



City of Santa Fe, New Mexico

Memorandum



DATE: January 14, 2025

TO: Quality of Life
Finance Committee
Governing Body

FROM: Jennifer LaBar-Tapia, Santa Fe Regional Film Office Director
jllabartapia@santafenm.gov, 505-955-6216.

Jennifer LaBar-Tapia
Jennifer LaBar-Tapia (Jan 14, 2025 10:19 AM)

RE: FY25 Budget Adjustment Resolution for the Santa Fe Regional Film Office

ITEM AND ISSUE:

Request for Approval of Budget Amendment Resolution (BAR) in the Amount of \$211,444 to be utilized for the Santa Fe Regional Film Office for FY 2025.

Committees Review:

Quality of Life: 01/22/2025
Finance Committee: 01/27/2025
Governing Body: 01/29/2025

BACKGROUND AND SUMMARY:

The Santa Fe Regional Film Office, established in 2016, has been a collaborative effort between the City of Santa Fe and Santa Fe County, jointly funded to support the thriving local film industry.

- **Transition to City Oversight:** in September 2024 the Film Office transitioned from County to City oversight, making the City responsible for its budget, procurement, and all operations for the office (MOA #24-0579).
- **MOA Contributions:** each agency has agreed to \$175,000.00 for FY 2025 to fund the office.
 - City funding sources approved in FY 2025 budget cycle: \$87,500.00 from Tourism Santa Fe and \$87,500.00 from Economic Development.
 - Santa Fe County sent the balance of their annual contribution (\$175,000.00) in December, 2024 in the amount of \$71,876.00. The balance is a result of procurement expenditures, salaries, and benefits before the transition and before the city was invoiced for their annual contribution.

PROCUREMENT METHOD:

N/A

CONTRACT NUMBER:

N/A

FUNDING SOURCE:

See BAR

ACTION REQUESTED:

TOURISM Santa Fe and Community Development respectfully requests your review and approval of this Budget Amendment Resolution (BAR).

Log # {Finance use <u>only</u> }:	
Journal # {Finance use <u>only</u> }:	

City of Santa Fe, New Mexico BUDGET AMENDMENT RESOLUTION (BAR)

DEPARTMENT / DIVISION NAME					DATE	
Community Development / Santa Fe Film Office					10/29/2024	
ITEM DESCRIPTION	ORG	OBJECT	PROJECT	INCREASE	DECREASE	
EXPENDITURES				<i>(enter as positive #)</i>	<i>(enter as negative #)</i>	
SF Film Office - Salaries	2607000	500110		134,546		
SF Film Office - FICA/Medicare	2607000	503100		10,293		
SF Film Office - Retirement (PERA)	2607000	503150		30,323		
SF Film Office - Med/Life	2607000	503200		21,791		
SF Film Office - Retiree Health Care	2607000	503250		2,691		
SF Film Office - Workers Comp	2607000	503350		1,345		
SF Film Office - Dental	2607000	503400		755		
Visit Santa Fe - Service Contracts	2130521	510310			(87,500)	
Economic Development - Professional Contracts	2122800	510300			(87,500)	
Visit Santa Fe - Transfer to SF Film Office	2130521	750260		87,500		
Economic Development - Transfer to SF Film Office	2122800	750260		87,500		
REVENUES				<i>(enter as negative #)</i>	<i>(enter as positive #)</i>	
Santa Fe County MOA 24-0579 (cash balance)	2607000	491010		(336,312)		
Santa Fe County MOA 24-0579 (FY25 cost share)	2607000	491010		(71,876)		
SF Film Office - Transfer from Visit Santa Fe	2607000	650213		(87,500)		
SF Film Office - Transfer from Visit Santa Fe	2607000	650213		(87,500)		

JUSTIFICATION: *(use additional page if needed)*
 -Attach supporting documentation/memo

MOA 24-0579 Film Office FY25. TSF and ED share 50/50 of 175,000 and SF County's Portion for FY25 is 175,000	<i>(Complete section below if BAR results in a net change to ANY Fund)</i>	
The FY25 salary expenditures are for new positions: Film Director and Film Coordinator	Fund(s) Affected	Fund Balance Increase/(Decrease)
	260	381,444
	TOTAL:	381,444

Shirley Spencer Prepared By {print name}	10/29/2024 Date	<i>(Use this form for Finance Committee/ City Council agenda items ONLY)</i>	<i>Andy Hopkins</i> Budget Officer
Division Director Signature {optional} <i>Randy Randall</i> Randy Randall (Dec 26, 2024 11:20 MST) Department Director Signature		CITY COUNCIL APPROVAL City Council Approval Date: <input type="text"/> Agenda Item #: <input type="text"/>	
		Finance Director {≤ \$5,000} Date N/A City Manager {≤ \$60,000} Date N/A	



CITY OF SANTA FE

Date: September 13, 2024

To: Governing Body
Finance
Quality of Life

From: Randy Randall, TSF Executive Director *Randy Randall*
Randy Randall | Sep 13 2024 16:23 MDL

Subject: MOA - Transfer of Santa Fe Film Office

Vendor: Santa Fe County, vendor #3906

ITEM AND ISSUE:

Request for the Approval of MOA for the Transfer of Santa Fe Film Office from the SF County to the City of Santa Fe for a Total Amount of \$800,000; (Randy Randall, TSF Executive Director, rrandall@santafenm.gov, 505-955-6209).

Quality of Life	September 18, 2024
Finance Committee	September 23, 2024
Governing Body	September 25, 2024

Action Requested: Approval of MOA

BACKGROUND AND SUMMARY:

The City and the County have jointly funded the Santa Fe Film Office with the County providing the administrative support for the office since its inception. This MOA revision will leave the joint funding in place but will change the administrative support to the City with it falling within the Community Development Department as a separate division.

PROCUREMENT METHOD:

There is no procurement related to this MOA to change administrative support of the joint Santa Fe Film Office.

Chief Procurement Officer Approval: *n/a* **Date:** _____

Comment/Exceptions: *See Determination*

Supporting Information:

CONTRACT NUMBER:

Munis #3250185

SOURCE/REVENUE: Expense Revenue

Funding from the City is shared equally between the Office of Economic Development and TOURISM Santa Fe. FY25 funding in total is \$175,000 split as \$87,500 EID/\$87,500 TSF

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The funding source for ED is:
Fund Name/Number: Economic Development/212
Munis Org Name/Number: Economic Development Ops/2122800
Munis Object Name/Number: Other Consulting/510340

The funding source for TSF is:
Fund Name/Number: VSF Lodger's Tax/213
Munis Org Name/Number: VSF-Admin/2130521
Munis Object Name/Number: Service Contracts/510310

Budget Officer Approval: Andy Hopkins **Date:** _____
Comment/Exceptions: _____

Department Approvals:
IT Components: Yes | No
Vehicles: Yes | No
Facilities, Furniture, Fixtures, Equipment: Yes | No

Approval: _____ **Title:** _____ **Date:** _____
Approval: _____ **Title:** _____ **Date:** _____
Comment & Exceptions: _____

Department Contract Administrator Contact Info:
Shirley Spencer, sjspencer@santafenm.gov, 505-955-6208

ATTACHMENTS:

Proposed MOA with Santa Fe County

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**RESTATED AND EXTENDED MEMORANDUM OF AGREEMENT
BETWEEN SANTA FE COUNTY AND
THE CITY OF SANTA FE
REGARDING THE SANTA FE REGIONAL FILM OFFICE**

THIS MEMORANDUM OF AGREEMENT (hereinafter "MOA") is entered on this the 24 day of September 2024, between **SANTA FE COUNTY** (hereinafter "County"), a political subdivision of the state of New Mexico, and the **CITY OF SANTA FE** (hereinafter "City").

RECITALS

WHEREAS, the film and media industries contribute millions of dollars annually to the local and regional economy; and

WHEREAS, local governments benefit from the film industry through job creation, direct collection of gross receipts taxes, leases, permitting and other fees, as well as through global exposure of the region for tourism, business recruitment and other activities; and

WHEREAS, in fiscal year 2017, the County and the City jointly established the Santa Fe Regional Film Office and entered into Memorandum of Agreement No. 2016-0358-CMO/MM; and

WHEREAS, the parties entered into subsequent Memorandum No. 2018-0080-CMO/BT; 2019-0175-CMO/BT and 2020-0147-CMO/BT, establishing and amending the funding contributions by the parties for each respective fiscal year for the operation of the Santa Fe Regional Film Office; and

WHEREAS, in 2021, the parties entered into MOA No. 2021-0121-CMO/BT to supersede all prior agreements and establish the funding of the Santa Fe Regional Film Office for the next four years and provide for other duties of the Santa Fe Regional Film Office; and

WHEREAS, in 2022, the parties signed Amendment No. 1 to increase each parties' contributions to increase the capacity of the Santa Fe Regional Film Office; and

WHEREAS, in 2024, the parties wish to move the management and oversight of the staff of the Santa Fe Regional Film Office from the County to the City and to extend the term of their agreement through 2028.

NOW, THEREFORE, the parties mutually agree as follows:

1. RESTATED AGREEMENT

This agreement supersedes and replaces all other agreements between the parties on the topic of the Santa Fe Film Office.

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**2. TRANSFER OF FILM OFFICE DIRECTOR, FUNDS, AND RESOURCES;
ASSIGNMENT OF AGREEMENTS**

A. Transfer of Personnel and Personnel Files. Upon the effective date of this MOA, the County will transfer the personnel files for the Director and staff of the Santa Fe Film Office to the City. The Director shall become a City employee, effective the beginning of the City's first full pay period following the effective date of this MOA. The City shall recognize and accrue on its books all of the Director's accumulated leave; provided, however, that the Director's leave thereafter shall be governed by the City's policies.

B. Funds. Within a reasonable time after the effective date of this MOA, but no later than two months after, the County will transfer to the City (1) the uncommitted fund balance of funds previously dedicated by the City and County for the purposes of the Santa Fe Regional Film Office, as of June 30, 2024, and (2) the County's Fiscal Year 2025 contribution for the operational expenses of the Santa Fe Regional Film Office. The funds will continue to support the Santa Fe Regional Film Office to the extent legally permissible. For any County funds that cannot be used to support the Santa Fe Regional Film Office or upon the termination of this MOA, the City will promptly remit unused County funds back to the County. In the event that the County's Fiscal Year 2024 audit determines that the uncommitted fund balance of previous contributions was less than estimated, the City shall promptly remit the difference to the County.

C. Goods/Supplies. Upon approval of this MOA, the County will transfer to the City the following materials and supplies previously purchased for the Santa Fe Regional Film Office using contributions of the City and County as described in Exhibit A.

D. Contracts. Within a reasonable time after the effective date of this MOA, but no later than two months after, the County shall assign any contracts dedicated to supporting the Film Office to the City.

3. DUTIES OF THE PARTIES

A. The City shall:

1. Provide direct management and oversight of the staff of the Santa Fe Regional Film Office, including recruiting, hiring, and training of staff; provided, however, the City shall seek non-binding County input through the County designated liaison prior to making new staff hires of the Santa Fe Regional Film Office, including, but not limited to, the Director.
2. Provide office space, materials, and supplies necessary to operate and maintain the Santa Fe Regional Film Office consistent with its approved budget;
3. Designate a liaison to work with the County to perform the duties and obligations of the Santa Fe Regional Film Office;

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4. Establish a document retention and protection policy for the Santa Fe Regional Film Office;
5. Contract for goods and services for the Santa Fe Regional Film Office, provided the City shall not commit the County to any contingent liabilities;
6. Include the Santa Fe Regional Film Office in its annual independent audit pursuant to the New Mexico Audit Act, NMSA 1978, Sections 12-6-1, *et seq.*, and 2.2.2. NMAC, *et seq.*, as amended to be included in its published audit;
7. Establish an annual budget for the Santa Fe Regional Film Office consistent with this MOA;
8. Provide funding for operational expenditures of the Santa Fe Regional Film Office as follows:
 - a) Fiscal year 2025 - \$175,000.00
 - b) Fiscal year 2026 - \$200,000.00*
 - c) Fiscal year 2027 - \$200,000.00*
 - d) Fiscal year 2028 - \$225,000.00*.*Contingent upon approved appropriations.

B. The County shall:

1. Designate a liaison to work with the City to perform the duties of and obligations of the Santa Fe Regional Film Office.
2. Provide funding for operational expenses of the Santa Fe Regional Film Office as follows:
 - a) Fiscal year 2025 - \$175,000.00
 - b) Fiscal year 2026 - \$200,000.00*
 - c) Fiscal year 2027 - \$200,000.00*
 - d) Fiscal year 2028 - \$225,000.00*.*Contingent upon approved appropriations.

4. FUTURE INDEBTEDNESS

Subject to NMSA 1978, § 6-6-11 (Bateman Act), Art. IX, Sec. 10, and Article IX, Sec. 12, of the state constitution, and the availability of sufficient appropriations from the Santa Fe County Board of County Commissioners and the Governing Body of the City of Santa Fe, nothing in this MOA shall require the County or the City to become indebted or contract any indebtedness of any kind or nature whatsoever during any current year which, at the end of such current year, is not and cannot be paid out of the money actually collected and belonging to that current year, and any indebtedness for any current year which is not paid and cannot be paid, as provided above, shall be void.

5. TERM AND TERMINATION

A. This MOA shall become effective as of the date of last signature by the parties hereto and shall terminate on June 30, 2028, unless earlier terminated as indicated below.

B. This MOA may be terminated by either party upon delivery of a written notice delivered to the other party at least 90 days prior to the stated date of termination. By such termination, neither party may nullify or avoid any obligations incurred prior to the termination.

6. ASSIGNMENT

Neither party shall not assign or transfer any interest or rights in this MOA without the advance written approval of the other party. Any attempted assignment or transfer without the other party's advance written approval shall be null and void and without any legal effect.

7. LIABILITY

Each party shall be solely responsible for fiscal or other sanctions occasioned as a result of its own violation of requirements applicable to the performance of this MOA. Each party shall be liable for its actions in accordance with this MOA. Any liability incurred by the County or the City in connection with this MOA is subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, Section 41-4-1, et seq. The County, City and its public employees as defined in the New Mexico Tort Claims Act, do not waive sovereign immunity; do not waive any defense; and do not waive any limitation of liability pursuant to law. No provision in this MOA modifies or waives any provision of the New Mexico Tort Claims Act.

8. AMENDMENT

This MOA shall not be altered, changed or amended except by an instrument in writing executed by the parties.

9. APPROPRIATIONS AND AUTHORIZATION

The terms of this MOA are contingent upon sufficient appropriations and authorization being made by the Legislature of the State of New Mexico and the governing bodies of the City and the County for the performance of this MOA. If sufficient appropriations and authorization are not made, this MOA shall terminate immediately upon written notice being given by the terminating party to the other party. Any party's decision as to whether sufficient appropriations are available shall be accepted by the other party and shall be final.

10. GOVERNING LAW

This MOA shall be governed by, and construed in accordance with, the laws of New Mexico and the applicable ordinances of the parties.

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11. ACCOUNTABILITY

During the term of this MOA and for a period of three years thereafter, each party will maintain accurate and complete records of all disbursements made and monies received by each under this MOA and, upon receipt of reasonable written request, each shall make such records available to the other party and to the any other parties during regular business hours of the Santa Fe Regional Film Office.

12. NO THIRD-PARTY BENEFICIARIES

Nothing in this MOA, express or implied, is intended to confer any rights, remedies, claims or interests upon a person not a party to this MOA.

13. SUCCESSORS AND ASSIGNS:

This MOA will inure to the benefit of the Party's successors or assigns.

14. ENTIRE AGREEMENT

This MOA represents the entire understanding between the parties and supersedes any prior agreements or understandings with respect to the subject of this MOA. No changes, amendments or alterations to this MOA will be effective until in writing and signed by the parties.

15. NOTICES

Any notice required by this MOA shall be given in writing to the parties designated below. Notice shall be effective when delivered personally to any party, or three business days after deposited, postage fully prepaid, registered or certified, in an official receptacle of the U.S. Postal Service.

COUNTY: Santa Fe County
Attn: County Manager
P. O. Box 276
Santa Fe, New Mexico 87504-0276

CITY: Jennifer LaBar-Tapia, Film Office Executive Director
City of Santa Fe
P. O. Box 909
Santa Fe, New Mexico 87504-0909

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IN WITNESS WHEREOF the Parties have duly executed this MOA as of the date of last signature by the parties hereto.

SANTA FE COUNTY

Hank Hughes
Hank Hughes, Chair
Santa Fe County Board of County Commissioners



ATTESTATION:

Katharine E. Clark
Katharine E. Clark
Santa Fe County Clerk

10/01/2024
Date

Approved as to form:

Jeff Young
Jeff Young
Santa Fe County Attorney

10/17/2024
Date

CITY OF SANTA FE:

Alan Webber
Alan Webber, Mayor

Sep 30, 2024
Date

ATTEST:

Gerilyn Cardenas
Gerilyn Cardenas, Interim City Clerk

Sep 30, 2024
Date

GB MTG 09/25/2024 xiv

Approved as to form:

Erin K. McSherry
Erin K. McSherry, City Attorney

Sep 16, 2024
Date

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Memorandum of Agreement No. 2021-0121-CMO/BT

Finance Department:

Emily K. Oster

Emily Oster, Finance Director

Sep 29, 2024

Date

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EXHIBIT A

1. 2 laptops
2. 5 monitors
3. 2 keyboards
4. 1 modem
5. 1 docking station
6. 1 flat screen TV
7. 1 sound bar for the TV
8. All Santa Fe Regional Film Office swag (jackets, vests, backpacks, water bottles, etc.)
9. Framed movie posters
10. Film props/swag/crew wrap collected by the Film Office over the years

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From: DUTTON-LEYDA, TRAVIS K.
To: VIGIL, XAVIER I.; SPENCER, SHIRLEY J.; APODACA, MARCELLA A.; OLGUIN, LORETTA S.; CARDENAS, GERALYN E.
Cc: RANDALL, RANDY; Purchasing; EDWARDS, JAMES W.
Subject: Re: MOA for film office
Date: Thursday, September 12, 2024 1:13:29 PM

New memo please so you don't have to include the procurement checklist and summary of contract.

Also, here is my exemption determination if you don't already have one. Contracts with the county are exempt per NMSA 1978, section 13-1-98 (A).

Thank you.

Regards,

Travis Dutton-Leyda
Chief Procurement Officer
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501
505-629-8351
tkduttonleyda@santafenm.gov

<https://santafenm.gov/finance-2/purchasing-1>

Internal Link: https://intranet.santafenm.gov/finance_1

Chart, text



From: VIGIL, XAVIER I. <xivigil@santafenm.gov>
Sent: Thursday, September 12, 2024 1:02:16 PM
To: SPENCER, SHIRLEY J. <sjspencer@santafenm.gov>; APODACA, MARCELLA A. <maapodaca1@santafenm.gov>; OLGUIN, LORETTA S. <lsolguin@santafenm.gov>; CARDENAS, GERALYN F. <gfcardenas@santafenm.gov>
Cc: RANDALL, RANDY <rrandall@santafenm.gov>; DUTTON-LEYDA, TRAVIS K. <tkduttonleyda@santafenm.gov>
Subject: RE: MOA for film office

I think we should probably go with Travis's new memo. Travis, please correct me if I'm wrong.

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Xavier (ex-ay-vier) Vigil
Committee and Contracts Coordinator
City Clerk's Office
Community Engagement Department
(505) 955-6514

-----Original Message-----

From: SPENCER, SHIRLEY J. <sjspencer@santafenm.gov>
Sent: Thursday, September 12, 2024 11:59 AM
To: VIGIL, XAVIER I. <xivigil@santafenm.gov>; APODACA, MARCELLA A. <maapodaca1@santafenm.gov>; OLGUIN, LORETTA S. <lsolguin@santafenm.gov>; CARDENAS, GERALYN F. <gfcardenas@santafenm.gov>
Cc: RANDALL, RANDY <rrandall@santafenm.gov>; DUTTON-LEYDA, TRAVIS K. <tkduttonleyda@santafenm.gov>
Subject: RE: MOA for film office

Great.... Will a basic memo suffice?

-----Original Message-----

From: VIGIL, XAVIER I. <xivigil@santafenm.gov>
Sent: Thursday, September 12, 2024 11:57 AM
To: SPENCER, SHIRLEY J. <sjspencer@santafenm.gov>; APODACA, MARCELLA A. <maapodaca1@santafenm.gov>; OLGUIN, LORETTA S. <lsolguin@santafenm.gov>; CARDENAS, GERALYN F. <gfcardenas@santafenm.gov>
Cc: RANDALL, RANDY <rrandall@santafenm.gov>; DUTTON-LEYDA, TRAVIS K. <tkduttonleyda@santafenm.gov>
Subject: RE: MOA for film office

Hi Shirley, no business license or COI is needed for this agreement.

Xavier (ex-ay-vier) Vigil
Committee and Contracts Coordinator
City Clerk's Office
Community Engagement Department
(505) 955-6514

-----Original Message-----

From: SPENCER, SHIRLEY J. <sjspencer@santafenm.gov>
Sent: Thursday, September 12, 2024 11:40 AM
To: APODACA, MARCELLA A. <maapodaca1@santafenm.gov>; OLGUIN, LORETTA S. <lsolguin@santafenm.gov>; VIGIL, XAVIER I. <xivigil@santafenm.gov>; CARDENAS, GERALYN F. <gfcardenas@santafenm.gov>
Cc: RANDALL, RANDY <rrandall@santafenm.gov>; DUTTON-LEYDA, TRAVIS K. <tkduttonleyda@santafenm.gov>
Subject: RE: MOA for film office

Hi All,

I included Travis and GERALYN on the email string....

Also, I need to know what is needed with the packet - will the new memo suffice from Travis? Do we need a COI; don't think I need the SF Business license since this is the county.....

Travis, can we expedite this memo once I transfer into the new memo you created? Also, guessing

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that we can expedite Emily Oster's signature as well? Attached, is what I have currently.
Thanks,
Shirley

-----Original Message-----

From: APODACA, MARCELLA A. <maapodaca1@santafenm.gov>
Sent: Thursday, September 12, 2024 10:50 AM
To: SPENCER, SHIRLEY J. <sjspencer@santafenm.gov>; OLGUIN, LORETTA S. <lsolguin@santafenm.gov>; VIGIL, XAVIER I. <xivigil@santafenm.gov>
Cc: RANDALL, RANDY <rrandall@santafenm.gov>
Subject: RE: MOA for film office

Dear Shirley,

This is a question for the clerk's office.

Regards,

Marcella A. Apodaca
City of Santa Fe
Community Health & Safety Department
Business Operations Manager
505-365-3608 (cell)
505-955-6568 (desk)
maapodaca1@santafenm.gov

-----Original Message-----

From: SPENCER, SHIRLEY J. <sjspencer@santafenm.gov>
Sent: Thursday, September 12, 2024 10:48 AM
To: OLGUIN, LORETTA S. <lsolguin@santafenm.gov>; APODACA, MARCELLA A. <maapodaca1@santafenm.gov>; VIGIL, XAVIER I. <xivigil@santafenm.gov>
Cc: RANDALL, RANDY <rrandall@santafenm.gov>
Subject: FW: MOA for film office

Hi Liaisons,

My Director is asking to submit the captions by today for QOL without the MOA - is this doable?
Not sure when the MOA will be available - so I have included Randy Randall on the email string to respond to this part.

Thanks,
Shirley

-----Original Message-----

From: RANDALL, RANDY <rrandall@santafenm.gov>
Sent: Thursday, September 12, 2024 10:15 AM
To: SPENCER, SHIRLEY J. <sjspencer@santafenm.gov>
Subject: MOA for film office

Do we have the package for the film, commission MOA ready to go with the exception of the actual document?

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We need to get it to quality of life agenda today. Please send them the caption as that should not change.

Randy Randall
Executive Director
TOURISM Santa Fe
505-955-6209

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Signature: 
XAVIER VIGIL (Sep 26, 2024 16:13 MDT)

Email: xivigil@santafenm.gov

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