and 66 for the following
10 described projects under the control of the following agencies
11 shall not be expended for the original or reauthorized purposes
12 but may be expended as provided in Subsection C of this
13 section:

14 (1) to the aging and long-term services
15 department, one hundred fifty thousand dollars (\$150,000) to
16 plan, design and construct a parking lot, including lighting,
17 at the senior center in the Chichiltah chapter of the Navajo
18 Nation in McKinley county;

19 (2) to the department of environment:

20 1. one hundred thousand dollars
21 (\$100,000) to plan, design and construct water system
22 improvements for the Colonias mutual domestic water consumers
23 association in Las Colonias in Guadalupe county;

24 2. thirty thousand dollars (\$30,000) to
25 purchase and equip a water hauling truck and tractor for the

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1 Pastura mutual domestic water consumers association in
2 Guadalupe county;

3 3. fifty thousand dollars (\$50,000) to
4 plan, design, construct and equip a potable water fill station
5 in Carrizozo in Lincoln county;

6 4. fifty thousand dollars (\$50,000) to
7 plan, design and construct water system improvements for the
8 Arroyo del Agua mutual domestic water association in Rio Arriba
9 county;

10 5. one hundred thousand dollars
11 (\$100,000) to plan, design and construct improvements to the
12 domestic drinking water system for the Abiquiu mutual domestic
13 water consumers association and mutual sewage works association
14 in Rio Arriba county;

15 6. fifteen thousand dollars (\$15,000) to
16 plan, purchase and install valves for the Chamita mutual
17 domestic water consumers and sewage works association in Ohkay
18 Owingeh in Rio Arriba county;

19 7. one hundred thousand dollars
20 (\$100,000) to plan, design and construct water lines in the
21 Naschitti chapter of the Navajo Nation in San Juan county;

22 8. twenty thousand dollars (\$20,000) to
23 plan and construct water system improvements, including a pump
24 house and installation of radio read meters, for the Tecolotito
25 mutual domestic water consumers association in San Miguel

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1 county; and

2 9. forty thousand dollars (\$40,000) to
3 plan, design and construct improvements to the water well,
4 distribution and storage systems in Questa in Taos county;

5 (3) to the department of finance and
6 administration, one hundred thousand dollars (\$100,000) to
7 purchase an incomplete subdivision and plan, design and
8 construct infrastructure improvements to provide green-built
9 affordable housing for veterans, the elderly and low- to
10 moderate-income families in Santa Fe in Santa Fe county
11 pursuant to the provisions of the Affordable Housing Act;

12 (4) to the department of transportation:

13 1. seventy thousand dollars (\$70,000) to
14 design and construct street and drainage improvements in Angel
15 Fire in Colfax county;

16 2. fifty thousand dollars (\$50,000) to
17 plan, design and construct safety improvements at the junction
18 of United States highway 491 and Navajo service route 34 in the
19 Sanostee chapter of the Navajo Nation in San Juan county; and

20 3. fifty thousand dollars (\$50,000) to
21 prepare the site for and to plan, design and construct a hangar
22 facility at Taos regional airport in Taos county;

23 (5) to the Indian affairs department:

24 1. twenty thousand dollars (\$20,000) to
25 purchase and install information technology, including related

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1 equipment, furniture and infrastructure, at the Albuquerque
2 Indian center in Albuquerque in Bernalillo county;

3 2. fifty thousand dollars (\$50,000)
4 reauthorized to plan, design and construct a multipurpose
5 building in the Manuelito chapter of the Navajo Nation in
6 McKinley county;

7 3. ninety thousand dollars (\$90,000) to
8 construct a modular building for the emergency response team in
9 the Red Rock chapter of the Navajo Nation in McKinley county;
10 and

11 4. seventy-five thousand dollars
12 (\$75,000) to plan, design, construct, equip and furnish the
13 renovation and expansion of the medical and dental clinic
14 serving the Torreon-Star Lake chapter of the Navajo Nation in
15 Sandoval and McKinley counties;

16 (6) to the interstate stream commission:

17 1. fifteen thousand dollars (\$15,000) to
18 plan, design and construct improvements and to pay off a loan
19 for acequia de la Posecion in Truchas in Rio Arriba county;

20 2. twenty-five thousand dollars
21 (\$25,000) to construct, purchase and install improvements,
22 including the installation of head gates and ditch liners, to
23 the acequia de los Chupaderos in Santa Fe county; and

24 3. seventy-five thousand dollars
25 (\$75,000) to design and construct the acequia de los Ranchos

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1 embankment structure and improvements in Chimayo in Santa Fe
2 county;

3 (7) to the local government division of the
4 department of finance and administration:

5 1. twenty thousand dollars (\$20,000)
6 reauthorized to plan, design and construct improvements to the
7 Little Gardens lateral of Los Ranchos de Atrisco acequia in the
8 middle Rio Grande conservancy district;

9 2. one hundred thousand dollars
10 (\$100,000) to purchase property for and to plan, design,
11 construct and equip a route 66 story plaza in and around
12 Louisiana boulevard and Central avenue in Bernalillo county;

13 3. one hundred fifteen thousand dollars
14 (\$115,000) to plan, design and construct phase 2 of the
15 economic development project at Fifty-Seventh street and
16 Central avenue northwest in the west Central metropolitan
17 redevelopment district in Albuquerque in Bernalillo county;

18 4. seventy-five thousand dollars
19 (\$75,000) to purchase, plan, design and construct a
20 multipurpose room for the youth crisis shelter in the south
21 valley in Albuquerque in Bernalillo county;

22 5. seventy thousand dollars (\$70,000) to
23 purchase and equip passenger vans for the crossroads program in
24 Eddy county;

25 6. thirty thousand dollars (\$30,000) to

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1 plan, design and construct interior and exterior renovations to
2 El Museo cultural facility in Santa Fe in Santa Fe county; and

3 7. seventy thousand dollars (\$70,000) to
4 plan, design and construct a playground in the town of Tajique
5 land grant in Torrance county; and

6 (8) to the public education department:

7 1. one hundred five thousand dollars
8 (\$105,000) to purchase land and a building, to plan, design,
9 construct, renovate and equip facilities and to purchase and
10 install information technology, including related equipment,
11 furniture and infrastructure, for Cien Aguas international
12 school in Albuquerque in Bernalillo county; and

13 2. one hundred ten thousand dollars
14 (\$110,000) reauthorized to purchase property for and to design
15 and construct a facility, including the purchase of a building
16 and planning, renovating and equipping facilities and
17 classrooms and the purchase and installation of information
18 technology, including related furniture, equipment and
19 infrastructure, for Cien Aguas international school in
20 Albuquerque in Bernalillo county.

21 C. Upon certification by the secretary of finance
22 and administration of the need to use proceeds from severance
23 tax bonds authorized in Subsections A and B of this section to
24 restore the allotments from the general fund for capital
25 project appropriations whose expenditure periods ended on or

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1 before June 30, 2016, the board of finance division of the
2 department of finance and administration shall transfer those
3 proceeds to the general fund for that use by the department in
4 fiscal year 2017.

5 SECTION 5. PUBLIC SCHOOL CAPITAL OUTLAY FUND
6 APPROPRIATIONS DISENCUMBERED--TRANSFER TO DEPARTMENT OF FINANCE
7 AND ADMINISTRATION TO RESTORE ALLOTMENTS FROM THE GENERAL
8 FUND.--

9 A. Notwithstanding provisions of Section 7-27-12,
10 7-27-12.2 or 22-24-4 NMSA 1978 or any other law to the
11 contrary, the unexpended balance of the appropriation from the
12 public school capital outlay fund in Laws 2013, Chapter 226 to
13 the board of regents of the New Mexico school for the deaf to
14 purchase, install, plan, design, renovate and construct
15 improvements to infrastructure throughout the campus of the New
16 Mexico school for the deaf in Santa Fe in Santa Fe county shall
17 not be expended for the original purpose, but shall be
18 disencumbered and may be expended as provided in Subsection C
19 of this section.

20 B. Notwithstanding provisions of Section 7-27-12,
21 7-27-12.2 or 22-24-4 NMSA 1978 or any other law to the
22 contrary, the unexpended balance of the appropriation from the
23 public school capital outlay fund in Laws 2015 (1st S.S.),
24 Chapter 3, Section 75 to renovate and construct public school
25 pre-kindergarten classrooms statewide shall not be expended for

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1 the original purpose, but shall be disencumbered and may be
2 expended as provided in Subsection C of this section.

3 C. Upon certification by the secretary of finance
4 and administration of the need to use the amount disencumbered
5 pursuant to Subsections A and B of this section to restore the
6 allotments from the general fund for capital project
7 appropriations whose expenditure periods ended on or before
8 June 30, 2016, the board of finance division of the department
9 of finance and administration shall transfer the disencumbered
10 amount to the general fund for that use by the department in
11 fiscal year 2017.

12 SECTION 6. APPROPRIATION FROM PUBLIC SCHOOL CAPITAL
13 OUTLAY FUND--TRANSFER TO DEPARTMENT OF FINANCE AND
14 ADMINISTRATION TO RESTORE ALLOTMENTS FROM THE GENERAL FUND.--

15 A. The following appropriation is from the
16 unexpended proceeds of supplemental severance tax bonds that
17 are no longer needed for the projects for which bonds were
18 issued. Notwithstanding the provisions of Section 7-27-12,
19 7-27-12.2 or 22-24-4 NMSA 1978 or any other law to the
20 contrary, an amount not to exceed twelve million three hundred
21 sixty-eight thousand six hundred twenty-nine dollars
22 (\$12,368,629) is appropriated from the public school capital
23 outlay fund, contingent upon approval of the public school
24 capital outlay council, for expenditure as provided in
25 Subsection B of this section.

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1 B. Upon certification by the secretary of finance
2 and administration of the need to use an amount from the public
3 school capital outlay fund as specified in Subsection A of this
4 section to restore the allotments from the general fund for
5 capital project appropriations whose expenditure periods ended
6 on or before June 30, 2016, the board of finance division of
7 the department of finance and administration shall transfer
8 that amount to the general fund for that use by the department
9 in fiscal year 2017.

10 **SECTION 7. AUTHORIZATION TO ISSUE ADDITIONAL SHORT-TERM**
11 **SEVERANCE TAX BONDS.--**

12 A. In fiscal year 2017, in addition to the bonds
13 issued in accordance with Section 7-27-14 NMSA 1978 and
14 notwithstanding the limitations of that section, the state
15 board of finance may, in accordance with the Severance Tax
16 Bonding Act, issue and sell severance tax bonds whose terms end
17 on or before June 30, 2017 when the secretary of finance and
18 administration certifies the need for the bonds.

19 B. The secretary of finance and administration
20 shall certify the need for bonds only if the balance in the
21 severance tax bonding fund as of the date that the bonds are
22 issued exceeds the sum of:

23 (1) the debt service on the severance tax
24 bonds issued in accordance with this section and Section 8 of
25 this 2016 act;

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1 (2) the debt service scheduled to be paid
2 during the remainder of the fiscal year on all outstanding
3 severance tax bonds and supplemental severance tax bonds; and

4 (3) the amount necessary to meet all principal
5 and interest payments on outstanding bonds payable from the
6 severance tax bonding fund on the next two ensuing semiannual
7 payment dates.

8 C. The state board of finance shall schedule the
9 issuance and sale of the bonds as expeditiously and
10 economically as possible. The board shall further take the
11 appropriate steps necessary to comply with the Internal Revenue
12 Code of 1986, as amended.

13 D. Proceeds from the sale of the bonds are
14 appropriated to the general fund. The board of finance
15 division of the department of finance and administration shall
16 transfer the proceeds to the general fund for use by the
17 department in fiscal year 2017 to restore the allotments from
18 the general fund for capital project appropriations whose
19 expenditure periods ended on or before June 30, 2016.

20 **SECTION 8. SEVERANCE TAX BONDS--AUTHORIZATIONS--**
21 **APPROPRIATION OF PROCEEDS.--**

22 A. The state board of finance may issue and sell
23 severance tax bonds in compliance with the Severance Tax
24 Bonding Act in an amount not to exceed the total of the amounts
25 authorized for purposes specified in Section 3 of this 2016 act

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1 and for which severance tax bond proceeds authorized pursuant
2 to Section 2 of this 2016 act are not otherwise used. The
3 state board of finance shall schedule the issuance and sale of
4 the bonds in the most expeditious and economical manner
5 possible upon a finding by the board that the project has been
6 developed sufficiently to justify the issuance and that the
7 project can proceed to contract within a reasonable time. The
8 state board of finance shall further take the appropriate steps
9 necessary to comply with the federal Internal Revenue Code of
10 1986, as amended. Proceeds from the sale of the bonds issued
11 pursuant to this section or authorized as provided in Section 2
12 of this 2016 act are appropriated for the purposes specified in
13 Section 3 of this 2016 act.

14 B. The agencies named in this act shall certify to
15 the state board of finance when the money from the proceeds of
16 the severance tax bonds appropriated in this section or
17 authorized as provided in Section 2 of this 2016 act is needed
18 for the purposes specified in Section 3 of this 2016 act. If
19 an agency has not certified the need for severance tax bond
20 proceeds for a particular project by the end of fiscal year
21 2019, the authorization for that project is void.

22 C. Before an agency may certify for the need of
23 severance tax bond proceeds issued pursuant to this section or
24 authorized as provided in Section 2 of this 2016 act, the
25 project must be developed sufficiently so that the agency

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1 reasonably expects to:

2 (1) incur within six months after the
3 applicable bond proceeds are available for the project a
4 substantial binding obligation to a third party to expend at
5 least five percent of the bond proceeds for the project; and

6 (2) spend at least eighty-five percent of the
7 bond proceeds within three years after the applicable bond
8 proceeds are available for the project.

9 D. Except as otherwise specifically provided by
10 law:

11 (1) the unexpended balance from the proceeds
12 of severance tax bonds appropriated in this section or
13 authorized as provided in Section 2 of this 2016 act for a
14 project shall revert to the severance tax bonding fund no later
15 than the following dates:

16 (a) for a project for which severance
17 tax bond proceeds were appropriated to match federal grants,
18 six months after completion of the project;

19 (b) for a project for which severance
20 tax bond proceeds were appropriated to purchase vehicles,
21 including emergency vehicles and other vehicles that require
22 special equipment; heavy equipment; books; educational
23 technology; or other equipment or furniture that is not related
24 to a more inclusive construction or renovation project, at the
25 end of the fiscal year two years following the fiscal year in

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underscored material = new
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1 which the severance tax bond proceeds were made available for
2 the purchase; and

3 (c) for any other project for which
4 severance tax bonds were appropriated, within six months of
5 completion of the project, but no later than the end of fiscal
6 year 2021; and

7 (2) all remaining balances from the proceeds
8 of severance tax bonds appropriated for a project pursuant to
9 this section shall revert to the severance tax bonding fund
10 three months after the latest reversion date specified for that
11 type of project in Paragraph (1) of this subsection.

12 E. Except for appropriations to the capital program
13 fund, money from severance tax bond proceeds provided pursuant
14 to this section shall not be used to pay indirect project
15 costs.

16 F. Except for a project that was originally funded
17 using a tax-exempt loan or bond issue, a project involving
18 repayment of debt previously incurred shall be funded through
19 the issuance of taxable severance tax bonds.

20 G. For the purpose of this section, "unexpended
21 balance" means the remainder of an appropriation after
22 reserving for unpaid costs and expenses covered by binding
23 written obligations to third parties.

24 SECTION 9. Section 7-27-10.1 NMSA 1978 (being Laws 2003,
25 Chapter 134, Section 1, as amended) is amended to read:

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underscored material = new
[bracketed material] = delete

1 "7-27-10.1. BONDING CAPACITY--AUTHORIZATION FOR SEVERANCE
2 TAX BONDS--PRIORITY FOR WATER PROJECTS AND TRIBAL
3 INFRASTRUCTURE PROJECTS.--

4 A. By January 15 of each year, the division shall
5 estimate the amount of bonding capacity available for severance
6 tax bonds to be authorized by the legislature.

7 B. The division shall allocate [~~ten~~] nine percent
8 of the estimated bonding capacity each year for water projects,
9 and the legislature authorizes the state board of finance to
10 issue severance tax bonds in the annually allocated amount for
11 use by the water trust board to fund water projects statewide
12 [~~except for projects authorized in Subsection F of this~~
13 ~~section~~]. The water trust board shall certify to the state
14 board of finance the need for issuance of bonds for water
15 projects. The state board of finance may issue and sell the
16 bonds in the same manner as other severance tax bonds in an
17 amount not to exceed the authorized amount provided for in this
18 subsection. If necessary, the state board of finance shall
19 take the appropriate steps to comply with the federal Internal
20 Revenue Code of 1986, as amended. Proceeds from the sale of
21 the bonds are appropriated to the water project fund in the New
22 Mexico finance authority for the purposes certified by the
23 water trust board to the state board of finance.

24 C. The division shall allocate the following
25 percentages of the estimated bonding capacity for tribal

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underscored material = new
[bracketed material] = delete

1 infrastructure projects:

- 2 (1) in 2016, six and one-half percent; and
- 3 (2) in 2017 and each subsequent year, [~~five~~
- 4 ~~and one-half~~] four and one-half percent.

5 D. The legislature authorizes the state board of
6 finance to issue severance tax bonds in the amount allocated
7 pursuant to this section for use by the tribal infrastructure
8 board to fund tribal infrastructure projects. The tribal
9 infrastructure board shall certify to the state board of
10 finance the need for issuance of bonds for tribal
11 infrastructure projects. The state board of finance may issue
12 and sell the bonds in the same manner as other severance tax
13 bonds in an amount not to exceed the authorized amount provided
14 for in this subsection. If necessary, the state board of
15 finance shall take the appropriate steps to comply with the
16 federal Internal Revenue Code of 1986, as amended. Proceeds
17 from the sale of the bonds are appropriated to the tribal
18 infrastructure project fund for the purposes certified by the
19 tribal infrastructure board to the state board of finance.

20 E. Money from the severance tax bonds provided for
21 in this section shall not be used to pay indirect project
22 costs. Any unexpended balance from proceeds of severance tax
23 bonds issued for a water project or a tribal infrastructure
24 project shall revert to the severance tax bonding fund within
25 six months of completion of the project. The New Mexico

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underscored material = new
[bracketed material] = delete

1 finance authority shall monitor and ensure proper reversions of
2 the bond proceeds appropriated for water projects, and the
3 department of finance and administration shall monitor and
4 ensure proper reversions of the bond proceeds appropriated for
5 tribal infrastructure projects.

6 [F. ~~The division shall:~~

7 ~~(1) void the authorization to the water~~
8 ~~project fund held at the New Mexico finance authority to make~~
9 ~~grants or loans of severance tax bond proceeds for projects~~
10 ~~pursuant to Subsection U of Section 1 of Chapter 41 of Laws~~
11 ~~2006 for the northwest New Mexico council of governments in~~
12 ~~McKinley county for a water distribution project and Subsection~~
13 ~~25 of Section 1 of Chapter 139 of Laws 2007 for the Navajo~~
14 ~~Nation division of natural resources department of water~~
15 ~~resources water management branch for a regional water project~~
16 ~~in Rio Arriba, Sandoval, McKinley, San Juan and Cibola~~
17 ~~counties; and~~

18 ~~(2) authorize the department of environment to~~
19 ~~make a grant of the unexpended proceeds of severance tax bonds~~
20 ~~issued in fiscal years 2006 and 2007 for the purposes of the~~
21 ~~water project fund to be used for the authorizations identified~~
22 ~~in Paragraph (1) of this subsection and appropriate to the~~
23 ~~department of environment five million three hundred seventy-~~
24 ~~five thousand two hundred forty four dollars (\$5,375,244) for~~
25 ~~the Navajo Nation division of natural resources department of~~

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underscored material = new
[bracketed material] = delete

1 ~~water resources water management branch for a regional water~~
2 ~~distribution project in Rio Arriba, Sandoval, McKinley, San~~
3 ~~Juan and Cibola counties. Any unexpended balance of the funds~~
4 ~~authorized for expenditure in this section shall revert to the~~
5 ~~severance tax bonding fund at the end of fiscal year 2013 or~~
6 ~~upon completion of the project, whichever is earlier.~~

7 ~~G.]~~ F. As used in this section:

8 (1) "division" means the board of finance
9 division of the department of finance and administration;

10 (2) "tribal infrastructure project" means a
11 qualified project under the Tribal Infrastructure Act; and

12 (3) "water project" means a capital outlay
13 project for:

14 (a) the storage, conveyance or delivery
15 of water to end users;

16 (b) the implementation of federal
17 Endangered Species Act of 1973 collaborative programs;

18 (c) the restoration and management of
19 watersheds;

20 (d) flood prevention; or

21 (e) conservation, recycling, treatment
22 or reuse of water."

23 **SECTION 10.** Section 7-27-12.5 NMSA 1978 (being Laws 2010,
24 Chapter 10, Section 9, as amended) is amended to read:

25 "7-27-12.5. AUTHORIZATION FOR SEVERANCE TAX BONDS--

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underscored material = new
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1 PRIORITY FOR INFRASTRUCTURE PROJECTS FOR COLONIAS.--

2 A. After the annual estimate of severance tax
3 bonding capacity pursuant to Subsection A of Section 7-27-10.1
4 NMSA 1978, the board of finance division of the department of
5 finance and administration shall allocate the following
6 percentages of the estimated bonding capacity for colonias
7 infrastructure projects:

- 8 (1) in 2016, six and one-half percent; and
9 (2) in 2017 and each subsequent year, [~~five~~
10 ~~and one-half~~] four and one-half percent.

11 B. The legislature authorizes the state board of
12 finance to issue severance tax bonds in the amount allocated
13 pursuant to this section for use by the colonias infrastructure
14 board to fund the projects. The colonias infrastructure board
15 shall certify to the state board of finance the need for
16 issuance of bonds for colonias infrastructure projects. The
17 state board of finance may issue and sell the bonds in the same
18 manner as other severance tax bonds in an amount not to exceed
19 the authorized amount provided for in this subsection. If
20 necessary, the state board of finance shall take the
21 appropriate steps to comply with the federal Internal Revenue
22 Code of 1986, as amended. Proceeds from the sale of the bonds
23 are appropriated to the colonias infrastructure project fund
24 for the purposes certified by the colonias infrastructure board
25 to the state board of finance.

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underscored material = new
~~[bracketed material] = delete~~

1 C. Money from the severance tax bonds provided for
2 in this section shall not be used to pay indirect project
3 costs. Any unexpended balance from proceeds of severance tax
4 bonds issued for a colonias infrastructure project shall revert
5 to the severance tax bonding fund within six months of
6 completion of the project. The colonias infrastructure board
7 shall monitor and ensure proper reversions of the bond proceeds
8 appropriated for the projects.

9 D. As used in this section, "colonias
10 infrastructure project" means a qualified project under the
11 Colonias Infrastructure Act."

12 SECTION 11. SEVERANCE TAX BONDING CAPACITY ESTIMATE--
13 FISCAL YEAR 2017.--The board of finance division of the
14 department of finance and administration shall subtract the
15 amount of severance tax bonds issued in fiscal year 2017
16 pursuant to this 2016 act when it estimates the amount of
17 severance tax bonding capacity available in fiscal year 2017
18 for severance tax bonds to be allocated for water projects and
19 tribal infrastructure projects pursuant to Section 7-27-10.1
20 NMSA 1978 and for colonias infrastructure projects pursuant to
21 Section 7-27-12.5 NMSA 1978.

22 SECTION 12. SEVERABILITY.--If, in this 2016 act, a
23 specific reversion, a voided authorization, a change in the use
24 of severance tax bond proceeds or an authorization to expend
25 severance tax bond proceeds is held invalid or otherwise cannot

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underscoring material = new
[bracketed material] = delete

1 be effectuated, the remainder of the act and any other
2 reversion, voided authorization, change in the use of severance
3 tax bond proceeds or authorization to expend severance tax bond
4 proceeds shall not be affected.

5 SECTION 13. EMERGENCY.--It is necessary for the public
6 peace, health and safety that this act take effect immediately.

Administrative Regulation VOC091316

Until further notice, do not enforce the sign ordinance for any sign on private property regardless of time of year, as long as it does not violate the acceptable size limits.

Village of Corrales Ordinance S 8-97 (3):

“Signs related to political campaigns may be permitted prior to an election on any premises. No one political sign including all its sides shall exceed 16 square feet in sign area. Such signs shall not be placed more than 25 days prior to the election, and such signs shall be removed within three days after the election.”

But we will not enforce the ordinance until it is changed, or further notice because, Direction at Council of September 13, 2016 was to:

Not enforce the sign ordinance for any sign on private property regardless of time of year, as long as it does not violate the acceptable size limits.

As the differentiation of control for political Vs other signs is potentially unconstitutional,

The ordinance interpretation requires a written opinion of Legal Counsel,

Signs on private property are not immediately enforceable and may require citation into court



VILLAGE OF CORRALES
GOVERNING BODY
DRAFT MINUTES
SEPTEMBER 27TH, 2016
6:30 P.M.

COUNCIL/MUNICIPAL COURT CHAMBERS

GOVERNING BODY PRESENT:

Present: Councilor David Dornburg, Councilor Ennio Garcia-Miera, Councilor George Wright, Councilor Jim Fahey, Councilor Pat Clauser, Councilor Philip Gasteyer, Scott A. Kominiak (Not voting).

CALL TO ORDER AND PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

Motion: To approve the meeting agenda, **Action:** Approve, **Moved by** Councilor Jim Fahey, **Seconded by** Councilor Pat Clauser. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6). **Yes:** Councilor David Dornburg, Councilor Ennio Garcia-Miera, Councilor George Wright, Councilor Jim Fahey, Councilor Pat Clauser, Councilor Philip Gasteyer.

CONFIRMATION OF EMPLOYEES:

1. Zach Rogers – Maintenance Facilities and Grounds
2. Ector Mendoza – Police Officer

Motion: To confirm Zach Rogers and Ector Mendoza as new hires, **Action:** Approve, **Moved by** Councilor Jim Fahey, **Seconded by** Councilor Ennio Garcia-Miera. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6). **Yes:** Councilor David Dornburg, Councilor Ennio Garcia-Miera, Councilor George Wright, Councilor Jim Fahey, Councilor Pat Clauser, Councilor Philip Gasteyer.

REPORTS BY OFFICERS:

3. Administrators Report
4. Department Reports
5. Committee Minutes

COUNCILORS FORUM: *This section is for information purposes only, not for discussion and debate, to inform the Governing Body of an issue/concern that would not be addresses on the agenda during the business session.*

Council Fahey stated that he left a hand out for each councilor from SSCAFCA on the upcoming bonds. Mayor gave a shout out to public works and John and the team for all their hard work.

PETITIONS:

CORRALEÑOS FORUM: *This section is for information purposes only, not for discussion and debate, to inform the governing body of an issue or concern that would not be addresses on the agenda during the business session. There is a 3-minute time limit, unless approved by the Presiding Officer.*

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CONSENT AGENDA: *All matters listed under the Consent Agenda are considered to be routine by the Village Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.*

Motion: to approve the consent agenda and removing item 8, Action: Approve, Moved by Councilor George Wright, Seconded by Councilor David Dornburg.
Council Gasteyer asked that Item 8 be removed.

6. Approval of Meeting Minutes
7. Approval of Main Street MOA between the County of Sandoval and the Village of Corrales.
8. Mutual Aide agreement between the Town of Bernalillo and the Village of Corrales for Building Officials. (Removed from consent agenda)

Vote: Motion to approve Items 6 & 7 was carried by unanimous roll call vote (summary: Yes = 6). **Yes:** Councilor David Dornburg, Councilor Ennio Garcia-Miera, Councilor George Wright, Councilor Jim Fahey, Councilor Pat Clauser, Councilor Philip Gasteyer.

ITEMS REMOVED FROM CONSENT AGENDA:

9. Mutual Aide agreement between the Town of Bernalillo and the Village of Corrales for Building Officials.

Motion: to approve the Mutual Aide agreement between the Town of Bernalillo and Village of Corrales for Building Officials, **Action:** Approve, **Moved by** Councilor Philip Gasteyer, **Seconded by** Councilor Jim Fahey. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6). **Yes:** Councilor David Dornburg, Councilor Ennio Garcia-Miera, Councilor George Wright, Councilor Jim Fahey, Councilor Pat Clauser, Councilor Philip Gasteyer.

CONFIRMATION OF APPOINTMENTS:

ANNOUNCEMENTS/FUTURE AGENDA ITEMS:

10. Las Ristras upcoming alcoholic beverage license Hearing set for October 11th, 2016.

Councilor Wright talked about sign ordinance regarding elections to be change to a 60 day timeline from the 25 day timeline to put out political signs within the village.

Councilor Clauser would like to hear more about the Corrales Performing Arts Group vision.

OLD BUSINESS:

NEW BUSINESS:

11. Discussion and consideration of Resolution no. 16-33, A Resolution Relating to Impact Fee Credits in the Far Northwest Sector of the Village of Corrales; Establishing Criteria to be Considered by the Village Administration in Determining Which Properties Are Entitled to Recognition of a Credit.

105 **Motion:** To approve resolution 16-33, **Action:** Approve, **Moved by** Councilor Philip Gasteyer,
106 **Seconded by** Councilor Jim Fahey. **Vote:** Motion carried by unanimous roll call vote (**summary:**
107 Yes = 6). **Yes:** Councilor David Dornburg, Councilor Ennio Garcia-Miera, Councilor George
108 Wright, Councilor Jim Fahey, Councilor Pat Clauser, Councilor Philip Gasteyer.
109

110 12. Discussion and consideration to publish and post Ordinance no. 16-12, An ordinance relating to
111 dog waste; amending chapter 6 (animals) of the code of ordinances of the village, being
112 Ordinance no. 249, as amended and supplemented; requiring Owners and custodians of dogs to
113 remove and properly Dispose of dog excreta; providing a penalty for violations.
114

115 **Motion:** to approve to publish and post Ordinance 16-12, **Action:** Approve, **Moved by** Councilor
116 David Dornburg, **Seconded by** Councilor Philip Gasteyer. **Vote:** Motion passed (**summary:** Yes =
117 5, No = 1). **Yes:** Councilor David Dornburg, Councilor Ennio Garcia-Miera, Councilor Jim Fahey,
118 Councilor Pat Clauser, Councilor Philip Gasteyer.
119 **No:** Councilor George Wright.
120

121 ADJOURN:
122

123 **Motion:** To adjourn, **Action:** Adjourn, **Moved by** Councilor David Dornburg, **Seconded by** Councilor
124 Ennio Garcia-Miera. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6). **Yes:**
125 Councilor David Dornburg, Councilor Ennio Garcia-Miera, Councilor George Wright, Councilor Jim
126 Fahey, Councilor Pat Clauser, Councilor Philip Gasteyer.
127

128 **Passed and approved this 11th day of October**
129
130
131

132 _____
133 **Jennifer A. Hise, Village Clerk**
134

Budget Adjustment Request Resolution 16-034

October 5, 2016

The Administration/Finance Department requests the following adjustments:

Special Funds

202-0000 Court AOC budget adjustment increase of revenue and expenditure in the amount of \$13,200. The increase to budget will reflect the allocation award amount of \$27,200 for Court AOC fund.

Capital Funds

315-1623 Fire Capital purchase to create revenue and expenditure budget for the executed contract of NM Legislative (16-A2491) funding in the amount of \$167,000.



**VILLAGE OF CORRALES
RESOLUTION NO. 16-34**

**AUTHORIZING ADJUSTMENTS OF VARIOUS
FUNDS FOR FISCAL YEAR 2016-2017**

Whereas, additional revenues, expenditures and reimbursables need to be adjusted in the FY 2016-2017 Budget, see attachment A;

Therefore, be it resolved that the Governing Body of the Village of Corrales authorizes adjustment of various funds and authorizes the Administration to submit this Resolution to the Department of Finance and Administration for review and approval.

APPROVED this 11th day of October, 2016.

APPROVED:

Honorable Scott Kominiak
Mayor, Village of Corrales

ATTEST:

Jennifer A. Hise
Village Clerk



**VILLAGE OF CORRALES
STATE OF NEW MEXICO**

RESOLUTION NO. 16-35

**A RESOLUTION SPONSORING, WITH CORRALES MAINSTREET, INC., THE
FOURTEENTH ANNUAL CORRALES STARLIGHT PARADE**

WHEREAS, the citizens of Corrales encourage participation in traditional holiday community and family activities; and

WHEREAS, the 14th Annual Starlight Parade will be held on December 3, 2016 in conjunction and cooperation with the Traditional Children's St. Nick party and activities; and

WHEREAS, the sponsors for the event will be Corrales MainStreet, Inc. and volunteer citizens of Corrales; and

WHEREAS, the Starlight Parade will begin from The Old Territorial House parking lot and proceed south on Corrales Road to the Recreation Center Grower's Market area; and

WHEREAS, with authorization of NMDOT, a segment of Corrales Road will be closed from 5:15pm to 6:15pm, along the parade route between Coronado Road, northbound to Old Church Road; and

WHEREAS, the addition of the Starlight Parade to MainStreet's holiday event calendar will encourage parade attendees to visit and patronize local Corrales business.

NOW THEREFORE, BE IT RESOLVED, that the Governing Body of the Village of Corrales, supports the citizens of Corrales and Corrales MainStreet, Inc. in sponsoring the Fourteenth Annual Corrales Starlight Parade.

BE IT FURTHER RESOLVED, the Corrales Starlight Parade will attend a final administrative review meeting, with a completed Event Permit application, site plan, and summary.

PASSED, ADOPTED AND SIGNED this 11th day of October, 2016.

VILLAGE OF CORRALES

Scott A. Kominiak, Mayor

ATTEST:

Jennifer A. Hise, Village Clerk
(SEAL)



New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION

P.O. Box 25101 ▪ Santa Fe, New Mexico 87504-5101
(505) 476-4875 ▪ Fax (505) 476-4595 ▪ www.rld.state.nm.us/alcoholandgaming

August 23, 2016

Certified Mail No.: 9171 9690 0935 0079 1506 34

Susana Martinez
Governor

Robert "Mike" Unthank
Superintendent

David Jablonski
Deputy Superintendent

Claudia Armijo
Deputy General Counsel

Mary Kay Root
Director

Village of Corrales
Jennifer Hise, Clerk
4324 Corrales Rd.,
Corrales, NM 87048

Re: Lic. No. /Appl. No.: Application No. 1009411
Name of Applicant: Sweet Chili, LLC
Doing Business As: Las Ristras of Corrales
Proposed Location: 4940 Corrales Road, Suite 400
Corrales, NM 87048

Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced Application and granted Preliminary Approval. It is being forwarded to you for Local Option District approval or disapproval of the Liquor License Application.

While the law states that "within forty-five (45) days after receipt of a Notice from the Alcohol and Gaming Division, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer", we recognize the potential for conflict between the requirement for publication of 30 day notice and the 45 day hearing requirement. Should the Local Governing Body be unable to meet one of these requirements, please send a Request for Waiver/Extension by email to the assigned AGD Hearing Officer listed on page 2.

Notice of the Public Hearing required by the Liquor Control Act shall be given by the governing body by publishing a notice of the date, time, and place of the hearing twice during the 30 days prior to the hearing in a newspaper of general circulation within the territorial limits of the governing body. The first notice must be published at least thirty (30) days before the hearing. Both publications must occur before a hearing can be conducted. The notice shall include:

- (A) Name and address of the Applicant/Licensee;
- (B) The action proposed to be taken by the Alcohol & Gaming Division;
- (C) The location of the licensed premises.

In addition, if the Local Option District has a website, the Notice shall also be published on the website.

The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. A record shall be made of the hearing.

THE APPLICANT IS SEEKING A RESTAURANT LIQUOR LICENSE, WITH ON PREMISES CONSUMPTION.

Alcohol and Gaming Division
(505) 476-4875

Boards and Commissions Division
(505) 476-4600

Construction Industries Division
(505) 476-4700

Financial Institutions Division
(505) 476-4885

Manufactured Housing Division
(505) 476-4770

Securities Division
(505) 476-4580

Administrative Services Division
(505) 476-4800

Within thirty (30) days after the Public Hearing, the governing body shall notify the Alcohol and Gaming Division of their decision to approve or disapprove the issuance or transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notices of publication. **If the Governing Body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director may issue the license.**

If the Governing Body disapproves the issuance or transfer of the license, it shall notify the Alcohol and Gaming Division within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to the Alcohol and Gaming Division with the Notice of Disapproval (*Page 1 of the Application, noting disapproval*).

Respectfully,



Charmaine Martinez, Hearing Officer
NM Regulation & Licensing Dept. | Alcohol & Gaming Division
Phone: (505) 476-4804 Fax: (505) 476-4595
Email: charmaine.martinez2@state.nm.us

Enclosures:

1. Original Page 1 of the Application (*must be signed and returned w/notices of publication*)
2. Copy of Page 2 of the Application
3. Copy of Zoning Statement

xc by email: Applicant



RECEIVED

JUN 27 2016

AGD USE ONLY: Payment | Application Fee \$ _____ Received on: _____ Receipt No. **ALCOHOL & GAMING DIVISION**
 License Fee \$ _____ Received on: _____ Receipt No. _____
 Application # 1009411 Local Option District: _____

RESTAURANT LIQUOR LICENSE APPLICATION

\$200.00 Application Fee, non-refundable.

at 2916
 ENTERED
 200
 1851925

Check appropriate boxes:

Application is for: New Restaurant Liquor License

Applicant is: Individual Limited Liability Company Corporation Partnership (General/Limited)

NAME OF APPLICANT (company or individual) ADDRESS (including city, state, zip) TELEPHONE NUMBER
Sweet Chile LLC 4940 Corrales Rd. 505-433-4192

D/B/A Name to be used: Las Ristras of Corrales Business Phone #: 505-433-4192
 Email Address (required): Jude@LasRistras.com

Physical location where license is to be used: (Include street number / highway number / state road, city and county, state, and zip code)
4940 Corrales Rd. Suite 400, Corrales NM 87048 (Sandoval)

Mailing Address: 4940 Corrales Rd. Suite 400 Corrales, NM 87048
 Agent/Contact Person: Martha Sanchez Phone#: 505-433-4192 Email: Jude@LasRistras.com
Jude Sanchez

Are alcoholic beverages currently being dispensed at the proposed location? Yes No If Yes, License # / Type: _____

I, (print name) Martha T. Sanchez, as (title) _____
 being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application;
 that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations
 herein are found to be false, the Director may refuse to issue or renew the license or may cause the license to be revoked at any time.

You must sign and date this form before a Notary Public.

Signature of Applicant: Martha Sanchez Date: 6-27-16

NOTARY PUBLIC USE ONLY: (State of NEW MEXICO, County of BERNALILLO)

SUBSCRIBED AND SWORN TO before me this 27TH day of JUNE, 20 16

By: MARTHA SANCHEZ Notary Public: Wesley Salazar
 My Commission Expires: 02/07/2017



FOR LOCAL OPTION DISTRICT USE ONLY: Local Governing Body of: _____ City, County, Village

Public Hearing held on _____, 20____. Check one: Approved Disapproved

Signature and Title of City/County Official: _____

FOR ALCOHOL AND GAMING DIVISION USE ONLY: Approved Disapproved

Signed by Director: _____ Date: _____



RECEIVED

JUN 27 2016

PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION
NMSA §60-6B-10

ALCOHOL & GAMING DIVISION

1. The land and building which is proposed to be the licensed premises is: (check one)

- Owned by Applicant, copy of deed/document attached
- Leased by Applicant, copy of lease/document attached
- Other (provide details): _____

2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s): Village Plaza MS & DRMLLC

B. Date and Term of Lease: Nov. 15, 2015 - 2020

3. Premises location is Zoned (example C-1, see Zoning Statement): C-1

Zoning Statement attached, which must be obtained from the Local Government, listing the proposed location by address, Type of Zone, state whether alcoholic beverages are allowed at proposed location, and if applicable, whether packaged sales, patio service and/or manufacturing is allowable. If there is no zoning in the proposed location, attach Statement from the local government, indicating there is no zoning.

4. Distance* from nearest Church: (Property line of church to closest point of licensed premises—shortest distance)

Name of Church: San Ysidro Church Miles/feet: 4224 feet

Address/location of Church: 5015 Corrales Rd.

5. Distance* from nearest School: (Property line of school to closest point of licensed premises—shortest distance)

Name of School: Corrales Elem. Miles/feet: 1.42 miles

Address/location of School: 200 Target Rd.

6. Distance from military installation *(Property line of military installation to closest point of licensed premises—shortest distance.)

Name of Military Installation, circle one: Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces), 35-40 miles Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis)

7. Attach Detailed Floor Plan, must include the Total Square Footage of premises; List nearest cross street; Show which direction is North; Show each level (floor) where alcoholic beverages will be sold or consumed, exterior walls, doors, and interior walls; Patio Area with type of barrier used; Highlight Bonded Areas. The floor plan should be no larger than 8½ x 11 inches and must be labeled with designated areas highlighted, which will reflect the proposed Licensed Premises.

8. Type of Operation: Hotel Lounge Package Grocery Restaurant Racetrack

Small Brewer Craft Distiller Winery Wholesaler

Other (specify): _____

*NOTE: If the distance is beyond 300 feet, but less than 400 feet, a Registered Engineer or Licensed Surveyor must complete a Survey Certificate showing the exact distance.



SCOTT KOMINIAK
MAYOR

4324 CORRALES ROAD
CORRALES, NEW MEXICO 87048
PHONE (505) 897-0502

Village of Corrales

FAX (505) 897-7217
EMAIL: info@corrales-nm.org
WEBSITE: www.corrales-nm.org

February 8, 2016

State of New Mexico
Alcohol and Gaming Division
Toney Anaya Building
2550 Cerrillos Road 2nd Floor
Santa Fe New Mexico 87505

Reference: Las Ristras Restaurant
4940 Corrales Road, Corrales New Mexico 87048
Zoning certification for Beer and Wine License application

To whom it may concern,

The above referenced establishment which is located within the Village of Corrales is within the **C-zone (Neighborhood Commercial Zone) Section 18-37.C**, and is allowed to serve alcohol per item (3) "*permissive uses.*"

La Ristras Restaurant has also passed all local building, fire and health code inspections and is deemed operational for public uses and services.

Sincerely,

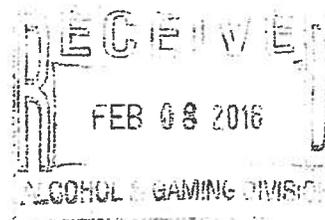
Manuel L. Pacheco

Cc: File

Cynthia Tidwell

John Avila

Las Ristras Restaurant



PAT CLAUSER
COUNCILOR

JOHN ALSOBROOK
COUNCILOR

PHILIP GASTEYER
COUNCILOR

ENNIO GARCIA-MIERA
COUNCILOR

HOYT E. HART
COUNCILOR

JAMES F. FAHEY
COUNCILOR



VILLAGE OF CORRALES

ORDINANCE NO. 16-11

AN ORDINANCE RELATING TO TERRAINS AND STORM WATER MANAGEMENT; AMENDING SECTIONS 18-165 AND 18-166 OF THE CODE OF ORDINANCES OF THE VILLAGE, BEING PART OF ORDINANCE NO. 06-03, AS AMENDED AND SUPPLEMENTED; AMENDING DESIGN CRITERIA RELATED TO THE 100-YEAR, 24-HOUR PRECIPITATION EVENT.

WHEREAS, in Ordinance No. 06-03, adopted on October 25, 2006, by the Village Council, the governing body of the Village of Corrales (“Governing Body” and “Village”, respectively), as codified in Chapter 18, Article V of the Code of Ordinances of the Village, and as subsequently amended, the Governing Body provided for the use of certain design criteria relating to the estimated precipitation from a 100-year, 24-hour precipitation event (as defined in Ordinance No. 06-03 and codified at Section 18-162 of the Code of Ordinances); and

WHEREAS, since the adoption of Ordinance No. 06-03, the precipitation frequency estimates provided by the Hydrometeorological Design Studies Center (“HDSC”) of the National Weather Service of the National Oceanic and Atmospheric Administration have been updated and modified to reflect more recent data that have become available since 2006; and

WHEREAS, based on the more recent HDSC data, the Southern Sandoval County Arroyo Flood Control Authority (“SSCAFCA”) has revised the precipitation frequency design criteria for a 100-year, 24-hour storm event upward from 2.66 to 2.90 inches of precipitation; and

WHEREAS, based on the foregoing considerations the Governing Body finds that the Village also should amend its design criteria to reflect the more recent data analysis provided by HDSC and to be consistent with the criteria used by SSCAFCA.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Village of Corrales, New Mexico, that:

Section 1. Subsection 18-165(b)(2) of the Code of Ordinances shall be amended to read:

- (2) The minimum volume of water to be contained or infiltrated on site shall be determined by multiplying the total area of new impervious surface, in square feet, by 2.90 inches (0.242 feet) to arrive at a value expressed in cubic feet, (i.e., 242 cubic feet of water containment is required per 1,000 square feet of impervious surface). Compliance may be achieved by:
 - a. The use of active or passive water harvesting techniques such as cisterns, swales, berms, and check dams;
 - b. The construction of a detention or retention basin; or,

- c. A combination of a. and b.

Section 2. Subsection 18-166(c)(2)(a) of the Code of Ordinances shall be amended to read:

- a. The storm water runoff peak flow rate discharged from a site shall not exceed pre-development conditions for any frequency storm event up to the 100-year, 24-hour storm event at each discharge point. Calculation of the runoff peak flow rate may approximate the event from available data based on using 2.90 inches (0.242 feet) of precipitation, or a volume of 242 cubic feet of water per 1,000 square feet of impervious surface.

SEVERABILITY CLAUSE: Should any section, paragraph, clause or provision of this Ordinance be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance. The Governing Body of the Village of Corrales hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, word or phrase thereof irrespective of any one or more sections, subsections, sentences, clauses, words or phrases being declared unconstitutional or otherwise invalid.

COMPILING CLAUSE: The amended sections of the Village Code adopted pursuant to this Ordinance shall be compiled as a part of the Code of Ordinances of the Village of Corrales, as provided herein.

EFFECTIVE DATE AND PUBLICATION: This Ordinance shall become effective and be in full force and effect from and after its passage, publication and posting, according to law.

PASSED, APPROVED AND ADOPTED by the Governing Body of the Village of Corrales, New Mexico, this 11th day of October, 2016.

APPROVED:

The Honorable Scott Kominiak
Mayor

ATTEST:

Jennifer A. Hise
Village Clerk

EXPLANATORY MEMO TO COUNCIL

- Item:** Ordinance No. 16-013
- Subject:** Posting of political campaign signs
- Purpose:** To allow earlier posting of political campaign signs
- Summary:** This Ordinance will allow campaign signs to be posted up to sixty days prior to any election date, thus allowing them to be posted as much as about thirty days before the beginning of the relevant early/absentee voting period.

We also propose two minor changes in wording: In the first line of the new Subsection, “may” has been changed to “shall”—in other words, permitting these signs (on private premises) is mandatory for the Village, not just a possibility. Instead of the word “election” we propose “election date,” to clarify that the 60 days is calculated back from Election Day (Tuesday after the first Monday in November for general elections; first Tuesday in March for municipal elections, and so forth) rather than the longer period that includes early/absentee voting.

Submitted by: John L. Appel, Coppler Law Firm, P.C.



VILLAGE OF CORRALES

ORDINANCE NO. 16-013

AN ORDINANCE RELATING TO PERMITTED SIGNS; PROVIDING THAT SIGNS RELATED TO POLITICAL CAMPAIGNS SHALL BE PERMITTED UP TO SIXTY (60) DAYS PRIOR TO THE ELECTION DATE.

WHEREAS, Subsection 8-97(3) of the Code of Ordinances of the Village of Corrales (the “Village”), being a part of Ordinance No. 135, adopted November 27, 1984, and as subsequently amended, provides that signs related to political campaigns may be permitted only up to 25 days prior to an election; and

WHEREAS, for most elections, including general elections and municipal elections, the early or absentee voting period is greater than 25 days, so that signs related to political campaigns could not be posted until after early or absentee voting has already begun; and

WHEREAS, the Village Council, the governing body of the Village, finds that the period during which signs related to political campaigns may be posted should be increased so that such signs may be posted for a reasonable period prior to the beginning of early and absentee voting.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Village of Corrales, New Mexico, that Subsection 8-97(3) of the Code of Ordinances of the Village of Corrales is amended to read, in its entirety:

- (3) Signs related to political campaigns shall be permitted prior to an election on any premises. No one political sign including all its sides shall exceed 16 square feet in sign area. Such signs shall not be placed more than sixty (60) days prior to the election date, and such signs shall be removed within three (3) days after the election date.

SEVERABILITY CLAUSE: Should any section, paragraph, clause or provision of this Ordinance be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance. The Governing Body of the Village of Corrales hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, word or phrase thereof irrespective of any one or more sections, subsections, sentences, clauses, words or phrases being declared unconstitutional or otherwise invalid.

COMPILING CLAUSE: This Ordinance upon its adoption shall be compiled into and shall be a part of the Code of Ordinances of the Village of Corrales, as provided herein.

EFFECTIVE DATE AND PUBLICATION: This Ordinance shall become effective and be in full force and effect from and after its passage, publication and posting, according to law.

PASSED, APPROVED AND ADOPTED by the Governing Body of the Village of Corrales, New Mexico, this ___ day of _____, 2016.

APPROVED:

The Honorable Scott Kominiak
Mayor

ATTEST:

Jennifer A. Hise
Village Clerk

EXPLANATORY MEMO TO COUNCIL

Item: Ordinance No. 16-014

Subject: Revisions of Chapter 10, Articles II and III, relating to:
--Business registrations
--Vendors and permits
--Mobile food vendors

Purposes: (1) To update and clarify the requirements for business registration, with particular reference to firms regularly conducting business in the Village but with their primary offices elsewhere.
(2) To revise the system for vendor permits (generally, temporary or mobile sorts of enterprises); reducing prohibitive \$100 per day fee formerly in place (now \$100 per year); significantly rewriting requirements for their operations.
(3) Establishing standards for operation of mobile food units (trucks, trailers, etc.)

Summary: This Ordinance amendment is a comprehensive revision of Articles II and III of Chapter 10 of the Village Code, which can probably best understood by comparing the new and old versions. The primary purposes are stated above. This revision also provided opportunity to correct and revise many other provisions that have proven problematic over the past several years.

Section by Section commentary:

Article II. Business registrations

§ 10-26 Revised all definitions for clarification. Realtors with an office in the Village may use that address. Other realtors listing properties in the Village will use the property address.

§ 10-28 Edited for better clarity. Clarifies that separate business locations requiring separate registrations may include multiple mobile business units if more than one is operating in the Village at any time, but only one registration is required for each mobile unit.

§ 10-30 Rewritten to clarify what appears to have been the original intent: That the Governing Body may waive the business registration requirement for temporary vending at events such as Harvest Festival.

Article III. Vendors & permits.

§ 10-56 Added new definitions for mobile food unit and mobile food vendor. Revision of other definitions for clarity.

- § 10-57 Completely re-written regulations for operation of vending units. Note the following key provisions:
- Mobile vendors (like ice cream trucks, for example) may NOT stop to sell on Corrales Road or Loma Larga. They MAY stop on other streets for up to 10 minutes at a location, as long as they don't obstruct traffic or create a hazard.
 - Locations and hours (note that this applies to ALL vendors, including mobile food vendors): On Village property, only as specifically permitted. In the C and M zones, 7 a.m.. to 9 p.m. In other zones, 9 a.m.. to 8 p.m.
 - Other stuff that should be obvious: Clean up the trash, don't obstruct streets, road and pathways, don't make a lot of noise, and so forth.
- § 10-58 New material, directly relating to mobile food units. Key provisions:
- Allowed to be "stationary" on private lands in the M and C zones (with landowner permission, of course)
 - If there for more than 24 hours in a week, must be recognized as part of a site development plan. (Can't just be there all day every day and be treated as "temporary." May not be left overnight.)
 - If hot foods are served, must have sanitary facilities on the premises and they must be open at all operational hours. (But not required for ice-cream trucks, for example.)
 - Adequate parking if the intent/effect is to serve a lot of drive-in customers.
- § 10-59 (Formerly 10-58). Added language reflecting options for enforcement, other than a Municipal Court action under Section 1-6.
- § 10-72 Vendor permits. This section re-drafted in various ways to improve clarity.
- § 10-73 The \$100 vendor permit formerly was valid for only one day (apparently intended to simply discourage and/or prevent door-to-door or other itinerant sales). New proposal is to make the \$100 vendor permit valid for the entire calendar year. If the vendor is operating multiple units in the Village at the same time (e.g., two or three ice-cream trucks), a separate permit will be needed for each.

Submitted by: John L. Appel, Coppler Law Firm, P.C.



VILLAGE OF CORRALES

ORDINANCE NO. 16-014

AN ORDINANCE RELATING TO PERSONS ENGAGED IN BUSINESS IN THE VILLAGE OF CORRALES; AMENDING CHAPTER 10, ARTICLES II AND III OF THE CODE OF ORDINANCES OF THE VILLAGE (BEING ORDINANCES NO. 246 AND NO. 187, RESPECTIVELY); AMENDING THE REQUIREMENTS FOR BUSINESS REGISTRATIONS, VENDOR LICENSES AND FEES; PROVIDING FOR AND REGULATING MOBILE VENDING UNITS, INCLUDING MOBILE FOOD UNITS; PROVIDING PENALTIES FOR VIOLATIONS.

WHEREAS, by Ordinance No. 187, adopted March 28, 1988 and codified as Article III of Chapter 10 of the Code of Ordinances of the Village of Corrales (the "Village"), the Village Council, the governing body of the Village ("Governing Body") established standards, license requirements and fees for vendors operating from stands and mobile units in the Village; and

WHEREAS, by Ordinance No. 246, adopted May 12, 1992 and codified as Article II of Chapter 10 of the Code of Ordinances of the Village, the Governing Body adopted requirements for business registration and fees as authorized by Sections 3-38-1 through 3-38-6, NMSA 1978; and

WHEREAS, it has been brought to the attention of the Governing Body that the Village ordinances and regulations regarding business registration and license fees, including particularly those applicable to mobile vendors such as mobile food units, are not entirely clear and do not account for changes in industry and commerce, particularly mobile food vendors and mobile food units, since the adoption of Ordinances No. 187 and No. 246; and

WHEREAS, the Governing Body finds that the Code of Ordinances should be amended to better provide for clarity in the licensing and regulation of businesses, and particularly mobile vendors, in the Village.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Village of Corrales, New Mexico, that:

Section 1. Chapter 10, Article II of the Code of Ordinances of the Village of Corrales, being Ordinance No. 246, adopted May 12, 1992, is amended to read, in its entirety, as follows:

ARTICLE II. BUSINESS REGISTRATION

Section 10-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Engaging in business means operating, conducting, doing, carrying on, causing to be carried on, or pursuing any business, profession, occupation, trade or pursuit for which the person conducting such business, profession, occupation, trade or pursuit is required to obtain a State taxpayer (CRS) identification number from the New Mexico Taxation and Revenue Department.

Person means any individual, male or female, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate, or other entity engaging in a business, profession, occupation, trade, pursuit or commercial activity.

Place of business means the premises within the Village, whether it be a personal residence, main business location or an outlet, branch or other location thereof, temporary or otherwise, where a person is engaging in business. Unless a construction contractor has at least one permanent business location within the Village, "place of business" includes each and every construction site where the contractor is engaged in business within the Village. Unless a person engaged in the business of selling real estate has at least one permanent business location within the Village, "place of business" includes each and every parcel of real property listed by, offered for sale by, or sold by that person within the Village.

Separate business means a business located or conducted at the same address as another registered business, whether or not owned by the same person, that is additional to and different from the other registered business. A business will be considered a separate business if it has a different name and it is not so related to the other business as to be a component part of the other business.

Section 10-27. Penalty for violation of article.

Any person convicted of a violation of any provision of this article shall be guilty of a misdemeanor and shall be punished in accordance with Section 1-6. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Section 10-28. Application to do business.

(a) All persons proposing to engage in business within the municipal limits of the Village shall apply for and pay a business registration fee for each outlet, branch, or location within the municipal limits of the Village prior to engaging in business. For a mobile vendor or operator of mobile vending units, each mobile vending unit that operates in the Village shall be deemed to be a single outlet, branch, or location, notwithstanding that it may be operated at various physical locations in the Village during the registration period.

(b) Any person filing an application for issuance or renewal of any business registration shall include in the application his or her current New Mexico Taxation and Revenue Department CRS identification number or evidence of application for a current CRS identification number to be issued by the Taxation and Revenue Department.

Section 10-29. Imposition of fee.

There is imposed on each business outlet, branch or location within the Village an annual business registration fee of thirty-five dollars (\$35.00) for each calendar year. The fee is imposed pursuant to NMSA 1978, § 3-38-3, and shall be known as the "business registration fee." The business registration fee may not be prorated for business conducted for a portion of the year.

Section 10-30. Exemption from fee.

The Governing Body may by ordinance or resolution provide that businesses participating in a special event sponsored by the Village, but not otherwise engaged in business within the Village, may be exempted from the requirement to obtain a business registration or pay a business registration fee.

Section 10-31. Late fee.

There shall be imposed upon each delinquent registration fee a late fee in the amount of \$10.00 if a new business does not pay the registration fee before it commences business, or the annual renewal fee is not paid prior to March 16.

Section 10-32. Renewal.

Prior to March 16 of each year, any person with a place of business in the Village, and subject to this article shall apply for renewal of business registration with the Village Clerk’s office. Business owners whose businesses are still in operation and have not renewed their business registration by April 1 of the current year may be cited into municipal court and, upon conviction, may be penalized as provided in Section 10-27.

Section 10-33. Enforcement.

In addition to the penalties provided for violation pursuant to Section 10-27, this article may be enforced by appropriate legal or administrative action brought to prevent the conduct of business in violation of this article, restraining, correcting, or abating the violation of this article or to prevent the occupancy of a building, structure or land on which the business is located, or to withhold the issuance of permits or inspections, as appropriate.

Section 2. Chapter 10, Article III of the Code of Ordinances of the Village of Corrales, being Ordinance No. 187, adopted March 28, 1988, is amended to read, in its entirety, as follows:

ARTICLE III. VENDORS

Division 1. Generally

Section 10-56. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Mobile food unit means any vehicle, truck, trailer, wagon, push cart or other unit that is moveable from place to place, whether or not self-propelled, and from which any person sells or dispenses food, beverages or any prepared food product intended for human consumption. The term *mobile food unit* does not include (i) vehicles engaged in the delivery of food, beverages and food products at wholesale to restaurants, bars, hotels, inns, retail food stores, event centers and similar enterprises, or (ii) vehicles engaged in the home delivery of dairy and agricultural products and other food, beverages and food products to regular retail customers on account and along established, regular delivery routes, or (iii) vehicles and operators making one-time deliveries of food, beverages or food products in response to a

specific request of the recipient.

Mobile food vendor means any owner or operator of a mobile food unit.

Public street or sidewalk means and includes all areas legally open to public use as public streets, sidewalks, pathways, roadways, highways, parkways, alleys, and any other public way.

Stand means any newsstand, table, bench, booth, rack, handcart, pushcart or any other fixture or device not exceeding one hundred (100) square feet in area and which is not required to be licensed or registered by the Motor Vehicle Division of the New Mexico Taxation and Revenue Department, used for the display, storage, transportation or sale of articles offered for sale by a vendor.

Vendor means any person, including an employee or agent of another, who sells or offers to sell food, beverages, goods or merchandise on any public street or sidewalk, or at any other location with the written permission of the owner thereof, from a stand, mobile food unit, or motor vehicle or from his or her person, or one who travels by foot, wagon, mobile food unit, motor vehicle, pushcart or any other method of transportation from house to house or street to street selling or offering to sell food, beverages, goods or merchandise.

Section 10-57. Restrictions applicable to all vendors.

(a) *Obstruction or impedance of traffic prohibited.* No vendor shall, under any circumstances:

- (1) Obstruct or impede motor vehicle traffic, pedestrian traffic, emergency vehicle access, bicyclists or trail riders, or create any hazard by obstructing the view of motor vehicle traffic, bicyclists, trail riders or pedestrians, even if the vendor's stand, vehicle or merchandise is outside of the public right-of-way; or
- (2) Have any apparatus connected to or attached to a building, vehicle or stand which hangs over any public right-of-way or is less than seven (7) feet above any area designated, designed or intended for the passage of pedestrians; or
- (3) Obstruct or impede access to the entrance of any building or driveway; or
- (4) Come to a standstill or park for the purpose of conducting business on or within fifteen (15) feet of the pavement on Corrales Road (State Road 448) or Loma Larga Road; or
- (5) Come to a standstill or park for the purpose of conducting business for a period of more than ten (10) minutes at any particular location on or within the right of way of any public street other than Corrales Road and Loma Larga Road.

(b) *Locations and hours of operation.* A vendor holding an appropriate Village license for the vending activity shall be allowed to engage in the business of vending:

- (1) On properties owned by the Village, only in accordance with a permit issued by the Village specifying the location, dates, hours and other conditions of such vending business, and only in strict accordance with the terms of the permit;
- (2) On properties zoned C – Neighborhood commercial zone or M – municipal, public and quasi-

public zone (but not including properties owned by the Village), only between the hours of 7:00 a.m. and 9:00 p.m.; and

- (3) On properties zoned for professional office, rural residential and agricultural use (A-1, A-2 and O zones) and in the H – historical zone, and on all public rights of way within or abutting such zones, only between the hours of 9:00 a.m. and 8:00 p.m.

(c) *Removal of trash.* All trash and debris accumulating at the location or within one hundred (100) feet of the location of any vending stand or mobile food unit shall be collected by the vendor no later than the close of business each day and shall be removed from the vicinity and properly disposed of by the vendor. Such trash and debris shall not be deposited in any solid waste container serving any private or public property other than that owned or leased by the vendor, except with the specific written permission of the property owner.

(d) *Music and loudspeakers.* Amplified music or loudspeakers shall not be employed by any vendor, except that a loudspeaker playing music at moderate volume may be employed by the operator of an ice-cream truck or similar traveling mobile food vendor to announce the vendor's presence in the neighborhood.

(e) *Electrical connections.* A safe electrical utility hookup shall be required for any stand or mobile food vendor requiring electrical utility service for its operation. Electrical wires or cables shall be suspended at least ten (10) feet overhead, or shall be covered or buried sufficiently to ensure that they do not present a hazard to pedestrians. Gasoline or diesel generators are not permitted.

Section 10-58. Mobile food units.

(a) *Mobile food units generally.* A mobile food unit may be parked or stationed for a period longer than ten (10) minutes on a property zoned C – Neighborhood commercial zone or M – Municipal, public and quasi-public zone with the written permission of the landowner, and subject to the requirements of Section 10-57 and the following provisions:

- (1) The mobile food unit shall not be parked or stationed on any single lot or property for a cumulative period of more than twenty-four (24) hours during any seven (7) day period, unless the mobile food unit is included as an element of an approved site development plan.
- (2) The mobile food unit shall not be parked or left on the property overnight.
- (3) The mobile food unit may include signage on the unit. In addition, one a-frame or similar moveable sign with a total surface area of no more than 48 square feet, including both sides of a two-sided sign, may be displayed on the premises during hours of operation only. No permanent signage shall be allowed.
- (4) Only food, beverages and prepared food products shall be sold from the mobile food unit.
- (5) Seating for up to eight (8) persons may be provided on the premises. Umbrellas, if any, shall be firmly affixed to the ground or to heavy tables or fixtures to ensure safety.
- (6) At least one trash receptacle shall be provided within twenty (20) feet of the point of sale and an additional trash receptacle shall be provided at the seating area, if any.

- (7) Nearby sanitary facilities (rest rooms) shall be mandatory for any mobile food unit serving hot foods. The location of the sanitary facilities shall be identified in the vendor's license application along with written permission of the property owner for their use. Such sanitary facilities shall be clearly marked and shall be open at all times when the mobile food unit is operational.

(b) *Parking.* There shall be adequate off-street parking to accommodate the mobile food unit and its customers along with other businesses, institutions or activities on the premises. Where the mobile food unit is located on a property subject to an existing site development plan, the number of off-street parking spaces remaining available on the property, after deducting parking spaces occupied by the mobile food unit and any associated activities or facilities such as seating and trash receptacles, shall not be less than the number required under Section 18-39.

Section 10-59. Penalty for violation of article.

Any person or business operating as a vendor without first obtaining a vendor license as required by this article or otherwise violating any provisions of this article shall, upon conviction, be punished in accordance with Section 1-6. In addition, this article may be enforced by appropriate legal or administrative action brought to prevent the conduct of business or vending in violation of this article, restraining, correcting, or abating the violation of this article or to prevent the occupancy of a building, structure or land on which the vending business in violation of this article is located, or to withhold the issuance of permits or inspections, as appropriate.

Division 2. License

Section 10-71. License required.

It shall be unlawful for any vendor to sell, display or offer for sale any food, beverage, goods or merchandise without first obtaining a vendor license from the Village.

Section 10-72. Application.

The application for a vendor's license shall contain all information relevant and necessary to determine whether a particular license may be issued, including but not limited to:

- (1) Proof of the identity and business address of the applicant;
- (2) A brief description of the nature and character of the food, beverages, goods or merchandise to be sold;
- (3) If employed by another, the name and business address of the employing person, firm, association, organization, company or corporation;
- (4) If a motor vehicle is to be used in the vending business, a description of the vehicle together with a copy of the motor vehicle registration and the license number;
- (5) A description of the proposed location of the vending business;
- (6) Written permission of the property owner upon which the goods, wares or merchandise are to be sold, except for itinerant peddlers engaged strictly in door-to-door sales;

- (7) Written certification of availability of adequate off-street parking spaces, including handicapped parking spaces if required by statute or Village ordinance, except for itinerant peddlers engaged strictly in door-to-door sales;
- (8) Proof of a valid State gross receipts tax (CRS) identification number and an executed acknowledgment of the vendor's responsibility to correctly report the location of retail sales in the Village for gross receipts tax purposes;
- (9) A fully executed agreement under which the vendor and the owner of the property where the vending business will be located, if any, agree to indemnify and hold the Village harmless from and against all claims, liabilities, damages, losses and expenses, including attorney's fees, arising out of any bodily injury, illness or death or any other injury or for property damage, caused by the negligent act or omission of the vendor; and
- (10) All other information required under Sections 10-57 and 10-58.

Section 10-73. Fees; exemptions.

(a) Before conducting business or operating within the Village limits, every vendor shall obtain a vendor permit for such conduct of business from the Village Clerk, and upon application for such permit shall pay a permit fee in the amount of one hundred dollars (\$100.00). The permit shall be valid during the calendar year in which issued, and shall expire on the last day of January of the subsequent calendar year, unless renewed upon application and payment of the required fee for the subsequent calendar year. If a vendor operates more than one stand or mobile food unit within the Village at any time, a separate permit shall be required for each stand or mobile food unit. The vendor permit required under this subsection shall be in addition to any business registration required under Article II of this Chapter.

(b) Exemptions from permit fees shall be as follows:

- (1) Residents within the Village limits may hold garage sales on their lots or property no more than twice yearly for a maximum of three (3) consecutive days each time, so long as the merchandise is from their home or property.
- (2) Church and civic clubs that hold events to raise money to be used in the Village or traditional fiestas shall be exempt from paying a vendor's permit fee; provided, that such events be no more than semiannual and shall not last for more than three (3) consecutive days.

Section 10-74. License to be carried; transfer prohibited.

(a) The license issued to a vendor under this article shall be carried with the vendor while he or she is engaged in the business of vending.

(b) Vendor's licenses shall be used only by the person or business to whom they were issued and may not be transferred to any other person or business.

Section 10-75. Suspension or revocation.

(a) Any license issued under this article may be suspended or revoked for any of the following reasons:

- (1) Fraud or misrepresentation in the application for the license;

- (2) Fraud or misrepresentation in the course of conducting the business of vending;
- (3) Conducting the business of vending contrary to the conditions of the license;
- (4) Conducting the business of vending in such a manner as to create a public nuisance or constitute a danger to the public health, safety or welfare.

(b) Upon suspension or revocation of a license under this article, the Village shall deliver written notice to the license holder stating the action taken and the reasons supporting such action. The written notice shall be delivered to the license holder's place of business or mailed to the license holder's last known address.

Section 10-76. Appeals.

Persons who are denied licenses under this article or whose licenses have been suspended or revoked may appeal such decision by filing a written notice of appeal with the Governing Body. The appeal must be filed within ten (10) business days after receipt of the notice of denial, suspension or revocation. The Governing Body shall hear and determine the appeal and the decision of the Governing Body thereon shall be final.

SEVERABILITY CLAUSE: Should any section, paragraph, clause or provision of this Ordinance be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance. The Governing Body of the Village of Corrales hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, word or phrase thereof irrespective of any one or more sections, subsections, sentences, clauses, words or phrases being declared unconstitutional or otherwise invalid.

COMPILING CLAUSE: The amended sections of the Village Code adopted pursuant to this Ordinance shall be compiled as a part of the Code of Ordinances of the Village of Corrales, as provided herein.

EFFECTIVE DATE AND PUBLICATION: This Ordinance shall become effective and be in full force and effect from and after its passage, publication and posting, according to law.

PASSED, APPROVED AND ADOPTED by the Governing Body of the Village of Corrales, New Mexico, this ___ day of _____, 2016.

APPROVED:

The Honorable Scott Kominiak
Mayor

ATTEST:

Jennifer A. Hise
Village Clerk