City of Santa Fe

AGENDA

MEETING OF THE PUBLIC WORKS AND UTILITIES COMMITTEE
OCTOBER 26, 20205:00 PM
ATTEND VIRTUALLY

SPECIAL PROCEDURES FOR PUBLIC WORKS AND UTILITIES COMMITTEE MEETING

Attendance: In response to the State's declaration of a Public Health Emergency, the Mayor's Proclamation of Emergency, and the ban on public gatherings of more than five (5) people, the Public Works and Utilities Committee meeting will be conducted virtually.

Viewing: Members of the public may stream the meeting live on the City of Santa Fe's YouTube channel at https://www.youtube.com/user/cityofsantafe. The YouTube live stream can be accessed at this address from most smartphones, tablets, or computers.

The video recording of this meeting will also remain available for viewing at any time on the City's YouTube channel at https://www.youtube.com/user/cityofsantafe. Staff is available to help members of the public access pre-recorded meetings on-line at any time during normal business hours. Please call 955-6521 for assistance.

Agenda: The agenda for the meeting will be posted at https://santafe.primegov.com/public/portal.
Written Comments: The public may submit written comments on any of the consent items to be considered on the Consent Agenda, through 4:00 p.m. the day of the meeting, via the virtual comment "button" at santafe.primegov.com/portal/search.

Public Comment: To provide live public comment during the *Public Comment* section, you must join the Zoom meeting by internet or phone, as follows:

Internet: To join the Zoom meeting on the internet using a computer, laptop, smartphone, or tablet, use the following link: https://santafenm-gov.zoom.us/j/98121482117?pwd=bzFGZHRlRVpzcDNQbG9rM0tSSXBPUT09Passcode: 564106

Attendees should use the "Raise Hand" function to be recognized by the Chairman to speak at the appropriate time.

City of Santa Fe

AGENDA

MEETING OF THE PUBLIC WORKS AND UTILITIES COMMITTEE
OCTOBER 26, 20205:00 PM
ATTEND VIRTUALLY

Phone: To join the Zoom meeting using a phone, use the following phone numbers and Webinar ID: US: +1 (669) 900-6833 - Webinar ID: 981 2148 2117 - Passcode: 564106

Phone attendees should press *9 to use the “Raise Hand” function to be recognized by the Chairman to speak at the appropriate time.

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **APPROVAL OF AGENDA**

4. **APPROVAL OF CONSENT AGENDA**

5. **APPROVAL OF MINUTES**

   a. Minutes from October 13, 2020 Public Works & Utilities Committee Meeting

6. **PUBLIC COMMENT**

   a. To provide a live comment you must join the Zoom meeting by internet or phone, please e-mail or call Emily Pisula, Fiscal Administrator, Public Works, ekpisula@santafenm.gov, 955-6979 or Jamie-Rae Diaz, Administrative Manager, Public Utilities, jldiaz@santafenm.gov, 955-4233 by 4:00 p.m. the day of the meeting for the meeting link and/or call in number.

7. **PRESENTATION/INFORMATIONAL ITEMS**

   a. City of Santa Fe Snow Plan (Thomas Martinez, Director of Operations and Maintenance Transit Division and Interim Streets & Drainage Division Director, tamartinez@santafenm.gov, 955-2006). Presentation 10 minutes.

8. **ACTION ITEMS: CONSENT**

   a. Request Approval of 2021 Public Works and Utilities Committee Meeting Schedule (Jamie-Rae Diaz, Administrative Manager, Public Utilities,

jldiaz@santafenm.gov, 955-4233 and Emily Pisula, Fiscal Administrator, Public Works, ekpisula@santafenm.gov, 955-6979)

Committee Review:
Governing Body 11/10/2020

b. Request for Approval of Budget Adjustment Resolution (BAR) in the Amount of $398,751 to Pay Back Taxes to the IRS for the 2016 and 2017 Tax Years. (Jarel LaPan Hill, City Manager, jlapanhill@santafenm.gov, 955-6848, Bernadette Salazar, HR Director, bjsalazar@santafenm.gov, 955-6591, Erin McSherry, City Attorney, ekmcsherry@santafenm.gov, 955-6512 and Mary McCoy, Finance Director, mtmccoy@santafenm.gov, 955-6171)

c. Request Approval of Capital Reallocation of 2018 GRT Bond for Parks Equipment & Machinery and Circle Drive Paving. (Melissa McDonald, Acting Parks Division Director, mamcdonald@santafenm.gov, 955-6840 and Mark Brooks, Streets & Drainage Project Administrator, mebrooks@santafenm.gov, 955-2404)

Committee Review:
Public Works & Utilities Committee – 10/26/2020
Finance Committee – 11/02/2020
Governing Body – 11/10/2020

d. Request for the Approval of Professional Services Contract with LSC Transportation Planning, Inc for the purpose of developing a Multi-Modal Transition Plan for the City of Santa Fe not to exceed $225,000 starting December 1st, 2020 and terminating on April 30th, 2022. (Erick J. Aune, Santa Fe MPO Officer, ejaune@santafenm.gov, 955.6664)

Committee Review:
Public Works & Utilities Committee (Scheduled): 10/26/2020
Finance Committee (Scheduled): 11/30/2020
Governing Body (Scheduled): 12/09/2020

e. Consideration of Bill No. 2020-32: An Ordinance Amending Section 14-6.2 SFCC 1987 to Adopt by Ordinance a Maximum of One Thousand (1000) Short-Term Rental Permits in the City, to Prospectively Limit the Number of Short-Term Rental Permits to One Per Natural Person, to Prospectively

Limit the Proximity of Short-Term Rental Units, to Require a Local Operator for Short-Term Rental Units, to Adopt Record-Keeping and Reporting Requirements for Short-Term Rental Unit Owners and Host Platforms, and to Clarify Other Provisions of the Short-Term Rental Ordinance; Amending the Land Use Code Definitions in Section 14-12.1 SFCC 1987 as They Relate to Short-Term Rental Units; and Amending Section 12-2.3 SFCC 1987 to Clarify That a Short-Term Rental Unit is not a Group R-1 Occupancy for Purposes of Fire Inspections. (Mayor Webber, Councilor Lindell, Councilor Romero-Wirth and Councilor Villarreal) (Elias Isaacson, Planning and Land Use Director, esiasaacson@santafenm.gov, 955-6730 and Sally Paez, Assistant City Attorney, sapaez@santafenm.gov, 955-6501)

f. Request for approval of Amendment No.1 to Professional Services Agreement (PSA) with Carollo Engineers Inc. for a term extension of two (2) years. (John Del Mar, Public Utilities Engineer, jpdelmar@santafenm.gov, 955-4231)

Committee Review
Public Works & Utilities Committee– 10/26/2020
Finance Committee – 11/02/2020
Governing Body – 11/10/2020

g. Consideration of Resolution 2020-____. A Resolution Hosting Community Conversations and Establishing a Special City Committee On Cultures, Histories, Art, Reconciliation, And Truth. (Mayor Webber and Councilors Garcia, Villareal, Cassutt-Sanchez, Vigil Coppler, Romero-Wirth, and Lindell) (Kristine Mihelcic, Constituent and Council Services Director, kmmihelcic@santafenm.gov, 955-6846)

Committee Review:
Public Works & Utilities Committee: 10/26/2020
Quality of Life: 11/04/2020
Special Finance Committee: 11/16/2020

9. **MATTERS FROM STAFF**

10. **MATTERS FROM THE COMMITTEE**

11. **MATTERS FROM THE CHAIR**

12. **NEXT MEETING: Monday, November 09 2020**

13. **ADJOURN**

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6521, five (5) working days prior to meeting date.

Public Works and Utilities Committee Meeting
Attended Virtually
Tuesday, October 13, 2020
5:00 P.M.

1. **Call to Order**

   The meeting of the Public Works and Utilities Committee Meeting was called to order by Councilor Christopher Rivera, Chair at 5:14 p.m. on Tuesday, October 13, 2020 and was attended virtually.

2. **Roll Call: Action: Quorum**

   Members Present
   Councilor Christopher Rivera, Chair
   Councilor Roman Abeyta
   Councilor JoAnn Vigil Coppler
   Councilor Michael Garcia

   Members Excused
   Councilor Signe Lindell

   Others Present
   Regina Wheeler, Public Works Department Director
   Shannon Jones, Public Utilities Department Director
   Emily Pisula, Public Works Fiscal Administrator
   Jamie-Rae Diaz, Public Utilities Administrative Manager
   Mikayla Trujillo, Administrative Assistant, Public Utilities
   Joe Abeyta, Project Manager Multi Media Department
   Kristine Mihelcic, Constituent Services Director
   Jesse Guillen, Legislative Liaison
   Paul Babcock, Fire Chief
   Shirlene Sitton, Environmental Services Division Director
   Marcos Martinez, Assistant City Attorney
   Richard Brown, Economic Development Director
   Carol Branch, ESD Program Manager/ Keep Santa Fe Beautiful Director
   Nancy Jimenez, Utility Billing Division Director
   Andrea Salazar, Assistant City Attorney
   Kyra Ochoa, Community Services Department Director
   Alan Hook, Water Resources Coordinator Assistant
   Dan Yohalem, Interfaith Community Shelter
   Beverly Kellam, Interfaith Community Shelter
   Miguel Gabaldon, Public Comment
   Geronimo Griego, Fire Department

3. **Approval of Agenda: Action: Approved**

No changes from staff and no changes from the Committee.

MOTION: A motion was made by JoAnn Vigil Coppler, second by Councilor Roman Abeyta to approve the agenda as presented.

VOTE: The motion passed by roll call vote as follows:

Chairman Christopher Rivera – Yes
Councilor Roman Abeyta – Yes
Councilor JoAnn Vigil Coppler – Yes
Councilor Michael Garcia – Yes
Councilor Signe Lindell – Excused

4. **Approval of Consent Agenda: Action: Approved**

Councilor JoAnn Vigil Coppler pulled Item A,C,D for discussion.

MOTION: A motion was made by Councilor JoAnn Vigil Coppler second by Councilor Michael Garcia to approve the consent agenda as amended.

VOTE: The motion passed by roll call vote as follows:

Chairman Christopher Rivera – Yes
Councilor Roman Abeyta – Yes
Councilor JoAnn Vigil Coppler – Yes
Councilor Michael Garcia – Yes
Councilor Signe Lindell – Excused

5. **Approval of Minutes: Action: Approved**

No changes from the committee or staff.

MOTION: A motion was made by Councilor Roman Abeyta, second by Councilor Michael Garcia to approve the minutes.

VOTE: The motion passed unanimously by roll call vote as follows:

Chairman Christopher Rivera – Yes
Councilor Roman Abeyta – Yes
Councilor JoAnn Vigil Coppler – Yes
Councilor Michael Garcia – Yes
Councilor Signe Lindell – Excused

6. **Public Comment: Action: Information/Discussion**

Emily Pisula – Introduced Miguel Gabaldon

Mr. Gabaldon commented on Interfaith Community Shelter agenda item. Please see Exhibit 1 for complete comment.

Mikayla Trujillo – None

7. **Presentation/Informational Items: Action: Information/Discussion**

   a. Update on The Adopt A Median Program (Carol Branch ESD Program Manager/ Keep Santa Fe Beautiful Director, 955-2215, cjbranch@santafenm.gov)

8. **Consent Agenda**

   a. Request for Approval of a Lease Agreement Between the City of Santa Fe and the Interfaith Community Shelter Group ("Pete's Place") Located at 2801 Cerrillos Road, for a Four (4) Year Term. (Rich Brown, Economic Development Director, rdbrown@santafenm.gov, 955-6625 and Andrea Salazar, Assistant City Attorney, asalazar@santafenm.gov, 955-6303)

Councilor Vigil Coppler: I noticed that the Finance committee sheets said "approved to move forward to the Quality of Life for further discussions." Was this move forward with the recommendations? Was there headway or anything different that was discussed?

Councilor Abeyta: ultimately the Finance Committee decided to approve the lease as presented with 4 years and to continue this discussion at the Quality of Life Committee

Councilor Garcia: In the Quality of Life Committee there was some lengthy discussions regarding sustainability planning. The lease is 4 year and where do we see ourselves in 4 years? Would we look into relocating the shelter?

Chairman Rivera: we are looking into having more meetings with the neighbors.

Councilor Vigil Coppler: there have been discussions that we have outgrown the capacity in Pete's Place.

Dan Yohalem: wanted to point out that we are not at capacity, with no COVID we are slightly below capacity and have recently spent $250,000 of our own funding to make the buildings better. With COVID we are limited to 36 individuals and without COVID we are limited to 100-120 during the winter season. We have found locations for the other individuals at Motels in which we have provided vouchers for and are looking to the City to pick up the remainder at the Salvation Army and the Midtown Campus.

Chairman Rivera: wanted to follow up with some questions that he had at the Quality of Life Committee. Inspections that were done from Fire and CID after the last remodel were done at the shelter were you able to track down any information?

Chief Babcock: received email from Joe with documentation on his CID inspection from the State with what was done after the remodel and was able to track down what was done from our Fire Investigators one inspection was done in 2019 and then another October 1, 2020. On the inspection forms that was done October 2020, the report stated that an exit light needed to be replaced and that the alarm system has been maintained.

Chairman Rivera: Have we received that information back?

Chief Babcock: The client, Pete's Place, has 10 business days to request inspection and at this point he has not received any information from the client on a request for re-inspection, but the client does have until Friday 10/16 to submit a request for re-inspection.

Chairman Rivera: what is the difference on what CID does and what the Fire Inspectors do?

Fire Investigator Geronimo Griego: since it is a City-owned building the State will come in and do the Building Plan Review and acceptance anything that happens within the building itself, new construction and things like that. In this sense a remodel was done and needed to go through CID, the construction division of the State. Fire Department does annual inspections based on the City Ordinance Chapter 12, Fire Prevention Bureau, and this falls within R1 which is Transient Nature and that is why we inspect on an annual basis

Chairman Rivera: Is R1 the right area to put it in as far as inspections go?

Fire Investigator Geronimo Griego: we did look into it and thought it was the best class based on occupancy and also because it is transient in nature and that is how we classified it as R1. R1 classifications are regulated based on type of material that is in the building, has to have sprinklers, an alarm.

Chairman Rivera: can you explain why the State does one inspection and the Fire Department does the other. I thought the City was prohibited from inspecting our own buildings.

Fire Investigator Geronimo Griego: it is a City-owned building and would believe that the State would go out and investigate. The inspection that was done last year was done at the request of the Water Division due to a water meter issue to the fire riser, and ended up doing a full inspection of the building. The R1 is a City Ordinance inspection requirement.

Chairman Rivera: why are we inspecting our own buildings and not having the State Fire Marshals Office do the inspection?

Chief Babcock: Is planning on getting written documentation but the State Fire Marshals office had an agreement that would allow the State to give jurisdiction to the City to do the inspections because they were not getting done. Once he receives documentation he will forward along to the Committee and remaining councilor members.

Chairman Rivera: can you also follow up with the City Attorney's office to make sure that this agreement is OK and has been signed by the City and State.

MOTION: A motion was made by Councilor JoAnn Vigil Coppler second by Councilor Roman Abeyta to approve this request.

VOTE: The motion passed by roll call vote as follows:

Chairman Christopher Rivera – Abstained
Councilor Roman Abeyta – Yes
Councilor JoAnn Vigil Coppler – Yes
Councilor Michael Garcia – Yes
Councilor Signe Lindell – Excused

b. Consideration of Bill No. 2020-__: An Ordinance Amending Section 2-4.6 SFCC1987 to Allow the City Manager to Enter Agreements Accepting Funds that Are Offered to the City Without Time to Place the Agreements on the Next Scheduled Governing Body Meeting, with Ratification by the Governing Body at the next Scheduled Meeting for which the Deadline to Include the Matter on an Agenda Has not yet Passed; and Amending Section 11-4 to Allow the City Manager to Approve Grant Applications, Grant Awards, Grant Match Requirements, and Grant Agreements in any Amount if the Deadline to Approve Such Documents Occurs Before the Deadline to Include the Application or Award on the Agenda for the Governing Body's Next Regularly Scheduled Meeting, with Ratification by the Governing Body at the Next Scheduled Meeting for Which an Agenda Has not yet Been Posted. (Councilors Rivera and Cassutt-Sanchez)

Approved on Consent

c. Request for Approval of a Budget Adjustment Resolution/Budget Increase to the Public Utilities, Utility Billing Division for several line items for a total amount of $454,919.00. (Nancy Jimenez, Utility Billing Division Director, nljimenez@santafenm.gov, 955-4364)

Councilor Vigil Coppler: point to the chart that delineates the funds, the last two lines, we have cubicles, walls, plexiglass for COVID Safety- $10,000 and operating supplies, mask, etc - $5,000. Received a phone call from a concerned member of the public who has family members who work at the Water Division. We need to make sure that if we approve this funding that we enforce safe work practices, social distancing, require masks, and not allowing unauthorized visitors.

Director Jones: we do take this seriously and we are in constant communication with our staff, and will continue to make our work environment as safe as possible.

MOTION: A motion was made by Councilor JoAnn Vigil Coppler second by Councilor Michael Garcia to approve this request.

VOTE: The motion passed by roll call vote as follows:

Chairman Christopher Rivera – Yes
Councilor Roman Abeyta – Yes
Councilor JoAnn Vigil Coppler – Yes
Councilor Michael Garcia – Yes
Councilor Signe Lindell – Excused

d. Request Approval of a Budget Adjustment Resolution (BAR) for Public Utilities Department to Fund Vacant Positions Through the 2020/2021 Fiscal Year in the Total Amount of $2,940,219.85 Across 12 Public Utilities Sections. (Shannon Jones, Public Utilities Director, swjones@santafenm.gov)

Councilor Vigil Coppler: are these vacancies all yours? How does anything get done with all of these vacancies? And how long have they all been vacant?

Director Jones: looking at filling 44 positions, and it is a performance measure that we track and Public Utilities runs at an 80%-85% staffing level. Some of these positions have been vacant for a year/year and half because staff has either moved on or moved up within the City. A lot of these vacant positions are entry-level "boots on the ground" positions. How do we maintain with all of these vacancies? Staff has to do more work.

MOTION: A motion was made by Councilor JoAnn Vigil Coppler second by Councilor Roman Abeyta to approve this request.

VOTE: The motion passed unanimously by roll call vote as follows:

Chairman Christopher Rivera – Yes
Councilor Roman Abeyta – Yes
Councilor JoAnn Vigil Coppler – Yes
Councilor Michael Garcia – Yes
Councilor Signe Lindell – Excused

e. Consideration of Resolution No. 2020-__: A Resolution Authorizing and Supporting the City Manager to Works with Public Utilities Staff to Identify and Apply for Federal and State Funding Sources for Water, Wastewater, and Other Water Related Projects, Including Submission of an Application to the Water Trust Board, Among Other Opportunities. (Councilors Rivera and Romero-Wirth) (Alan Hook, Water Resources Coordinator Assistant, aghook@santafenm.gov, 955-4205)

Approved on Consent

f. Purchase Public Safety Digital Portable Radios. Request for Approval of State of NM State Pricing Agreement in the Total Amount of $1,095,001.10 for Digital Portable Radios from Motorola Solutions. (Chief Paul Babcock, prbabcock@santafenm.gov, 955-3112)

Approved on Consent

9. **Matters from Staff: Action: Information/Discussion**

None.

10. Matters from the Committee: Action: Information/Discussion

None.

11. Matters from the Chair: Action: Information/Discussion

Chairman Rivera introduced the following resolution that will be presented to the Governing Body Wednesday, October 14, 2020.

A resolution repealing resolution NO. 2020-36; and accepting a Municipal Arterial Program ("MAP") Cooperative Grant from the New Mexico Department of Transportation ("NMDOT") identified as control number L500429 for the planning, design and construction of Agua Fria Street and South Meadows Road intersection improvements. Sponsor Councilor Christopher Rivera and Co-Sponsors Councilor Signe Lindell and Councilor Renee Villrreal.

12. Next Meeting: Monday, October 26, 2020

13. Adjourn

There being no further business before the Committee the meeting adjourned at 6:17 p.m.

_____
Councilor Christopher Rivera, Chair

Emily Pisula 10/19/2020
Emily Pisula, Fiscal Administrator Public Works

EXHIBIT 1

PISULA, EMILY K.

From: Miguel Gabaldon <mickg1984@gmail.com>
Sent: Tuesday, October 13, 2020 5:30 PM
To: PISULA, EMILY K.
Cc: RIVERA, CHRISTOPHER M.
Subject: Fwd: Public Works and Utilities Committee, Action Items- Consent Agenda Item 8a - Interfaith Community Shelter Group Lease Renewal

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Pisula,

Thank you for your assistance in putting me through to the Public Works and Utilities Committee Zoom meeting.

Per Chairman Rivera's request, I am forwarding the email that I submitted to the Committee members so it could be added to the record.

Sincerely,
Miguel Gabaldon

Begin forwarded message:

> **From:** Miguel Gabaldon <mickg1984@gmail.com>
> **Date:** October 13, 2020 at 4:51:36 PM MDT
> **To:** Chris Rivera <cmrivera@santafenm.gov>, Michael Garcia <mjgarcia@santafenm.gov>, Joanne Coppler <JVCoppler@santafenm.gov>, Roman Abeyta <rrabeyta@santafenm.gov>, "Signe Lindell I." <silindell@santafenm.gov>
> **Subject: Public Works and Utilities Committee, Action Items- Consent Agenda Item 8a - Interfaith Community Shelter Group Lease Renewal**
>
> Good Afternoon Public Works and Utilities Committee Chair Rivera and Committee Members,
>
> I am submitting this email in regards to the subject matter to ask the Public Works and Utilities Committee (PWUC) to strongly consider going in a different direction regarding the use of this City Property for homeless support activities.
>
> As indicated in a recent New Mexican article regarding this matter, many citizens and business owners in Santa Fe are ready for a change in the land use at the current location of Pete's Place and are tired of dealing with the, as Councilor Villarreal stated in the article, the "nefarious and dangerous activities" of certain individuals who frequent Pete's Place (a Google search gives a common definition of "nefarious" as "criminal or wicked"). Councilor Villarreal is correct with her choice of words, as well, as in her statement nobody "should have to be fearful to leave their home, walk down the block or be outside at night in their own neighborhood". Unfortunately, the reality is that certain individuals who frequent Pete's Place are regularly committing "nefarious and dangerous activities" and constantly put people who live, work or travel (drive/bike/walk) in

this are at risk on a daily basis.

As this matter procedes through the the Committee review process and eventual Governing Body vote, I will be continuing my efforts to bring a change to the current use of this City owned land; however, I understand that the services that Pete's Place provides for the homeless community will continue. That said, I also strongly believe that both the City and the Interfaith Community Shelter Group must develop a plan to address the issues that are mentioned above. I feel this is required especially after seeing similar comments in various social media platforms and today's article from other citizens who live, work, shop or travel near or around Pete's Place.

As for my thoughts about what should be done regarding homelessness in Santa Fe, I can offer the following.

1. The City should enter a one (1) year lease with the Interfaith Community Shelter Group with the condition that the both parties, in addition to other similar groups, develop a new plan to identify a new location for homeless services. If the new location and plan are not implemented within one year, then the contract could be extended for another year, with the full term of the contract limited to three (3) years. If a new plan is not developed in three (3) years, the contract should be terminated.
2. The City needs to communicate with Santa Fe County to terminate the County's practice of not accepting non-violent criminals for detainment in their facility due to COVID-19. This is unacceptable since it severely compromised the safety, health and welfare of our community by allowing criminals to remain within our midst, and allowing the opportunity for those individuals to commit a violent crime that could affect someone's property, or worse yet, their life. This is exactly what happened recently when a 19 year old woman progressed from her first offense of burglary to assault with a deadly weapon, burglary and kidnapping when she held an elderly woman from Santa Fe at knife point while she took the woman and her vehicle and stole money from her bank ATM.
3. The City should work with County, State and Federal entities to develop a plan to provide for the removal of drug/alcohol dependent individuals from society and place them into a system/program that provides them with time to transition from their current status to being independent from their addiction and able to be reintroduced into society through a transitional program that would allow them to obtain employment and housing. For those who cannot complete these transitions, they should remain separated from society until they change their behaviors/habits. This last comment may seem cruel, but I just can't accept that individuals who live in a city and contribute to the improvement of their community through employment and/or community involvement, should have to deal with the unsafe, unhealthy and unfair impacts that these individuals bring to a community.
4. I am not an advocate of the "Not In My Back Yard" movement to prevent changes from occurring, but I do believe in the "Why In My Back Yard" opinion that I believe is going on in regards to Pete's Place being at their current location for the past 10 years (?), and the unsafe, unhealthy and unfair conditions that the surrounding neighborhoods/businesses have had to deal with over that time. In other words, it is time for a change at this location and in this part of Santa Fe.
5. As for possible locations for homeless community support programs, I can think of two possible locations in Santa Fe.
    1. With the ongoing development of the Midtown Campus, a transitional housing option could be available to provide temporary housing to individuals who are dealing with unexpected changes in their lives. I would envision that this program would only accept dependent-free individuals who would be employed while in

residence and would then be moving out of the program within one year. This sounds very optimistic, but it is something to think about.

2. Converting the old detention center located on Airport Road to a facility like Pete's Place. Of course, in moving to this location, it would be possible that some of the current problems would occur in that neighborhood, so the City and Pete's Place, or whoever would manage the program, would need to have a plan to address the "nefarious" activities that occur today at the current Pete's Place location.

6. As for a location for a facility to address the individuals who constantly violate current laws, I don't have a suggestion at this time (The old "State Hospital" in Las Vegas, NM does come to mind, however.), but maybe our government entities could get together and come up with some plan sooner rather than later.

Based on all of the information provided above and the issues that other citizens are bringing forward, and have brought forward for many years, I am hopeful that the Quality of Life Committee will strongly consider moving forward in a different direction with this property so that the citizens and business owners affected by the impacts of Pete's Place can see an improvement to their quality of life.

Thank you for your time, and I look forward to participating in the Virtual meeting on Wednesday evening.

Miguel

Snow and Ice Control Plan
City Of Santa Fe

City of Santa Fe

2020

Introduction

- Outlines responsibilities for planned and orderly winter maintenance of City owned facilities.
- Provides an understanding of the complexity and difficulties of snow and ice control.
- Summary of procedures, and policies related to snow and ice control.
- Provides for a systematic process for providing safety and mobility of the public.
- Protect the City from unreasonable liability claims.
- Adopted by Council in the fall of 2007.

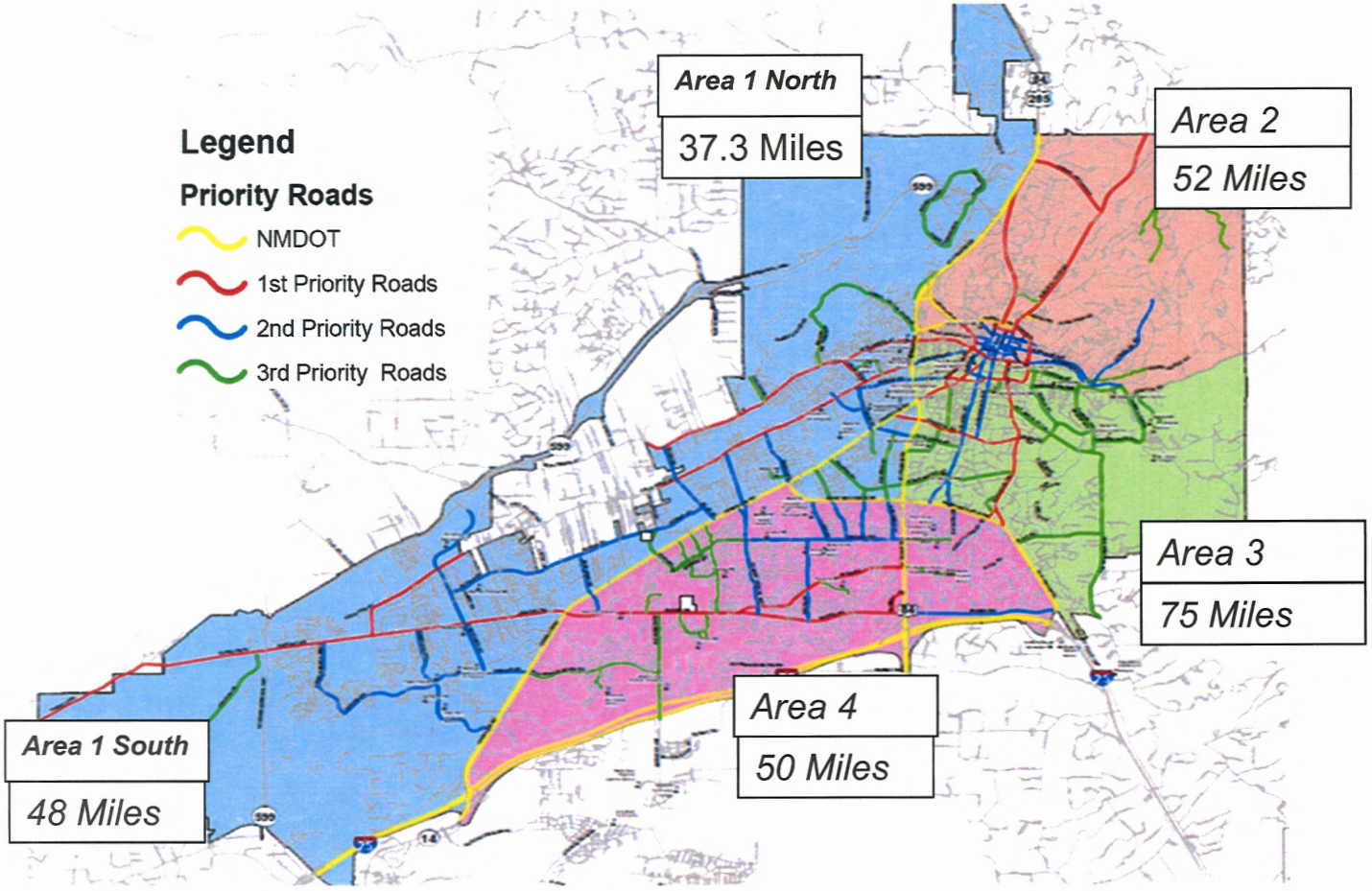
Priorities

- It is not economically or physically feasible to maintain all City streets even with moderate snow falls so prioritization was established.
- Policy is to provide maximum service to arterials, collectors and selected streets comprising the basic network.
- Intent is to safely move the majority of the City's traffic on major roads and to provide access to police, fire stations, hospitals, major medical facilities, senior centers, and schools.

Areas

- Divided into five geographical areas to facilitate an orderly approach.
- Under ideal conditions, when all equipment is up and running, one (1) sanding units will be assigned to each area.
- Sanding or plowing when applicable will be done in order of priority, i.e., Priority 1 through 3.
- Typically, we expect to have some down equipment during storms but spare trucks are getting repaired and ready for use.
- Typically takes 3 hours to cover all priority areas once the storm ends.

Snow Removal Areas



Hot Spots

Hot Spots		Date _____		
ID	Street	Area	Completed	Driver
1	Paseo De Vista (Cruzitas) - Alamo to Dump	1		
2	Calle Nopal	1		
3	Rincon de Torreon	1		
4	Sierra Vista	1		
5	Cristobal Colon (hill)	1		
6	Calle Mejia (Off Alamo Drive)	1		
7	Jaquar Drive (Hill at the Fire Station)	1 South		
8	Cerro Gordo / Palace Ave	2		
9	Cam. De La Luz (Paved Portion)/De Lora/Cam. Cerritos	2		
10	Gonzales Rd./Cerro Gordo/E. Alameda St.	2		
11	Cerro Colorados	2		
12	Apodaca Hill (at Upper Canyon Road)	2		
13	Sierra Del Norte	2		
14	Harkle Rd - Near Hospital Drive	3		
15	Early St	3		
16	Garcia St	3		
17	Espejo /Old Pecos Trail Intersection	3		
18	Calle Medico (Off Old Pecos Trail)	3		
19	Galisteo Street (between W San Mateo & Cordova)	3		
20	Hospital Dr. (Off of St. Michaels Drive)	3		
21	Don Diego @ Cerrillos Road Intersection	3		
22	Camino Cabra	3		
23	Cam Cruz Blanca/Calle Picacho/Cam De Monte Sol intersection	3		
24	Camino Consuelo / Siringo Rd Intersection	4		
25	La Resolana / Siringo Rd Intersection	4		
26	Zia Rd @St Francis Dr (EBL near track).	4		

Ice Removal

Central Business District (CC)

STREET NAME		LIMITS	
1. Palace Ave	Paseo De Peralta	to	Sandoval
2. Lincoln Ave	Federal	to	Palace Ave
3. Sheridan Ave	Marcy Ave	to	Palace Ave
4. Washington Ave	Paseo De Peralta	to	Palace Ave
5. San Francisco St	Sandoval	to	Cathedral Pl
6. Cathedral P1	Palace Ave	to	East Alameda
7. Water St	Sandoval	to	Cathedral P1
8. De Vargas St	Galisteo	to	Paseo De Peralta
9. Manhattan Ave	Cerrillos Rd	to	Paseo De Peralta
10. Garfield	Guadalupe	to	Sandoval
11. Aztec St	Guadalupe	to	Sandoval
12. Galisteo	San Francisco	to	E Alameda
13. Don Gaspar Ave	San Francisco	to	Alameda
14. Marcy St	Grant Ave	to	Hillside Ave
15. Grant Ave	Sandoval	to	Paseo De Peralta
16. Old Santa Fe Trail	Water St	to	Palace Ave
17. Canyon Rd	Paseo De Peralta	to	Camino Del Monte Sol
18. Johnson St	Guadalupe	to	Grant Ave
19. Kearny	Entire Length		
20. Nusbaum	Washington	to	Otero
21. Mercer St	St Francis Dr	to	Onate St
22. Zia Rd.	Cam Carlos Rey	to	St Francis Dr
23. Agua Fria	La Madera	to	Guadalupe St

Santa Fe School Routes

School	Street	Snow Map Area
Acequia Madre Elementary	Acequia Madre	Area 3
Aspen Vista School	La Madera	Area 1
Alvord Elementary	Alarid Street	Area 3
Atalaya Elementary	Camino Cabra	Area 3
Academy	Cerrillos Road	Area 4
Camino Real K thru 8	South Meadows	Area 1
Capital High School	Paseo del Sol	Area 1
Capshaw Middle School	W. Zia Road	Area 4
Carlos Gilbert Elementary	Griffin Street	Area 2
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Chaparral Elementary	Avenida Chaparral	Area 4
College Of Santa Fe	St Michaels Dr / Siringo Rd	Area 4
De Vargas Middle School	Llano Road	Area 4
E.J. Martinez Elementary	W. San Mateo	Area 3
Gonzales Elementary	West Alameda	Area 1
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Monte Del Sol	Walking Rain Road	Area 4
Nava Elementary School	Siringo Road	Area 4
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Pinon Elementary School	Camino Los Caballos	Area 4
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Santa Fe High School	Yucca Road	Area 4
Santa Fe Indian School	Cerrillos Road	Area 1
St Michaels High School	Siringo Road	Area 4
Sweeney Elementary School	Airport Road	Area 1
Wood Gormley Elementary	E Booth Street	Area 2

Storm Class

Snow/Ice Condition Classification (Storm Class):

Storm Class	Street Conditions
A	Freezing rain, "black ice" or trace of snow with freezing temperature
B	1" to 2" accumulation
C	2" to 12" accumulation
D	12" to 24" accumulation
E	>24" Emergency

Level of Service

Storm Classification		A	B	C	D	E
Street Priority	**Map Line Color**					
1	Red	2	3	4	5	5
2	Blue	2	3	4	4	5
3	Green	2	3	4	4	4
4	All Other	1	1	1	1	1

Key for treatment Levels:

1. Do nothing except for known problem spots, i.e., steep grades, hazardous intersections, hilly terrain, etc. Treatment level is application of cinder/salt mixture on paved streets and grading of graveled surfaced streets.
2. Apply cinder/salt mixture intermittently, covering "hot spots" and major intersections.
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Scoria (Lava Rock) and Rock Salt

- A combination of scoria (lava rock) and rock salt is mixed at a 4-1 ratio, four parts scoria to one part rock salt.

- Ice Slicer used for extreme icy conditions and temperatures below 20 degrees mixed at a 2-1 ratio.

Time Line Schedule

Time Line Schedule

AUGUST
Order Rock Salt, Sand (Scoria)
Confirm Inventory of Equipment and Supplies for Snow Removal
Confirm Bid Contracts and Purchase Orders for Snow Removal items

SEPTEMBER
Pre - Snow Emergency Department / Division Meeting
Prepare Draft of Snow Emergency Plan
Confirm valid CDL list
Confirm Snow Removal Routes
Confirm Status of Fleet Vehicles

OCTOBER - NOVEMBER
Verification of Snow Emergency Contact Phone List
Verification Fleet Vehicle & CDL Drivers readiness
Verification of Snow Removal Routes, Locations, and Staff
Submit Snow Emergency Plan
Tour Siler Road Facilities
Conduct a practice run of the snow and ice plan.
Review the plan, train employees, and incorporate new streets,
Locate snow plow obstacles and hazards within their routes.

DECEMBER
As conditions dictate - Snow Command Meeting & Debriefing

JANUARY
As conditions dictate - Snow Command Meeting & Debriefing

FEBRUARY
As conditions dictate - Snow Command Meeting & Debriefing

MARCH – APRIL
Final Snow Emergency Meeting & Debriefing

Challenges

- Aged Equipment – Repairs to equipment take time
- Training new employees
- Expanding responsibilities with smaller work forces
- Timing of the storms
- Plows are sometimes stuck in Traffic
- Low temperatures

NMDOT Maintained Roadways

NM 599 Relief Route	St. Francis Dr.	to	NM 14
Cerrillos Rd	St. Francis Dr.	to	City Limits (West End)
St. Michael's Dr.	Cerrillos Rd	to	OldPecos Trail
St. Francis Dr.	Interstate 25	to	US 285
Paseo De Peralta	St Francis Dr	to	Bishops Lodge
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Hyde Park Rd	Bishops Lodge	to	City Limits
North Guadalupe	Paseo De Peralta	to	US 285

- NMDOT is responsible for snow removal on these roads.
- NMDOT District 5 Radio 505-795-0825
- NMDOT Statewide Communications 505-827-9325
- NMDOT works 24/7 for snow removal.
- City Units will not be plowing these roadways unless approval is granted from the Mayor or City Manager.

Snow and Ice Control Plan
City Of Santa Fe

City of Santa Fe

2020

Introduction

- Outlines responsibilities for planned and orderly winter maintenance of City owned facilities.
- Provides an understanding of the complexity and difficulties of snow and ice control.
- Summary of procedures, and policies related to snow and ice control.
- Provides for a systematic process for providing safety and mobility of the public.
- Protect the City from unreasonable liability claims.
- Adopted by Council in the fall of 2007.

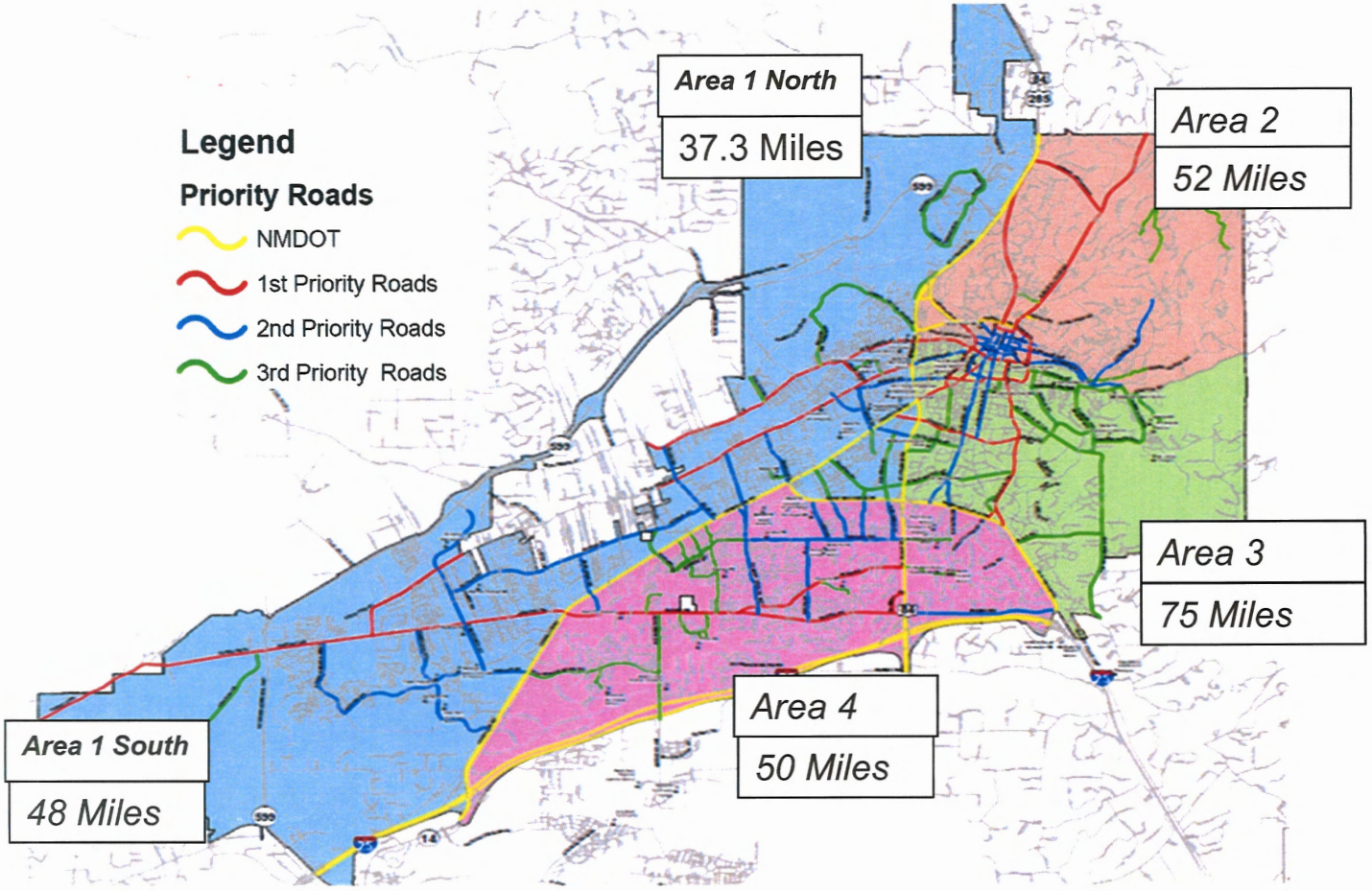
Priorities

- It is not economically or physically feasible to maintain all City streets even with moderate snow falls so prioritization was established.
- Policy is to provide maximum service to arterials, collectors and selected streets comprising the basic network.
- Intent is to safely move the majority of the City's traffic on major roads and to provide access to police, fire stations, hospitals, major medical facilities, senior centers, and schools.

Areas

- Divided into five geographical areas to facilitate an orderly approach.
- Under ideal conditions, when all equipment is up and running, one (1) sanding units will be assigned to each area.
- Sanding or plowing when applicable will be done in order of priority, i.e., Priority 1 through 3.
- Typically, we expect to have some down equipment during storms but spare trucks are getting repaired and ready for use.
- Typically takes 3 hours to cover all priority areas once the storm ends.

Snow Removal Areas



Hot Spots

Hot Spots		Date _____		
ID	Street	Area	Completed	Driver
1	Paseo De Vista (Cruzitas) - Alamo to Dump	1		
2	Calle Nopal	1		
3	Rincon de Torreon	1		
4	Sierra Vista	1		
5	Cristobal Colon (hill)	1		
6	Calle Mejia (Off Alamo Drive)	1		
7	Jaquar Drive (Hill at the Fire Station)	1 South		
8	Cerro Gordo / Palace Ave	2		
9	Cam. De La Luz (Paved Portion)/De Lora/Cam. Cerritos	2		
10	Gonzales Rd./Cerro Gordo/E. Alameda St.	2		
11	Cerro Colorados	2		
12	Apodaca Hill (at Upper Canyon Road)	2		
13	Sierra Del Norte	2		
14	Harkle Rd - Near Hospital Drive	3		
15	Early St	3		
16	Garcia St	3		
17	Espejo /Old Pecos Trail Intersection	3		
18	Calle Medico (Off Old Pecos Trail)	3		
19	Galisteo Street (between W San Mateo & Cordova)	3		
20	Hospital Dr. (Off of St. Michaels Drive)	3		
21	Don Diego @ Cerrillos Road Intersection	3		
22	Camino Cabra	3		
23	Cam Cruz Blanca/Calle Picacho/Cam De Monte Sol intersection	3		
24	Camino Consuelo / Siringo Rd Intersection	4		
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City of Santa Fe, New Mexico

memo

DATE: 10/19/2020

TO: Public Works and Utilities Committee

VIA: Shannon Jones, Public Utilities Department Director
Regina Wheeler, Public Works Department Director

FROM: Jamie-Rae Diaz, Administrative Manager, Public Utilities
Emily Pisula, Fiscal Administrator, Public Works

ITEM AND ISSUE:

2021 Public Works and Utilities Committee Meeting Schedule

SUMMARY:

Attached is a proposed schedule for the 2021 Public Works and Utilities Committee meetings. The meeting dates are based upon tentative and unapproved Council and Finance Committee dates. All meetings are scheduled to begin at 5:00 pm.

RECOMMENDED ACTION:

Request approval of the 2021 Public Works and Utilities Committee Meeting Schedule.

Proposed 2021 Public Work and Utilities Committee Meeting Dates:

Monday, January 11, 2021

Monday, January 25, 2021

Monday, February 8, 2021

Monday, February 22, 2021

Monday, March 8, 2021

Monday, March 29, 2021

Monday, April 12, 2021

Monday, April 29, 2021

Tuesday, May 11, 2021 – Due to Yom Yerushalayim

Monday, May 24, 2021

Monday, June 7, 2021

Monday, June 28, 2021

Monday, July 12, 2021

Monday, July 26, 2021

Monday, August 9, 2021

Monday, August 23, 2021

Tuesday, September 07, 2021 – Due to Labor Day

Monday, September 27, 2021

Tuesday, October 12, 2021 – due to Indigenous People's Day

Monday, October 25, 2021

Monday, November 8, 2021

Monday, December 13, 2021

2021

January

Mon	Tue	Wed	Thu	Fri	Sat	Sun
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

February

Mon	Tue	Wed	Thu	Fri	Sat	Sun
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

March

Mon	Tue	Wed	Thu	Fri	Sat	Sun
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

April

Mon	Tue	Wed	Thu	Fri	Sat	Sun
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

May

Mon	Tue	Wed	Thu	Fri	Sat	Sun
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

June

Mon	Tue	Wed	Thu	Fri	Sat	Sun
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

July

Mon	Tue	Wed	Thu	Fri	Sat	Sun
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

August

Mon	Tue	Wed	Thu	Fri	Sat	Sun
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

September

Mon	Tue	Wed	Thu	Fri	Sat	Sun
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

October

Mon	Tue	Wed	Thu	Fri	Sat	Sun
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

November

Mon	Tue	Wed	Thu	Fri	Sat	Sun
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

December

Mon	Tue	Wed	Thu	Fri	Sat	Sun
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Prepared By: ExcelDataPro.com

2021 Calendar

Final Audit Report 2020-10-21

Created:	2020-10-21
By:	Jamie-Rae Diaz (jldiaz@ci.santa-fe.nm.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAAqIx50uVE1ErOFDC1SlTXHqP22SY4BXzm

"2021 Calendar" History

Document created by Jamie-Rae Diaz (jldiaz@ci.santa-fe.nm.us)
2020-10-21 - 10:32:58 PM GMT- IP address: 63.232.20.2

Document emailed to Shannon Jones (swjones@santafenm.gov) for signature
2020-10-21 - 10:33:27 PM GMT

Email viewed by Shannon Jones (swjones@santafenm.gov)
2020-10-21 - 10:39:42 PM GMT- IP address: 174.28.170.100

Document e-signed by Shannon Jones (swjones@santafenm.gov)
Signature Date: 2020-10-21 - 10:39:53 PM GMT - Time Source: server- IP address: 174.28.170.100

Agreement completed.
2020-10-21 - 10:39:53 PM GMT

ACTION SHEET
ITEM FROM FINANCE COMMITTEE MEETING OF 10/19/20
FOR CITY COUNCIL MEETING OF 10/28/20

f) Request for Approval of Budget Adjustment Resolution (BAR) in the Amount of $398,750.64 to pay back taxes to the IRS for the 2016 and 2017 tax years. (Jarel LaPan Hill, City Manager, jlapanhill@santafenm.gov; Bernadette Salazar, HR Director, bjsalazar@santafenm.gov; Erin McSherry, City Attorney, ekmcsherry@santafenm.gov; Mary McCoy, Finance Director, mtmccoy@santafenm.gov.)

Committee Review
Public Works/Utilities: 10-26-2020
Governing Body: 10-28-2020

FINANCE COMMITTEE ACTION:
Approved on Discussion

FUNDING SOURCE:

SPECIAL CONDITIONS OR AMENDMENTS

VOTE	FOR	AGAINST	ABSTAIN
COUNCILOR ROMERO-WIRTH	x		
COUNCILOR CASSUTT-SANCHEZ	x		
COUNCILOR LINDELL	x		
COUNCILOR VILLARREAL	x		
CHAIRPERSON ABEYTA	x		

9-19-20

MEMORANDUM

TO: Governing Body

FROM: Jarel LaPan Hill, City Manager
Mary McCoy, Finance Director
Erin McSherry, City Attorney
Bernadette Salazar, HR Director

RE: IRS Audit

DATE: October 19, 2020

Background

In 2009, the IRS completed an audit of the City for calendar year 2006 and 2007, which resulted in multiple findings. Cumulatively, those findings required that the City pay over $338 thousand in back taxes. In particular, the 2009 IRS audit found that the City should be paying taxes for certain contractors who should have been classified as employees and that the City was not appropriately deducting taxes for certain fringe benefits (uniforms, life insurance, and recreational facility benefits). Despite the findings, it appears that the needed remedial actions were not taken upon completion of the audit.

2018-2020 IRS Audit

In 2018, the IRS engaged in an audit of the 2016 and 2017 tax years for worker classifications and fringe benefits. In this second audit, the IRS found that several of the problems identified in the 2009 Audit had not been corrected.

- **Worker Classifications**: The IRS reviewed the City's use of contractors to determine if they should be considered employees of the City for the purposes of paying federal taxes. The review found the certain contractors should be classified as employees. For example, because fitness instructors are scheduled by the City, are paid hourly by the City, are under the control of the City, and use equipment and facilities owned by the City, they should have been classified as employees rather than as contractors.
  - Corrective Action – City staff will bring a plan forward for the Governing Body's approval to convert affected contracts into employee positions (either temporary, classified, full time or part time) to be effective by or before January 1, 2021. Going forward, the City will provide training to departments on recognizing the criteria that govern the appropriate use of contracts versus employee positions and establish a review process for all proposed contracts to determine if the scope of work implicates an employer-employee relationship rather than a contractor relationship.
  - Due to the Worker Classification findings, the City will have to pay $31,072.28 in back taxes for the 2016 tax year.

- **Taxable Fringe Benefits:**
  - Fringe Benefits: Uniform Allowances are a taxable fringe benefit. Prior to 2019, the City had not been deducting taxes from uniform allowances for City employees.

- Corrective Action: Starting in FY20, the City established a process to comply with the IRS and opted to provide a clothing allowance for employees who fill jobs that are required to wear uniforms and/or safety boots. The clothing allowance checks are taxed in accordance with the IRS regulations.

- Fringe Benefits: Recreation Facility access is a taxable fringe benefit. City employees have been given free access to various City-owned recreation facilities that are open to the public on a daily or monthly fee basis.
  - Corrective Action – Employees who opt to sign up for this taxable fringe benefit will be taxed accordingly beginning January 1, 2021.

- Fringe Benefits: Life insurance is a taxable fringe benefit. The City provides life insurance as a benefit to their employees which is a benefit that is subject to employment taxes.
  - Corrective Action –The City will engage in discussion with the unions that have this language in their union contracts in order to make adjustments to comply with IRS regulations. Non-union employees will be notified of the changes to be effective January 1, 2021.
- Due to the fringe benefit findings, the City will have to pay $192,843.60 in back taxes for the findings for the 2016 tax year.
- Due to the fringe benefit findings the City will have to pay $174,834.76 in back taxes for the 2017 tax year.

Action Requested:

The requested action is Governing Body approval of a BAR to increase expenditures during FY21 in the amount of $398,751 to pay back taxes owed to the IRS. This amount includes the taxes for the employees who were classified as contractor and the taxes for fringe benefits for the 2016 and the 2017 tax years. The funding for the budget increase will come from the City's General Fund reserves.

Summary of Employment Tax Examination

Name and Address of Employer

City of Santa Fe
PO Box 909
Santa Fe NM 87504

Type of Report

- [ ] Delinquent tax (Return not filed)
- [X] Increase (Decrease) in tax (Return filed)
- [X] Agreed (This report is subject to review and you will be notified by the Director when it is accepted)
- [ ] Disagreed
- [ ] Non-7436 adjustments
- [X] 7436 adjustments (worker classification issues)
- [ ] 7436 adjustments (wage issues)

Employer Identification Number: 85-6000188

Date of Report: September 25, 2020

Following is a summary of the results of my examination of your returns as shown on the attached pages of this report.

Tax, Credits and Penalties

a Calendar Year	b Return Form Number	c Delinquent Tax, Increase (Decrease) in Tax	d Increase (Decrease) in Allowed Credits	e Penalty: Code Section	e Penalty: Amount	f Total Adjustment and Penalties (c+d+e)	g Page number of Report
2018	941	31,072.28	-			31,072.28	
Total		31,072.28				31,072.28	

Other Information

The examination of your employment tax returns as reflected on this Agreement included an examination for employment tax purposes of whether Aerobic Instructor, Archery Instructor, Basketball Instructor, Bootcamp Instructor, Camp Assistant Instructor, Cycling Instructor, Fitness Instructor, Martial Arts Instructor, Private Instruction Services, Private Reading Instructor, Reading Instructor, Seminar Instructor, Skating Instructor, Soccer Instructor, Sport Camp Instructor, Spring Break Basketball Instructor, Spring Break Camp Instructor, Spring Break Instructor, Summer Camp Coach, Summer Camp Sports Coach, Summer Program Instruction, Volleyball Instructor, Wellness Fitness Class, Yoga Instructor, Youth Camp Instructor, Youth Reading Instructor, Native American Liaison, ICM Manager, Pro-Tem Judge, Archaeological Services Provider, Artist, Band/Mayor's Banquet Worker, Basketball Monitor, Basketball Official, CLP Trainer, Community Consultant, Consultor- Event Design, Development & Communication Consultant, Entertainer For Parks & Recreation, Event Consulting Manager, Fall Festival Clowns/Entertainer, Financial Valuation Consultant, Food Service Provider, Legal Service Hearing Officer, Legal Services Consultant, New Years Eve Countdown Services Technical Support, Pharmacist Consultant, Planning Consultant, Powwow Event Coordinator, Production Assistant, Professional Contractor - IT Support - Police Dept, Professional Contractor - Photography, Professional Contractor – Unesco Reports, Professional Contractor - Towing Services, Seminar Instructor, Senior Center Band Member, Soccer Official, Spanish Interpreter, Special Event Consultant, Sponsorship Of Filmmaking Consultant, Stenographer, Transcriber, Videographer, Volleyball Monitor, Water Rights Consultant should be treated as employees of the taxpayer. Section 530 of the Revenue Act of 1978 as amended by Section 1122 of the Small Business Job Protection Act of 1996 provides that taxpayers may rely on a prior audit commenced after December 31, 1996, when the audit included an examination for employment tax purposes of whether the individual involved (or any individual holding a position substantially similar to the position held by the individual involved) should be treated as an employee of the taxpayer. Based upon this examination, you may rely only on the audit of Archaeological Services Provider, Artist, Band/Mayor's Banquet Worker, Basketball Monitor, Basketball Official, CLP Trainer, Community Consultant, Consultor- Event Design, Development & Communication Consultant, Entertainer For Parks & Recreation, Event Consulting Manager, Fall Festival Clowns/Entertainer, Financial Valuation Consultant, Food Service Provider, Legal Service Hearing Officer, Legal Services Consultant, New Years Eve Countdown Services Technical Support, Pharmacist Consultant, Planning Consultant, Powwow Event Coordinator, Production Assistant, Professional Contractor - IT Support - Police Dept, Professional Contractor - Photography, Professional Contractor – Unesco Reports, Professional Contractor - Towing Services, Seminar Instructor, Senior Center Band Member, Soccer Official, Spanish Interpreter, Special Event Consultant, Sponsorship Of Filmmaking Consultant, Stenographer, Transcriber, Videographer, Volleyball Monitor, Water Rights Consultant that did not result in a reclassification for purposes of the prior audit safe haven for satisfying the reasonable basis requirement of Section 530.

This does not constitute an income tax examination.

Form 2504-T IRC section 7436 issues

Examining Name: Jennifer Macri — 1000212860 — Area: Pacific

Agreement to Assessment and Collection of Additional Tax and Acceptance of Overassessment

(Employment Tax Adjustments Subject to IRC 7436)

Date received by Internal Revenue Service

Taxpayer(s) name	D/B/A		SSN/EIN
City of Santa Fe			**85-6000168**
Address of taxpayer(s) (number, street)	**City/Town**	**State**	**ZIP code**
PO Box 909	**Santa Fe**	**NM**	**87504**

Adjustment to Tax, Credits and Penalties

Tax Period Ended	Return Form number	Kind of Tax and Internal Revenue Code Section	Amount of Tax	Credit Increase (Decrease)	Penalty
03/31/2016 - 12/31/2016	941	FICA & FITW IRC 3101, 3111 & 3402	$ 31,072.28	$ -	$ -
		Total	31,072.28	0.00	0.00

I consent to the immediate assessment (*increase in tax and penalties and/or decrease in credits*) and the collection of any such amounts. In addition, I accept any overassessment (*decrease in tax and penalties and/or increase in credits*) shown above, plus any interest provided by law. I understand that by signing this agreement, I am waiving the restrictions on assessment provided in sections 7436(d) and 6213(a) of the Internal Revenue Code of 1986.

Sign Here			Date:
Sign Here			Date:
Sign Here	By	Title: City Manager	Date: 9/25/2020

Note:

If you consent to the assessment of the amounts shown in this agreement, your signature will expedite our adjustment to your account. Your consent will not prevent you from filing a claim for refund (after you have paid the tax) if you later believe you are entitled to a refund. It will not prevent us from later determining, if necessary, that you owe additional tax; nor extend the time provided by law for either action.

Who Must Sign

If you are making this agreement for a partnership, all partners must sign. However, one partner may sign with appropriate evidence of authorization to act for the partnership.

For a corporation, enter the name of the corporation followed by the signature and title of the officer(s) authorized to sign.

For an agent or attorney acting under a power of attorney, a power of attorney must be sent with this form if not previously filed with us.

Memo: Abatement amount under IRC 3402(d) and/or IRC 3102(f)(3) - See explanation on Form 4668

Tax Period Ended	Return Form Number	IRC Code	Credit for Abatement		Tax Period Ended	Return Form Number	IRC Code	Credit for Abatement

Form 886A (Rev. January 1994)	Explanation of Items	Schedule Number or Exhibit
Name of Taxpayer City of Santa Fe	Tax Identification Number 85-6000168	Year/Period Ended 201603-201612

Employee versus Independent Contractor – Pro-Tem Judges

UPDATED 9/24/2020

Tax Period	**201612**
Adjustment - **reclassification**	$24,180

ISSUE:

1. Whether the worker is an employee under Internal Revenue Code (IRC) sections 3121(d)(2) and 3401(c).
2. Whether the taxpayer qualifies for relief under section 530 of the Revenue Act of 1978.

FACTS: The city of Santa Fe (City) utilizes the services of appointed pro-tem judges to act for full-time judges who may be on leave, or at times when the workload is too large to be covered by them. The pro-tem judges are either retired judges or attorneys. They are invited to submit their resumes to City. The resumes are presented to the city council and the mayor for appointment. This is required before City can assign them to work as pro-tem judges.

One individual, Ann Yalman (Yalman), was a judge in City before retiring in mid-2016. Subsequent to her retirement, Yalman was appointed to work for City as a pro-tem judge, doing essentially the same job she had done as an employee. In 2016, City issued both a Form W-2 and Form 1099-Misc to Yalman. The Form 1099-Misc compensation given to Yalman is being reclassified as wages for her work as a pro-tem judge. Other pro-tem judges working for the City received Form 1099-Misc. All are being reclassified as employees.

LAW: The New Mexico Judicial Branch Code of Conduct for Judicial Employees defines "Judge" as stated below:

*"'Judge' shall mean any person who performs judicial functions within the judicial system as defined in the Code of Judicial Conduct who is a Supreme Court Justice, Court of Appeals Judge, District Judge, Metropolitan Judge, Magistrate Judge, **or a pro tempore judge.**"*

The New Mexico Municipal Court Manual for Judges and Staff section 1.4.9, Temporary or Alternate Judges, states:

"Any registered voter of the municipality may be appointed to fill the vacancy. A temporary judge is authorized to hear all other powers of the municipal during the time the regular judge is absent."

Form 886A (Rev. January 1994)	Explanation of Items	Schedule Number or Exhibit
Name of Taxpayer City of Santa Fe	Tax Identification Number 85-6000168	Year/Period Ended 201603-201612

Employee versus Independent Contractor – Pro-Tem Judges

"The governing body may establish a procedure by ordinance for appointment of a temporary judge... ... ."

"Some municipalities have a 'permanent' alternate judge. This judge serves a specified term and acts at any time during the regular judge's absence. Appointing an alternate judge saves the governing body from having to appoint a temporary judge each time the judge is absent... ... "

"The temporary or alternate judge must be a qualified elector of the municipality, the same as the elected municipal judge. The governing body may, by ordinance, impose additional requirements."

City of Santa Fe Municipal Code 2-3.4 – Municipal Judge; election; term; vacancy; temporary incapacity or absence, states:

"C. During the temporary absence or incapacity of the municipal judge, any registered voter may be appointed by the governing body to the office of municipal judge and may hear all cases that arise under the ordinance. The temporary judge must submit monthly reports in the same manner as the municipal judge."

Section 1401 imposes tax under the Self-Employment Contributions Act (SECA tax) on "net earnings from self-employment" as defined in section 1402(a). Section 1402(c)(1) provides that the term "trade or business" for SECA tax purposes shall have the same meaning as when used in section 162 (relating to trade or business expenses), except that such term shall not include, in relevant part, the performance of the functions of a public office, other than the functions performed in a position compensated solely on a fee basis and not subject to a section 218 agreement.

Section 1.1402(c)-2(b), Income Tax Regulations, defines "public office" to include any elective or appointive office of the United States or any possession thereof, of the District of Columbia, of a state or its political subdivisions, or of a wholly-owned instrumentality of any one of more of the foregoing. As examples the regulation cites the following: the President, the Vice President, a governor, a mayor, the Secretary of State, a member of Congress, a State representative, a county commissioner, a judge, a justice of the peace, a county or city attorney, a marshal, a sheriff, a constable, a registrar of deeds, or a notary public.

The common-law rules apply to determine whether an individual is an employee for FICA purposes. Section 3121(d)(2). In the case of public officials, the statutory provisions which establish their status as officials are also relevant to the determination of whether they are common-law employees. These provisions provide facts tending to show that officials'

Form 886A (Rev. January 1994)	Explanation of Items	Schedule Number or Exhibit
Name of Taxpayer City of Santa Fe	Tax Identification Number 85-6000168	Year/Period Ended 201603-201612

Employee versus Independent Contractor – Pro-Tem Judges

performance of their duties under the law is controlled by state statute, the authority of superior officials and the electorate.

A fee-based public official is one who receives compensation in the form of fees directly from the public with whom he does business, for instance, a notary public. Rev. Rul. 74-608, 1974-2 C.B. 275. It does not matter what an official's compensation is called or how often it is paid. If the individual is an employee and receives compensation from a public employer rather than directly from members of the public, his or her compensation is subject to FICA tax.

Revenue Ruling 61-113, 1961-1 C.B. 400, considers whether individuals serving as members of a hearing board of an air pollution control district are performing the functions of a public office. The members are appointed by the county board of supervisors, take an oath of office, hold public hearings, and submit their decisions to the county. They are not under the control and direction of the county board of supervisors or any other body. Their compensation is based upon the number of meetings they attend. The ruling concludes that the board members' services constitute the performance of the functions of a public office and therefore do not constitute a "trade or business" under section 1402(c)(1).

INTERNAL REVENUE CODE §3121. Definitions (for social security & Medicare tax)
(d) Employee. — For purposes of this chapter, the term "employee" means —
(1) any officer of a corporation; or
(2) any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee; or
(3) any individual (other than an individual who is an employee under paragraph (1) or (2)) who performs services for remuneration for any person —
(4) any individual who performs services that are included under an agreement entered into pursuant to section 218 of the Social Security Act.

REGULATION §31.3121(d)-1. Who are employees
(a) *In general*
(1) Whether an individual is an employee with respect to services performed after 1954 is determined in accordance with section 3121(d) and (o) and section 3506. This section of the regulations applies with respect only to services performed after 1954.
(2) Section 3121(d) contains three separate and independent tests for determining who are employees. . . . Paragraph (c) relates to the test for determining whether an individual is an employee under the usual common law rules. . . . If an individual is an employee under any one of the tests, he is to be considered an employee for purposes of the regulations in this subpart whether or not he is an employee under any of the other tests.
(3) If the relationship of employer and employee exists, the designation or description of the relationship by the parties as anything other than that of employer and employee is immaterial. Thus, if such relationship exists, it is of no consequence that the

Employee versus Independent Contractor – Pro-Tem Judges

employee is designated as a partner, co-adventurer, agent, independent contractor, or the like.

(4) All classes or grades of employees are included within the relationship of employer and employee. Thus, superintendents, managers, and other supervisory personnel are employees.

(c) Common law employees

(1) Every individual is an employee if under the usual common law rules the relationship between him and the person for whom he performs services is the legal relationship of employer and employee.

(2) Generally such relationship exists when the person for whom services are performed has the right to control and direct the individual who performs the services, not only as to the result to be accomplished by the work but also as to the details and means by which that result is accomplished. That is, an employee is subject to the will and control of the employer not only as to what shall be done but how it shall be done. In this connection, it is not necessary that the employer actually direct or control the manner in which the services are performed; it is sufficient if he has the right to do so. The right to discharge is also an important factor indicating that the person possessing that right is an employer. Other factors characteristic of an employer, but not necessarily present in every case, are the furnishing of tools and the furnishing of a place to work, to the individual who performs the services. In general, if an individual is subject to the control or direction of another merely as to the result to be accomplished by the work and not as to the means and methods for accomplishing the result, he is an independent contractor. An individual performing services as an independent contractor is not as to such services an employee under the usual common law rules. Individuals such as physicians, lawyers, dentists, veterinarians, construction contractors, public stenographers, and auctioneers, engaged in the pursuit of an independent trade, business, or profession, in which they offer their services to the public, are independent contractors and not employees.

(3) Whether the relationship of employer and employee exists under the usual common law rules will in doubtful cases be determined upon an examination of the particular facts of each case.

INTERNAL REVENUE CODE §3401. Definitions for wage (income tax) withholding.

(a) Wages. —For purposes of this chapter, the term "wages" means all remuneration (other than fees paid to a public official) for services performed by an employee for his employer, including the cash value of all remuneration (including benefits) paid in any medium other than cash . . . .

(c) Employee. —For purposes of this chapter, the term "employee" includes an officer, employee, or elected official of the United States, a State, or any political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing. The term "employee" also includes an officer of a corporation.

REGULATION §31.3401(c)-1. Employee

(a) The term "employee" includes every individual performing services if the relationship between him and the person for whom he performs such services is the legal relationship of

Employee versus Independent Contractor – Pro-Tem Judges

employer and employee. **The term includes officers and employees, whether elected or appointed, of the United States, a State, Territory, Puerto Rico, or any political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing.**

(b) Generally the relationship of employer and employee exists when the person for whom services are performed has the right to control and direct the individual who performs the services, not only as to the result to be accomplished by the work but also as to the details and means by which that result is accomplished. That is, an employee is subject to the will and control of the employer not only as to what shall be done but how it shall be done. In this connection, it is not necessary that the employer actually direct or control the manner in which the services are performed; it is sufficient if he has the right to do so. The right to discharge is also an important factor indicating that the person possessing that right is an employer. Other factors characteristic of an employer, but not necessarily present in every case, are the furnishing of tools and the furnishing of a place to work to the individual who performs the services. In general, if an individual is subject to the control or direction of another merely as to the result to be accomplished by the work and not as to the means and methods for accomplishing the result, he is not an employee.

(c) Generally, physicians, lawyers, dentists, veterinarians, contractors, subcontractors, public stenographers, auctioneers, and others who follow an independent trade, business, or profession, in which they offer their services to the public, are not employees.

(d) Whether the relationship of employer and employee exists will in doubtful cases be determined upon an examination of the particular facts of each case.

(e) If the relationship of employer and employee exists, the designation or description of the relationship by the parties as anything other than that of employer and employee is immaterial. Thus, if such relationship exists, it is of no consequence that the employee is designated as a partner, coadventurer, independent contractor, or the like.

(f) All classes or grades of employees are included within the relationship of employer and employee. Thus, superintendents, managers, and other supervisory personnel are employees. Generally, an officer of a corporation is an employee of the corporation. However, an officer of a corporation who as such does not perform any services or performs only minor services and who neither receives nor is entitled to receive, directly or indirectly, any remuneration is not considered to be an employee of the corporation. A director of a corporation in his capacity as such is not an employee of the corporation.

Section 530: When an IRS examiner is assigned a government entity for an employment tax examination because of the treatment of certain workers as independent contractors, the examiner must first determine whether the government entity is entitled to relief from retroactive and prospective liability for employment taxes under Section 530 of the Revenue Act of 1978.

To qualify for relief, the entity must meet three requirements:

Form 886A (Rev. January 1994)	Explanation of Items	Schedule Number or Exhibit
Name of Taxpayer City of Santa Fe	Tax Identification Number 85-6000168	Year/Period Ended 201603-201612

Employee versus Independent Contractor – Pro-Tem Judges

Reporting Consistency: All Federal tax return (including information returns) required to be filed by the taxpayer with respect to the individual for the period, must have been filed by the entity on a basis consistent with the entity's treatment of the individual as not being an employee.

Substantive Consistency: The entity must have consistently treated similarly situated workers as independent contractors. That is, if the business treated a similarly situated worker as an employee, there is no Section 530 relief.

Reasonable Basis: The entity must have had some reasonable basis for not treating the worker as an employee. This may consist of a reasonable reliance on either a judicial precedent, a published ruling, a private letter ruling, or technical advice memorandum issued to the taxpayer; the results of a past audit of the taxpayer; or a long-standing recognized practice of a significant segment of the industry. Any reasonable basis could also suffice. In determining a worker's status, the primary question is whether the worker is an employee or independent contractor under the common law standard. The common law, a major part of the justice system in the United States, flows chiefly from court decisions.

ANALYSIS/GOVERNMENT POSITION: Elected and appointed officials are, by definition, employees of an entity. These include Judges. Pro-Tem judges are defined as judges throughout the New Mexico state and local statutes. Pro-Tem judges for the City of Santa Fe must be appointed by the mayor and city council. The appointments are valid for a period of years once approved by all. Pro-Tem judges Anthony Tupler, Paul Biderman and Stephen Pfeffer were appointed/approved by the Governing Body of City at a council meeting dated May 14, 2014. In a memo from Judge Ann Yalman on that date, the following is stated under Item and Issue:

"Pursuant to Section 2-3.4(C) SFCC, I am attaching resumes of the following pro tem judges for approval... ..."

Under "Background and Summary" in the same memo, the following is stated:

"They will handle all matters of the court when I am away from the court for educational purposes, annual leave and sick leave and all three have done an excellent job. All are registered voters in the City of Santa Fe and all three are active member of the New Mexico State Bar. All three have been previously approved by the governing body."

Under "Action Requested" in the same memo, the following is stated:

"Approval of the pro tem judges."

Form 886A (Rev. January 1994)	Explanation of Items	Schedule Number or Exhibit
Name of Taxpayer City of Santa Fe	Tax Identification Number 85-6000168	Year/Period Ended 201603-201612

Employee versus Independent Contractor – Pro-Tem Judges

Note: Although the memo verbiage refers to "three" judges, five were listed in the memo and resumes included for all five.

In 2016, Judge Ann Yalman (Yalman) retired from her full-time position as a judge and was approved/appointed as a pro-tem judge. She received both a form 1099-Misc and a W-2 for the 2016 year. On April 6, 2020, Yalman was in a list of individuals for which Judge Virginia Vigil was seeking approval as pro-tem judges. Yalman's resume was attached.

On her resume, Yalman lists judicial experience that includes "Santa Fe Municipal Judge: January 1, 2006 to present". There is no differentiation between her time as a full-time judge and a pro-tem judge. Under Legal Experience on the resume, Yalman states she was in private practice from October 1976 to January 2006. No evidence could be found that indicates Yalman works for any other municipality or conducts any private practice as an attorney. This is the same for all the pro-tem judges being reclassified as employees in this examination.

TAXPAYER'S POSITION: City position on this issue is unknown. The combination of multiple personnel changes, and the Covid-19 pandemic have resulted in a disconnect between IRS and City. City has frequently stated their goal of full compliance with all applicable laws.

CONCLUSION: Compensation paid to pro-tem judges, reported on Form 1099-Misc, will be reclassified as wages. Pro-tem judges are deemed employees of the City.

2016 Pro-Tem Judges – reclassify wages

Name	TIN	Compensation per F 1099-Misc
Stephen Pfeffer		$ 7,148
Paul Biderman		$ 6,806
Anthony Tupler		$ 6,957
Ann Yalman		$ 3,269
Total		$24,180

Form **14491**
(May 2013)

Department of the Treasury - Internal Revenue Service

Closing Agreement On Final Determination Covering Specific Matters Regarding Worker Classification

Under section 7121 of the Internal Revenue Code ("IRC"), City of Santa Fe, PO Box 909, Santa Fe, NM 87504, Taxpayer identification Number 85-6000168, ("taxpayer") and the Commissioner of Internal Revenue ("Commissioner") make the following closing agreement:

WHEREAS, there is a dispute between the parties as to whether certain workers classified by taxpayer as Aerobic Instructor, Archery Instructor, Basketball Instructor, Bootcamp Instructor, Camp Assistant Instructor, Cycling Instructor, Fitness Instructor, Martial Arts Instructor, Private Instruction Services, Private Reading Instructor, Reading Instructor, Seminar Instructor, Skating Instructor, Soccer Instructor, Sport Camp Instructor, Spring Break Basketball Instructor, Spring Break Camp Instructor, Spring Break Instructor, Summer Camp Coach, Summer Camp Sports Coach, Summer Program Instruction, Volleyball Instructor, Wellness Fitness Class, Yoga Instructor , Youth Camp Instructor, Youth Reading Instructor, Native American Liaison, ICM Manager, Pro-Tem Judge are independent contractors or employees of taxpayer for purposes of federal income tax withholding, Federal Insurance Contributions Act (FICA) and Federal Unemployment Tax Act (FUTA) taxes ("federal employment tax");

WHEREAS, the taxpayer is presently treating the Aerobic Instructor, Archery Instructor, Basketball Instructor, Bootcamp Instructor, Camp Assistant Instructor, Cycling Instructor, Fitness Instructor, Martial Arts Instructor, Private Instruction Services, Private Reading Instructor, Reading Instructor, Seminar Instructor, Skating Instructor, Soccer Instructor, Sport Camp Instructor, Spring Break Basketball Instructor, Spring Break Camp Instructor, Spring Break Instructor, Summer Camp Coach, Summer Camp Sports Coach, Summer Program Instruction, Volleyball Instructor, Wellness Fitness Class, Yoga Instructor , Youth Camp Instructor, Youth Reading Instructor, Native American Liaison, ICM Manager, Pro-Tem Judge as independent contractors;

WHEREAS, the taxpayer has timely filed Forms 1099 for each of its Aerobic Instructor, Archery Instructor, Basketball Instructor, Bootcamp Instructor, Camp Assistant Instructor, Cycling Instructor, Fitness Instructor, Martial Arts Instructor, Private Instruction Services, Private Reading Instructor, Reading Instructor, Seminar Instructor, Skating Instructor, Soccer Instructor, Sport Camp Instructor, Spring Break Basketball Instructor, Spring Break Camp Instructor, Spring Break Instructor, Summer Camp Coach, Summer Camp Sports Coach, Summer Program Instruction, Volleyball Instructor, Wellness Fitness Class, Yoga Instructor , Youth Camp Instructor, Youth Reading Instructor, Native American Liaison, ICM Manager, Pro-Tem Judge for all applicable periods from January 1, 2016 through December 31, 2016, in accordance with the provisions of paragraph 3.02 of Rev. Proc. 85-18, 1985-1 C.B. 518, and Rev. Rul. 81-224, 1981-2 C.B. 197; and

WHEREAS, the parties wish to resolve this dispute for all Aerobic Instructor, Archery Instructor, Basketball Instructor, Bootcamp Instructor, Camp Assistant Instructor, Cycling Instructor, Fitness Instructor, Martial Arts Instructor, Private Instruction Services, Private Reading Instructor, Reading Instructor, Seminar Instructor, Skating Instructor, Soccer Instructor, Sport Camp Instructor, Spring Break Basketball Instructor, Spring Break Camp Instructor, Spring Break Instructor, Summer Camp Coach, Summer Camp Sports Coach, Summer Program Instruction, Volleyball Instructor, Wellness Fitness Class, Yoga Instructor , Youth Camp Instructor, Youth Reading Instructor, Native American Liaison, ICM Manager, Pro-Tem Judge engaged by the taxpayer on or after January 1, 2016.

NOW IT IS HEREBY DETERMINED AND AGREED for federal employment tax purposes that:

(1) The Internal Revenue Service will assess and the taxpayer will pay the following amounts to the United States Government in full discharge of any federal employment tax liability it may owe for the periods shown below resulting directly or indirectly from its failure to pay and/or withhold federal income tax, FICA, or FUTA taxes on the payments to its Aerobic Instructor, Archery Instructor, Basketball Instructor, Bootcamp Instructor, Camp Assistant Instructor, Cycling Instructor, Fitness Instructor, Martial Arts Instructor, Private Instruction Services, Private Reading Instructor, Reading Instructor, Seminar Instructor, Skating Instructor, Soccer Instructor, Sport Camp Instructor, Spring Break Basketball Instructor, Spring Break Camp Instructor, Spring Break Instructor, Summer Camp Coach, Summer Camp Sports Coach, Summer Program Instruction, Volleyball Instructor, Wellness Fitness Class, Yoga Instructor , Youth Camp Instructor, Youth Reading Instructor, Native American Liaison, ICM Manager, Pro-Tem Judge:

Period	Type of Tax	Amount to be Assessed	
		Tax	Penalties
1/1/2016 - 12/31/2016	Fed Income and FICA	$31,072.28	$0.00

(2) The Internal Revenue Service will not disturb taxpayer's classification of such Aerobic Instructor, Archery Instructor, Basketball Instructor, Bootcamp Instructor, Camp Assistant Instructor, Cycling Instructor, Fitness Instructor, Martial Arts Instructor, Private Instruction Services, Private Reading Instructor, Reading Instructor, Seminar Instructor, Skating Instructor, Soccer Instructor, Sport Camp Instructor, Spring Break Basketball Instructor, Spring Break Camp Instructor, Spring Break Instructor, Summer Camp Coach, Summer Camp Sports Coach, Summer Program Instruction, Volleyball Instructor, Wellness Fitness Class, Yoga Instructor , Youth Camp Instructor, Youth Reading Instructor, Native American Liaison, ICM Manager, Pro-Tem Judge for federal employment tax purposes for any period from January 1, 2016 through December 31, 2020.

(3) Beginning January 1, 2021, and for all periods thereafter, Aerobic Instructor, Archery Instructor, Basketball Instructor, Bootcamp Instructor, Camp Assistant Instructor, Cycling Instructor, Fitness Instructor, Martial Arts Instructor, Private Instruction Services, Private Reading Instructor, Reading Instructor, Seminar Instructor, Skating Instructor, Soccer Instructor, Sport Camp Instructor, Spring Break Basketball Instructor, Spring Break Camp Instructor, Spring Break Instructor, Summer Camp Coach, Summer Camp Sports Coach, Summer Program Instruction, Volleyball Instructor, Wellness Fitness Class, Yoga Instructor , Youth Camp Instructor, Youth Reading Instructor, Native American Liaison, ICM Manager, Pro-Tem Judge and persons performing equivalent duties regardless of taxpayer's job titles will be treated as employees for all federal employment tax purposes.

Closing Agreement With City of Santa Fe

(4) The taxpayer waives any right it may have to claim relief under section 530 of the Revenue Act of 1978.

(5) IRC Section 6205 shall apply to the amounts contained in paragraph (1) above, except FUTA tax.

This agreement is final and conclusive except:

(1) the matter it relates to may be reopened in the event of fraud, malfeasance, or misrepresentation of material facts;

(2) it is subject to the Internal Revenue Code sections that expressly provide that effect be given to their provisions (including any stated exception for Code section 7122) notwithstanding any other law or rule of law; and

(3) if it relates to a tax period ending after the date of this agreement, it is subject to any law, enacted after the agreement date, that applies to the tax period.

By signing, the above parties certify that they have read and agreed to the terms of this document.

Taxpayer

Taxpayer name City of Santa Fe

By [signature] Date signed 9/25/2020

Title City Manager

Taxpayer's Representative

By Date signed

Commissioner of Internal Revenue

By Date signed

Title

Employment Tax Examination Changes Report

Return Form number: 941

Name of Employer	Employer identification number	Calendar year
City of Santa Fe	85-6000168	2016
Address of Employer	**Total tax plus penalty, or (decrease) in tax**	**Last quarter of this examination**
PO Box 909		
Santa Fe	$ 31,072.28	December 31, 2016
NM 87504	**Total increase or (decrease) in credits**	
	$ -	

Examination discussed with (*Name and title*): Mary McCoy, Finance Director

[X] Agreed (*Subject to acceptance by the Director*)

[ ] Disagreed

This Form 4668 contains (*check only one box*)

[ ] Non-7436 adjustments [X] 7436 adjustments (*worker classification issues*) [ ] 7436 adjustments (*wage issues*)

	(b) 1st Quarter	(c) 2nd Quarter	(d) 3rd Quarter	(e) 4th Quarter
1. Total Social security and Medicare tax adjustment (from Schedule of Adjustments, Line 10)	6,677.05	6,677.05	6,677.05	6,677.05
2. Social Security and Medicare tax adjustment under IRC 3121(q) (from Schedule of Adjustments, Line 11)	-	-	-	-
3. Increase (decrease) in tax exemption on exempt wages/tips (From Schedule of Adjustments, Line 13)	-	-	-	-
4. Total income tax withholding (from Schedule of Adjustments, Line 20)	1,091.02	1,091.02	1,091.02	1,091.02
5. Delinquent tax or increase (decrease) in tax (Lines 1, 2 and 4 minus/plus Line 3)	7,768.07	7,768.07	7,768.07	7,768.07
6. Net increase (decrease) in credits (from Schedule of Adjustments, Line 26)	-	-	-	-
7. Penalty code section 6651(a)(1)				
8. Penalty code section 6651(a)(2)				
9. Penalty code section 6656				
10. Penalty code section				
11. Total penalty (sum Lines 7, 8, 9 and 10)	$ -	$ -	$ -	$ -
12. Maximum tax available for abatement under IRC 3402(d)	$ -	$ -	$ -	$ -
13. Maximum tax available for abatement under IRC 3102(a)(3)	$ -	$ -	$ -	$ -

Furnish Form W-2 (*Wage and Tax Statement*) or Form W-2c (*Corrected Wage and Tax Statement*) on or before January 31, _____ to each of the _____ employees whose wages are adjusted by this report.

File Forms W-2 with Form W-3 (*Transmittal of Wage and Tax Statements*) or Forms W-2c with Form W-3c (*Transmittal of Corrected Wage and Tax Statements*) on or before January 31, _____ with the Social Security Administration (SSA).

IRC 6721 and 6722 provide penalties for failure to file and failure to furnish information returns. You must file the information returns electronically if you are required to file 250 or more returns. To obtain specifications for e-filing your returns, visit the SSA's website at www.ssa.gov/employer. If filing paper returns, file with the SSA at the appropriate address in the *General Instructions for Forms W-2 and W-3 (Including Forms W-2AS, W-2CM, W-2GU, W-2VI, W-3SS, W-2c, and W-3c)*.

Examiner's name		Group Number	Area	Date
Jennifer Machi	1000212850	7254	Pacific	September 25, 2020

Schedule of Adjustments

Name of Employer	Employer identification number	Calendar year
City of Santa Fe	85-6000188	2016

Adjustment to RCA Wages and Tax

	IRS Ref	(a) Applicable Rate	(b) 1st Quarter	(c) 2nd Quarter	(d) 3rd Quarter	(e) 4th Quarter
1. Social security and Medicare wage adjustment subject to tax under IRC 3101 and 3111	004	12.4%	-	-	-	-
	073	2.90%	-	-	-	-
2. Social security and Medicare wage adjustment subject to tax under IRC 3509(a)	079	7.44%	72,734.75	72,734.75	72,734.75	72,734.75
	079	1.74%	72,734.75	72,734.75	72,734.75	72,734.75
3. Social security and Medicare wage adjustment subject to tax under IRC 3509(b)	079	8.88%	-	-	-	-
	079	2.08%	-	-	-	-
4. Social security and Medicare tip adjustment subject to tax under IRC 3101 and 3111	005	6.20%				
	073	1.45%				
5. Additional Medicare wage and/or tip adjustment subject to tax under IRC 3101(b)(2)	074	0.90%	-	-	-	-
6. Additional Medicare wage and/or tip adjustment subject to tax under IRC 3101(b)(2) and 3509(a)	079	0.18%	-	-	-	-
7. Additional Medicare wage and/or tip adjustment subject to tax under IRC 3101(b)(2) and 3509(b)	079	0.36%	-	-	-	-
8. Other adjustments to Social Security, Medicare and Additional Medicare Wages						
9. Other adjustments to Social Security, Medicare and Additional Medicare Tax						
10. Total Social Security, Medicare and Additional Medicare tax adjustment (Lines 1 through 8 x rates plus/minus Line 9)	112		6,677.05	6,677.05	6,677.05	6,677.05
11. Social security and Medicare tax adjustment under IRC 3121(q)	114					
12. Increase (decrease) in exempt wages and/or tips paid to qualified employees under IRC 3111(d)	115					
13. Increase (decrease) in tax exemption on wages and/or tips on Line 12 (Line 12 x rate)	116					

Schedule of Adjustments (Continued)

Name of Employer	Employer identification number	Calendar year
City of Santa Fe	85-6000188	2016

Adjustment to Wages and Tax for Income Tax Withholding

	IRS Ref	(a) Applicable Rate	(b) 1st Quarter	(c) 2nd Quarter	(d) 3rd Quarter	(e) 4th Quarter
14 . Income withholding wage adjustment subject to tax under IRC 3402		25.00%	-	-	-	-
15 . Income withholding wage adjustment subject to tax under IRC 3509(a)	079	1.50%	72,734.75	72,734.75	72,734.75	72,734.75
16 . Income withholding wage adjustment subject to tax under IRC 3509(b)	079	3.00%	-	-	-	-
17 . Other income tax withholding wage adjustment						
18 . Actual income tax withheld but not previously reported						
19 . Other adjustment to income tax withholding						
20 . Total income tax (Lines 14, 15, 16, 17 x rates plus Line 18 plus/minus Line 19)	111		$ 1,091.02	$ 1,091.02	$ 1,091.02	1,091.02

Adjustment to Credits Against the Tax

	IRS Ref	(a) Applicable Rate	(b) 1st Quarter	(c) 2nd Quarter	(d) 3rd Quarter	(e) 4th Quarter
21 . Increase (decrease) in COBRA premium assistance payments under IRC 6432	299					
22 . Increase (decrease) in Advanced Earned Income Credit under IRC 3507	766/767					
23 . Increase (decrease) in exempt wages/tips paid to qualified employees March 19-31, 2010 under IRC 3111(d)(5)	117					
24 . Increase (decrease) in credit for exempt wages/ tips on Line 23 (Line 23 x rate)	298					
25 . Increase (decrease) in other credits						
26 . Net increase (decrease) in credits (sum of lines 21, 22, 24, and 25)			$ -	$ -	$ -	$ -

Agreement to Assessment and Collection of Additional Tax and Acceptance of Overassessment

(Employment Tax Adjustments Not Subject to IRC 7436)

Date received by Internal Revenue Service

Taxpayer(s) name	D/B/A		SSN/EIN
City of Santa Fe			85-6000168
Address of taxpayer(s) (number, street)	**City/Town**	**State**	**ZIP code**
PO Box 909	Santa Fe	NM	87504

Adjustment to Tax, Credits and Penalties

Tax Period Ended	Return Form number	Kind of Tax and Internal Revenue Code Section	Amount of Tax	Credit Increase (Decrease)	Penalty
03/31/2017 - 12/31/2017	941	FICA & FITW IRC 3101, 3111 & 3402	$ 174,834.76	$ -	$ -
		Total	174,834.76	0.00	0.00

I consent to the immediate assessment (*increase in tax and penalties and/or decrease in credits*) and the collection of any such amounts. In addition, I accept any overassessment (*decrease in tax and penalties and/or increase in credits*) shown above. I also agree to any interest as provided by law.

Sign Here			Date:
Sign Here	City of Santa Fe, NM		Date:
Sign Here	By	Title: City Manager	Date: 9/18/2020

Note:

If you consent to the assessment of the amounts shown in this agreement, your signature will expedite our adjustment to your account. Your consent will not prevent you from filing a claim for refund (after you have paid the tax) if you later believe you are entitled to a refund. It will not prevent us from later determining, if necessary, that you owe additional tax; nor extend the time provided by law for either action.

The amounts shown in this agreement do not include any adjustments involving worker classification or Section 530 determinations. Any adjustments involving worker classification or Section 530 determinations will be shown in a separate agreement Form 2504-T, Agreement to Assessment and Collection of Additional Tax and Acceptance of Overassessment (Employment Tax Adjustments Subject to IRC 7436).

Who Must Sign

If you are making this agreement for a partnership, all partners must sign. However, one partner may sign with appropriate evidence of authorization to act for the partnership.

For a corporation, enter the name of the corporation followed by the signature and title of the officer(s) authorized to sign.

For an agent or attorney acting under a power of attorney, a power of attorney form must be sent with this form if not previously filed with us.

Memo: Abatement amount under IRC 3402(a) and/or IRC 3102(f)(3) - See explanation on Form 4668

Tax Period Ended	Return Form Number	IRC Code	Credit for Abatement	Tax Period Ended	Return Form Number	IRC Code	Credit for Abatement

Agreement to Assessment and Collection of Additional Tax and Acceptance of Overassessment

(Employment Tax Adjustments Not Subject to IRC 7436)

Date received by Internal Revenue Service

Taxpayer(s) name	D/B/A	SSN/EIN
City of Santa Fe		85-6000168

Address of taxpayer(s) (number, street)	City/Town	State	ZIP code
PO Box 909	Santa Fe	NM	87504

Adjustment to Tax, Credits and Penalties

Tax Period Ended	Return Form number	Kind of Tax and Internal Revenue Code Section	Amount of Tax	Credit Increase (Decrease)	Penalty
03/31/2016 - 12/31/2016	941	FICA & FITW IRC 3101, 3111 & 3402	$ 192,843.60	$ -	$ -
		Total	192,843.60	0.00	0.00

I consent to the immediate assessment (*increase in tax and penalties and/or decrease in credits*) and the collection of any such amounts. In addition, I accept any overassessment (*decrease in tax and penalties and/or increase in credits*) shown above. I also agree to any interest as provided by law.

Sign Here			Date:
Sign Here	City of Santa Fe, NM		Date:
Sign Here	By	Title: City Manager	Date: 7/16/2020

Note:

If you consent to the assessment of the amounts shown in this agreement, your signature will expedite our adjustment to your account. Your consent will not prevent you from filing a claim for refund (after you have paid the tax) if you later believe you are entitled to a refund. It will not prevent us from later determining, if necessary, that you owe additional tax; nor extend the time provided by law for either action.

The amounts shown in this agreement do not include any adjustments involving worker classification or Section 530 determinations. Any adjustments involving worker classification or Section 530 determinations will be shown in a separate agreement Form 2504-T, Agreement to Assessment and Collection of Additional Tax and Acceptance of Overassessment (Employment Tax Adjustments Subject to IRC 7436).

Who Must Sign

If you are making this agreement for a partnership, all partners must sign. However, one partner may sign with appropriate evidence of authorization to act for the partnership.

For a corporation, enter the name of the corporation followed by the signature and title of the officer(s) authorized to sign.

For an agent or attorney acting under a power of attorney, a power of attorney form must be sent with this form if not previously filed with us.

Memo: Abatement amount under IRC 3402(d) and/or IRC 3102(f)(3) - See explanation on Form 4668

Tax Period Ended	Return Form Number	IRC Code	Credit for Abatement	Tax Period Ended	Return Form Number	IRC Code	Credit for Abatement

Employment Tax Examination Changes Report

Return Form number: 941

Name of Employer	Employer Identification number	Calendar year
City of Santa Fe	85-6000166	2017
Address of Employer	**Total tax plus penalty, or (decrease) in tax**	
PO Box 909		Last quarter of this examination
Santa Fe	$ 174,834.76	
NM 87504	**Total increase or (decrease) in credits**	December 31, 2017
	$ -	

Examination discussed with (*Name and title*): Mary McCoy, Finance Director

[X] Agreed (*Subject to acceptance by the Director*)

[ ] Unagreed

This Form 4668I contains (*check only one box*)

[X] Non-7436 adjustments [ ] 7436 adjustments (*worker classification issues*) [ ] 7436 adjustments (*wage issues*)

	(b) 1st Quarter	(c) 2nd Quarter	(d) 3rd Quarter	(e) 4th Quarter
1. Total Social security and Medicare tax adjustment (from Schedule of Adjustments, Line 10)	15,083.56	15,083.56	15,083.56	15,083.56
2. Social Security and Medicare tax adjustment under IRC 3121(q) (from Schedule of Adjustments, Line 11)	-	-	-	-
3. Increase (decrease) in tax exemption on exempt wages/tips (From Schedule of Adjustments, Line 13)	-	-	-	-
4. Total income tax withholding (from Schedule of Adjustments, Line 20)	28,625.13	28,625.13	28,625.13	28,625.13
5. Delinquent tax or increase (decrease) in tax (Lines 1,2 and 4 minus/plus Line 3)	43,708.69	43,708.69	43,708.69	43,708.69
6. Net increase (decrease) in credits (from Schedule of Adjustments, Line 28)	-	-	-	-
7. Penalty code section 6651(a)(1)				
8. Penalty code section 6651(a)(2)				
9. Penalty code section 6656				
10. Penalty code section				
11. Total penalty (sum Lines 7, 8, 9 and 10)	$ -	$ -	$ -	$ -
12. Maximum tax available for abatement under IRC 3402(d)	$ 28,625.13	$ 28,625.13	$ 28,625.13	$ 28,625.13
13. Maximum tax available for abatement under IRC 3102(b)(3)	$ -	$ -	$ -	$ -

Furnish Form W-2 (*Wage and Tax Statement*) or Form W-2c (*Corrected Wage and Tax Statement*) on or before January 31, _____ to each of the _____ employees whose wages are adjusted by this report.

File Forms W-2 with Form W-3 (*Transmittal of Wage and Tax Statements*) or Forms W-2c with Form W-3c (*Transmittal of Corrected Wage and Tax Statements*) on or before January 31, _____ with the Social Security Administration (SSA).

IRC 6721 and 6722 provide penalties for failure to file and failure to furnish information returns. You must file the information returns electronically if you are required to file 250 or more returns. To obtain specifications for e-filing your returns, visit the SSA's website at www.ssa.gov/employer. If filing paper returns, file with the SSA at the appropriate address in the *General Instructions for Forms W-2 and W-3 (Including Forms W-2AS, W-2CM, W-2GU, W-2VI, W-2SS, W-2c, and W-3c)*.

Examiner's name		Group Number	Area	Date
Jennifer Macht	1000212850	7254	Pacific	September 17, 2020

Schedule of Adjustments

Name of Employer	Employer identification number	Calendar year
City of Santa Fe	85-6000168	2017

Adjustment to FICA Wages and Tax

	IRS Ref	(a) Applicable Rate	(b) 1st Quarter	(c) 2nd Quarter	(d) 3rd Quarter	(e) 4th Quarter
1. Social security and Medicare wage adjustment subject to tax under IRC 3101 and 3111	004	12.4%	94,883.23	94,883.23	94,883.23	94,883.23
	073	2.90%	114,500.53	114,500.53	114,500.53	114,500.53
2. Social security and Medicare wage adjustment subject to tax under IRC 3509(a)	079	7.44%	-	-	-	-
	079	1.74%	-	-	-	-
3. Social security and Medicare wage adjustment subject to tax under IRC 3509(b)	079	8.68%	-	-	-	-
	079	2.03%	-	-	-	-
4. Social security and Medicare tip adjustment subject to tax under IRC 3101 and 3111	005	6.20%				
	073	1.45%				
5. Additional Medicare wage and/or tip adjustment subject to tax under IRC 3101(b)(2)	074	0.90%	-	-	-	-
6. Additional Medicare wage and/or tip adjustment subject to tax under IRC 3101(b)(2) and 3509(a)	079	0.18%	-	-	-	-
7. Additional Medicare wage and/or tip adjustment subject to tax under IRC 3101(b)(2) and 3509(b)	079	0.36%	-	-	-	-
8. Other adjustments to Social Security, Medicare and Additional Medicare Wages						
9. Other adjustments to Social Security, Medicare and Additional Medicare Tax						
10. Total Social Security, Medicare and Additional Medicare tax adjustment (Lines 1 through 8 x rates plus/minus Line 9)	112		15,083.56	15,083.56	15,083.56	15,083.56
11. Social security and Medicare tax adjustment under IRC 3121(q)	114					
12. Increase (decrease) in exempt wages and/or tips paid to qualified employees under IRC 3111(d)	116					
13. Increase (decrease) in tax exemption on wages and/or tips on Line 12 (Line 12 x rate)	118					

Schedule of Adjustments (Continued)

Name of Employer	Employer identification number	Calendar year
City of Santa Fe	85-6000168	2017

Adjustment to Wages and Tax for Income Tax Withholding

	IRS Ref	(a) Applicable Rate	(b) 1st Quarter	(c) 2nd Quarter	(d) 3rd Quarter	(e) 4th Quarter
14. Income withholding wage adjustment subject to tax under IRC 3402		25.00%	114,500.53	114,500.53	114,500.53	114,500.53
15. Income withholding wage adjustment subject to tax under IRC 3509(a)	079	1.50%	-	-	-	-
16. Income withholding wage adjustment subject to tax under IRC 3509(b)	079	3.00%	-	-	-	-
17. Other income tax withholding wage adjustment						
18. Actual income tax withheld but not previously reported						
19. Other adjustment to income tax withholding						
20. Total income tax (Lines 14, 15, 16, 17 x rates plus Line 18 plus/minus Line 19)	111		$ 28,625.13	$ 28,625.13	$ 28,625.13	28,625.13

Adjustment to Credits Against the Tax

	IRS Ref	(a) Applicable Rate	(b) 1st Quarter	(c) 2nd Quarter	(d) 3rd Quarter	(e) 4th Quarter
21. Increase (decrease) in COBRA premium assistance payments under IRC 6432	299					
22. Increase (decrease) in Advanced Earned Income Credit under IRC 3507	766/767					
23. Increase (decrease) in exempt wages/tips paid to qualified employees March 19-31, 2020 under IRC 3111(d)(3)	117					
24. Increase (decrease) in credit for exempt wages/ tips on Line 23 (Line 23 x rate)	296					
25. Increase (decrease) in other credits						
26. Net increase (decrease) in credits (sum of lines 21, 22, 24, and 25)			$ -	$ -	$ -	$ -

Employment Tax Examination Changes Report

Return Form number: 941

Name of Employer	Employer identification number	Calendar year
City of Santa Fe	85-6000168	2016
Address of Employer	**Total tax plus penalty, or (decrease) in tax**	**Last quarter of this examination**
PO Box 909		
Santa Fe	$ 192,843.60	
NM 87504	**Total increase or (decrease) in credits**	December 31, 2017
	$ -	
Examination discussed with (Name and title)	[X] Agreed (*Subject to acceptance by the Director*)	
Mary McCoy, Finance Director	[ ] Unagreed	

This Form 4668 contains (*check only one box*)

[X] Non-7436 adjustments [ ] 7436 adjustments (*worker classification issues*) [ ] 7436 adjustments (*wage issues*)

	(b) 1st Quarter	(c) 2nd Quarter	(d) 3rd Quarter	(e) 4th Quarter
1. Total Social security and Medicare tax adjustment (from Schedule of Adjustments, Line 10)	16,557.13	16,557.13	16,557.13	16,557.13
2. Social Security and Medicare tax adjustment under IRC 3121(q) (from Schedule of Adjustments, Line 11)	-	-	-	-
3. Increase (decrease) in tax exemption on exempt wages/tips (From Schedule of Adjustments, Line 18)	-	-	-	-
4. Total income tax withholding (from Schedule of Adjustments, Line 20)	31,653.77	31,653.77	31,653.77	31,653.77
5. Delinquent tax or increase (decrease) in tax (Lines 1, 2 and 4 minus/plus Line 3)	48,210.90	48,210.90	48,210.90	48,210.90
6. Net increase (decrease) in credits (from Schedule of Adjustments, Line 26)	-	-	-	-
7. Penalty code section 6651(a)(1)				
8. Penalty code section 6651(a)(2)				
9. Penalty code section 6656				
10. Penalty code section				
11. Total penalty (sum Lines 7, 8, 9 and 10)	$ -	$ -	$ -	$ -
12. Maximum tax available for abatement under IRC 3402(d)	$ 31,653.77	$ 31,653.77	$ 31,653.77	$ 31,653.77
13. Maximum tax available for abatement under IRC 3102(a)	$ -	$ -	$ -	$ -

Furnish Form W-2 (*Wage and Tax Statement*) or Form W-2c (*Corrected Wage and Tax Statement*) on or before January 31, _____ to each of the _____ employees whose wages are adjusted by this report.

File Forms W-2 with Form W-3 (*Transmittal of Wage and Tax Statements*) or Forms W-2c with Form W-3c (*Transmittal of Corrected Wage and Tax Statements*) on or before January 31, _____ with the Social Security Administration (SSA).

IRC 6721 and 6722 provide penalties for failure to file and failure to furnish information returns. You must file the information returns electronically if you are required to file 250 or more returns. To obtain specifications for e-filing your returns, visit the SSA's website at www.ssa.gov/employer. If filing paper returns, file with the SSA at the appropriate address in the *General Instructions for Forms W-2 and W-3 (Including Forms W-2AS, W-2CM, W-2GU, W-2VI, W-3SS, W-2c, and W-3c)*.

Examiner's name		Group Number	Area	Date
Jennifer Macht	1000212850	7254	Pacific	September 17, 2020

Schedule of Adjustments

Name of Employer	Employer identification number	Calendar year
City of Santa Fe	85-6000188	2016

Adjustment to FICA Wages and Tax

	IRS Ref	(a) Applicable Rate	(b) 1st Quarter	(c) 2nd Quarter	(d) 3rd Quarter	(e) 4th Quarter
1. Social security and Medicare wage adjustment subject to tax under IRC 3101 and 3111	004	12.4%	103,913.69	103,913.69	103,913.69	103,913.69
	073	2.90%	126,615.08	126,615.08	126,615.08	126,615.08
2. Social security and Medicare wage adjustment subject to tax under IRC 3509(a)	079	7.44%	-	-	-	-
	079	1.74%	-	-	-	-
3. Social security and Medicare wage adjustment subject to tax under IRC 3509(b)	079	6.68%	-	-	-	-
	079	2.03%	-	-	-	-
4. Social security and Medicare tip adjustment subject to tax under IRC 3101 and 3111	005	6.20%				
	073	1.45%				
5. Additional Medicare wage and/or tip adjustment subject to tax under IRC 3101(b)(2)	074	0.90%	-	-	-	-
6. Additional Medicare wage and/or tip adjustment subject to tax under IRC 3101(b)(2) and 3509(a)	079	0.18%	-	-	-	-
7. Additional Medicare wage and/or tip adjustment subject to tax under IRC 3101(b)(2) and 3509(b)	079	0.36%	-	-	-	-
8. Other adjustments to Social Security, Medicare and Additional Medicare Wages						
9. Other adjustments to Social Security, Medicare and Additional Medicare Tax						
10. Total Social Security, Medicare and Additional Medicare tax adjustment (Lines 1 through 8 x rates plus/minus Line 9)	112		16,557.13	16,557.13	16,557.13	16,557.13
11. Social security and Medicare tax adjustment under IRC 3121(q)	114					
12. Increase (decrease) in exempt wages and/or tips paid to qualified employees under IRC 3111(d)	115					
13. Increase (decrease) in tax exemption on wages and/or tips on Line 12 (Line 12 x rate)	116					

Schedule of Adjustments (Continued)

Name of Employer	Employer identification number	Calendar year
City of Santa Fe	85-6000168	2016

Adjustment to Wages and Tax for Income Tax Withholding

	IRS Ref	(a) Applicable Rate	(b) 1st Quarter	(c) 2nd Quarter	(d) 3rd Quarter	(e) 4th Quarter
14 . Income withholding wage adjustment subject to tax under IRC 3402		25.00%	126,615.08	126,615.08	126,615.08	126,615.08
15 . Income withholding wage adjustment subject to tax under IRC 3505(a)	079	1.50%	-	-	-	-
16 . Income withholding wage adjustment subject to tax under IRC 3509(b)	079	3.00%	-	-	-	-
17 . Other income tax withholding wage adjustment						
18 . Actual income tax withheld but not previously reported						
19 . Other adjustment to income tax withholding						
20 . Total income tax (Lines 14, 15, 16, 17 x rates plus Line 18 plus/minus Line 19)	111		$ 31,653.77	$ 31,653.77	$ 31,653.77	31,653.77

Adjustment to Credits Against the Tax

	IRS Ref	(a) Applicable Rate	(b) 1st Quarter	(c) 2nd Quarter	(d) 3rd Quarter	(e) 4th Quarter
21 . Increase (decrease) in COBRA premium assistance payments under IRC 6432	299					
22 . Increase (decrease) in Advanced Earned Income Credit under IRC 3507	766/767					
23 . Increase (decrease) in exempt wages/tips paid to qualified employees March 19-31, 2010 under IRC 3111(d)(5)	117					
24 . Increase (decrease) in credit for exempt wages/ tips on Line 23 (Line 23 x rate)	295					
25 . Increase (decrease) in other credits						
26 . Net increase (decrease) in credits (sum of lines 21, 22, 24, and 25)			$ -	$ -	$ -	$ -

Summary of Employment Tax Examination

Name and Address of Employer:
City of Santa Fe
PO Box 909
Santa Fe NM 87504

Type of Report
- [ ] Delinquent tax (Return not filed)
- [X] Increase (Decrease) in tax (Return filed)
- [X] Agreed (The report is subject to review and you will be notified by the Declaration if it is accepted)
- [ ] Unagreed
- [X] Non-7436 adjustments
- [ ] 7436 adjustments (worker classification issues)
- [ ] 7436 adjustments (wage issues)

Employer Identification Number: 85-6000868
Date of Report: September 17, 2020

Following is a summary of the results of my examination of your returns as shown on the attached pages of this report.

Tax, Credits and Penalties

a Calendar Year	b Return Form Number	c Delinquent Tax, Increase (Decrease) in Tax	d Increase (Decrease) in Allowed Credits	e Penalty: Code Section	e Penalty: Amount	f Total Adjustment and Penalties (positive)	g Page Number of Report
2017	941	174,834.76	-			174,834.76	
Total		174,834.76				174,834.76	

Other Information

The examination of your employment tax returns as reflected on this Agreement included an examination for employment tax purposes of whether Aerobic Instructor, Archery Instructor, Basketball Instructor, Bootcamp Instructor, Camp Assistant Instructor, Cycling Instructor, Fitness Instructor, Martial Arts Instructor, Private Instruction Services, Private Reading Instructor, Reading Instructor, Seminar Instructor, Skating Instructor, Soccer Instructor, Sport Camp Instructor, Spring Break Basketball Instructor, Spring Break Camp Instructor, Spring Break Instructor, Summer Camp Coach, Summer Camp Sports Coach, Summer Program Instructor, Volleyball Instructor, Wellness Fitness Class, Yoga Instructor , Youth Camp Instructor, Youth Reading Instructor, Native American Liaison, ICM Manager, Archaeological Services Provider, Artist, Band/Mayor's Banquet Worker, Basketball Monitor, Basketball Official, CLP Trainer, Community Consultant, Consultor- Event Design, Development & Communication Consultant, Entertainer For Parks & Recreation, Event Consulting Manager, Fall Festival Clowns/Entertainer, Financial Valuation Consultant, Food Service Provider, Legal Service Hearing Officer, Legal Services Consultant, New Year's Eve Countdown Services Technical Support, Pharmacist Consultant, Planning Consultant, Powwow Event Coordinator, Production Assistant, Professional Contractor - IT Support - Police Dept, Professional Contractor - Photography, Professional Contractor – Unesco Reports, Professional Contractor - Towing Services, Seminar Instructor, Senior Center Band Member, Soccer Official, Spanish Interpreter, Special Event Consultant, Sponsorship Of Filmmaking Consultant, Stenographer, Transcriber, Videographer, Volleyball Monitor, Water Rights Consultant should be treated as employees of the taxpayer. Section 530 of the Revenue Act of 1978 as amended by Section 1122 of the Small Business Job Protection Act of 1996 provides that taxpayers may rely on a prior audit commenced after December 31, 1996, when the audit included an examination for employment tax purposes of whether the individual involved (or any individual holding a position substantially similar to the position held by the individual involved) should be treated as an employee of the taxpayer. Based upon this examination, you may rely only on the audit of Archaeological Services Provider, Artist, Band/Mayor's Banquet Worker, Basketball Monitor, Basketball Official, CLP Trainer, Community Consultant, Consultor- Event Design, Development & Communication Consultant, Entertainer For Parks & Recreation, Event Consulting Manager, Fall Festival Clowns/Entertainer, Financial Valuation Consultant, Food Service Provider, Legal Service Hearing Officer, Legal Services Consultant, New Year's Eve Countdown Services Technical Support, Pharmacist Consultant, Planning Consultant, Powwow Event Coordinator, Production Assistant, Professional Contractor - IT Support - Police Dept, Professional Contractor - Photography, Professional Contractor – Unesco Reports, Professional Contractor - Towing Services, Seminar Instructor, Senior Center Band Member, Soccer Official, Spanish Interpreter, Special Event Consultant, Sponsorship Of Filmmaking Consultant, Stenographer, Transcriber, Videographer, Volleyball Monitor, Water Rights Consultant that did not result in a reclassification for purposes of the prior audit safe haven for satisfying the reasonable basis requirement of Section 530.

This does not constitute an income tax examination.

Examining Name: Jennifer Macht
Group: 1000212850 Pacific

Summary of Employment Tax Examination

Name and Address of Employer
City of Santa Fe
PO Box 909
Santa Fe NM 87504

Type of Report
- [ ] Delinquent tax (Return not filed)
- [X] Increase (Decrease) in tax (Return filed)
- [X] Agreed (The report is subject to review and you will be notified by the Director when it is accepted)
- [ ] Unagreed
- [X] Non-7436 adjustments
- [ ] 7436 adjustments (worker classification issues)
- [ ] 7436 adjustments (wage issues)

Employer Identification Number: 85-6000198
Date of Report: September 17, 2020

Following is a summary of the results of my examination of your returns as shown on the attached pages of this report

Tax, Credits and Penalties

a Calendar Year	b Return Form Number	c Delinquent Tax, Increase (Decrease) in Tax	d Increase (Decrease) in Allowed Credits	e Penalty: Code Section	e Penalty: Amount	f Total Adjustment and Penalties (c+d+e)	g Page number of Report
2016	941	192,843.60	-			192,843.60	
Total		192,843.60				192,843.60	

Other Information

The examination of your employment tax returns as reflected on this Agreement included an examination for employment tax purposes of whether Aerobic Instructor, Archery Instructor, Basketball Instructor, Bootcamp Instructor, Camp Assistant Instructor, Cycling Instructor, Fitness Instructor, Martial Arts Instructor, Private Instruction Services, Private Reading Instructor, Reading Instructor, Seminar Instructor, Skating Instructor, Soccer Instructor, Sport Camp Instructor, Spring Break Basketball Instructor, Spring Break Camp Instructor, Spring Break Instructor, Summer Camp Coach, Summer Camp Sports Coach, Summer Program Instruction, Volleyball Instructor, Wellness Fitness Class, Yoga Instructor , Youth Camp Instructor, Youth Reading Instructor, Native American Liaison, ICM Manager, Archaeological Services Provider, Artist, Band/Mayor's Banquet Worker, Basketball Monitor, Basketball Official, CLP Trainer, Community Consultant, Consultor- Event Design, Development & Communication Consultant, Entertainer For Parks & Recreation, Event Consulting Manager, Fall Festival Clowns/Entertainer, Financial Valuation Consultant, Food Service Provider, Legal Service Hearing Officer, Legal Services Consultant, New Years Eve Countdown Services Technical Support, Pharmacist Consultant, Planning Consultant, Powwow Event Coordinator, Production Assistant, Professional Contractor - IT Support - Police Dept, Professional Contractor - Photography, Professional Contractor – Unesco Reports, Professional Contractor - Towing Services, Seminar Instructor, Senior Center Band Member, Soccer Official, Spanish Interpreter, Special Event Consultant, Sponsorship Of Filmmaking Consultant, Stenographer, Transcriber, Videographer, Volleyball Monitor, Water Rights Consultant should be treated as employees of the taxpayer. Section 530 of the Revenue Act of 1978 as amended by Section 1122 of the Small Business Job Protection Act of 1996 provides that taxpayers may rely on a prior audit commenced after December 31, 1996, when the audit included an examination for employment tax purposes of whether the individual involved (or any individual holding a position substantially similar to the position held by the individual involved) should be treated as an employee of the taxpayer. Based upon this examination, you may rely only on the audit of Archaeological Services Provider, Artist, Band/Mayors Banquet Worker, Basketball Monitor, Basketball Official, CLP Trainer, Community Consultant, Consultor- Event Design, Development & Communication Consultant, Entertainer For Parks & Recreation, Event Consulting Manager, Fall Festival Clowns/Entertainer, Financial Valuation Consultant, Food Service Provider, Legal Service Hearing Officer, Legal Services Consultant, New Years Eve Countdown Services Technical Support, Pharmacist Consultant, Planning Consultant, Powwow Event Coordinator, Production Assistant, Professional Contractor - IT Support - Police Dept, Professional Contractor - Photography, Professional Contractor – Unesco Reports, Professional Contractor - Towing Services, Seminar Instructor, Senior Center Band Member, Soccer Official, Spanish Interpreter, Special Event Consultant, Sponsorship Of Filmmaking Consultant, Stenographer, Transcriber, Videographer, Volleyball Monitor, Water Rights Consultant that did not result in a reclassification for purposes of the prior audit safe haven for satisfying the reasonable basis requirement of Section 530

This does not constitute an income tax examination.

Examining Name: Jennifer Mecht
Group: 1003312850
Phone: Pacific

Log # *{Finance use only}*:	
Journal # *{Finance use only}*:	

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

DEPARTMENT / DIVISION NAME	DATE
City Manager's Office	9/29/2020

ITEM DESCRIPTION	ORG	OBJECT	PROJECT	INCREASE	DECREASE
EXPENDITURES				*{enter as positive #}*	*{enter as negative #}*
City Manager's Office / Miscellaneous Expense	1000035	564000		398,751	
REVENUES				*{enter as negative #}*	*{enter as positive #}*
				$ 398,751	$ -

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

Appropriation to pay the IRS for taxes incurred from non-compliance with IRS Rules regarding fringe benefits and worker classifiation during 2016 and 2017. The expense will be covered by General Fund cash reserves.

{Complete section below if BAR results in a net change to ANY Fund}

Fund(s) Affected	Fund Balance Increase/(Decrease)
100	(398,751)
TOTAL:	(398,751)

Andy Hopkins — 9/29/2020
Prepared By *{print name}* — Date

N/A
Division Director Signature *{optional}* — Date

Jarel LaPan Hill
Jarel LaPan Hill (Oct 1, 2020 10:11 MDT)
Department Director Signature — Date

{Use this form for Finance Committee/ City Council agenda items ONLY}

CITY COUNCIL APPROVAL

City Council Approval Date

Agenda Item #:

Alexis Lotero
Alexis Lotero (Oct 1, 2020 13:06 MDT)
Budget Officer — Date

N/A
Finance Director *{≤ $5,000}* — Date

N/A
City Manager *{≤ $60,000}* — Date

City of Santa Fe, New Mexico
Memorandum

DATE: **October 20, 2020**

TO: **Governing Body**

FROM: **Regina Wheeler, Public Works Director**

ACTION
Request Approval of Capital Reallocation of 2018 GRT Bond Funds for Parks Equipment & Machinery and Circle Drive Paving. (Melissa McDonald, Acting Parks Division Director, mamcdonald@santafenm.gov, 955-6840 and Mark Brooks, Streets & Drainage Project Administrator, mebrooks@santafenm.gov, 955-2404)

BACKGROUND AND SUMMARY:
Governing Body approved the reallocation of $6.5M of 2018 GRT Bond funds to a number of high priority capitalizable expenses on September 9, 2020. The source of the $6.5M was the Fire Station 2 construction project which is now on hold and savings from other 2018 GRT Bond projects. Since that reallocation occurred, additional needs have been identified and so another reallocation is recommended.

One of the projects funded by the reallocation was the GCCC Mezzanine project. Public Works has determined that there are GCCC specific CIP funds that can be used toward this project, so some of the 2018 GRT Bond funding can be reallocated and this project can still proceed. Therefore, funding for Circle Drive and Parks Equipment & Machinery will be moved from that project.

The residents on Circle Drive have completed the process outlined by Resolution 2006-118 (attached) to have this dirt road paved. The resolution requires that the residents pay a portion of the cost of paving and that the City pay a portion. The City's portion is $61,000. With approval of the reallocation, the paving project will be scheduled to occur in Spring 2021.

Acting Parks Division Director, Melissa McDonald met with Parks and MRC staff and found that some adjustments to the capital allocations were recommended to meet critical needs and provide better operational efficiency. A summary original and new allocations designated for Parks Vehicles, Equipment and MRC Equipment are shown in the table below. The specific equipment and justifications are listed on the attached spreadsheet. A net increase of $57,512 is sought for Parks and MRC.

Category	Original Allocation	Revised Allocation	Difference
Parks Vehicles	35,500.00	71,000.00	(35,500.00)
Park Equipment	532,900.00	522,412.00	10,488.00
Park Equipment - IE	-	2,500.00	(2,500.00)
MRC Equip	82,000.00	112,000.00	(30,000.00)
TOTAL			**(57, 512.00)**

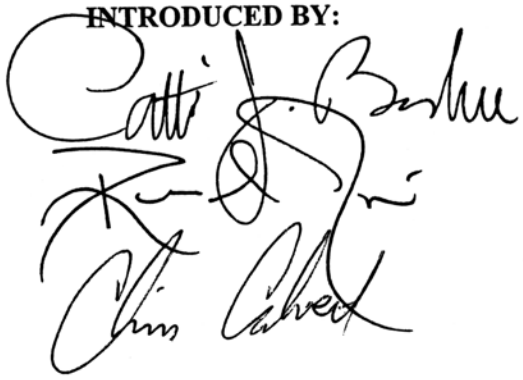
Attachments:
Resolution 2006-118
Detailed reallocation spreadsheet with changes from September 9, 2020 highlighted
BAR

FUNDING SOURCE:
See Attached BAR

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2006-118

INTRODUCED BY:



A RESOLUTION

REPEALING RESOLUTION NO. 2003-92 AND READOPTING PROCEDURES FOR THE ASPHALT PAVING PROGRAM.

WHEREAS, on October 8, 2003, the governing body adopted Resolution No. 2003-92 establishing procedures for the asphalt paving program; and

WHEREAS, the governing body wishes to repeal and replace the procedures for the asphalt paving program because more clarification to interpretations and procedures are needed, as well as the need to address grant-funded paving projects; and

WHEREAS, each year the city public works department implements a street repaving program whereby existing, paved streets with cracked or otherwise distressed asphalt are milled and repaved; and

WHEREAS, the asphalt (cold) millings so generated are then stored and reprocessed, and made available for other purposes including laying on unpaved city streets through the city's recycled asphalt program; and

WHEREAS, during an average year 4000 cubic yards of cold millings are produced

through the city's repaving program which in turn can pave approximately 2.5 miles of roadway through the city's recycled asphalt paving program; and

WHEREAS, the public demand for participating in the city's asphalt paving program is especially high due to the drought because paved roads decrease dust; and

WHEREAS, the city occasionally receives grant or other funding to pave dirt roads; and

WHEREAS, the governing body desires to create an efficient and fair process for the asphalt paving program.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that the following process is adopted for the asphalt paving program:

1. Neighborhood advocate approaches the public works department requesting that their existing dirt roadway be paved. Only sections of roadway that will be contiguous with an existing paved road will be considered.

2. Public works department distributes a ballot including probable costs to property owners whose property either abuts the street, directly accesses the street, or who have no other choice in getting to their property other than via the street being considered for paving. Property owners who may own more than one lot shall receive one ballot for each lot owned.

3. Property owners who respond in the affirmative to the paving ballot are responsible for one third of the costs of paving the road. If at least eighty percent of the property owners respond to the ballot in the affirmative agreeing to participate in the program, the public works department meets with the property owners to confirm support and to detail how the paving will be implemented. In addition, property owners must have functional driveway culverts, as determined by the public works department, or must provide them at their own expense.

4. Ballots not returned to the city, or ballots not returned by the established deadline shall be considered "no" votes.

5. Neighborhoods who participate in this program and who desire traffic calming to be implemented, such as but not limited to speed humps, shall apply separately to the city under the adopted traffic calming program procedures.

6. The public works department is then responsible for the following:

(a) Developing plans for paving;

(b) Collecting one third of the costs of the recycled paving from any combination of the property owners who voted in the affirmative to the ballot (the 1/3 funding shall be provided to the city prior to initiating procurement of a paving contractor);

(c) In the event the paving project is grant (or other) funded, collecting 1/3 of paving costs above and beyond the grant amount, which shall be borne by any combination of the property owners who voted in the affirmative to the ballot (and which shall be provided to the city prior to initiating procurement of a paving contractor);

(d) Ensuring that the project complies with the city's procurement code including committee/governing body approval and establishment of the budget as needed; and

(e) Contracting with a paving contractor through a state price agreement if practical to complete the work.

7. The asphalt paving program shall apply on a first come, first serve basis as neighborhoods obtain 80% approval and asphalt millings are available, subject to the city's Recycled Asphalt Paving Program funding availability.

PASSED, APPROVED, and ADOPTED this 27th day of September, 2006.

David Coss

DAVID COSS, MAYOR

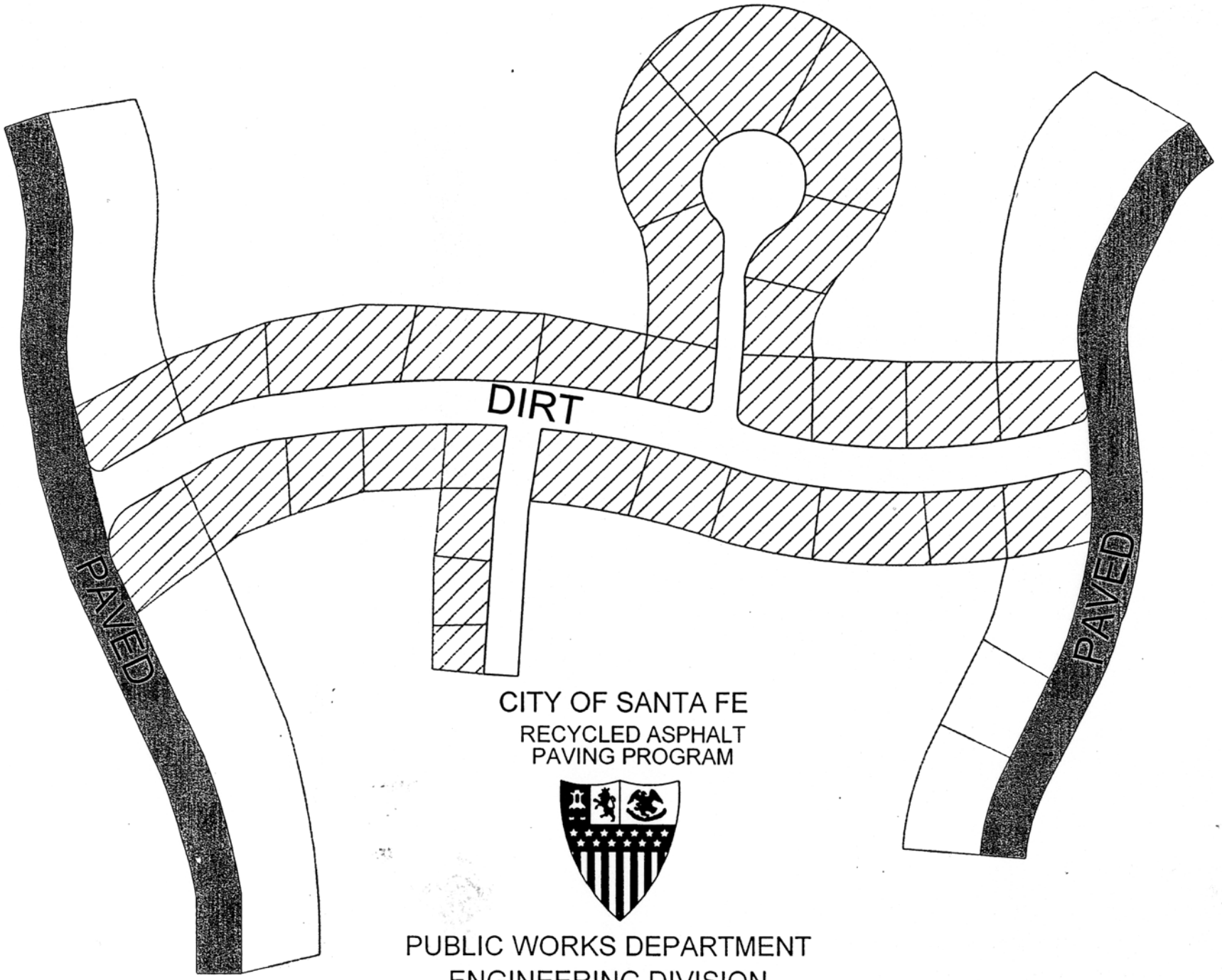
ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

FRANK KATZ, CITY ATTORNEY

Jpmb/shared drive/2006 res/asphalt program res



CITY OF SANTA FE

RECYCLED ASPHALT PAVING PROGRAM

PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

M:\Engineering\01Projects\02 Minor Projects\RECYCLED ASPHALT PAVING PROGRAM\RECYCLED ASPHALT.dwg, 09/05/2006 1:21:55 PM

MUNIS PROJECT to use	MUNIS Org to Use	MUNIS Object to use	Division	Org	Org Title	Object	Object Title	Dpt Request	Justification	Expected Life Span (Years)	Change
GRT18SDM	3359980	530200	Streets	1000471	Streets & Drainage Maint	530200	Operating Supplies	$40,000	Asphalt and Concrete	3-5 years	
GRT18SDM	3359980	571000	Streets	1000471	Streets & Drainage Admin	571000	Vehicles > 1.5	$340,000	dump truck, 2 support vehicles, including snow plow and dump body	15 years	
GRT18SDM	3359980	570500	Streets	1000471	Streets & Drainage Admin	570500	Equipment & Machinery	$50,000	asphalt trailer	15 years	
GRT18SDM	3359980	570500	Streets	3306250	Streets & Drainage - Gas Tax	570500	Equipment & Machinery	$5,000	large flat bed trailer for hauling equipment	15 years	
GRT18SDM	3359980	570500	Streets	3306250	Streets & Drainage - Gas Tax	570500	Equipment & Machinery	$35,000	wheel lift	15 years	
GRT18SDM	3359980	572970	Streets	3306250	Streets & Drainage - Gas Tax	572970	WIP Construction	$61,000	Circle Drive paving matching funds	20 years	Added
GRT18FMD	3359980	570950	Facilities	3650432	Custodial Van	570950	Vehicles <1.5	$30,000	Replacement of Van recommended by Fleet	15 Years	
GRT18FMD	3359980	570950	Facilities	1000435	Maintenance Truck	570950	Vehicles <1.5	$45,000	Replacement of Truck recommended by Fleet	15 years	
GRT18FMD	3359980	520100	Facilities	3650432	Roof & Clerestory Replacement	520100	Rep and Maint Building/Structure	$1,403,000	Ft. Marcy Roof & Clerestory Replacement, City Hall Roof Coating, and other roofs, needed because current roofs and clerestories are beyond their useful life	20 Years	
GRT18FMD	3359980	520100	Facilities	1000435	Fire System Inspection & Repair Citywide	520100	Rep and Maint Building/Structure	$300,000	Contract to survey City's fire protection systems, develop ugrade design, and constnuct upgrades.	20 Years	
GRT18FMD	3359980	520100	Facilities	1000435	La Familia Maintenance	520100	Rep and Maint Building/Structure	$50,000	Facility upgrades at La Familia Medical Center	5 Years	
GRT18FMD	3359980	520400	Facilities	3650432	Citywide HVAC Repairs	520400	Rep & Maint Machince/Equipment	$150,000	GCCC Domestic Hot Water Heater, Southside Library Boilers, and HVAC upgrades.	20 years	
GRT18FMD	3359980	520100	Facilities	3650432	Ft. Marcy Mechanical Room Electric Repair	520100	Rep and Maint Building/Structure	$100,000	Ft. Marcy Mechanical Room Electric Repair and related work needed because equipment is unsafe	20 Years	
GRT18FMD	3359980	520100	Facilities	1000435	GCCC Mezzanine	520100	Rep and Maint Building/Structure	$581,488	GCCC Mezzanine ugrades.	20 Years	reduced by $118,512 - $61K for circle drive & remainder for Parks Equipment
GRT18FMD	3359980	520400	Facilities	3650432	Siler Sewer Line	520400	Rep & Maint Machince/Equipment	$80,000	Upgrade and replace Siler Sewer Line.	20 Years	
GRT18FMD	3359980	520100	Facilities	3650432	Miscellaneous Capital Improvements	520100	Rep and Maint Building/Structure	$100,000	Miscellaneous Capital Improvements	20 Years	
GRT18355L	3359980	572970	Fire		Public Safety Radio	572970	WIP Construction	$200,000	Additional funding needed to purchase radios	5 years	
GRT18EPM	3359980	530200	Engineering	1000412	Paint/Sign Operations/Maintenance	530200	Operating Supplies	$200,000	Pavement marking tape and roadway sign material to be installed by City staff.	5 Years	
GRT18EPM	3359980	572500	Engineering	1000412	Paint/Sign Operations/Maintenance	572500	Remodeling & Replacement	$200,000	Installation of pavement marking and roadway signs.	5 Years	
GRT18EPM	3359980	530200	Engineering	1000415	Signals Operations/Maintenance	530200	Operating Supplies	$450,000	Signal equipement replacement and upgrades.	25 Years	
GRT18EPM	3359980	571000	Engineering	1000415	Signals Operations/Maintenance	571000	Vehicles >1.5	$405,000	Replacement of 2 bucket trucks and 1 pickup truck as recommended by Fleet.	15 Years	
GRT18EPM	3359980	520150	Engineering	1000416	Traffic Engineering	520150	Rep and Maint System Equip	$100,000	Street light repair and replacement.	20 Years	
GRT18EPM	3359980	571700	Engineering		Harrison Road Sidewalk and lighting	571700	Improvements other than bldgs	$172,000	plan, design ROW acquisition and construct lighting and sidewalk improvements along Harrison Road from Cerrillos Rd to Agua Fria Rd	20 Years	
GRT18PKG	3359980	570500	Parking	5350453	Parking/Collections	570500	Inventory Exempt Equipment	$30,000	License Plate Recognition Equip/Software	10 years min.	
GRT18PKG	3359980	570500	Parking	5350454	Parking/Parking Collections	570500	Equipment & Machinery	$195,000	Current mechanical locks are worn out. New locks are needed to ensure that coins are collected.	12 years	
GRT18PKG	3359980	572500	Parking	5350455	Parking/Off-Street	572500	Remodeling & Replacement	$68,000	Refurbish Sandoval Elevator	10 - 15 years	
GRT18PKG	3359980	572500	Parking	5350455	Parking/Off-Street	572500	Remodeling & Replacement	$102,000	Refurbish (2) SFCCC Elevators	10 - 15 years	
GRT18PKG	3359980	570950	Parking	5350456	Parking/Maintenance	570950	Vehicles <1.5	$75,000	Replacement of Flat bed truck as recommended by fleet. Flat bed truck is required to spread snow melt and distribute barricades etc. for traffic control	15 years	
GRT18PRA	3359980	571000	Parks	1004150	Parks/Trails & Open space	571000	Vehicles > 1.5	$71,000	Two vehicles to replace non-functioning red-tagged city units for necessary safe transport of staff & equipment 8 needed but requesting 2 x $35,500 = $71,000	15 years	***from 1 vehicle to 2
GRT18PRA	3359980	570500	Parks	1004150	Parks/Trails & Open space	570500	Equipment & Machinery	$35,500	Toro Rake-O-Vac needed to replace non-working obsolete Toro Rake-O-Vac to pick up grass clippings & debris in parks after mowing; Not having this machinery results in inadequate penetration of water into the turf and brown patches.	10 years	description changed
GRT18PRA	3359980	570500	Parks	1004150	Parks/Trails & Open space	570500	Equipment & Machinery	$115,000	One small dump truck w/ plow & spreader; needed to replace old/non-operating Unit #632 Ford & #633 Kodiak Bobtail -6 yd. dump trucks (we need 2 but requesting 1) ($115,000 ea.)	10 years	
GRT18PRA	3359980	570500	Parks	1004150	Parks/Trails & Open space	570500	Equipment & Machinery	$96,755	Upgrade and replacement of central irrigation controller. Motorola central irrigation is old and obsolete and is starting to fail. This upgrade is needed to efficiently irrigate parks citywide. Includes computer, annual subscrition for Radio Repeater ($3K), annual software subscription ($750), and 5-park controllers (5/35 to be replaced over 5 year phase in plan).	10 years	added irrigation controller - savings with dumptruck
GRT18PRA	3359980	570500	Parks	1004150	Parks/Trails & Open space	570500	Equipment & Machinery	$72,110	Bobcat 5600 tractor with mower/sweeper/snowplow attachment for trails	10 years	added bobcat (removed motor grader $245K & backhoe $137,400)
GRT18PRA	3359980	570500	Parks	1004150	Parks/Trails & Open space	570500	Equipment & Machinery	$37,377	Three John Deere 72" deck mowers to replace irreparable Mowers used citywide in parks, roadsides, trails, and medians.	10 years	added deck mower (removed motor grader $245K & backhoe $137,400)
GRT18PRA	3359980	570500	Parks	1004150	Parks/Trails & Open space	572400	Inventory Exempt Equipment & Mach	$2,500	Exhaust fan for greenhouse	10 years	added exhaust (removed motor grader $245K & backhoe $137,400)
GRT18PRA	3359980	570500	Parks	1004150	Parks/Trails & Open space	570500	Equipment & Machinery	$165,670	Two John Deere commercial wide area mowers w/ extra wide trailers. These mowers are needed for the mowing of all large turf areas of in city parks including all regional parks. They will replace old unrepairable large area mowers.	10 years	added mowers (removed motor grader $245K & backhoe $137,400)
GRT18MRC	3359980	570500	MRC	1004150	MRC Golf Course	570500	Equipment & Machinery	$30,000	1-1000 gal for diesel to replace rusted tank at golf course; 1- 500 gal unleaded/diesel for MRC soccer valley	10 years	added tank (removed motor grader $245K & backhoe $137,400)
GRT18MRC	3359980	570500	MRC	5300271	MRC Golf Course	570500	Equipment & Machinery	$82,000	John Deere 8700A Precision Cut Fairway Mower needed to replace old/non-functioning Jacobsen Turf King Mower FA#2795; Unit #F-06	10 years	
GRT18MPO	3359980	510300	Transit/MPO					$225,000			
								$6,500,400			

Log # *{Finance use only}*:	
Batch # *{Finance use only}*:	

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

DEPARTMENT / DIVISION NAME	DATE
Public Works/CIP	10/13/2020

ITEM DESCRIPTION	ORG	OBJECT	PROJECT	INCREASE	DECREASE
EXPENDITURES				*{enter as positive #}*	*{enter as negative #}*
Machinery & Equipment	3359980	570500	GRT18MRC	30,000	
Vehicles < 1.5	3359980	571000	GRT18PRA	35,500	
Inventory Exempt	3359980	572400	GRT18PRA	2,500	
Machinery & Equipment	3359980	570500	GRT18PRA		(10,488)
WIP Construction	3359980	572970	GRT18SDM	61,000	
R&M Buildings and Structures	3359980	520100	GRT18FDM		(118,512)
REVENUES				*{enter as negative #}*	*{enter as positive #}*
				$ 129,000	$ (129,000)

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

TBAR to reallocate 2018 GRT bond savings

{Complete section below if BAR results in a net change to ANY Fund}

Fund(s) Affected	Fund Balance Increase/(Decrease)
335	0
TOTAL:	**0**

Emily Pisula — 10/13/2020
Prepared By *{print name}* — Date

Division Director Signature *{optional}* — Date
10/19/2020
Department Director Signature — Date

{Use this form for Finance Committee/ City Council agenda items ONLY}

CITY COUNCIL APPROVAL

City Council Approval Date

Agenda Item #:

Budget Officer — Date

Finance Director *{≤ $5,000}* — Date

City Manager *{≤ $60,000}* — Date

Orignal - approved GB 9/9/2020 - Item #10-J

MUNIS PROJECT to use	MUNIS Org to Use	MUNIS Object to use		Division	Org	Org Title	Object	Object Title	Dpt Request	Justification	Expected Life Span (Years)
GRT18SDM	3359980	530200		Streets	1000471	Streets & Drainage Maint	530200	Operating Supplies	$40,000	Asphalt and Concrete	3-5 years
GRT18SDM	3359980	571000		Streets	1000471	Streets & Drainage Admin	571000	Vehicles > 1.5	$340,000	dump truck, 2 support vehicles, including snow plow and dump body	15 years
GRT18SDM	3359980	570500		Streets	1000471	Streets & Drainage Admin	570500	Equipment & Machinery	$50,000	asphalt trailer	15 years
GRT18SDM	3359980	570500		Streets	3306250	Streets & Drainage - Gas Tax	570500	Equipment & Machinery	$5,000	large flat bed trailer for hauling equipment	15 years
GRT18SDM	3359980	570500		Streets	3306250	Streets & Drainage - Gas Tax	570500	Equipment & Machinery	$35,000	wheel lift	15 years
GRT18FMD	3359980	570950		Facilities	3650432	Custodial Van	570950	Vehicles <1.5	$30,000	Replacement of Van recommended by Fleet	15 Years
GRT18FMD	3359980	570950		Facilities	1000435	Maintenance Truck	570950	Vehicles <1.5	$45,000	Replacement of Truck recommended by Fleet	
GRT18FMD	3359980	520100		Facilities	3650432	Roof & Clerestory Replacement	520100	Rep and Maint Building/Structure	$1,403,000	Ft. Marcy Roof & Clerestory Replacement, City Hall Roof Coating, and other roofs, needed because current roofs and clerestories are beyond their useful life	20 Years
GRT18FMD	3359980	520100		Facilities	1000435	Fire System Inspection & Repair Citywide	520100	Rep and Maint Building/Structure	$300,000	Contract to survey City's fire protection systems, develop ugrade design, and construct upgrades.	20 Years
GRT18FMD	3359980	520100		Facilities	1000435	La Familia Maintenance	520100	Rep and Maint Building/Structure	$50,000	Facility upgrades at La Familia Medical Center	5 Years
GRT18FMD	3359980	520400		Facilities	3650432	Citywide HVAC Repairs	520400	Rep & Maint Machince/Equipment	$150,000	GCCC Domestic Hot Water Heater, Southside Library Boilers, and HVAC upgrades.	
GRT18FMD	3359980	520100		Facilities	3650432	Ft. Marcy Mechanical Room Electric Repair	520100	Rep and Maint Building/Structure	$100,000	Ft. Marcy Mechanical Room Electric Repair and related work needed because equipment is unsafe	20 Years
GRT18FMD	3359980	520100		Facilities	1000435	GCCC Mezzanine	520100	Rep and Maint Building/Structure	$700,000	GCCC Mezzanine upgrades.	20 Years
GRT18FMD	3359980	520400		Facilities	3650432	Siler Sewer Line	520400	Rep & Maint Machince/Equipment	$80,000	Upgrade and replace Siler Sewer Line.	20 Years
GRT18FMD	3359980	520100		Facilities	3650432	Miscellaneous Capital Improvements	520100	Rep and Maint Building/Structure	$100,000	Miscellaneous Capital Improvements	20 Years
GRT18355L	3359980	572970		Fire		Public Safety Radio	572970	WIP Construction	$200,000	Additional funding needed to purchase radios	5 years
GRT18EPM	3359980	530200		Engineering	1000412	Paint/Sign Operations/Maintenance	530200	Operating Supplies	$200,000	Pavement marking tape and roadway sign material to be installed by City staff	5 Years
GRT18EPM	3359980	572500		Engineering	1000412	Paint/Sign Operations/Maintenance	572500	Remodeling & Replacement	$200,000	Installation of pavement marking and roadway signs.	5 Years
GRT18EPM	3359980	530200		Engineering	1000415	Signals Operations/Maintenance	530200	Operating Supplies	$450,000	Signal equipement replacement and upgrades.	25 Years
GRT18EPM	3359980	571000		Engineering	1000415	Signals Operations/Maintenance	571000	Vehicles >1.5	$405,000	Replacement of 2 bucket trucks and 1 pickup truck as recommended by Fleet	15 Years
GRT18EPM	3359980	520150		Engineering	1000416	Traffic Engineering	520150	Rep and Maint System Equip	$100,000	Street light repair and replacement.	20 Years
GRT18EPM	3359980	571700		Engineering		Harrison Road Sidewalk and lighting	571700	Improvements other than bldgs	$172,000	plan, design ROW acquisition and construct lighting and sidewalk improvements along Harrison Road from Cerrillos Rd to Agua Fria Rd	20 Years
GRT18PKG	3359980	570500		Parking	5350453	Parking/Collections	570500	Inventory Exempt Equipment	$30,000	License Plate Recognition Equip/Software	10 years min.
GRT18PKG	3359980	570500		Parking	5350454	Parking/Parking Collections	570500	Equipment & Machinery	$195,000	Current mechanical locks are worn out. New locks are needed to ensure that coins are collected.	12 years
GRT18PKG	3359980	572500		Parking	5350455	Parking/Off-Street	572500	Remodeling & Replacement	$68,000	Refurbish Sandoval Elevator	10 - 15 years
GRT18PKG	3359980	572500		Parking	5350455	Parking/Off-Street	572500	Remodeling & Replacement	$102,000	Refurbish (2) SFCCC Elevators	10 - 15 years
GRT18PKG	3359980	570950		Parking	5350456	Parking/Maintenance	570950	Vehicles <1.5	$75,000	Replacement of Flat bed truck as recommended by fleet. Flat bed truck is required to spread snow melt and distribute barricades etc. for traffic control	15 years
GRT18PRA	3359980	571000		Parks	1004150	Parks/Trails & Open space	571000	Vehicles > 1.5	$35,500	(1) support vehicles to replace non-functioning red-tagged city units & necessary to transport staff & equipment safely (8) needed but requesting (1) x $35,500 = $35,500	15 years
GRT18PRA	3359980	570500		Parks	1004150	Parks/Trails & Open space	570500	Equipment & Machinery	$35,500	Toro Rake-O-Vac needed to replace on-working obsolete Toro Rake-O-Vac. to pick up grass clippings & debris in parks after mowing; not having this machinery causes in adequate penetratoin of water into the turf.	10 years
GRT18PRA	3359980	570500		Parks	1004150	Parks/Trails & Open space	570500	Equipment & Machinery	$115,000	(1) Small Dumptruck with Plow & Spreader; needed to replace old/non operating Unit #632 Ford & #633 Kodiak bobtail 6 yd. dump trucks (need 2 but requesting) ($115,000 ea)	10 years
GRT18PRA	3359980	570500		Parks	1004150	Parks/Trails & Open space	570500	Equipment & Machinery	$245,000	Motor Grader needed to replace 1980 model in parks inventory	10 years
GRT18PRA	3359980	570500		Parks	1004150	Parks/Trails & Open space	570500	Equipment & Machinery	$137,400	Back hoe to replace old John Deere Unit #634 back-hoe in parks inventory	10 years
GRT18MRC	3359980	570500		MRC	5300271	MRC Golf Course	570500	Equipment & Machinery	$82,000	John Deere 8700A Precision Cut Fairway Mower needed to replace old/non-functioning Jacobsen Turf King Mower FA#2795; Unit #F-06	10 years
GRT18MPO	3359980	510300		Transit/MPO					$225,000		
									$6,500,400		

MUNIS PROJECT to use	MUNIS Org to Use	MUNIS Object to use	Division	Org	Org Title	Object	Object Title	Dpt Request	Justification	Expected Life Span (Years)	Change
GRT18SDM	3359980	530200	Streets	1000471	Streets & Drainage Maint	530200	Operating Supplies	$40,000	Asphalt and Concrete	3-5 years	
GRT18SDM	3359980	571000	Streets	1000471	Streets & Drainage Admin	571000	Vehicles > 1.5	$340,000	dump truck, 2 support vehicles, including snow plow and dump body	15 years	
GRT18SDM	3359980	570500	Streets	1000471	Streets & Drainage Admin	570500	Equipment & Machinery	$50,000	asphalt trailer	15 years	
GRT18SDM	3359980	570500	Streets	3306250	Streets & Drainage - Gas Tax	570500	Equipment & Machinery	$5,000	large flat bed trailer for hauling equipment	15 years	
GRT18SDM	3359980	570500	Streets	3306250	Streets & Drainage - Gas Tax	570500	Equipment & Machinery	$35,000	wheel lift	15 years	
GRT18SDM	3359980	572970	Streets	3306250	Streets & Drainage - Gas Tax	572970	WIP Construction	$61,000	Circle Drive paving matching funds	20 years	Added
GRT18FMD	3359980	570950	Facilities	3650432	Custodial Van	570950	Vehicles <1.5	$30,000	Replacement of Van recommended by Fleet	15 Years	
GRT18FMD	3359980	570950	Facilities	1000435	Maintenance Truck	570950	Vehicles <1.5	$45,000	Replacement of Truck recommended by Fleet	15 years	
GRT18FMD	3359980	520100	Facilities	3650432	Roof & Clerestory Replacement	520100	Rep and Maint Building/Structure	$1,403,000	Ft. Marcy Roof & Clerestory Replacement, City Hall Roof Coating, and other roofs, needed because current roofs and clerestories are beyond their useful life.	20 Years	
GRT18FMD	3359980	520100	Facilities	1000435	Fire System Inspection & Repair Citywide	520100	Rep and Maint Building/Structure	$300,000	Contract to survey City's fire protection systems, develop ugrade design, and construct upgrades.	20 Years	
GRT18FMD	3359980	520100	Facilities	1000435	La Familia Maintenance	520100	Rep and Maint Building/Structure	$50,000	Facility upgrades at La Familia Medical Center	5 Years	
GRT18FMD	3359980	520400	Facilities	3650432	Citywide HVAC Repairs	520400	Rep & Maint Machince/Equipment	$150,000	GCCC Domestic Hot Water Heater, Southside Library Boilers, and HVAC upgrades.	20 years	
GRT18FMD	3359980	520100	Facilities	3650432	Ft. Marcy Mechanical Room Electric Repair	520100	Rep and Maint Building/Structure	$100,000	Ft. Marcy Mechanical Room Electric Repair and related work needed because equipment is unsafe	20 Years	
GRT18FMD	3359980	520100	Facilities	1000435	GCCC Mezzanine	520100	Rep and Maint Building/Structure	$581,488	GCCC Mezzanine upgrades.	20 Years	reduced by $118,512 - $61K for circle drive & remainder for Parks Equipment
GRT18FMD	3359980	520400	Facilities	3650432	Siler Sewer Line	520400	Rep & Maint Machince/Equipment	$80,000	Upgrade and replace Siler Sewer Line.	20 Years	
GRT18FMD	3359980	520100	Facilities	3650432	Miscellaneous Capital Improvements	520100	Rep and Maint Building/Structure	$100,000	Miscellaneous Capital Improvements	20 Years	
GRT18355L	3359980	572970	Fire		Public Safety Radio	572970	WIP Construction	$200,000	Additional funding needed to purchase radios	5 years	
GRT18EPM	3359980	530200	Engineering	1000412	Paint/Sign Operations/Maintenance	530200	Operating Supplies	$200,000	Pavement marking tape and roadway sign material to be installed by City staff.	5 Years	
GRT18EPM	3359980	572500	Engineering	1000412	Paint/Sign Operations/Maintenance	572500	Remodeling & Replacement	$200,000	Installation of pavement marking and roadway signs.	5 Years	
GRT18EPM	3359980	530200	Engineering	1000415	Signals Operations/Maintenance	530200	Operating Supplies	$450,000	Signal equipement replacement and upgrades.	25 Years	
GRT18EPM	3359980	571000	Engineering	1000415	Signals Operations/Maintenance	571000	Vehicles >1.5	$405,000	Replacement of 2 bucket trucks and 1 pickup truck as recommended by Fleet	15 Years	
GRT18EPM	3359980	520150	Engineering	1000416	Traffic Engineering	520150	Rep and Maint System Equip	$100,000	Street light repair and replacement.	20 Years	
GRT18EPM	3359980	571700	Engineering		Harrison Road Sidewalk and lighting	571700	Improvements other than bldgs	$172,000	plan, design ROW acquisition and construct lighting and sidewalk improvements along Harrison Road from Cerrillos Rd to Agua Fria Rd	20 Years	
GRT18PKG	3359980	570500	Parking	5350453	Parking/Collections	570500	Inventory Exempt Equipment	$30,000	License Plate Recognition Equip/Software	10 years min.	
GRT18PKG	3359980	570500	Parking	5350454	Parking/Parking Collections	570500	Equipment & Machinery	$195,000	Current mechanical locks are worn out. New locks are needed to ensure that coins are collected.	12 years	
GRT18PKG	3359980	572500	Parking	5350455	Parking/Off-Street	572500	Remodeling & Replacement	$68,000	Refurbish Sandoval Elevator	10 - 15 years	
GRT18PKG	3359980	572500	Parking	5350455	Parking/Off-Street	572500	Remodeling & Replacement	$102,000	Refurbish (2) SFCCC Elevators	10 - 15 years	
GRT18PKG	3359980	570950	Parking	5350456	Parking/Maintenance	570950	Vehicles <1.5	$75,000	Replacement of Flat bed truck as recommended by fleet. Flat bed truck is required to spread snow melt and distribute barricades etc. for traffic control	15 years	
GRT18PRA	3359980	571000	Parks	1004150	Parks/Trails & Open space	571000	Vehicles > 1.5	$71,000	Two vehicles to replace non-functioning red-tagged city units for necessary safe transport of staff & equipment 8 needed but requesting 2 x $35,500 = $71,000	15 years	***from 1 vehicle to 2
GRT18PRA	3359980	570500	Parks	1004150	Parks/Trails & Open space	570500	Equipment & Machinery	$35,500	Toro Rake-O-Vac needed to replace non-working obsolete Toro Rake-O-Vac to pick up grass clippings & debris in parks after mowing; Not having this machinery results in inadequate penetration of water into the turf and hence patchy	10 years	description changed
GRT18PRA	3359980	570500	Parks	1004150	Parks/Trails & Open space	570500	Equipment & Machinery	$115,000	One small dump truck w/ plow & spreader; needed to replace old/non-operating Unit #632 Ford & #633 Kodiak Bobtail -6 yd. dump trucks (we need 2 but requesting 1). ($115,000 ea.)	10 years	
GRT18PRA	3359980	570500	Parks	1004150	Parks/Trails & Open space	570500	Equipment & Machinery	$96,755	Upgrade and replacement of central irrigation controller. Motorola central irrigation is old and obsolete and is starting to fail. This upgrade is needed to efficiently irrigate parks citywide. Includes computer, annual subscrition for Radio Repeater ($3K), annual software subscription ($750), and 5-park controllers (5/35 to be	10 years	added irrigation controller - savings with dumptruck
GRT18PRA	3359980	570500	Parks	1004150	Parks/Trails & Open space	570500	Equipment & Machinery	$72,110	Bobcat 5600 tractor with mower/sweeper/snowplow attachment for trails	10 years	added bobcat (removed motor grader $245K & backhoe $137,400)
GRT18PRA	3359980	570500	Parks	1004150	Parks/Trails & Open space	570500	Equipment & Machinery	$37,377	Three John Deere 72" deck mowers to replace irreparable Mowers used citywide in parks, roadsides, trails, and medians.	10 years	added deck mower (removed motor grader $245K & backhoe $137,400)
GRT18PRA	3359980	570500	Parks	1004150	Parks/Trails & Open space	572400	Inventory Exempt Equipment & Mac	$2,500	Exhaust fan for greenhouse	10 years	added exhaust (removed motor grader $245K & backhoe $137,400)
GRT18PRA	3359980	570500	Parks	1004150	Parks/Trails & Open space	570500	Equipment & Machinery	$165,670	Two John Deere commercial wide area mowers w/ extra wide trailers. These mowers are needed for the mowing of all large turf areas of in city parks including all regional parks. They will replace old unserviceable large area mowers	10 years	added mowers (removed motor grader $245K & backhoe $137,400)
GRT18MRC	3359980	570500	MRC	1004150	MRC Golf Course	570500	Equipment & Machinery	$30,000	1-1000 gal for diesel to replace rusted tank at golf course; 1- 500 gal unleaded/diesel for MRC soccer valley	10 years	added tank (removed motor grader $245K & backhoe $137,400)
GRT18MRC	3359980	570500	MRC	5300271	MRC Golf Course	570500	Equipment & Machinery	$82,000	John Deere 8700A Precision Cut Fairway Mower needed to replace old/non-functioning Jacobsen Turf King Mower FA#2795; Unit #F-06	10 years	
GRT18MPO	3359980	510300	Transit/MPO					$225,000			
								$6,500,400			

City of Santa Fe, New Mexico

memo

DATE: October 13th, 2020

TO: Finance/Public Works Committee/City Council

VIA: Regina Wheeler, Public Works Director RW

FROM: Erick J. Aune, MPO Officer (ejaune@santafenm.gov) EA

RE: Approval of professional Services Contract with LSC, Transportation Consultants Inc. for the development of a Multi-Modal Transition Plan not to exceed $225,000.

ITEM & ISSUE

The Public Works Department in coordination with the Santa Fe Metropolitan Planning Department issued RFP 20/09/P Multi-Modal Transition Plan early in 2020. The RFP resulted in several proposals being evaluated, scored followed by two in-person interviews. LSC Inc. was selected to provide the requested services via the attached contract (MUNIS Contract#3202290, CRS#02108224003 Business Licence#227314)

The budget of $225,000 is available via City bond fund for Fund Org 3359980 and Object 510310. This request includes an approval for two city fiscal years beginning December 1st 2020 and concluding April 30th, 2022.

The 2022-2027 Multimodal Transition Plan will be developed in coordination with the Santa Fe Metropolitan Planning Organization (MPO) and the City of Santa Fe with the goal of specifically identifying infrastructure improvement projects, policies and programs that support efficient management and investments in parking solutions, active transportation, mobility management, and transit investments specific to the City of Santa Fe's Transit Division services (Santa Fe Trails, Santa Fe Pick-up and Santa Fe Ride). The purpose of the plan is to develop a 5-10 year blueprint for improving strategic areas within the city's urban fabric and transportation network that addresses key mobility needs to provide better travel choices for the residents, visitors and employees of the city.

Please see attached documentation:

1. City of Santa Fe Procurement Check List
2. Summary of Contracts
3. City of Santa Fe Professional Services Contract Approved As to Form

ACTION REQUIRED

Please approve Professional Services Contract with LSC, Transportation Consultants Inc.

CITY OF SANTA FE PROCUREMENT CHECKLIST

Contractor Name: LSC, Transportation Consultants Inc.

Procurement Title: Contract for Professional Services: Multi-Modal Transition Plan - Public Works

Procurement Method: State Price Agreement ☐ Cooperative ☐ Sole Source ☐ Other ☐

Exempt ☐ Request For Proposal (RFP) ☉ Invitation To Bid (ITB) ☐ Contract under 60K ☐ Contract over 60K ☐

Department Requesting Public Works Staff Name Erick Aune

Procurement Requirements:

A procurement file shall be maintained for all contracts, regardless of the method of procurement. The procurement file shall contain the basis on which the award is made, all submitted bids, all evaluation materials, score sheets, quotations and all other documentation related to or prepared in conjunction with evaluation, negotiation, and the award process. The procurement shall contain a written determination from the Requesting Department, signed by the purchasing officer, setting forth the reasoning for the contract award decision before submitting to the Committees.

REQUIRED DOCUMENTS FOR APPROVAL BY PURCHASING*

YES	N/A	
☉	☐	Approved Procurement Checklist (by Purchasing)
☉	☐	Memo addressed to City Manager (under 60K) Committees/City Council (over 60K)
☐	☉	State Price Agreement
☉	☐	RFP
☐	☉	Evaluation Committee Report
☐	☉	ITB
☐	☉	Bib Tab
☐	☉	Quotes (3 valid current quotes)
☐	☉	Cooperative Agreement
☐	☉	Sole Source Request and Determination Form
☐	☉	Contractors Exempt Letter
☐	☉	Purchasing Officers approval for exempt procurement
☐	☉	BAR
☐	☉	FIR
☉	☐	Executed Contract, Agreement or Amendment
☉	☐	Current Business Registration and CRS numbers on contract or agreement
☉	☐	Summary of Contracts and Agreements form
☉	☐	Certificate of Insurance
☉	☐	All documentation presented to Committees
☐	☐	Other:

Department Rep Printed Name (attesting that all information included)	Title	Date
Erick Aune	MPO Officer	10/06/20
Purchasing Officer (attesting that all information is reviewed)	Title	Date

Include all other substantive documents and records of communication that pertain to the procurement and contract.

City of Santa Fe

Real Estate Summary of Contracts, Agreements, Amendments & Leases

Section to be completed by department

1. Munis Contract # **3202290**

Contractor: **LSC, Inc**

Description: **Professional Planning, Engineering and Design Services for a Multi-Modal Transition Plan for the City not to exceed $225,000**

Contract [x] Agreement [ ] Lease / Rent [ ] Amendment [ ]

Term Start Date: **December 1st 2020** Term End Date: **April 30th 2022**

[ ] Approved by Council Date: _____

Contract / Lease:

Amendment # _____ to the Original Contract / Lease # _____

Increase/(Decrease) Amount $ _____

Extend Termination Date to: _____

[ ] Approved by Council Date: _____

Amendment is for:

2. **HISTORY** of Contract, Amendments & Lease / Rent - Please Elaborate (option: attach spreadsheet if multiple amendments)

New Contract Public Works

3. **Procurement History:** Contract is a result of RFP#20/09/P Multi-Modal Transition Plan

Purchasing Officer Review: _____ Date: _____

Comment & Exceptions: _____

4. **Funding Source:** **City Bond** **Org / Object:** **3359980 510310**

Budget Officer Approval: _____ Date: _____

Comment & Exceptions: _____

Staff Contact who completed this form: **Erick Aune** Phone # **505.330.8483**

Email: **ejaune@santafenm.gov**

To be recorded by City Clerk:

Clerk # _____

Date of Execution: _____

City of Santa Fe

Real Estate Summary of Contracts, Agreements, Amendments & Leases

Section to be completed by department

1. Munis Contract # **3202290**

Contractor: **LSC, Inc**

Description: **Professional Planning, Engineering and Design Services for a Multi-Modal Transition Plan for the City not to exceed $225,000**

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Contract / Lease:

Amendment # _____ to the Original Contract / Lease # _____

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Budget Officer Approval: _____ Date: _____

Comment & Exceptions: _____

Staff Contact who completed this form: **Erick Aune** Phone # **505.330.8483**

Email: **ejaune@santafenm.gov**

To be recorded by City Clerk:

Clerk # _____

Date of Execution: _____

CITY OF SANTA FE

PROFESSIONAL SERVICES CONTRACT

THIS AGREEMENT is made and entered into by and between the City of Santa Fe, New Mexico, hereinafter referred to as the "City," and **LSC Transportation Consultants, Inc.** hereinafter referred to as the "Contractor," and is effective as of the date set forth below upon which it is executed by the Parties.

IT IS AGREED BETWEEN THE PARTIES:

Scope of Work

The Contractor shall perform the following work listed below and further detailed in the attached RFP 20/09/P 2022-2027 Multimodal Transition Plan proposal, schedule and cost estimates (revisions attached):

The 2022-2027 Multimodal Transition Plan will be developed in coordination with the Santa Fe Metropolitan Planning Organization (MPO) and the City of Santa Fe with the goal of specifically identifying infrastructure improvement projects, policies and programs that support efficient management and investments in parking solutions, active transportation, mobility management, and transit investments specific to the City of Santa Fe's Transit Division services (Santa Fe Trails, Santa Fe Pick-up and Santa Fe Ride). The purpose of the plan is to develop a 5-10 year blueprint for improving strategic areas within the city's urban fabric and transportation network that addresses key mobility needs to provide better travel choices for the residents, visitors and employees of the city.

1) The City of Santa Fe's urban and suburban growth pattern provides both challenges and opportunities for enhancing mobility choices. The downtown urban core has the advantages of commercial and residential densities that enable public parking management including on-street parking, walkability, and access to a variety of transit services and key bikeway corridors. As the City has developed outward the land use pattern is more identifiable as suburban development with off-street parking, wider roads, and separated and lower density land uses. It is the City's desire to identify study areas within the City where the capacity to increase multi-mobility operations and improvements exist.

2) The Santa Fe Trails fixed route system launched in January of 1993, is the city of Santa Fe's small urban transit system and provides the greatest level of fixed service to the area. Santa Fe Trails is serviced by a fleet of 32 state-of-the-art buses and hosts 10 distinct routes. The Transit Division also operates the Santa Fe Pick-Up which provides free shuttles around downtown and to Museum Hill utilizing 4 cutaway vans and Santa Fe Ride the Complementary Paratransit Service for ADA and seniors with 18 vehicles of varying sizes. Santa Fe Trails was the nation's first transit system to operate its entire fleet with cleaner burning compressed natural gas (CNG). Its mission is to provide transit service in the City of Santa Fe (and parts of Santa Fe County) to get area residents and visitors where life takes

them and boasts an annual ridership close to 1 million. The purpose of the 5-10 Transit Service Plan is to develop a comprehensive review of the City's existing transit services, identifying any changes in transit need/demand, and ways of delivering service and producing a plan to best address the City's needs over the next 5 and 10 years. Geographically, the plan will focus on the City's entire service area as well as connective services to NCRTD, NMDOT Park and Ride, and Rail Runner Express train service. The plans, proposals and recommendations arising out of the update must consider not only mobility issues but also related topics such as economic development, air quality, housing, job creation, access to healthcare and education, environmental sustainability and energy consumption. The Service Plan will demonstrate equitable service provision throughout the City's service limits to the extent feasible. This plan should also consider future opportunities and provide a safe, reliable and revolutionized mode of transportation in concert with the City's Mission and Vision statements.

3) City's Parking Division operates as an Enterprise Fund which combines all parking revenues and expenditures in a special fund. The City's parking system includes three garages, a number of surface lots and metered street parking. The parking system is successful in generating revenue that offsets the cost of the operations, maintenance and debt service; parking available for customers most of the time in most places; parking in downtown neighborhoods are controlled. Challenges include local and elected official objection to paid parking, approximately 50 days per year when there is not sufficient parking downtown, insufficient parking in the growing innovation district, lack of understanding of parking policies and procedures, lack of integration with and support for multimodal transition.

Plan Overview

1. Multimodal Transition Plan – Starting with existing plans, land uses, transportation and parking systems and programs this analysis shall identify key urban areas (not to exceed six) that have measurable capacity to increase multimodal usage through investments in infrastructure, policies and programs. These will include urban design, landscape architecture, land use zoning, transportation and parking systems, environmental planning and other approaches that incorporate a comprehensive approach to reducing dependence on the automobile and increase livability.

2. The Transit Division 5-10 Year Service Plan – The City of Santa Fe is seeking to increase its efficiency of transit services with a review of the costs and benefits of service reorganization and expansion. The Santa Fe Metropolitan Public Transit Master Plan will provide baseline information to help inform the service plan. The plan will include updates to demographics, review of existing service routes/schedules and the development of recommended service improvements.

3. Santa Fe Parking Assessment– The City is seeking to assess and study existing parking services. The study will establish a baseline analysis of existing parking availability both public and private, how the parking is being utilized, customer satisfaction with parking, and quantify demand versus capacity throughout the year and develop suggestions for improvements. The assessment shall analyze parking occupancy, duration, customers and turnover and present findings in a manner that identifies strategies for improved efficiency

and also measured approaches to parking that leverages the City's capacity to increase active transportation and multi-modal uses. The parking assessment shall also inform a comprehensive suite of recommendations to advance the goals derived in the overall Multimodal Transition Plan.

4. Plan Outcomes – Each of the core elements as described will be used to develop the 5-10 year blueprint for improving the city's parking and transportation system with additional attention and plans for strategic areas within the city's urban fabric with primary goals of minimizing demand for private vehicles and vehicle storage, increasing walkability, active transportation, transit ridership, and increased community and economic vitality. Objectives to these goals may include, but are not limited to; recommended programs, capital improvements, policies, code revisions, and marketing strategies.

Scope of Services

Task 1. Meetings

A. Project Team Kick-Off Meeting – Refine scope, begin process for the identification of the specific study areas (not to exceed six) required for the project.
B. Bi-Weekly Team Meetings – Identify times to meeting for the coordination and communication of project management and progress with MPO and City staff, as necessary.

Task 2. Plan Coordination and Public Engagement.

A. The scope of work anticipates that each step listed below is done in coordination with all three elements of this planning effort to maximize efficiency in project management including public engagement which is anticipated to be developed in a unified manner to inform all three elements.

Task 3. Multi-Modal Transition Plan

A. Study Area Identification – Specific study areas based on existing urban elements such as density, existing and potential transit, active transportation and public parking services shall be identified to commence plan analysis.
B. Website/Communications/Social Media Integration
C. Review existing City web services related to elements of this plan and recommend an integrated web based approach to provide the public with seamless access to information to maximize their multi-modal options/services
D. Develop plan purpose, goals, and objectives
E. Collect data and information
F. Review prior relevant studies and plans
G. Analyze existing and future conditions
H. Conduct field studies
I. Interview stakeholders
J. Develop individual plan elements for each mode and for various policies
K. Refine recommendations
L. Prepare draft plan document for review
M. Develop the implementation strategy and identify funding sources

Task 4. Transit Service Plan (5 to 10 years)
The plan shall include:

A. Existing Service Assessment; and
B. Future Recommended Service Opportunities; and
C. Implementation Strategies

The plan will consider the general needs of the traveling public as well as the specific needs of particular sub- markets including, but not necessarily limited to, businesses, higher education students, K-12 school-aged children, elderly people, veterans, and people with disabilities. The plan will also consider people who do not currently use local public transportation. The plan will describe how non-users may be encouraged to become transit passengers by identifying what specific barriers or objections non-users have and how Santa Fe Trails might overcome those barriers or objections.

The plan will include a financial component that describes the costs, both capital and operating, of undertaking plan recommendations and will recommend implementation strategies and metrics for plan elements, including discussion of priorities, staffing levels, levels of service and timing issues.

1) Transit Needs Assessment
   The needs assessment will characterize the transit needs of people traveling within, and to and from the City's service territory. Transit needs will be described for both the present and future time periods, up to the year 2026 and 2032. The needs assessment will include an evaluation of the existing transit system's ability to meet those travel needs and will identify those needs which are not met by the existing system.

   The needs assessment shall describe the consequences of current and future unmet transit needs in terms of mobility, economic impacts, safety, social impacts, and environmental impacts.

   The needs assessment shall be informed and guided by stakeholder and public involvement and be subject to a process of review, comment and possible revisions, based on stakeholder, public involvement and City/MPO staff input. Community meetings will be held in each of the four City Council Districts to maximize geographically diverse populations.

   Area Profile and Review of Existing Services
   - i. Vehicle/Equipment Inventory
   - ii. Current and Future Demographics (Land Use Development Patterns)
   - iii. Public Input – Need to look at non-traditional means to solicit input
     a. Passenger, General Public Survey and Stakeholder Forums
     b. Updates and feedback via the Transit Advisory Board

   (The community meeting dates will be publicized at least two weeks prior to the meeting, and will be advertised in appropriate media, i.e. newspapers, radio, and/or flyers. Contractor should utilize emailing lists from each of the local government units to reach a broad segment of each communities' constituencies. Sign-in sheets will be retained to verify attendance; an agenda will also be established by

Contractor and City/MPO staff and retained for verification. Minutes of the meeting will be kept and responses to all questions will be documented for inclusion in the plan.)

2) Develop future service scenarios, opportunities and improvements
    i. Existing fixed route model (Route Structure and Performance Indicators)
    ii. Redesign exiting routes and/or design new routes
    iii. Micro/Macro Transit/Demand Response/TNC Partnerships/Mobility on Demand opportunities
    iv. Coordination with NCRTD/Rail Runner/Park and Ride and other entities
    v. Service and Staffing Level Recommendations

3) The Contractor will be provided direct access and shall utilize Santa Fe Trails existing route planning software where possible to assess current services, create/modify services for the future, and demonstrate impacts to the region. The plan will provide the following details with respect to future proposed operations:

    i. Types, or modes, of service to be provided (fixed-route bus service, para-transit- flex or deviated-route bus service, demand response services, commuter, bus rapid transit, micro transit service, etc.)
    ii. Routes and/or locations of the service
    iii. Existing schedule brochure review and assessment, recommendations for future improvements
    iv. Geographic service area
    v. Days and hours of service
    vi. Vehicle requirements
    vii. Staffing requirements
    viii. Facility requirements

4) Develop a financial and capital plan (menu of options) include economic value from public transit
5) Recommend an implementation strategy
6) Review of paratransit services
7) Develop strategic scenarios that include elements in technological advances such as coordination and/or integration with ride-share services, autonomous vehicles
8) First/Last mile strategies
9) Shared mobility options
10) Fare structure assessment
11) High level pros and cons for free fare payment systems

As further information to Contractors, the following issues should be addressed by the plan:

1) What is an optimal transit plan now, 5 and 10 years from now?
2) Is the City effectively leveraging their strengths and optimizing their resources?
3) Are there services or relationships that should develop out of collaboration?
4) Is there a duplication of services and efforts?
5) Are there existing services that should no longer be provided?

6) Is the method of delivery appropriate or is there another better approach?
7) What factors must be measured to determine the success of each transit mode/initiative?
8) What current transit services/initiatives are most successful?
9) How successful are they? What makes them successful?
10) What current transportation services/initiatives are not as successful as desired?
11) Should these transportation services/initiatives be improved and kept, or be cut?
12) If these services/initiatives should be kept, what specifically should be done to improve them to make them successful?
13) What is the cost-benefit for improving each under-performing transit service/initiative?
14) What services and planning efforts are being duplicated among the City and other local stakeholders?
15) What opportunities for collaboration exist and how does the City move toward further collaboration with each stakeholder?

Task 5. Parking Assessment

1) Assessment – The Assessment shall contain the following elements
   a) Existing Conditions Inventory/Analysis
      i. The existing conditions analysis will provide real-time data on parking that City staff, developers, and the community can use to understand the parking conditions within the designated study areas.
      ii. Review the current land use code/zoning ordinance relative to parking regulations for study areas.
      iii. Assess current operational practices including investments in technology
   b) Supply/Demand -Develop future parking supply/demand forecast for each study area
   c) Stakeholder Input – Gather input from key stakeholders (major business/property owners)
   d) Goal Identification – The management of curbside and parking resources are essential to achieving strategic goals. These goals, framing up the Multi-Modal Transition Plan, need to be agreed upon and integrated in a manner that the following recommendations steps begin to implement them.
   e) Develop recommendations the City can implement to address challenges and opportunities that also advance multi-modal goals and objectives identified in the overall plan.
      i. Recommendations to include a description, benefits, obstacles to implementation, responsible parties, costs, and implementation timeframe/steps.
      ii. In coordination with the identified study areas identified, review and make recommendations as regards to the City's off-street parking requirements found within all appropriate local development regulations.
      iii. Recommendation of underground and surface parking facilities including garages that may meet derived parking supply and demand in a manner that maximizes land use efficiencies including increased densities, access to transit, multi-use trails and other amenities that reduce vehicle dependency.
      iv. Public and private partnership opportunities should be included for consideration of recommendations.

v. Develop strategies to implement recommendations in two, five and ten year increments. Consider comprehensive solutions that aim to maximize both parking management and regulation and multi-modal transition goals. Include infrastructure investments, policies, and education and enforcement.

Task 6: Plan Integration

1) Development of the 5-10 year blueprint with recommendations.
   A. Within the selected study areas key findings from each of the above tasks shall be integrated in a manner that offers the City of Santa Fe a suite of options in the form of objectives. These shall include costs and benefits and be detailed in a temporal and organized manner that provide decision makers measured (performance based) steps to derived goals within five and ten years.

2) Performance Measures.
   Contractor shall substantially perform the following Performance Measures:
   A. Promoting a sustainable City, where residents feel safe, and care for their environment and the well-being of those within it.

   B. Creating a future in Santa Fe were all people can afford to live, and can enjoy a quality of life that is better than any other city in our country.

2. <u>Compensation.</u>

MULTI-YEAR – A. The City shall pay to the Contractor in full payment for services satisfactorily performed pursuant to the Scope of Work at the rate of one hundred twenty nine thousand three hundred and seventy dollars ($129,370) in FY21. The New Mexico gross receipts tax levied on the amounts payable under this Agreement in FY21($6,630,21) shall be paid by the City to the Contractor. **The total amount payable to the Contractor under this Agreement, including gross receipts tax and expenses, ($136,000) in FY21.**

MULTI-YEAR – A (2).The City shall pay to the Contractor in full payment for services satisfactorily performed pursuant to the Scope of Work at the rate of eighty four thousand six hundred fifty three dollars ($84,653) in FY22. The New Mexico gross receipts tax levied on the amounts payable under this Agreement in FY22 totaling ($4,338,47) shall be paid by the City to the Contractor. **The total amount payable to the Contractor under this Agreement, including gross receipts tax and expenses, ($88,991) in FY22.**

The total amount payable to the Contractor under this Agreement, including gross receipts tax and expenses, is not to exceed ($224,992).

B. Payment in FY21 and FY22 is subject to availability of funds pursuant to the Appropriations Paragraph set forth below and to any negotiations between the parties from year to year pursuant to Paragraph 1, Scope of Work, and to approval by the City. All invoices MUST BE received by the City no later than fifteen (15) days after the termination of the Fiscal Year in

which the services were delivered. Invoices received after such date WILL NOT BE PAID.)

C. Contractor must submit a detailed statement accounting for all services performed and expenses incurred. If the City finds that the services are not acceptable, within thirty days after the date of receipt of written notice from the Contractor that payment is requested, it shall provide the Contractor a letter of exception explaining the defect or objection to the services, and outlining steps the Contractor may take to provide remedial action. Upon certification by the City that the services have been received and accepted, payment shall be tendered to the Contractor within thirty days after the date of acceptance. If payment is made by mail, the payment shall be deemed tendered on the date it is postmarked. However, the City shall not incur late charges, interest, or penalties for failure to make payment within the time specified herein.

3. Term.

THIS AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY. This Agreement shall terminate on **April 30th 2022** unless terminated pursuant to paragraph 4 (Termination), or paragraph 5 (Appropriations). In accordance with Section 13-1-150 NMSA 1978, no contract term for a professional services contract, including extensions and renewals, shall exceed four years, except as set forth in Section 13-1-150 NMSA 1978.

4. Termination.

A. Termination. This Agreement may be terminated by either of the parties hereto upon written notice delivered to the other party at least thirty (30) days prior to the intended date of termination. Except as otherwise allowed or provided under this Agreement, the City's sole liability upon such termination shall be to pay for acceptable work performed prior to the Contractor's receipt of the notice of termination, if the City is the terminating party, or the Contractor's sending of the notice of termination, if the Contractor is the terminating party; provided, however, that a notice of termination shall not nullify or otherwise affect either party's liability for pre-termination defaults under or breaches of this Agreement. The Contractor shall submit an invoice for such work within thirty (30) days of receiving or sending the notice of termination. Notwithstanding the foregoing, this Agreement may be terminated immediately upon written notice to the Contractor if the Contractor becomes unable to perform the services contracted for, as determined by the City or if, during the term of this Agreement, the Contractor or any of its officers, employees or agents is indicted for fraud, embezzlement or other crime due to misuse of City funds or due to the Appropriations paragraph herein. *THIS PROVISION IS NOT EXCLUSIVE AND DOES NOT WAIVE THE City's OTHER LEGAL RIGHTS AND REMEDIES CAUSED BY THE CONTRACTOR'S DEFAULT/BREACH OF THIS AGREEMENT.*

B Termination Management. Immediately upon receipt by either the City or the Contractor of notice of termination of this Agreement, the Contractor shall: 1) not incur any further obligations for salaries, services or any other expenditure of funds under this Agreement without written approval of the City; 2) comply with all directives issued by the City in the notice of termination as to the performance of work under this Agreement; and 3) take such action as the City shall direct for the protection, preservation, retention or transfer of all property titled to the City and records generated under this Agreement. Any non-expendable personal property or equipment provided to or purchased by the Contractor with contract funds shall become property of the City upon termination and shall be submitted to the City as soon as practicable.

5. Appropriations.

The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the City Council for the performance of this Agreement. If sufficient appropriations and authorization are not made by the City Council, this Agreement shall terminate immediately upon written notice being given by the City to the Contractor. The City's decision as to whether sufficient appropriations are available shall be accepted by the Contractor and shall be final. If the City proposes an amendment to the Agreement to unilaterally reduce funding, the Contractor shall have the option to terminate the Agreement or to agree to the reduced funding, within thirty (30) days of receipt of the proposed amendment.

6. Status of Contractor.

The Contractor and its agents and employees are independent contractors performing professional services for the City and are not employees of the City. The Contractor and its agents and employees shall not accrue leave, retirement, insurance, bonding, use of City vehicles, or any other benefits afforded to employees of the City as a result of this Agreement. The Contractor acknowledges that all sums received hereunder are reportable by the Contractor for tax purposes, including without limitation, self-employment and business income tax. The Contractor agrees not to purport to bind the City unless the Contractor has express written authority to do so, and then only within the strict limits of that authority.

7. Assignment.

The Contractor shall not assign or transfer any interest in this Agreement or assign any claims for money due or to become due under this Agreement without the prior written approval of the City.

8. Subcontracting.

The Contractor shall not subcontract any portion of the services to be performed under this Agreement without the prior written approval of the City. No such subcontract shall relieve the primary Contractor from its obligations and liabilities under this Agreement, nor shall any subcontract obligate direct payment from the City.

9. Release.

Final payment of the amounts due under this Agreement shall operate as a release of the City, its officers and employees from all liabilities, claims and obligations whatsoever arising from or under this Agreement.

10. Confidentiality.

Any confidential information provided to or developed by the Contractor in the performance of this Agreement shall be kept confidential and shall not be made available to any individual or organization by the Contractor without the prior written approval of the City.

11. Product of Service -- Copyright.

All materials developed or acquired by the Contractor under this Agreement shall become the property of the City and shall be delivered to the City no later than the termination date of this Agreement. Nothing developed or produced, in whole or in part, by the Contractor under this

Agreement shall be the subject of an application for copyright or other claim of ownership by or on behalf of the Contractor.

12. Conflict of Interest; Governmental Conduct Act.

A. The Contractor represents and warrants that it presently has no interest and, during the term of this Agreement, shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance or services required under the Agreement.

B. The Contractor further represents and warrants that it has complied with, and, during the term of this Agreement, will continue to comply with, and that this Agreement complies with all applicable provisions of the Governmental Conduct Act, Chapter 10, Article 16 NMSA 1978.

C. Contractor's representations and warranties in Paragraphs A and B of this Article 12 are material representations of fact upon which the City relied when this Agreement was entered into by the parties. Contractor shall provide immediate written notice to the City if, at any time during the term of this Agreement, Contractor learns that Contractor's representations and warranties in Paragraphs A and B of this Article 12 were erroneous on the effective date of this Agreement or have become erroneous by reason of new or changed circumstances. If it is later determined that Contractor's representations and warranties in Paragraphs A and B of this Article 12 were erroneous on the effective date of this Agreement or have become erroneous by reason of new or changed circumstances, in addition to other remedies available to the City and notwithstanding anything in the Agreement to the contrary, the City may immediately terminate the Agreement.

D. All terms defined in the Governmental Conduct Act have the same meaning in this section.

13. Amendment.

A. This Agreement shall not be altered, changed or amended except by instrument in writing executed by the parties hereto and all other required signatories.

B. If the City proposes an amendment to the Agreement to unilaterally reduce funding due to budget or other considerations, the Contractor shall, within thirty (30) days of receipt of the proposed Amendment, have the option to terminate the Agreement, pursuant to the termination provisions as set forth in Article 4 herein, or to agree to the reduced funding.

14. Merger.

This Agreement incorporates all the Agreements, covenants and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, Agreements and understandings have been merged into this written Agreement. No prior Agreement or understanding, oral or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

15. Penalties for violation of law.

The Procurement Code, Sections 13-1-28 through 13-1-199, NMSA 1978, imposes civil and criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for illegal bribes, gratuities and kickbacks.

16. Equal Opportunity Compliance.

The Contractor agrees to abide by all federal and state laws and rules and regulations, and Santa Fe City Code, pertaining to equal employment opportunity. In accordance with all such laws of the State of New Mexico, the Contractor assures that no person in the United States shall, on the grounds of race, religion, color, national origin, ancestry, sex, age, physical or mental handicap, or serious medical condition, spousal affiliation, sexual orientation or gender identity, be excluded from employment with or participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity performed under this Agreement. If Contractor is found not to be in compliance with these requirements during the life of this Agreement, Contractor agrees to take appropriate steps to correct these deficiencies.

17. Applicable Law.

The laws of the State of New Mexico shall govern this Agreement, without giving effect to its choice of law provisions. Venue shall be proper only in a New Mexico court of competent jurisdiction in accordance with Section 38-3-1 (G) NMSA 1978. By execution of this Agreement, Contractor acknowledges and agrees to the jurisdiction of the courts of the State of New Mexico over any and all lawsuits arising under or out of any term of this Agreement.

18. Workers Compensation.

The Contractor agrees to comply with state laws and rules applicable to workers compensation benefits for its employees. If the Contractor fails to comply with the Workers Compensation Act and applicable rules when required to do so, this Agreement may be terminated by the City.

19. Professional Liability Insurance. Contractor shall maintain professional liability insurance throughout the term of this Agreement providing a minimum coverage in the amount required under the New Mexico Tort Claims Act. The Contractor shall furnish the City with proof of insurance of Contractor's compliance with the provisions of this section as a condition prior to performing services under this Agreement.

20. Other Insurance

If the services contemplated under this Agreement will be performed on or in City facilities or property, Contractor shall maintain in force during the entire term of this Agreement, the following insurance coverage(s), naming the City as additional insured.

A. Workers Compensation (including accident and disease coverage) at the statutory limit. Employers liability: $100,000.

B. Comprehensive general liability (including endorsements providing broad form property damage, personal injury coverage and contractual assumption of liability for all liability the Contractor has assumed under this contract). Limits shall not be less than the following:

a. Bodily injury: $1,000,000 per person /$1,000,000 per occurrence.
b. Property damage or combined single limit coverage: $1,000,000.
c. Automobile liability (including non-owned automobile coverage): $1,000,000.
d. Umbrella: $1,000,000.

C. Contractor shall maintain the above insurance for the term of this Agreement and name the City as an additional insured and provide for 30 days cancellation notice on any Certificate of Insurance form furnished by Contractor. Such certificate shall also specifically state the coverage provided under the policy is primary over any other valid and collectible insurance and provide a waiver of subrogation.

21. Records and Financial Audit.

The Contractor shall maintain detailed time and expenditure records that indicate the date; time, nature and cost of services rendered during the Agreement's term and effect and retain them for a period of three (3) years from the date of final payment under this Agreement. The records shall be subject to inspection by the City. The City shall have the right to audit billings both before and after payment. Payment under this Agreement shall not foreclose the right of the City to recover excessive or illegal payments

22. Indemnification.

The Contractor shall defend, indemnify and hold harmless the City from all actions, proceeding, claims, demands, costs, damages, attorneys' fees and all other liabilities and expenses of any kind from any source which may arise out of the performance of this Agreement, caused by the negligent act or failure to act of the Contractor, its officers, employees, servants, subcontractors or agents, or if caused by the actions of any client of the Contractor resulting in injury or damage to persons or property during the time when the Contractor or any officer, agent, employee, servant or subcontractor thereof has or is performing services pursuant to this Agreement. In the event that any action, suit or proceeding related to the services performed by the Contractor or any officer, agent, employee, servant or subcontractor under this Agreement is brought against the Contractor, the Contractor shall, as soon as practicable but no later than two (2) days after it receives notice thereof, notify the legal counsel of the City.

23. New Mexico Tort Claims Act

Any liability incurred by the City of Santa Fe in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, Section 41-4-1, et. seq. NMSA 1978, as amended. The 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 Agreement modifies or waives any provision of the New Mexico Tort Claims Act.

24. Invalid Term or Condition.

If any term or condition of this Agreement shall be held invalid or unenforceable, the remainder of this Agreement shall not be affected and shall be valid and enforceable.

25. Enforcement of Agreement.

A party's failure to require strict performance of any provision of this Agreement shall not

waive or diminish that party's right thereafter to demand strict compliance with that or any other provision. No waiver by a party of any of its rights under this Agreement shall be effective unless express and in writing, and no effective waiver by a party of any of its rights shall be effective to waive any other rights.

26. Notices.

Any notice required to be given to either party by this Agreement shall be in writing and shall be delivered in person, by courier service or by U.S. mail, either first class or certified, return receipt requested, postage prepaid, as follows:

To the City: Regina Wheeler, Public Works Director, PO Box 909, Santa Fe, NM 87501
rawheeler@santafenm.gov

To the Contractor: LSC Inc. Att: Gordon Shaw, PO 1096, Tahoe City, CA 96145
gordonshaw@lsctahoe.com

✓

27. Authority.

If Contractor is other than a natural person, the individual(s) signing this Agreement on behalf of Contractor represents and warrants that he or she has the power and authority to bind Contractor, and that no further action, resolution, or approval from Contractor is necessary to enter into a binding contract.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date of the signature by the required approval authorities below.

CITY OF SANTA FE:

_____
ALAN M. WEBBER, MAYOR

DATE:_____

CONTRACTOR:
LSC, INC

_____
NAME

President
_____
TITLE

DATE: 10/1/2020
CRS# 02108224003

Registration # 227314

ATTEST:

_____
YOLANDA Y. VIGIL, CITY CLERK

CITY ATTORNEY'S OFFICE:

Marcos Martinez
Marcos Martinez (Sep 11, 2020 08:32 MDT)
_____
SENIOR ASSISTANT CITY ATTORNEY

APPROVED FOR FINANCES:

_____
MARY MCCOY, FINANCE DIRECTOR

3359980-510310
Business Unit Line Item

Attachment 1

Scope of Work

A. The Contractor shall perform the following work:

The 2022-2027 Multimodal Transition Plan will be developed in coordination with the Santa Fe Metropolitan Planning Organization (MPO) with the goal of specifically identifying infrastructure improvement projects, policies and programs that support efficient management and investments in parking solutions, active transportation, mobility management, and transit investments specific to the City of Santa Fe's Transit Division services (Santa Fe Trails, Santa Fe Pick-up and Santa Fe Ride). The purpose of the plan is to develop a 5-10 year blueprint for improving strategic areas within the city's urban fabric and transportation network that addresses key mobility needs to provide better travel choices for the residents, visitors and employees of the city.

1. The City of Santa Fe's urban and suburban growth pattern provides both challenges and opportunities for enhancing mobility choices. The downtown urban core has the advantages of commercial and residential densities that enable public parking management including on-street parking, walkability, and access to a variety of transit services and key bikeway corridors. As the City has developed outward the land use pattern is more identifiable as suburban development with off-street parking, wider roads, and separated and lower density land uses. It is the City's desire to identify study areas within the City where the capacity to increase multi-mobility operations and improvements exist.

2. The Santa Fe Trails fixed route system launched in January of 1993, is the city of Santa Fe's small urban transit system and provides the greatest level of fixed service to the area. Santa Fe Trails is serviced by a fleet of 32 state-of-the-art buses and hosts 10 distinct routes. The Transit Division also operates the Santa Fe Pick-Up which provides free shuttles around downtown and to Museum Hill utilizing 4 cutaway vans and Santa Fe Ride the Complementary Paratransit Service for ADA and seniors with 18 vehicles of varying sizes. Santa Fe Trails was the nation's first transit system to operate its entire fleet with cleaner burning compressed natural gas (CNG). Its mission is to provide transit service in the City of Santa Fe (and parts of Santa Fe County) to get area residents and visitors where life takes them and boasts an annual ridership close to 1 million. The purpose of the 5-10 Transit Service Plan is to develop a comprehensive review of the City's existing transit services, identifying any changes in transit need/demand, and ways of delivering service and producing a plan to best address the City's needs over the next 5 and 10 years. Geographically, the plan will focus on the City's entire service area as well as connective services to NCRTD, NMDOT Park and Ride, and Rail Runner Express train service. The plans, proposals and recommendations arising out of the update must consider not only mobility issues but also related topics such as economic development, air quality, housing, job creation, access to healthcare and education, environmental sustainability and energy consumption. The Service Plan will demonstrate equitable service provision throughout the City's service limits to the extent feasible. This plan should also consider future opportunities and provide a safe, reliable and revolutionized mode of transportation in concert with the City's Mission and Vision statements.

3. City's Parking Division was established in 1982 by consolidating all municipal parking functions into one "responsibility center" with the goals of providing improved parking services and making parking functions financially self-sufficient without any subsidy from the City's General Fund. Financially, the division operates as an Enterprise Fund which combines all parking revenues and expenditures in a special fund separate from other City finances. The Parking Enterprise Fund provides a unified funding category dedicated to the delivery, improvement and expansion of municipal parking facilities and services.

PLAN OVERVIEW

5. Multimodal Transition Plan – Starting with existing plans, land uses, transportation systems and programs this analysis shall identify key urban areas (not to exceed six) that have measurable capacity to increase multimodal usage through investments in infrastructure, policies and programs. These will include urban design, landscape architecture, land use zoning, transportation systems, environmental planning and other approaches that incorporate a comprehensive approach to reducing dependence on the automobile and increase livability.

6. The Transit Division 5-10 Year Service Plan – The City of Santa Fe is seeking to increase its efficiency of transit services with a review of the costs and benefits of service reorganization and expansion. The Santa Fe Metropolitan Public Transit Master Plan will provide baseline information to help inform the service plan. The plan will include updates to demographics, review of existing service routes/schedules and the development of recommended service improvements.

7. Santa Fe Parking Assessment – The City is seeking to assess and study existing parking management services. The study will identify specific study areas in conjunction with the Multimodal Transition Plan and derive a baseline analysis of existing parking availability both public and private, how the parking is being utilized and identify demand and capacity. The assessment shall analyze parking occupancy, duration and turnover and present findings in a manner that identifies strategies for improved efficiency and also measured approaches to public/private parking that leverages the City’s capacity to increase active transportation and multi-modal uses. The City will also benefit from baseline assessment of private parking within the study areas with the goal of providing recommendations to its land use code regarding parking standards. The parking assessment shall also inform a comprehensive suite of recommendations that may advance the goals derived in the overall Multimodal Transition Plan.

8. Plan Outcomes – Each of the core elements as described will be reviewed and the 5-10 year blueprint for improving strategic areas within the city’s urban fabric and transportation network shall be developed with primary goals of minimizing demand for private vehicles and vehicle storage, increasing walkability, active transportation, transit ridership, and increased community and economic vitality. Objectives to these goals may include, but are not limited to; recommended programs, projects, policies, code revisions, public investments and marketing strategies.

SCOPE OF SERVICES

Task 1. Meetings

1) Project Team Kick-Off Meeting – Refine scope, begin process for the identification of the specific study areas (not to exceed six) required for the project.
2) Bi-Weekly Team Meetings – Identify times to meeting for the coordination and communication of project management and progress with MPO and City staff as necessary.

Task 2. Plan Coordination and Public Engagement.

1) The scope of work anticipates that each step listed below is done in coordination with all three elements of this planning effort to maximize efficiency in project management including public engagement, which is anticipated to be developed in a unified manner to inform all three elements.

Task 3. Multi-Modal Transition Plan

1) Study Area Identification – Specific study areas based on existing urban elements such as density, existing and potential transit, active transportation and public parking services shall be identified to commence plan analysis.
2) Website/Communications/Social Media Integration
    a. Review existing City web services related to elements of this plan and recommend an integrated web based approach to provide the public with seamless access to information to maximize their multi-modal options/services
3) Develop plan purpose, goals, and objectives
4) Collect data and information
5) Review prior relevant studies and plans
6) Analyze existing and future conditions
7) Conduct field studies
8) Interview stakeholders
9) Develop individual plan elements for each mode and for various policies
10) Refine recommendations
11) Prepare draft plan document for review
12) Develop the implementation strategy and identify funding sources

Task 4. Transit Service Plan (5 to 10 years)

The plan shall include:

1. Existing Service Assessment; and
2. Future Recommended Service Opportunities; and
3. Implementation Strategies

The plan will consider the general needs of the traveling public as well as the specific needs of particular sub- markets including, but not necessarily limited to, businesses, higher education students, K-12 school-aged children, elderly people, veterans, and people with disabilities. The plan will also consider

people who do not currently use local public transportation. The plan will describe how non-users may be encouraged to become transit passengers by identifying what specific barriers or objections non-users have and how Santa Fe Trails might overcome those barriers or objections.

The plan will include a financial component that describes the costs, both capital and operating, of undertaking plan recommendations and will recommend implementation strategies and metrics for plan elements, including discussion of priorities, staffing levels, levels of service and timing issues.

12) Transit Needs Assessment

The needs assessment will characterize the transit needs of people traveling within, and to and from the City's service territory. Transit needs will be described for both the present and future time periods, up to the year 2027 and 2032. The needs assessment will include an evaluation of the existing transit system's ability to meet those travel needs and will identify those needs which are not met by the existing system.

The needs assessment shall describe the consequences of current and future unmet transit needs in terms of mobility, economic impacts, safety, social impacts, and environmental impacts.

The needs assessment shall be informed and guided by stakeholder and public involvement and be subject to a process of review, comment and possible revisions, based on stakeholder, public involvement and City/MPO staff input. Community meetings will be held in each of the four City Council Districts to maximize geographically diverse populations.

Area Profile and Review of Existing Services

iv. Vehicle/Equipment Inventory
v. Current and Future Demographics (Land Use Development Patterns)
vi. Public Input – Need to look at nontraditional means to solicit input
    a. Passenger, General Public Survey and Stakeholder Forums
    b. Updates and feedback via the Transit Advisory Board

(The community meeting dates will be publicized at least two weeks prior to the meeting, and will be advertised in appropriate media, i.e. newspapers, radio, and/or flyers. Contractor should utilize emailing lists from each of the local government units to reach a broad segment of each communities' constituencies. Sign-in sheets will be retained to verify attendance; an agenda will also be established by Contractor and City/MPO staff and retained for

verification. Minutes of the meeting will be kept and responses to all questions will be documented for inclusion in the plan.)

13) Develop future service scenarios, opportunities and improvements
    a) Existing Fixed Route model (Route Structure and Performance Indicators)
    b) Redesign Exiting Routes and/or Design New Routes
    c) Micro/Macro Transit/Demand Response/TNC Partnerships/Mobility on Demand opportunities
    d) Coordination with NCRTD/Rail Runner/Park and Ride and other entities
    e) Service and Staffing Level Recommendations
        1. The Contractor will be provided direct access and shall utilize Santa Fe Trails existing route planning software where possible to assess current services, create/modify services for the future, and demonstrate impacts to the region. The plan will provide the following details with respect to future proposed operations:

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        3. Routes and/or locations of the service
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        6. Days and hours of service
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        8. Staffing requirements
        9. Facility requirements
    f) Develop a financial and capital plan (menu of options) include economic value from public transit
    g) Recommend an implementation strategy
    h) Review of Paratransit Services
    i) Develop strategic scenarios that include elements in technological advances such as coordination and/or integration with ride-share services, autonomous vehicles
14) First/Last Mile Strategies
    a) Shared Mobility Options
15) Fare structure Assessment
    a) High level pros and cons for free fare
    b) Payment Systems
    c) As further information to Contractors, the following issues should be addressed by the plan:

        i. What is an optimal transit plan now, 5 and 10 years from now?
        ii. Is the City effectively leveraging their strengths and optimizing their resources?
        iii. Are there services or relationships that should develop out of collaboration?

iv. Is there a duplication of services and efforts?
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v. Should these transportation services/initiatives be improved and kept, or be cut?
vi. If these services/initiatives should be kept, what specifically should be done to improve them to make them successful?
vii. What is the cost-benefit for improving each under-performing transit service/initiative?
viii. What services and planning efforts are being duplicated among the City and other local stakeholders?
ix. What opportunities for collaboration exist and how does the City move toward further collaboration with each stakeholder?

Task 5. Parking Assessment

2) Assessment – The Assessment shall contain the following elements
   a) Existing Conditions Inventory/Analysis
      i. The existing conditions analysis will provide real-time data on parking that City staff, developers, and the community can use to understand the parking conditions within the designated study areas.
      ii. Review the current land use code/zoning ordinance relative to parking regulations for study areas.
      iii. Assess current operational practices including investments in technology
   b) Supply/Demand -Develop future parking supply/demand forecast for each study area
   c) Stakeholder Input – Gather input from key stakeholders (major business/property owners)
   d) Goal Identification – The management of curbside and parking resources are essential to achieving strategic goals. These goals, framing up the Multi-Modal Transition Plan, need to be agreed upon and integrated in a manner that the following recommendations steps begin to implement them.
   e) Develop recommendations the City can implement to address challenges and opportunities that also advance multi-modal goals and objectives identified in the overall plan.
      vi. Recommendations to include a description, benefits, obstacles to implementation, responsible parties, costs, and implementation timeframe/steps.
      vii. In coordination with the identified study areas identified, review and make recommendations as regards to the City's off-street parking requirements found within all appropriate local development regulations.

viii. Recommendation of underground and surface parking facilities including garages that may meet derived parking supply and demand in a manner that maximizes land use efficiencies including increased densities, access to transit, multi-use trails and other amenities that reduce vehicle dependency.

ix. Public and private partnership opportunities should be included for consideration of recommendations.

x. Develop strategies to implement recommendations in two, five and ten year increments. Consider comprehensive solutions that aim to maximize both parking management and regulation and multi-modal transition goals. Include infrastructure investments, policies, and education and enforcement.

Task 6: Plan Integration

3) Development of the 5-10 year blueprint with recommendations.
   a. Within the selected study areas key findings from each of the above tasks shall be integrated in a manner that offers the City of Santa Fe a suite of options in the form of objectives. These shall include costs and benefits and be detailed in a temporal and organized manner that provide decision makers measured (performance based) steps to derived goals within five and ten years.

B. *Performance Measures.*

Contractor shall substantially perform the following Performance Measures:

2. Promoting a sustainable City, where residents feel safe, and care for their environment and the well-being of those within it.

3. Creating a future in Santa Fe were all people can afford to live, and can enjoy a quality of life that is better than any other city in our country.

Attachment 2: LSC RFP PROPOSAL

IMPORTANT: THIS ENDORSEMENT CONTAINS DUTIES THAT APPLY TO THE ADDITIONAL INSURED IN THE EVENT OF OCCURRENCE, OFFENSE, CLAIM OR SUIT. SEE PARAGRAPH C.1. OF THIS ENDORSEMENT FOR THESE DUTIES.

ALSO, THIS ENDORSEMENT CHANGES THE CONTRACTUAL LIABILITY COVERAGE WITH RESPECTS TO THE "BODILY INJURY" OR "PROPERTY DAMAGE" ARISING OUT OF THE "PRODUCTS-COMPLETED OPERATIONS HAZARD." SEE PARAGRAPH 8.3. OF THIS ENDORSEMENT FOR THIS COVERAGE CHANGE.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

CONTRACTOR'S SCHEDULED AND BLANKET ADDITIONAL INSURED ENDORSEMENT WITH LIMITED PRODUCTS - COMPLETED OPERATIONS COVERAGE

This endorsement modifies insurance provided under the following: POLICY #2097381503

COMMERCIAL GENERAL LIABILITY COVERAGE

	Location(s) Of Covered Operations
Merced County of Governments	Any and All Projects by the Insured
	LSC Transportation Consultants, Inc.

A. WHO IS AN INSURED (Section II) is amended to include as an insured any person or organization, including any person or organization shown in the schedule above, (called additional insured) whom you are required to add as an additional insured on this policy under a written contract or written agreement; but the written contract or written agreement must be:

1. Currently in effect or becoming effective during the term of this policy; and
2. Executed prior to the "bodily injury," "property damage," or "personal and advertising injury."

B. The insurance provided to the additional insured is limited as follows:

1. That person or organization is an additional insured solely for liability due to your negligence and specifically resulting from "your work" for the additional insured which is the subject of the written contract or written agreement. No coverage applies to liability resulting from the sole negligence of the additional insured.
2. The Limits of Insurance applicable to the additional insured are those specified in the written contract or written agreement or in the Declarations of this policy, whichever is less. These Limits of Insurance are inclusive of, and not in addition to, the Limits of Insurance shown in the Declarations.
3. The coverage provided to the additional insured by this endorsement and paragraph **f.** of the definition of "insured contract" under **DEFINITIONS (Section V)** do not apply to "bodily injury" or "property damage" arising out of the "products-completed operations hazard" unless required by the written contract or written agreement. When coverage does apply to "bodily injury" or "property damage" arising out of the "products-completed operations hazard" such coverage will not apply beyond:
   - **a.** The period of time required by the written contract or written agreement; or
   - **b.** 5 years from the completion of "your work" on the project which is the subject of the written contract or written agreement,

whichever is less.

4. The insurance provided to the additional insured does not apply to "bodily injury," "property damage," or "personal and advertising injury" arising out of an architect's, engineer's, or surveyor's rendering of or failure to render any professional services including:

   a. The preparing, approving, or failing to prepare or approve maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; and

   b. Supervisory, or inspection activities performed as part of any related architectural or engineering activities.

C. As respects the coverage provided under this endorsement, **SECTION IV - COMMERCIAL GENERAL LIABILITY CONDITIONS** are amended as follows:

1. The following is added to the Duties In The Event of Occurrence, Offense, Claim or Suit Condition:

   e. An additional insured under this endorsement will as soon as practicable

      (1) Give written notice of an occurrence or an offense to us which may result in a claim or "suit" under this insurance;

      (2) Tender the defense and indemnity of any claim or "suit" to us for a loss we cover under this Coverage Part;

      (3) Tender the defense and indemnity of any claim or "suit" to any other insurer which also has insurance for a loss we cover under this Coverage Part; and

      (4) Agree to make available any other insurance which the additional insured has for a loss we cover under this Coverage Part.

   f. We have no duty to defend or indemnify an additional insured under this endorsement until we receive written notice of a claim or "suit" from the additional insured.

2. Paragraph **4.b.** of the Other Insurance Condition is deleted and replaced with the following:

   4. Other Insurance

   b. Excess Insurance

   This insurance is excess over any other insurance naming the additional insured as an insured whether primary, excess, contingentor on any other basis unless a written contract or written agreement specifically requires that this insurance be either primary or primary and noncontributing to the additional insured's own coverage. This insurance is excess over any other insurance to which the additional insured has been added as an additional insured by endorsement.

   When this insurance is excess, we will have no duty under Coverages **A or B** to defend the additional insured against any "suit" if any other insurer has a duty to defend the additional insured against that "suit." If no other insurer defends, we will undertake to do so, but we will be entitled to the additional insured's rights against all those other insurers.

   When this insurance is excess over other insurance, we will pay only our share of the amount of the loss, if any, that exceeds the sum of:

   (1) The total amount that all such other insurance would pay for the loss in the absence of this insurance; and

   (2) The total of all deductible and self-insured amounts under all that other insurance.

   We will share the remaining loss, if any, with any other insurance that is not described in this Excess Insurance prov1s1on and was not bought specifically to apply in excess of the Limits of Insurance shown in the Declarations of this Coverage Part.

CITY OF SANTA FE

"REQUEST FOR PROPOSALS"

2020-2030 MULTIMODAL TRANSITION PLAN INCLUDING PARKING ASSESSMENT AND TRANSIT 5-10 YEAR SERVICE PLAN

RFP #'20/09/P

PROPOSAL DUE:

December 30, 2019
3:00 P.M.
PURCHASING OFFICE
CITY OF SANTA FE
200 Lincoln Ave Rm 122
SANTA FE, NEW MEXICO 87501

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Attachments:

1. Non-Disclosure and Conflict of Interest Statement
2. Campaign Contribution Form
3. Sample Contract
4. Minimum Wage Ordinance
5. Evaluation Criteria Form

REQUEST FOR PROPOSALS

PROPOSAL NUMBER '20/09/P

Proposals will be received by the City of Santa Fe and shall be delivered to the City of Santa Fe Purchasing Office, 200 Lincoln Ave Rm122 Santa Fe, New Mexico 87501 **until 3:00 P.M. local prevailing time December 30th, 2019.** Any proposal received after this deadline will not be considered. This proposal is for the purpose of procuring professional services for the following:

2020 -2030 MULTIMODAL TRANSITION PLAN INCLUDING PARKING ASSESSMENT AND TRANSIT 5-10 YEAR SERVICE PLAN

The proponent's attention is directed to the fact that all applicable Federal Laws, State Laws, Municipal Ordinances, and the rules and regulations of all authorities having jurisdiction over said item shall apply to the proposal throughout, and they will be deemed to be included in the proposal document the same as though herein written out in full.

The City of Santa Fe is an Equal Opportunity Employer and all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation or national origin. The successful proponent will be required to conform to the Equal Opportunity Employment regulations.

Proposals may be held for sixty (60) days subject to action by the City. The City reserves the right to reject any of all proposals in part or in whole. Proposal packets are available by contacting: City of Santa Fe, Purchasing Office, 200 Lincoln Ave Rm122 Santa Fe, New Mexico, 87505, (505) 955-6432.

CPO 11/22/19.

Purchasing Officer

Received by the Santa Fe New Mexican Newspaper on: November 22, 2019
To be published on: November 27, 2019

Received by the Albuquerque Journal Newspaper on: November 22, 2019
To be published on: November 27, 2019

PROPOSAL SCHEDULE

RFP # '20/09/P

1.	Advertisement	November 27th, 2019
2.	Issuance of RFP'S:	November 27th, 2019
3.	Receipt of proposals:	December 30th, 2019 at 3:00 p.m. local prevailing time. Purchasing Office 200 Lincoln Ave Rm 122 Santa Fe, New Mexico 87501
4.	Evaluation of proposals:	January 7th, 2019
5.	Interviews:	January21st, 2020
6.	Recommendation of award to Finance Committee:	February 17th, 2020
7.	Recommendation of award to City Council:	February 26th, 2020

DATES OF CONSIDERATION BY FINANCE COMMITTEE AND CITY COUNCIL ARE TENTATIVE AND SUBJECT TO CHANGE WITHOUT NOTICE.

INFORMATION FOR PROPONENTS

1. RECEIPT OF PROPOSALS

The City of Santa Fe (herein called "City"), invites firms to submit one electronic file and two copies of the proposal. Proposals will be received by the Purchasing Office, until 3:00 p.m. local prevailing time, December 30, 2019.

The packets shall be submitted and addressed to the Purchasing Office, at 200 Lincoln Ave Rm122 Santa Fe, New Mexico 87505. No late proposals will be accepted whether hand delivered, mailed or special delivery. Do not rely on "overnight delivery" without including some lead-time. "Overnight delivery" will be determined to be non-responsive if delivered late, no matter whose fault it was. It is recommended that extra days be included in the anticipated delivery date to ensure delivery is timely. The Purchasing Office is closed 12:00 p.m. to 1:00 p.m. The outside of the envelope should clearly indicate the following information:

Proposal number: '20/09/P
Title of the proposal:
Name and address of the proponent:

Any proposal received after the time and date specified shall not be considered. No proposing firm may withdraw a proposal within 60 days after the actual date of the opening thereof.

2. PREPARATION OF PROPOSAL

Vendors shall comply with all instructions and provide all the information requested. Failure to do so may disqualify your proposal. All information shall be given in ink or typewritten. Any corrections shall be initialed in ink by the person signing the proposal.

This request for proposal may be canceled or any and all proposals may be rejected in whole or in part, whenever the City of Santa Fe determines it is in the best interest of the city.

3. ADDENDA AND INTERPRETATIONS

No oral interpretation of the meaning of any section of the proposal documents will be binding. Oral communications are permitted in order to make an assessment of the need for an addendum. Any questions concerning the proposal must be addressed prior to the date set for receipt of proposal.

Every request for such interpretation should be in writing addressed to, Purchasing Officer, 200 Lincoln Ave Rm 122 Santa Fe, New Mexico, 87501 and to be given

consideration must be received at least (5) days prior to the date set for the receiving of proposals.

Any and all such interpretations and any supplemental instruction will be in the form of written addenda to the RFP, which if issued, will be delivered to all prospective firms not later than three days prior to the date fixed for the receipt of the proposals. Failure of any proposing firm to receive any such addenda or interpretations shall not relieve such firm from any obligation under their proposal as submitted. All addenda so issued shall become part of the contract documents.

The City reserves the right to not comply with these time frames if a critical addendum is required or if the proposal deadline needs to be extended due to a critical reason in the best interest of the City of Santa Fe.

4. LAWS AND REGULATIONS

The proposing firm's attention is directed to the fact that all applicable Federal Laws, State Laws, Municipal Ordinances, and the rules and regulations of all authorities having jurisdiction over said item shall apply to the contract throughout. They will be deemed to be included in the contract the same as though herein written out in full.

5. METHOD OF AWARD

The proposal is to be awarded based on qualified proposals as per the enclosed rating system and at the discretion and consideration of the governing body of the City of Santa Fe. The selection committee may interview the top three rated proponents; however, contracts may be awarded without such interviews. At its discretion the city reserves the right to alter the membership or size of the selection committee. The City reserves the right to change the number of firms interviewed.

6. COMPLIANCE WITH CITY'S MINIMUM WAGE RATE ORDINANCE (LIVING WAGE ORDINANCE)

A copy of the City of Santa Fe Ordinance No. 2003-8, passed by the Santa Fe City Council on February 26, 2003 is attached. The proponent or bidder will be required to submit the proposal or bid such that it complies with the ordinance to the extent applicable. The recommended Contractor will be required to comply with the ordinance to the extent applicable, as well as any subsequent changes to the Ordinance throughout the term of this contract.

7. CITY LOCAL PREFERENCE

A state of New Mexico Taxation and Revenue Department Resident Business Certification of eligibility must be attached. If an offer is received without a copy of the appropriate State

of New Mexico Taxation and Revenue Department issued Resident Business Certificate, the preference will not be applied.

The City shall apply the following definitions and preferences:

1) "resident business" means a business that has a valid resident business certificate issued by the taxation and revenue department pursuant to Section 13-1-22, and which shows that the resident business resides within the Santa Fe municipal limits.

2) When the city makes a purchase using a formal bid process, the public body shall deem a bid submitted by a resident business to be 3% percent lower than the bid actually submitted. In addition, if the bid includes subcontractors who are also resident businesses, the public body shall deem a bid submitted by a resident business with resident business subcontractors to be 6% lower than the bid actually submitted. If a non-resident business hires all resident business subcontractors, the public body shall deem the bid to be 3% percent lower than the bid actually submitted.

3) When the city makes a purchase using a formal request for proposals process, not including contracts awarded on a point-based system, the city shall award an additional:

   (a) three percent or the total weight of all the factors used in evaluating the proposals to a resident business; and

   (b) three percent or the total weight of all the factors used in evaluating the used in evaluating the proposals to a business with all resident business subcontractors.

4) When the city makes a purchase using a formal request for proposals process, and the contract is awarded based on a point-based system, the city shall award additional points equivalent to:

   (1) three percent of the total possible points to a resident business: and

(2) three percent of the total possible points to a business with all resident business subcontractors.

5) The maximum available local preference shall be 6%.

6) Competitive sealed proposals valued in excess of one million dollars ($1,000,000.00)

(1) If the bid or proposal includes to subcontractors who are also resident business, the public body shall deem a bid or proposal submitted by a resident business to be six percent (6%) lower than the bid actually submitted, if and only if at least fifty percent (50%) of the subcontracted services go to subcontractors who are resident businesses.

(2) If a non-resident business hires resident business subcontractors, the public body shall deem the bid or proposal to be three percent (3%) lower than the bid actually submitted, if and only at least fifty percent (50%) of the subcontracted services go to subcontractors who are resident businesses."

8. PROTESTS AND RESOLUTIONS PROCEDURES

Any proponent, offeror, or contractor who is aggrieved in connection with a procurement may protest to the Purchasing Officer. The protest must be in writing and submitted within fifteen (15) days and requirements regarding protest and resolution of protests are available from the Purchasing Office upon request.

SPECIAL CONDITIONS

1. GENERAL

When the City's Purchasing Officer issues a purchase order document in response to the vendor's bid, a binding contract is created.

2. ASSIGNMENT

Neither the order, nor any interest therein, nor claim under, shall be assigned or transferred by the vendor, except as expressly authorized in writing by the City Purchasing

Officer's Office. No such consent shall relieve the vendor from its obligations and liabilities under this order.

3. **VARIATION IN SCOPE OF WORK**

No increase in the scope of work of services or equipment after award will be accepted, unless means were provided for within the contract documents. Decreases in the scope of work of services or equipment can be made upon request by the city or if such variation has been caused by documented conditions beyond the vendor's control, and then only to the extent, as specified elsewhere in the contract documents.

4. **DISCOUNTS**

Any applicable discounts should be included in computing the bid submitted. Every effort will be made to process payments within 30 days of satisfactory receipt of goods or services. The City Purchasing Officer shall be the final determination of satisfactory receipt of goods or services.

5. **TAXES**

The price shall include all taxes applicable. The city is exempt from gross receipts tax on tangible personal property. A tax exempt certificate will be issued upon written request.

6. **INVOICING**

(A) The vendor's invoice shall be submitted in duplicate and shall contain the following information: invoice number and date, description of the supplies or services, quantities, unit prices and extended totals. Separate invoices shall be submitted for each and every complete order.

(B) Invoice must be submitted to ACCOUNTS PAYABLE and NOT THE CITY PURCHASING AGENT.

7. **METHOD OF PAYMENT**

Every effort will be made to process payments within 30 days of receipt of a detailed invoice and proof of delivery and acceptance of the products hereby contracted or as otherwise specified in the compensation portion of the contract documents.

8. **DEFAULT**

The City reserves the right to cancel all or any part of this order without cost to the City if the vendor fails to meet the provisions for this order, and except as otherwise provided herein, to hold the vendor liable for any excess cost occasioned by the city due to the vendor's default. The vendor shall not be liable for any excess cost if failure to perform the order arises out of causes beyond the control and with the fault or negligence of the Vendor and these causes have been made known to the City of Santa Fe in written form within five working days of the vendor becoming aware of a cause which may create any delay; such causes include, but are not limited to, acts of God or the public enemy, acts of the State or of the Federal Government, fires, floods, epidemics, quarantine restrictions,

strikes, freight embargoes, unusually severe weather and defaults of sub-contractors due to any of the above unless the city shall determine that the suppliers or services to be furnished by the sub-contractor are obtainable from other sources in sufficient time to permit the vendor to meet the required delivery schedule. The rights and remedies of the city are not limited to those provided for in this paragraph and are in addition to any other rights provided for by law.

9. **NON-DISCRIMINATION**

By signing this City of Santa Fe bid or proposal, the vendor agrees to comply with the Presidents Executive Order No. 11246 as amended.

10. **NON-COLLUSION**

In signing this bid or proposal, the vendor certifies they have not, either directly or indirectly, entered into action in restraint of full competition in connection with this bid or proposal submittal to the City of Santa Fe.

SCOPE OF SERVICES
'20/09/P

BACKGROUND

The City of Santa Fe invites you to respond to this "Request for Proposals" for the development of the 2020 – 2025 Multimodal Transition Plan including Parking Assessment and Transit 5-10 Year Service Plan. The project proposal shall be received no later than, December 30, 2019 by 3:00 p.m.

The 2020-2025 Multimodal Transition Plan will be developed in coordination with the Santa Fe Metropolitan Planning Organization (MPO) with the goal of specifically identifying infrastructure improvement projects, policies and programs that support efficient management and investments in parking solutions, active transportation, mobility management, and transit investments specific to the City of Santa Fe's Transit Division services (Santa Fe Trails, Santa Fe Pick-up and Santa Fe Ride). The purpose of the plan is to develop a 5-10 year blueprint for improving strategic areas within the city's urban fabric and transportation network that addresses key mobility needs to provide better travel choices for the residents, visitors and employees of the city.

- The City of Santa Fe's urban and suburban growth pattern provides both challenges and opportunities for enhancing mobility choices. The downtown urban core has the advantages of commercial and residential densities that enable public parking management including on-street parking, walkability, and access to a variety of transit services and key bikeway corridors. As the City has developed outward the land use pattern is more identifiable as suburban development with off-street parking, wider roads, and separated and lower density land uses. It is the City's desire to identify study areas within the City where the capacity to increase multi-mobility operations and improvements exist.

- The Santa Fe Trails fixed route system launched in January of 1993, is the city of Santa Fe's small urban transit system and provides the greatest level of fixed service to the area. Santa Fe Trails is serviced by a fleet of 32 state-of-the-art buses and hosts 10 distinct routes. The Transit Division also operates the Santa Fe Pick-Up which provides free shuttles around downtown and to Museum Hill utilizing 4 cutaway vans and Santa Fe Ride the Complementary Paratransit Service for ADA and seniors with 18 vehicles of varying sizes. Santa Fe Trails was the nation's first transit system to operate its entire fleet with cleaner burning compressed natural gas (CNG). Its mission is to provide transit service in the City of Santa Fe (and parts of Santa Fe County) to get area residents and visitors where life takes them and boasts an annual ridership close to 1 million. The purpose of the 5-10 Transit Service Plan is to develop a comprehensive review of the City's existing transit services, identifying any changes in transit need/demand, and ways of delivering service and producing a plan to best address the City's needs over the next 5 and 10 years. Geographically, the plan will focus on the City's entire service area as well as connective

services to NCRTD, NMDOT Park and Ride, and Rail Runner Express train service. The plans, proposals and recommendations arising out of the update must consider not only mobility issues but also related topics such as economic development, air quality, housing, job creation, access to healthcare and education, environmental sustainability and energy consumption. The Service Plan will demonstrate equitable service provision throughout the City's service limits to the extent feasible. This plan should also consider future opportunities and provide a safe, reliable and revolutionized mode of transportation in concert with the City's Mission and Vision statements.

- City's Parking Division was established in 1982 by consolidating all municipal parking functions into one "responsibility center" with the goals of providing improved parking services and making parking functions financially self-sufficient without any subsidy from the City's General Fund. Financially, the division operates as an Enterprise Fund which combines all parking revenues and expenditures in a special fund separate from other City finances. The Parking Enterprise Fund provides a unified funding category dedicated to the delivery, improvement and expansion of municipal parking facilities and services.

PLAN OVERVIEW

A. Multimodal Transition Plan – Starting with existing plans, land uses, transportation systems and programs this analysis shall identify key urban areas (not to exceed six) that have measurable capacity to increase multimodal usage through investments in infrastructure, policies and programs. These will include urban design, landscape architecture, land use zoning, transportation systems, environmental planning and other approaches that incorporate a comprehensive approach to reducing dependence on the automobile and increase livability.

B. The Transit Division 5-10 Year Service Plan – The City of Santa Fe is seeking to increase its efficiency of transit services with a review of the costs and benefits of service reorganization and expansion. The Santa Fe Metropolitan Public Transit Master Plan will provide baseline information to help inform the service plan. The plan will include updates to demographics, review of existing service routes/schedules and the development of recommended service improvements.

C. Santa Fe Parking Assessment – The City is seeking to assess and study existing parking management services. The study will identify specific study areas in conjunction with the Multimodal Transition Plan and derive a baseline analysis of existing parking availability both public and private, how the parking is being utilized and identify demand and capacity. The assessment shall analyze parking occupancy, duration and turnover and present findings in a manner that identifies strategies for improved efficiency and also measured approaches to public/private parking that leverages the City's capacity to increase active transportation and multi-modal uses. The City will also benefit from baseline assessment of private parking within the study areas with the goal of providing recommendations to its land use code regarding parking standards. The parking

assessment shall also inform a comprehensive suite of recommendations that may advance the goals derived in the overall Multimodal Transition Plan.

D. Plan Outcomes – Each of the core elements as described will be reviewed and the 5-10 year blueprint for improving strategic areas within the city's urban fabric and transportation network shall be developed with primary goals of minimizing demand for private vehicles and vehicle storage, increasing walkability, active transportation, transit ridership, and increased community and economic vitality. Objectives to these goals may include, but are not limited to; recommended programs, projects, policies, code revisions, public investments and marketing strategies.

SCOPE OF SERVICES

Task 1. Meetings

1) Project Team Kick-Off Meeting – Refine scope, begin process for the identification of the specific study areas (not to exceed six) required for the project.
2) Bi-Weekly Team Meetings – Identify times to meeting for the coordination and communication of project management and progress with MPO and City staff as necessary.

Task 2. Plan Coordination and Public Engagement.

1) The scope of work anticipates that each step listed below is done in coordination with all three elements of this planning effort to maximize efficiency in project management including public engagement which is anticipated to be developed in a unified manner to inform all three elements.

Task 3. Multi-Modal Transition Plan

1) Study Area Identification – Specific study areas based on existing urban elements such as density, existing and potential transit, active transportation and public parking services shall be identified to commence plan analysis.
2) Website/Communications/Social Media Integration
    a. Review existing City web services related to elements of this plan and recommend an integrated web based approach to provide the public with seamless access to information to maximize their multi-modal options/services
3) Develop plan purpose, goals, and objectives
4) Collect data and information
5) Review prior relevant studies and plans
6) Analyze existing and future conditions
7) Conduct field studies
8) Interview stakeholders
9) Develop individual plan elements for each mode and for various policies
10) Refine recommendations
11) Prepare draft plan document for review
12) Develop the implementation strategy and identify funding sources

Task 4. Transit Service Plan (5 to 10 years)
The plan shall include:

1. Existing Service Assessment; and
2. Future Recommended Service Opportunities; and
3. Implementation Strategies

The plan will consider the general needs of the traveling public as well as the specific needs of particular sub- markets including, but not necessarily limited to, businesses, higher education students, K-12 school-aged children, elderly people, veterans, and people with disabilities. The plan will also consider people who do not currently use local public transportation. The plan will describe how non-users may be encouraged to become transit passengers by identifying what specific barriers or objections non-users have and how Santa Fe Trails might overcome those barriers or objections.

The plan will include a financial component that describes the costs, both capital and operating, of undertaking plan recommendations and will recommend implementation strategies and metrics for plan elements, including discussion of priorities, staffing levels, levels of service and timing issues.

1) Transit Needs Assessment
The needs assessment will characterize the transit needs of people traveling within, and to and from the City's service territory. Transit needs will be described for both the present and future time periods, up to the year 2025 and 2030. The needs assessment will include an evaluation of the existing transit system's ability to meet those travel needs and will identify those needs which are not met by the existing system.

The needs assessment shall describe the consequences of current and future unmet transit needs in terms of mobility, economic impacts, safety, social impacts, and environmental impacts.

The needs assessment shall be informed and guided by stakeholder and public involvement and be subject to a process of review, comment and possible revisions, based on stakeholder, public involvement and City/MPO staff input. Community meetings will be held in each of the four City Council Districts to maximize geographically diverse populations.

Area Profile and Review of Existing Services

i. Vehicle/Equipment Inventory
ii. Current and Future Demographics (Land Use Development Patterns)
iii. Public Input – Need to look at none traditional means to solicit input
    a. Passenger, General Public Survey and Stakeholder Forums
    b. Updates and feedback via the Transit Advisory Board

(The community meeting dates will be publicized at least two weeks prior to the meeting, and will be advertised in appropriate media, i.e. newspapers, radio, and/or

flyers. Contractor should utilize emailing lists from each of the local government units to reach a broad segment of each communities' constituencies. Sign-in sheets will be retained to verify attendance; an agenda will also be established by Contractor and City/MPO staff and retained for verification. Minutes of the meeting will be kept and responses to all questions will be documented for inclusion in the plan.)

2) Develop future service scenarios, opportunities and improvements
    - Existing Fixed Route model (Route Structure and Performance Indicators)
    - Redesign Exiting Routes and/or Design New Routes
    - Micro/Macro Transit/Demand Response/TNC Partnerships/Mobility on Demand opportunities
    - Coordination with NCRTD/Rail Runner/Park and Ride and other entities
    - Service and Staffing Level Recommendations
    - The Contractor will be provided direct access and shall utilize Santa Fe Trails existing route planning software where possible to assess current services, create/modify services for the future, and demonstrate impacts to the region. The plan will provide the following details with respect to future proposed operations:

        i. Types, or modes, of service to be provided (fixed-route bus service, para-transit- flex or deviated-route bus service, demand response services, commuter, bus rapid transit, micro transit service, etc.)
        ii. Routes and/or locations of the service
        iii. Existing schedule brochure review and assessment, recommendations for future improvements
        iv. Geographic service area
        v. Days and hours of service
        vi. Vehicle requirements
        vii. Staffing requirements
        viii. Facility requirements

    - Develop a financial and capital plan (menu of options) include economic value from public transit
    - Recommend an implementation strategy
    - Review of Paratransit Services
    - Develop strategic scenarios that include elements in technological advances such as coordination and/or integration with ride-share services, autonomous vehicles
3) First/Last Mile Strategies
    - Shared Mobility Options
4) Fare structure Assessment
    - High level pros and cons for free fare
    - Payment Systems

As further information to Contractors, the following issues should be addressed by the plan:

- What is an optimal transit plan now, 5 and 10 years from now?
- Is the City effectively leveraging their strengths and optimizing their resources?
- Are there services or relationships that should develop out of collaboration?
- Is there a duplication of services and efforts?
- Are there existing services that should no longer be provided?
- Is the method of delivery appropriate or is there another better approach?
- What factors must be measured to determine the success of each transit mode/initiative?
- What current transit services/initiatives are most successful? How successful are they? What makes them successful?
- What current transportation services/initiatives are not as successful as desired?
- Should these transportation services/initiatives be improved and kept, or be cut?
- If these services/initiatives should be kept, what specifically should be done to improve them to make them successful?
- What is the cost-benefit for improving each under-performing transit service/initiative?
- What services and planning efforts are being duplicated among the City and other local stakeholders?
- What opportunities for collaboration exist and how does the City move toward further collaboration with each stakeholder?

Task 5. Parking Assessment

1) Assessment – The Assessment shall contain the following elements
   - Existing Conditions Inventory/Analysis
     i. The existing conditions analysis will provide real-time data on parking that City staff, developers, and the community can use to understand the parking conditions within the designated study areas.
     ii. Review the current land use code/zoning ordinance relative to parking regulations for study areas.
     iii. Assess current operational practices including investments in technology
   - Supply/Demand -Develop future parking supply/demand forecast for each study area
   - Stakeholder Input – Gather input from key stakeholders (major business/property owners)
   - Goal Identification – The management of curbside and parking resources are essential to achieving strategic goals. These goals, framing up the Multi-Modal Transition Plan, need to be agreed upon and integrated in a manner that the following recommendations steps begin to implement them.
   - Develop recommendations the City can implement to address challenges and opportunities that also advance multi-modal goals and objectives identified in the overall plan.

i. Recommendations to include a description, benefits, obstacles to implementation, responsible parties, costs, and implementation timeframe/steps.
ii. In coordination with the identified study areas identified, review and make recommendations as regards to the City's off-street parking requirements found within all appropriate local development regulations.
iii. Recommendation of underground and surface parking facilities including garages that may meet derived parking supply and demand in a manner that maximizes land use efficiencies including increased densities, access to transit, multi-use trails and other amenities that reduce vehicle dependency.
iv. Public and private partnership opportunities should be included for consideration of recommendations.
v. Develop strategies to implement recommendations in two, five and ten year increments. Consider comprehensive solutions that aim to maximize both parking management and regulation and multi-modal transition goals. Include infrastructure investments, policies, and education and enforcement.

Task 6: Plan Integration

1) Development of the 5-10 year blueprint with recommendations.
   - Within the selected study areas key findings from each of the above tasks shall be integrated in a manner that offers the City of Santa Fe a suite of options in the form of objectives. These shall include costs and benefits and be detailed in a temporal and organized manner that provide decision makers measured (performance based) steps to derived goals within five and ten years.

SUBMITTAL REQUIREMENTS
'20/09/P

Consultant Team and Resumes

Provide a personnel summary of individuals participating including roles, task-lead responsibility, percentage of the project, and professional resumes. Identify relevant similar projects and the contributions of the individuals.

Consultant's Experience

Describe experience with similar Transportation, Parking and Transit Plans. Identify previous project work experience that is relevant to this project. Highlight the key features and benefits produced by the Consultant in that project. Identify which of the team members proposed for this project also worked on the example project. Provide contact names, phone number and e-mail addresses for at least four (4) representative example projects.

ANTICIPATED WORK TASKS AND CONSULTANT'S PROJECT UNDERSTANDING AND APPROACH

Provide a clear statement of the project, including the overall objectives and key challenges as your team understands them. Provide an outline of specific tasks to be performed indicating what will be done, in what sequence, and as led by whom. Describe key features of the planning approaches that could be employed by the project team, noting any previous experience with these features.

- List all major tasks and activities (see discussion of tasks below)
- List all deliverables
- List any key assumptions
- List any optional services or deliverables and identify why/when these should be included
- Propose a project schedule
- Describe project management approach
- Describe project staffing plan and lead office location
- Provide cost estimates for each Task as proposed

EVALUATION CRITERIA
&
WEIGHTED VALUES

EVALUATION COMMITTEE MEMBERS

At its discretion, the City reserves the right to alter the membership and size of the committee.

Scores of the evaluation committee members will be totaled to determine the top rated firms.

If interviews are conducted for the top three rated firms, those scores totaled from the evaluation committee members from the interview evaluations will determine the final top rated firm, unless other tangible extenuating circumstances are documented.

Unless noted elsewhere in this RFP, the same evaluation form will be used to separate the interview scores.

EVALUATION CRITERIA FORM

RFP '19/49/P

Electrical Engineering Services, On-Call

NAME OF FIRM: _____

The consultant selection, or short listing for interviews, will be based upon evaluation of the proposal and the Firm's qualifications, relative to the evaluation criteria.

Proposal Component	Weighted Value	(1=low, 10=high)	Total Score	Max Score
Approach/ Methodology: *Grasp of project requirements*	10			100
Relevant experience of firm and specific qualifications & experience of project team, demonstrated by previous projects related to wastewater treatment aeration system projects and other work elements as outlined in the Scope of Work.	20			200
Past Performance: *The quality and timeliness of previous work for the City or other entity; the demonstrated ability to complete projects satisfactorily, to complete work within budget and to meet schedules. The demonstration of interfacing and collaborating with owners. The demonstration of completing a aeration system upgrade project similar in which the client was satisfied.*	10			100
Innovative Elements: *The level of attention developed that intends to address the scope in a manner that is innovative, creative and strives to address meet the scope.*	15			150
Work Plan & Project Schedule: Discussion of work elements and time frames	10			100
Work Load: *Consultant's staff size related to current uncompleted work and the amount of work proposed under this project. The amount of city work, if any, not yet 75% complete.*	10			100
Proposed Fees: *Is fee reasonable for scope and schedule? A very low fee may reflect a narrow scope, missing scope or a reduced amount of qualified engineer time. A very high fee may reflect us paying firm's learning curve, higher than normal area pay rates or higher effort than is required.*	25			250
Total Score	**100**			**1000**

Please do not minimize the importance of an adequate response in any area.

SELECTION COMMITTEE
EVALUATOR SIGNATURE: _____DATE: _

FEDERAL CHANGES 2 CFR 200

Federal Changes - Contractor shall at all times comply with all applicable FTA regulations, policies, procedures and directives, including without limitation those listed directly or by reference in the Master Agreement between Purchaser and FTA, as they may be amended or promulgated from time to time during the term of this contract. Contractor's failure to so comply shall constitute a material breach of this contract.

CIVIL RIGHTS REQUIREMENTS 29 U.S.C. § 623, 42 U.S.C. § 2000
42 U.S.C. § 6102, 42 U.S.C. § 12112
42 U.S.C. § 12132, 49 U.S.C. § 5332
29 CFR Part 1630, 41 CFR Parts 60 et seq.

Civil Rights - The following requirements apply to the underlying contract:

(1) Nondiscrimination - In accordance with Title VI of the Civil Rights Act, as amended, 42 U.S.C.

§ 2000d, section 303 of the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6102, section 202 of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132, and Federal transit law at 49 U.S.C. § 5332, the Contractor agrees that it will not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, age, or disability. In addition, the Contractor agrees to comply with applicable Federal implementing regulations and other implementing requirements FTA may issue.

(2) Equal Employment Opportunity - The following equal employment opportunity requirements apply to the underlying contract:

(a) Race, Color, Creed, National Origin, Sex - In accordance with Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e, and Federal transit laws at 49 U.S.C. § 5332, the Contractor agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 C.F.R. Parts 60 et seq., (which implement Executive Order No. 11246, "Equal Employment Opportunity," as amended by Executive Order No. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," 42

U.S.C. § 2000e note), and with any applicable Federal statutes, executive orders, regulations, and Federal policies that may in the future affect construction activities undertaken in the course of the Project. The Contractor agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, creed, national origin, sex, or age. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.

(b) Age - In accordance with section 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § § 623 and Federal transit law at 49 U.S.C. § 5332, the Contractor agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.

(c) Disabilities - In accordance with section 102 of the Americans with Disabilities Act, as amended, 42 U.S.C. § 12112, the Contractor agrees that it will comply with the requirements of

U.S. Equal Employment Opportunity Commission, "Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act," 29 C.F.R. Part 1630, pertaining to employment of persons with disabilities. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.

(3) The Contractor also agrees to include these requirements in each subcontract financed in whole or in part with Federal assistance provided by FTA, modified only if necessary, to identify the affected parties.

NEW MEXICO DEPARTMENT OF TRANSPORTATION TRANSIT AND RAIL DIVISION: DISADVANTAGED BUSINESS ENTERPRISE RACE-NEUTRAL IMPLEMENTATION AGREEMENT FOR FEDERAL TRANSIT ADMINISTRATION SUBRECIPIENTS

INTRODUCTION AND INSTRUCTIONS:

The New Mexico Department of Transportation (NMDOT) Transit and Rail Division, through the NMDOT Office of Equal Opportunity Programs (OEOP), must ensure that Subrecipient of Federal Transit Administration (FTA) funds meet applicable DBE requirements when funds are used in whole or in part to finance procurement and contracts of products and service(s). To that end, Subrecipient with contracting opportunities must submit a *Disadvantaged Business Enterprise Race-Neutral Implementation Agreement for Federal Transit Administration Subrecipients* (Agreement).

Please read the entire Agreement before completing, and do not change or add to the wording of the Agreement. The Agreement is incorporated into and becomes a material part of your contract with NMDOT, and Subrecipients are responsible for complying with the requirements contained therein.

DISADVANTAGED BUSINESS ENTERPRISE RACE-NEUTRAL IMPLEMENTATION AGREEMENT for North Central Regional Transit District (NCRTD) hereinafter referred to as "**Subrecipient.**"

I. Definition of Terms

The terms used in this agreement have the meanings defined in 49 CFR Part 26.5.

II. OBJECTIVE/POLICY STATEMENT (§26/1. 26/23)

The Subrecipient intends to receive federal financial assistance from the U.S. Department of Transportation (USDOT) through the New Mexico Department of Transportation (NMDOT), and as a condition of receiving this assistance, the Subrecipient will sign the New Mexico Department of Transportation's Disadvantaged Business Enterprise Race Neutral Implementation Agreement (hereinafter referred to as Agreement).

The Subrecipient must implement a policy to ensure that DBEs, as defined in 49 CFR Part 26 (also referred to as the DBE Program), have an equal opportunity to receive and participate in USDOT-assisted contracts. It is also their policy:
To ensure nondiscrimination in the award and administration of USDOT-assisted procurement and contracts of products and services contracts.
To create a level playing field on which DBE's can compete fairly for USDOT-assisted procurement and contracts of products and services contracts.
To ensure that their annual overall DBE participation percentage is narrowly tailored, in accordance with applicable law.
To ensure that only firms that fully meet 49 CFR, Part 26 eligibility standards are permitted to participate as DBEs.
To help remove barriers to the participation of DBEs in USDOT-assisted procurement and contracts of products and services contracts.
To assist the development of firms that can compete successfully in the market place outside the DBE Program.

III. Nondiscrimination (§26.7)

Subrecipient will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin. Subrecipient will not, directly, or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE Program with respect to individuals of a particular race, color, sex, or national origin.

IV. Race-Neutral Means of Meeting the Annual DBE Goal (§26.51)

Subrecipient will assist NMDOT to achieve its Overall Statewide DBE Goal by race-neutral means of facilitating DBE participation. Race-neutral DBE participation includes any time a DBE wins a prime contract through customary competitive procurement procedures, is awarded a subcontract on a prime contract that does not carry a DBE goal, or even if there is a DBE goal, wins a subcontract from a prime contractor that did not consider its DBE status in making the award (e.g., a prime contractor that uses a strict low-bid system to award subcontracts).
Race-neutral means include, but are not limited to, the following:

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE, and other small businesses, participation (e.g., unbundling large contracts to make them more accessible to small businesses, requiring or encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces);

2. Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing);

3. Providing technical assistance and other services;

4. Carrying out information and communication programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists of bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);

5. Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses;

6. Providing services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency;

7. Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has been historically low;

8. Ensuring distribution of the New Mexico DBE directory, through print and electronic means, to the widest feasible universe of potential contractors; and

9. Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.

Subrecipient will encourage utilization of DBE contractors whenever possible on its USDOT-assisted contracts. New Mexico Certified DBE firms and the fields of work in which they participate are listed in the electronic web-based DBE Directory located at https://nmdot.dbesystem.com

V. Quotas (§26.43)

Subrecipient will not use quotas or set-asides in any way in the administration of the DBE Program.

VI. DBE Liaison Officer (§26.25)

Subrecipient must designate a DBE Liaison Officer (DBELO). The DBELO is responsible for implementing the DBE Program as it pertains to the Subrecipient and ensures that the Subrecipient is fully and properly advised concerning DBE Program matters.

VII. Federal Financial Assistance Agreement Assurance (§26.13)

The Subrecipient will sign the following assurance, applicable to and to be included in all USDOT-assisted procurements and contracts for products and services:

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any USDOT-assisted contract, or in the administration of its DBE Program, or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR, Part 26 to ensure nondiscrimination in the award and administration of USDOT-assisted contracts. The recipient's DBE Program, as required by 49 CFR, Part 26 as approved by USDOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

VIII. Required Contract Clauses (§§26.13, 26.29)

Subrecipient assures that the following clauses will be included in each USDOT-assisted prime contract: A. Contract Assurance

The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR, Part 26 in the award and administration of USDOT-assisted procurement and contracts of products and services contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as recipient deems appropriate.

B. Prompt Payment

Prompt Progress Payment to Subcontractors

A prime contractor or subcontractor shall pay to any subcontractor not later than 10 days of receipt of each progress payment. The 10-days is applicable unless a longer period is agreed to in writing. Any delay or postponement of payment over 30 days may take place only for good cause and with the NMDOT's prior written approval. Any violation of this Section shall subject the violating contractor or subcontractor to penalties, sanctions, and other remedies provided by law. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

Prompt Payment of Retainage

Subrecipient shall include either (1), (2), or (3) of the following provisions in their USDOT-assisted contracts to ensure prompt and full payment of retainage (withheld funds) to subcontractors in compliance with 49 CFR 26.29.

1. No retainage will be held by the agency from progress payments due to the prime contractor. Prime contractors and subcontractors are prohibited from holding retainage from subcontractors. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies provided by law. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

2. No retainage will be held by the agency from progress payments due the prime contractor. Any retainage kept by the prime contractor or by a subcontractor must be paid in full to the earning subcontractor within 30 days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and remedies provided by law. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

3. The agency shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the agency of the contract work and pay retainage to the prime contractor based on these acceptances. The prime contractor or subcontractor shall return all monies withheld in retention from all subcontractors within 30 days after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by the agency. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating prime contractor to the penalties, sanctions, and other remedies provided by law. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor; deficient subcontractor performance; and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

IX. Bidders List (§26.11)

The Subrecipient will create and maintain a bidders list, consisting of information about all DBE and non- DBE firms that bid or quote on its USDOT-assisted procurement and contracts for products and services. The bidders list will include the name, address and telephone number of each quoting firm and whether the quoter is a New Mexico certified DBE. Subrecipient will include language in its procurement documents that requires each bidding Contractor, at the time that bids are submitted, to list the quotes received for the project as detailed above.

X. Reporting

Subrecipient will report bidders list and related DBE information to the NMDOT Transit and Rail Division or the NMDOT Office of Equal Opportunity Programs upon request.

Subrecipient will complete and submit annually to the NMDOT Office of Equal Opportunity Programs the NMDOT Annual Profile Registration Form. This Form will be mailed to Subrecipient.

Subrecipient will compile and provide such other information related to its procurements and the DBE Program as deemed necessary by the NMDOT Transit and Rail Division or the NMDOT Office of Equal Opportunity Programs.

XI. Incorporation of Agreement

This Agreement is incorporated into Subrecipient's financial assistance agreement with NMDOT by reference and made a part of that agreement.

Date:
Signature of Subrecipient Official
Phone Number:
Printed Name of Subrecipient Official

CITY OF SANTA FE (CSF)
NON-DISCLOSURE AND CONFLICT OF INTEREST STATEMENT

REQUEST FOR PROPOSAL # '

EVALUATOR NAME: _____

CSF policy is to prevent personal or organizational conflict of interest, or the appearance of such conflict of interest, in the award and administration of CSF contracts and Purchase Orders.

I, _____, the undersigned, hereby certify that the following statements are true and correct and that I understand and agree to be bound by commitments contained herein.

I am acting at the request of CSF as a participant in the evaluation of *offers/ proposals* received in response to the *Request for Offers! Request for Proposals,* entitled and/ or numbered. I am acting of my own accord and not acting under duress. I am not currently employed by, nor am I receiving any compensation from, nor have I been the recipient of any present or future economic opportunity, employment, gift, loan, gratuity, special discount, trip, favor, or service in connection with any *offer/proposal* or involved *Offeror/Proposer* in return for favorable consideration. I have no preconceived position on the relative merits of any of the *offers/proposals* nor have I established a personal preference or position on the worth or standing of any *Offeror/Proposer* participating in this action. CSF policy is to prevent personal or organizational conflict of interest, or the appearance of such conflict of interest, in the award and administration of CSF contracts, including, but not limited to contracts for professional services, agreements with consultants and Purchase Orders.

I hereby certify that to the best of my knowledge and belief, no conflict of interest exists that may diminish my capacity to perform an impartial, technically sound, objective review of this proposal(s) or otherwise result in a biased opinion or unfair competitive advantage. I agree not to disclose or otherwise divulge any information pertaining to the contents, status, or ranking of any *offer/proposal* to anyone other than the team leader or other evaluation team members. I understand the terms and "disclose or otherwise divulge" to include, but are not limited to, reproduction of any part or any portion of any *offer/proposal,* or removal of same from designated areas without prior authorization from the evaluation team leader. I agree to perform any and all evaluations of said *offers/proposals* in an unbiased manner, to the best of my ability, and with the best interest of CSF paramount in all decisions.

I agree to return to CSF Purchasing Department all copies of proposals, as well as any abstracts, upon completion of the evaluation.

_____

SIGNATURE AND DATE:

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Pursuant to NMSA 1978, § 13-1-191.1 (2006), any person seeking to enter into a contract with any state agency or local public body **for professional services, a design and build project delivery system, or the design and installation of measures the primary purpose of which is to conserve natural resources** must file this form with that state agency or local public body. This form must be filed even if the contract qualifies as a small purchase or a sole source contract. The prospective contractor must disclose whether they, a family member or a representative of the prospective contractor has made a campaign contribution to an applicable public official of the state or a local public body during the two years prior to the date on which the contractor submits a proposal or, in the case of a sole source or small purchase contract, the two years prior to the date the contractor signs the contract, if the aggregate total of contributions given by the prospective contractor, a family member or a representative of the prospective contractor to the public official exceeds two hundred and fifty dollars ($250) over the two year period.

Furthermore, the state agency or local public body shall void an executed contract or cancel a solicitation or proposed award for a proposed contract if: 1) a prospective contractor, a family member of the prospective contractor, or a representative of the prospective contractor gives a campaign contribution or other thing of value to an applicable public official or the applicable public official's employees during the pendency of the procurement process or 2) a prospective contractor fails to submit a fully completed disclosure statement pursuant to the law.

THIS FORM MUST BE FILED BY ANY PROSPECTIVE CONTRACTOR WHETHER OR NOT THEY, THEIR FAMILY MEMBER, OR THEIR REPRESENTATIVE HAS MADE ANY CONTRIBUTIONS SUBJECT TO DISCLOSURE.

The following definitions apply:

"**Applicable public official**" means a person elected to an office or a person appointed to complete a term of an elected office, who has the authority to award or influence the award of the contract for which the prospective contractor is submitting a competitive sealed proposal or who has the authority to negotiate a sole source or small purchase contract that may be awarded without submission of a sealed competitive proposal.

"**Campaign Contribution**" means a gift, subscription, loan, advance or deposit of money or other thing of value, including the estimated value of an in-kind contribution, that is made to or received by an applicable public official or any person authorized to raise, collect or expend contributions on that official's behalf for the purpose of electing the official to either statewide or local office. "Campaign Contribution" includes the payment of a debt incurred in an election campaign, but does not include the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or political committee, nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee.

"**Family member**" means spouse, father, mother, child, father-in-law, mother-in-law, daughter-in-law or son-in-law.

"**Pendency of the procurement process**" means the time period commencing with the public notice of the request for proposals and ending with the award of the contract or the cancellation of the request for proposals.

"**Person**" means any corporation, partnership, individual, joint venture, association or any other private legal entity.

"**Prospective contractor**" means a person who is subject to the competitive sealed proposal process set forth in the Procurement Code or is not required to submit a competitive sealed proposal because that person qualifies for a sole source or a small purchase contract.

"**Representative of a prospective contractor**" means an officer or director of a corporation, a member or manager of a limited liability corporation, a partner of a partnership or a trustee of a trust of the prospective contractor.

DISCLOSURE OF CONTRIBUTIONS:

Contribution Made by: _____

Relation to Prospective Contractor: _____

Name of Applicable Public Official: _____

Date Contribution(s) Made: _____

_____

Amount(s) of Contribution(s) _____

_____

Nature of Contribution(s) _____

_____

Purpose of Contribution(s) _____

_____

(Attach extra pages if necessary)

_____ _____
Signature Date

_____
Title (position)

--OR—

NO CONTRIBUTIONS IN THE AGGREGATE TOTAL OVER TWO HUNDRED FIFTY DOLLARS ($250) WERE MADE to an applicable public official by me, a family member or representative.

_____ _____
Signature Date

_____

CITY OF SANTA FE

PROFESSIONAL SERVICES CONTRACT

REQUEST FOR PROPOSALS ONLY

THIS AGREEMENT is made and entered into by and between the City of Santa Fe, New Mexico, hereinafter referred to as the "City," and **NAME OF CONTRACTOR**, hereinafter referred to as the "Contractor," and is effective as of the date set forth below upon which it is executed by the Parties.

IT IS AGREED BETWEEN THE PARTIES:

1. **Scope of Work.**

A. The Contractor shall perform the following work:

The 2020-2025 Multimodal Transition Plan will be developed in coordination with the Santa Fe Metropolitan Planning Organization (MPO) with the goal of specifically identifying infrastructure improvement projects, policies and programs that support efficient management and investments in parking solutions, active transportation, mobility management, and transit investments specific to the City of Santa Fe's Transit Division services (Santa Fe Trails, Santa Fe Pick-up and Santa Fe Ride). The purpose of the plan is to develop a 5-10 year blueprint for improving strategic areas within the city's urban fabric and transportation network that addresses key mobility needs to provide better travel choices for the residents, visitors and employees of the city.

1) The City of Santa Fe's urban and suburban growth pattern provides both challenges and opportunities for enhancing mobility choices. The downtown urban core has the advantages of commercial and residential densities that enable public parking management including on-street parking, walkability, and access to a variety of transit services and key bikeway corridors. As the City has developed outward the land use pattern is more identifiable as suburban development with off-street parking, wider roads, and separated and lower density land uses. It is the City's desire to identify study areas within the City where the capacity to increase multi-mobility operations and improvements exist.

2) The Santa Fe Trails fixed route system launched in January of 1993, is the city of Santa Fe's small urban transit system and provides the greatest level of fixed service to the area. Santa Fe Trails is serviced by a fleet of 32 state-of-the-art buses and hosts 10 distinct routes. The Transit Division also operates the Santa Fe Pick-Up which provides free shuttles around downtown and to Museum Hill utilizing 4 cutaway vans and Santa Fe Ride the Complementary Paratransit Service for ADA and seniors with 18 vehicles of varying sizes. Santa Fe Trails was the nation's first transit system to operate its entire fleet with cleaner burning compressed natural gas (CNG). Its mission is to provide transit service in the City of Santa Fe (and parts of Santa Fe County) to get area residents and visitors where life takes them and boasts an annual ridership close to 1 million. The purpose of the 5-10 Transit Service Plan is to develop a comprehensive review of the City's existing transit services, identifying any changes in transit need/demand, and ways of delivering

service and producing a plan to best address the City's needs over the next 5 and 10 years. Geographically, the plan will focus on the City's entire service area as well as connective services to NCRTD, NMDOT Park and Ride, and Rail Runner Express train service. The plans, proposals and recommendations arising out of the update must consider not only mobility issues but also related topics such as economic development, air quality, housing, job creation, access to healthcare and education, environmental sustainability and energy consumption. The Service Plan will demonstrate equitable service provision throughout the City's service limits to the extent feasible. This plan should also consider future opportunities and provide a safe, reliable and revolutionized mode of transportation in concert with the City's Mission and Vision statements.

3) City's Parking Division was established in 1982 by consolidating all municipal parking functions into one "responsibility center" with the goals of providing improved parking services and making parking functions financially self-sufficient without any subsidy from the City's General Fund. Financially, the division operates as an Enterprise Fund which combines all parking revenues and expenditures in a special fund separate from other City finances. The Parking Enterprise Fund provides a unified funding category dedicated to the delivery, improvement and expansion of municipal parking facilities and services.

PLAN OVERVIEW

A. Multimodal Transition Plan – Starting with existing plans, land uses, transportation systems and programs this analysis shall identify key urban areas (not to exceed six) that have measurable capacity to increase multimodal usage through investments in infrastructure, policies and programs. These will include urban design, landscape architecture, land use zoning, transportation systems, environmental planning and other approaches that incorporate a comprehensive approach to reducing dependence on the automobile and increase livability.

B. The Transit Division 5-10 Year Service Plan – The City of Santa Fe is seeking to increase its efficiency of transit services with a review of the costs and benefits of service reorganization and expansion. The Santa Fe Metropolitan Public Transit Master Plan will provide baseline information to help inform the service plan. The plan will include updates to demographics, review of existing service routes/schedules and the development of recommended service improvements.

C. Santa Fe Parking Assessment – The City is seeking to assess and study existing parking management services. The study will identify specific study areas in conjunction with the Multimodal Transition Plan and derive a baseline analysis of existing parking availability both public and private, how the parking is being utilized and identify demand and capacity. The assessment shall analyze parking occupancy, duration and turnover and present findings in a manner that identifies strategies for improved efficiency and also measured approaches to public/private parking that leverages the City's capacity to increase active transportation and multi-modal uses. The City will also benefit from baseline assessment of private parking within the study areas with the goal of providing recommendations to its land use code regarding parking standards. The parking assessment shall also inform a

comprehensive suite of recommendations that may advance the goals derived in the overall Multimodal Transition Plan.

D. Plan Outcomes – Each of the core elements as described will be reviewed and the 5-10 year blueprint for improving strategic areas within the city's urban fabric and transportation network shall be developed with primary goals of minimizing demand for private vehicles and vehicle storage, increasing walkability, active transportation, transit ridership, and increased community and economic vitality. Objectives to these goals may include, but are not limited to; recommended programs, projects, policies, code revisions, public investments and marketing strategies.

SCOPE OF SERVICES

Task 1. Meetings.

1) Project Team Kick-Off Meeting – Refine scope, begin process for the identification of the specific study areas (not to exceed six) required for the project.
2) Bi-Weekly Team Meetings – Identify times to meeting for the coordination and communication of project management and progress with MPO and City staff as necessary.

Task 2. Plan Coordination and Public Engagement.

1) The scope of work anticipates that each step listed below is done in coordination with all three elements of this planning effort to maximize efficiency in project management including public engagement which is anticipated to be developed in a unified manner to inform all three elements.

Task 3. Multi-Modal Transition Plan.

1) Study Area Identification – Specific study areas based on existing urban elements such as density, existing and potential transit, active transportation and public parking services shall be identified to commence plan analysis.
2) Website/Communications/Social Media Integration
    a. Review existing City web services related to elements of this plan and recommend an integrated web based approach to provide the public with seamless access to information to maximize their multi-modal options/services
3) Develop plan purpose, goals, and objectives
4) Collect data and information
5) Review prior relevant studies and plans
6) Analyze existing and future conditions
7) Conduct field studies
8) Interview stakeholders
9) Develop individual plan elements for each mode and for various policies
10) Refine recommendations
11) Prepare draft plan document for review
12) Develop the implementation strategy and identify funding sources

Task 4. Transit Service Plan (5 to 10 years)
The plan shall include:

1) Existing Service Assessment; and
2) Future Recommended Service Opportunities; and
3) Implementation Strategies.

The plan will consider the general needs of the traveling public as well as the specific needs of particular sub- markets including, but not necessarily limited to, businesses, higher education students, K-12 school-aged children, elderly people, veterans, and people with disabilities. The plan will also consider people who do not currently use local public transportation. The plan will describe how non-users may be encouraged to become transit passengers by identifying what specific barriers or objections non-users have and how Santa Fe Trails might overcome those barriers or objections.

The plan will include a financial component that describes the costs, both capital and operating, of undertaking plan recommendations and will recommend implementation strategies and metrics for plan elements, including discussion of priorities, staffing levels, levels of service and timing issues.

1) Transit Needs Assessment.
   The needs assessment will characterize the transit needs of people traveling within, and to and from the City's service territory. Transit needs will be described for both the present and future time periods, up to the year 2025 and 2030. The needs assessment will include an evaluation of the existing transit system's ability to meet those travel needs and will identify those needs which are not met by the existing system.

   The needs assessment shall describe the consequences of current and future unmet transit needs in terms of mobility, economic impacts, safety, social impacts, and environmental impacts.

   The needs assessment shall be informed and guided by stakeholder and public involvement and be subject to a process of review, comment and possible revisions, based on stakeholder, public involvement and City/MPO staff input. Community meetings will be held in each of the four City Council Districts to maximize geographically diverse populations.

   Area Profile and Review of Existing Services
   - i. Vehicle/Equipment Inventory
   - ii. Current and Future Demographics (Land Use Development Patterns)
   - iii. Public Input – Need to look at none traditional means to solicit input
     - a. Passenger, General Public Survey and Stakeholder Forums
     - b. Updates and feedback via the Transit Advisory Board

   (The community meeting dates will be publicized at least two weeks prior to the meeting, and will be advertised in appropriate media, i.e. newspapers, radio, and/or flyers. Contractor should utilize emailing lists from each of the local government units to reach a broad segment of each communities' constituencies. Sign-in sheets will be retained to verify attendance; an agenda will also be established by Contractor and City/MPO staff and retained for verification. Minutes of the meeting

will be kept and responses to all questions will be documented for inclusion in the plan.)

2) Develop future service scenarios, opportunities and improvements.
   a) Existing Fixed Route model (Route Structure and Performance Indicators)
   b) Redesign Exiting Routes and/or Design New Routes
   c) Micro/Macro Transit/Demand Response/TNC Partnerships/Mobility on Demand opportunities
   d) Coordination with NCRTD/Rail Runner/Park and Ride and other entities
   e) Service and Staffing Level Recommendations
      1. The Contractor will be provided direct access and shall utilize Santa Fe Trails existing route planning software where possible to assess current services, create/modify services for the future, and demonstrate impacts to the region. The plan will provide the following details with respect to future proposed operations:

         i. Types, or modes, of service to be provided (fixed-route bus service, para-transit- flex or deviated-route bus service, demand response services, commuter, bus rapid transit, micro transit service, etc.)
         ii. Routes and/or locations of the service
         iii. Existing schedule brochure review and assessment, recommendations for future improvements
         iv. Geographic service area
         v. Days and hours of service
         vi. Vehicle requirements
         vii. Staffing requirements
         viii. Facility requirements

   f) Develop a financial and capital plan (menu of options) include economic value from public transit
   g) Recommend an implementation strategy
   h) Review of Paratransit Services
   i) Develop strategic scenarios that include elements in technological advances such as coordination and/or integration with ride-share services, autonomous vehicles
   j) First/Last Mile Strategies
   k) Shared Mobility Options
   l) Fare structure Assessment
   m) High level pros and cons for free fare
   n) Payment Systems

As further information to Contractors, the following issues should be addressed by the plan:

a) What is an optimal transit plan now, 5 and 10 years from now?
b) Is the City effectively leveraging their strengths and optimizing their resources?
c) Are there services or relationships that should develop out of collaboration?
d) Is there a duplication of services and efforts?
e) Are there existing services that should no longer be provided?
f) Is the method of delivery appropriate or is there another better approach?

g) What factors must be measured to determine the success of each transit mode/initiative?
h) What current transit services/initiatives are most successful?
i) How successful are they? What makes them successful?
j) What current transportation services/initiatives are not as successful as desired?
k) Should these transportation services/initiatives be improved and kept, or be cut?
l) If these services/initiatives should be kept, what specifically should be done to improve them to make them successful?
m) What is the cost-benefit for improving each under-performing transit service/initiative?
n) What services and planning efforts are being duplicated among the City and other local stakeholders?
o) What opportunities for collaboration exist and how does the City move toward further collaboration with each stakeholder?

Task 5. Parking Assessment.

1) Assessment – The Assessment shall contain the following elements
   a) Existing Conditions Inventory/Analysis:
      i. The existing conditions analysis will provide real-time data on parking that City staff, developers, and the community can use to understand the parking conditions within the designated study areas.
      ii. Review the current land use code/zoning ordinance relative to parking regulations for study areas.
      iii. Assess current operational practices including investments in technology
   b) Supply/Demand -Develop future parking supply/demand forecast for each study area.
   c) Stakeholder Input – Gather input from key stakeholders (major business/property owners).
   d) Goal Identification – The management of curbside and parking resources are essential to achieving strategic goals. These goals, framing up the Multi-Modal Transition Plan, need to be agreed upon and integrated in a manner that the following recommendations steps begin to implement them.
   e) Develop recommendations the City can implement to address challenges and opportunities that also advance multi-modal goals and objectives identified in the overall plan.
      i. Recommendations to include a description, benefits, obstacles to implementation, responsible parties, costs, and implementation timeframe/steps.
      ii. In coordination with the identified study areas identified, review and make recommendations as regards to the City's off-street parking requirements found within all appropriate local development regulations.
      iii. Recommendation of underground and surface parking facilities including garages that may meet derived parking supply and demand in a manner that maximizes land use efficiencies including increased densities, access to transit, multi-use trails and other amenities that reduce vehicle dependency.

iv. Public and private partnership opportunities should be included for consideration of recommendations.

v. Develop strategies to implement recommendations in two, five and ten year increments. Consider comprehensive solutions that aim to maximize both parking management and regulation and multi-modal transition goals. Include infrastructure investments, policies, and education and enforcement.

Task 6: Plan Integration.

1) Development of the 5-10 year blueprint with recommendations.
   a) Within the selected study areas key findings from each of the above tasks shall be integrated in a manner that offers the City of Santa Fe a suite of options in the form of objectives. These shall include costs and benefits and be detailed in a temporal and organized manner that provide decision makers measured (performance based) steps to derived goals within five and ten years.

B. *Performance Measures.*

Contractor shall substantially perform the following Performance Measures:

1) Promoting a sustainable City, where residents feel safe, and care for their environment and the well-being of those within it.

2) Creating a future in Santa Fe were all people can afford to live, and can enjoy a quality of life that is better than any other city in our country.

The receipt of the deliverables contemplated under this Agreement shall assist the City in obtaining its goal(s) as set forth in its Strategic Plan on page(s) 8 FY20 Annual Budget.

2. Compensation.

MULTI-YEAR – A. The City shall pay to the Contractor in full payment for services satisfactorily performed pursuant to the Scope of Work at the rate of ninety two thousand dollars (XXXX) in FY20. The New Mexico gross receipts tax levied on the amounts payable under this Agreement in FY20 totaling (XXXX) shall be paid by the City to the Contractor. **The total amount payable to the Contractor under this Agreement, including gross receipts tax and expenses, shall not exceed (XXXX) in FY20.**

MULTI-YEAR – A (2).The City shall pay to the Contractor in full payment for services satisfactorily performed pursuant to the Scope of Work at the rate of ninety two thousand dollars (XXXX) in FY21 The New Mexico gross receipts tax levied on the amounts payable under this Agreement in FY21 totaling (XXXX) shall be paid by the City to the Contractor. **The total amount payable to the Contractor under this Agreement, including gross receipts tax and expenses, shall not exceed (XXXX) in FY21.**

B. Payment in FY20, FY21 is subject to availability of funds pursuant to the

Appropriations Paragraph set forth below and to any negotiations between the parties from year to year pursuant to Paragraph 1, Scope of Work, and to approval by the City. All invoices MUST BE received by the City no later than fifteen (15) days after the termination of the Fiscal Year in which the services were delivered. Invoices received after such date WILL NOT BE PAID.)

C. Contractor must submit a detailed statement accounting for all services performed and expenses incurred. If the City finds that the services are not acceptable, within thirty days after the date of receipt of written notice from the Contractor that payment is requested, it shall provide the Contractor a letter of exception explaining the defect or objection to the services, and outlining steps the Contractor may take to provide remedial action. Upon certification by the City that the services have been received and accepted, payment shall be tendered to the Contractor within thirty days after the date of acceptance. If payment is made by mail, the payment shall be deemed tendered on the date it is postmarked. However, the City shall not incur late charges, interest, or penalties for failure to make payment within the time specified herein.

3. Term.

THIS AGREEMENT SHALL NOT BECOME EFFECTIVE UNTIL APPROVED BY THE CITY. This Agreement shall terminate on **June 30th 2021** unless terminated pursuant to paragraph 4 (Termination), or paragraph 5 (Appropriations). In accordance with Section 13-1-150 NMSA 1978, no contract term for a professional services contract, including extensions and renewals, shall exceed four years, except as set forth in Section 13-1-150 NMSA 1978.

4. Termination.

A. Termination. This Agreement may be terminated by either of the parties hereto upon written notice delivered to the other party at least thirty (30) days prior to the intended date of termination. Except as otherwise allowed or provided under this Agreement, the City's sole liability upon such termination shall be to pay for acceptable work performed prior to the Contractor's receipt of the notice of termination, if the City is the terminating party, or the Contractor's sending of the notice of termination, if the Contractor is the terminating party; provided, however, that a notice of termination shall not nullify or otherwise affect either party's liability for pre-termination defaults under or breaches of this Agreement. The Contractor shall submit an invoice for such work within thirty (30) days of receiving or sending the notice of termination. Notwithstanding the foregoing, this Agreement may be terminated immediately upon written notice to the Contractor if the Contractor becomes unable to perform the services contracted for, as determined by the City or if, during the term of this Agreement, the Contractor or any of its officers, employees or agents is indicted for fraud, embezzlement or other crime due to misuse of City funds or due to the Appropriations paragraph herein. *THIS PROVISION IS NOT EXCLUSIVE AND DOES NOT WAIVE THE City's OTHER LEGAL RIGHTS AND REMEDIES CAUSED BY THE CONTRACTOR'S DEFAULT/BREACH OF THIS AGREEMENT.*

B Termination Management. Immediately upon receipt by either the City or the Contractor of notice of termination of this Agreement, the Contractor shall: 1) not incur any further obligations for salaries, services or any other expenditure of funds under this Agreement without written approval of the City; 2) comply with all directives issued by the City in the notice of termination as to the performance of work under this Agreement; and 3) take such action as the City shall direct for the protection, preservation, retention or transfer of all property titled to the

City and records generated under this Agreement. Any non-expendable personal property or equipment provided to or purchased by the Contractor with contract funds shall become property of the City upon termination and shall be submitted to the City as soon as practicable.

5. **Appropriations.**

The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the City Council for the performance of this Agreement. If sufficient appropriations and authorization are not made by the City Council, this Agreement shall terminate immediately upon written notice being given by the City to the Contractor. The City's decision as to whether sufficient appropriations are available shall be accepted by the Contractor and shall be final. If the City proposes an amendment to the Agreement to unilaterally reduce funding, the Contractor shall have the option to terminate the Agreement or to agree to the reduced funding, within thirty (30) days of receipt of the proposed amendment.

6. **Status of Contractor.**

The Contractor and its agents and employees are independent contractors performing professional services for the City and are not employees of the City. The Contractor and its agents and employees shall not accrue leave, retirement, insurance, bonding, use of City vehicles, or any other benefits afforded to employees of the City as a result of this Agreement. The Contractor acknowledges that all sums received hereunder are reportable by the Contractor for tax purposes, including without limitation, self-employment and business income tax. The Contractor agrees not to purport to bind the City unless the Contractor has express written authority to do so, and then only within the strict limits of that authority.

7. **Assignment.**

The Contractor shall not assign or transfer any interest in this Agreement or assign any claims for money due or to become due under this Agreement without the prior written approval of the City.

8. **Subcontracting.**

The Contractor shall not subcontract any portion of the services to be performed under this Agreement without the prior written approval of the City. No such subcontract shall relieve the primary Contractor from its obligations and liabilities under this Agreement, nor shall any subcontract obligate direct payment from the City.

9. **Release.**

Final payment of the amounts due under this Agreement shall operate as a release of the City, its officers and employees from all liabilities, claims and obligations whatsoever arising from or under this Agreement.

10. **Confidentiality.**

Any confidential information provided to or developed by the Contractor in the performance of this Agreement shall be kept confidential and shall not be made available to any individual or organization by the Contractor without the prior written approval of the City.

11. Product of Service -- Copyright.

All materials developed or acquired by the Contractor under this Agreement shall become the property of the City and shall be delivered to the City no later than the termination date of this Agreement. Nothing developed or produced, in whole or in part, by the Contractor under this Agreement shall be the subject of an application for copyright or other claim of ownership by or on behalf of the Contractor.

12. Conflict of Interest; Governmental Conduct Act.

A. The Contractor represents and warrants that it presently has no interest and, during the term of this Agreement, shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance or services required under the Agreement.

B. The Contractor further represents and warrants that it has complied with, and, during the term of this Agreement, will continue to comply with, and that this Agreement complies with all applicable provisions of the Governmental Conduct Act, Chapter 10, Article 16 NMSA 1978.

C. Contractor's representations and warranties in Paragraphs A and B of this Article 12 are material representations of fact upon which the City relied when this Agreement was entered into by the parties. Contractor shall provide immediate written notice to the City if, at any time during the term of this Agreement, Contractor learns that Contractor's representations and warranties in Paragraphs A and B of this Article 12 were erroneous on the effective date of this Agreement or have become erroneous by reason of new or changed circumstances. If it is later determined that Contractor's representations and warranties in Paragraphs A and B of this Article 12 were erroneous on the effective date of this Agreement or have become erroneous by reason of new or changed circumstances, in addition to other remedies available to the City and notwithstanding anything in the Agreement to the contrary, the City may immediately terminate the Agreement.

D. All terms defined in the Governmental Conduct Act have the same meaning in this section.

13. Amendment.

A. This Agreement shall not be altered, changed or amended except by instrument in writing executed by the parties hereto and all other required signatories.

B. If the City proposes an amendment to the Agreement to unilaterally reduce funding due to budget or other considerations, the Contractor shall, within thirty (30) days of receipt of the proposed Amendment, have the option to terminate the Agreement, pursuant to the termination provisions as set forth in Article 4 herein, or to agree to the reduced funding.

14. Merger.

This Agreement incorporates all the Agreements, covenants and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, Agreements and understandings have been merged into this written Agreement. No prior Agreement or understanding, oral or otherwise, of the parties or their agents shall be valid or enforceable unless

embodied in this Agreement.

15. Penalties for violation of law.

The Procurement Code, Sections 13-1-28 through 13-1-199, NMSA 1978, imposes civil and criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for illegal bribes, gratuities and kickbacks.

16. Equal Opportunity Compliance.

The Contractor agrees to abide by all federal and state laws and rules and regulations, and Santa Fe City Code, pertaining to equal employment opportunity. In accordance with all such laws of the State of New Mexico, the Contractor assures that no person in the United States shall, on the grounds of race, religion, color, national origin, ancestry, sex, age, physical or mental handicap, or serious medical condition, spousal affiliation, sexual orientation or gender identity, be excluded from employment with or participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity performed under this Agreement. If Contractor is found not to be in compliance with these requirements during the life of this Agreement, Contractor agrees to take appropriate steps to correct these deficiencies.

17. Applicable Law.

The laws of the State of New Mexico shall govern this Agreement, without giving effect to its choice of law provisions. Venue shall be proper only in a New Mexico court of competent jurisdiction in accordance with Section 38-3-1 (G) NMSA 1978. By execution of this Agreement, Contractor acknowledges and agrees to the jurisdiction of the courts of the State of New Mexico over any and all lawsuits arising under or out of any term of this Agreement.

18. Workers Compensation.

The Contractor agrees to comply with state laws and rules applicable to workers compensation benefits for its employees. If the Contractor fails to comply with the Workers Compensation Act and applicable rules when required to do so, this Agreement may be terminated by the City.

19. Professional Liability Insurance. Contractor shall maintain professional liability insurance throughout the term of this Agreement providing a minimum coverage in the amount required under the New Mexico Tort Claims Act. The Contractor shall furnish the City with proof of insurance of Contractor's compliance with the provisions of this section as a condition prior to performing services under this Agreement.

20. Other Insurance

If the services contemplated under this Agreement will be performed on or in City facilities or property, Contractor shall maintain in force during the entire term of this Agreement, the following insurance coverage(s), naming the City as additional insured.

A. Workers Compensation (including accident and disease coverage) at the statutory limit. Employers liability: $100,000.

B. Comprehensive general liability (including endorsements providing broad form property damage, personal injury coverage and contractual assumption of liability for all liability the Contractor has assumed under this contract). Limits shall not be less than the following:

a. Bodily injury: $1,000,000 per person /$1,000,000 per occurrence.
b. Property damage or combined single limit coverage: $1,000,000.
c. Automobile liability (including non-owned automobile coverage): $1,000,000.
d. Umbrella: $1,000,000.

C. Contractor shall maintain the above insurance for the term of this Agreement and name the City as an additional insured and provide for 30 days cancellation notice on any Certificate of Insurance form furnished by Contractor. Such certificate shall also specifically state the coverage provided under the policy is primary over any other valid and collectible insurance and provide a waiver of subrogation.

21. Records and Financial Audit.

The Contractor shall maintain detailed time and expenditure records that indicate the date; time, nature and cost of services rendered during the Agreement's term and effect and retain them for a period of three (3) years from the date of final payment under this Agreement. The records shall be subject to inspection by the City. The City shall have the right to audit billings both before and after payment. Payment under this Agreement shall not foreclose the right of the City to recover excessive or illegal payments

22. Indemnification.

The Contractor shall defend, indemnify and hold harmless the City from all actions, proceeding, claims, demands, costs, damages, attorneys' fees and all other liabilities and expenses of any kind from any source which may arise out of the performance of this Agreement, caused by the negligent act or failure to act of the Contractor, its officers, employees, servants, subcontractors or agents, or if caused by the actions of any client of the Contractor resulting in injury or damage to persons or property during the time when the Contractor or any officer, agent, employee, servant or subcontractor thereof has or is performing services pursuant to this Agreement. In the event that any action, suit or proceeding related to the services performed by the Contractor or any officer, agent, employee, servant or subcontractor under this Agreement is brought against the Contractor, the Contractor shall, as soon as practicable but no later than two (2) days after it receives notice thereof, notify the legal counsel of the City.

23. New Mexico Tort Claims Act

Any liability incurred by the City of Santa Fe in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, Section 41-4-1, et. seq. NMSA 1978, as amended. The 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 Agreement modifies or waives any provision of the New Mexico Tort Claims Act.

24. Invalid Term or Condition.

If any term or condition of this Agreement shall be held invalid or unenforceable, the remainder of this Agreement shall not be affected and shall be valid and enforceable.

25. **Enforcement of Agreement.**

A party's failure to require strict performance of any provision of this Agreement shall not waive or diminish that party's right thereafter to demand strict compliance with that or any other provision. No waiver by a party of any of its rights under this Agreement shall be effective unless express and in writing, and no effective waiver by a party of any of its rights shall be effective to waive any other rights.

26. **Notices.**

Any notice required to be given to either party by this Agreement shall be in writing and shall be delivered in person, by courier service or by U.S. mail, either first class or certified, return receipt requested, postage prepaid, as follows:

To the City: [insert name, address and email].

To the Contractor: [insert name, address and email].

27. **Authority.**

If Contractor is other than a natural person, the individual(s) signing this Agreement on behalf of Contractor represents and warrants that he or she has the power and authority to bind Contractor, and that no further action, resolution, or approval from Contractor is necessary to enter into a binding contract.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date of the signature by the required approval authorities below.

CITY OF SANTA FE:

_____
CITY MAYOR/MANAGER

DATE:_____

CONTRACTOR:

_____

_____
NAME AND TITLE
DATE:_____

CRS#_____

Registration # _____

ATTEST:

_____
YOLANDA Y. VIGIL
CITY CLERK

APPROVED AS TO FORM FOR REQUEST FOR PROPOSALS:

ERIN K. MCSHERRY, CITY ATTORNEY

APPROVED:

MARY MCCOY, FINANCE DIRECTOR

5400091-510340
Business Unit Line Item

Attachment 1

Scope of Work

A. The Contractor shall perform the following work:

The 2020-2025 Multimodal Transition Plan will be developed in coordination with the Santa Fe Metropolitan Planning Organization (MPO) with the goal of specifically identifying infrastructure improvement projects, policies and programs that support efficient management and investments in parking solutions, active transportation, mobility management, and transit investments specific to the City of Santa Fe's Transit Division services (Santa Fe Trails, Santa Fe Pick-up and Santa Fe Ride). The purpose of the plan is to develop a 5-10 year blueprint for improving strategic areas within the city's urban fabric and transportation network that addresses key mobility needs to provide better travel choices for the residents, visitors and employees of the city.

1) The City of Santa Fe's urban and suburban growth pattern provides both challenges and opportunities for enhancing mobility choices. The downtown urban core has the advantages of commercial and residential densities that enable public parking management including on-street parking, walkability, and access to a variety of transit services and key bikeway corridors. As the City has developed outward the land use pattern is more identifiable as suburban development with off-street parking, wider roads, and separated and lower density land uses. It is the City's desire to identify study areas within the City where the capacity to increase multi-mobility operations and improvements exist.

2) The Santa Fe Trails fixed route system launched in January of 1993, is the city of Santa Fe's small urban transit system and provides the greatest level of fixed service to the area. Santa Fe Trails is serviced by a fleet of 32 state-of-the-art buses and hosts 10 distinct routes. The Transit Division also operates the Santa Fe Pick-Up which provides free shuttles around downtown and to Museum Hill utilizing 4 cutaway vans and Santa Fe Ride the Complementary Paratransit Service for ADA and seniors with 18 vehicles of varying sizes. Santa Fe Trails was the nation's first transit system to operate its entire fleet with cleaner burning compressed natural gas (CNG). Its mission is to provide transit service in the City of Santa Fe (and parts of Santa Fe County) to get area residents and visitors where life takes them and boasts an annual ridership close to 1 million. The purpose of the 5-10 Transit Service Plan is to develop a comprehensive review of the City's existing transit services, identifying any changes in transit need/demand, and ways of delivering service and producing a plan to best address the City's needs over the next 5 and 10 years. Geographically, the plan will focus on the City's entire service area as well as connective services to NCRTD, NMDOT Park and Ride, and Rail Runner Express train service. The plans, proposals and recommendations arising out of the update must consider not only mobility issues but also related topics such as economic development, air quality, housing, job creation, access to healthcare and education, environmental sustainability and energy consumption. The Service Plan will demonstrate equitable service provision throughout the City's service limits to the extent feasible. This plan should also consider future opportunities and provide a safe, reliable and revolutionized mode of transportation in concert with the City's Mission and Vision statements.

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A. Multimodal Transition Plan – Starting with existing plans, land uses, transportation systems and programs this analysis shall identify key urban areas (not to exceed six) that have measurable capacity to increase multimodal usage through investments in infrastructure, policies and programs. These will include urban design, landscape architecture, land use zoning, transportation systems, environmental planning and other approaches that incorporate a comprehensive approach to reducing dependence on the automobile and increase livability.

B. The Transit Division 5-10 Year Service Plan – The City of Santa Fe is seeking to increase its efficiency of transit services with a review of the costs and benefits of service reorganization and expansion. The Santa Fe Metropolitan Public Transit Master Plan will provide baseline information to help inform the service plan. The plan will include updates to demographics, review of existing service routes/schedules and the development of recommended service improvements.

C. Santa Fe Parking Assessment – The City is seeking to assess and study existing parking management services. The study will identify specific study areas in conjunction with the Multimodal Transition Plan and derive a baseline analysis of existing parking availability both public and private, how the parking is being utilized and identify demand and capacity. The assessment shall analyze parking occupancy, duration and turnover and present findings in a manner that identifies strategies for improved efficiency and also measured approaches to public/private parking that leverages the City's capacity to increase active transportation and multi-modal uses. The City will also benefit from baseline assessment of private parking within the study areas with the goal of providing recommendations to its land use code regarding parking standards. The parking assessment shall also inform a comprehensive suite of recommendations that may advance the goals derived in the overall Multimodal Transition Plan.

D. Plan Outcomes – Each of the core elements as described will be reviewed and the 5-10 year blueprint for improving strategic areas within the city's urban fabric and transportation network shall be developed with primary goals of minimizing demand for private vehicles and vehicle storage, increasing walkability, active transportation, transit ridership, and increased community and economic vitality. Objectives to these goals may include, but are not limited to; recommended programs, projects, policies, code revisions, public investments and marketing strategies.

SCOPE OF SERVICES

Task 1. Meetings.

1) Project Team Kick-Off Meeting – Refine scope, begin process for the identification of the specific study areas (not to exceed six) required for the project.
2) Bi-Weekly Team Meetings – Identify times to meeting for the coordination and communication of project management and progress with MPO and City staff as necessary.

Task 2. Plan Coordination and Public Engagement.

1) The scope of work anticipates that each step listed below is done in coordination with all three elements of this planning effort to maximize efficiency in project management including public engagement which is anticipated to be developed in a unified manner to inform all three elements.

Task 3. Multi-Modal Transition Plan.

1) Study Area Identification – Specific study areas based on existing urban elements such as density, existing and potential transit, active transportation and public parking services shall be identified to commence plan analysis.
2) Website/Communications/Social Media Integration
    a. Review existing City web services related to elements of this plan and recommend an integrated web based approach to provide the public with seamless access to information to maximize their multi-modal options/services
3) Develop plan purpose, goals, and objectives
4) Collect data and information
5) Review prior relevant studies and plans
6) Analyze existing and future conditions
7) Conduct field studies
8) Interview stakeholders
9) Develop individual plan elements for each mode and for various policies
10) Refine recommendations
11) Prepare draft plan document for review
12) Develop the implementation strategy and identify funding sources

Task 4. Transit Service Plan (5 to 10 years)
The plan shall include:

1) Existing Service Assessment; and
2) Future Recommended Service Opportunities; and
3) Implementation Strategies.

The plan will consider the general needs of the traveling public as well as the specific needs of particular sub- markets including, but not necessarily limited to, businesses, higher education students, K-12 school-aged children, elderly people, veterans, and people with disabilities. The plan will also consider people who do not currently use local public transportation. The plan will describe how non-users may be encouraged to become transit passengers by identifying what

specific barriers or objections non-users have and how Santa Fe Trails might overcome those barriers or objections.

The plan will include a financial component that describes the costs, both capital and operating, of undertaking plan recommendations and will recommend implementation strategies and metrics for plan elements, including discussion of priorities, staffing levels, levels of service and timing issues.

1) Transit Needs Assessment.
   The needs assessment will characterize the transit needs of people traveling within, and to and from the City's service territory. Transit needs will be described for both the present and future time periods, up to the year 2025 and 2030. The needs assessment will include an evaluation of the existing transit system's ability to meet those travel needs and will identify those needs which are not met by the existing system.

   The needs assessment shall describe the consequences of current and future unmet transit needs in terms of mobility, economic impacts, safety, social impacts, and environmental impacts.

   The needs assessment shall be informed and guided by stakeholder and public involvement and be subject to a process of review, comment and possible revisions, based on stakeholder, public involvement and City/MPO staff input. Community meetings will be held in each of the four City Council Districts to maximize geographically diverse populations.

   Area Profile and Review of Existing Services
   - i. Vehicle/Equipment Inventory
   - ii. Current and Future Demographics (Land Use Development Patterns)
   - iii. Public Input – Need to look at none traditional means to solicit input
     - a. Passenger, General Public Survey and Stakeholder Forums
     - b. Updates and feedback via the Transit Advisory Board

   (The community meeting dates will be publicized at least two weeks prior to the meeting, and will be advertised in appropriate media, i.e. newspapers, radio, and/or flyers. Contractor should utilize emailing lists from each of the local government units to reach a broad segment of each communities' constituencies. Sign-in sheets will be retained to verify attendance; an agenda will also be established by Contractor and City/MPO staff and retained for verification. Minutes of the meeting will be kept and responses to all questions will be documented for inclusion in the plan.)

2) Develop future service scenarios, opportunities and improvements.
   a) Existing Fixed Route model (Route Structure and Performance Indicators)
   b) Redesign Exiting Routes and/or Design New Routes
   c) Micro/Macro Transit/Demand Response/TNC Partnerships/Mobility on Demand opportunities
   d) Coordination with NCRTD/Rail Runner/Park and Ride and other entities
   e) Service and Staffing Level Recommendations

1. The Contractor will be provided direct access and shall utilize Santa Fe Trails existing route planning software where possible to assess current services, create/modify services for the future, and demonstrate impacts to the region. The plan will provide the following details with respect to future proposed operations:

i. Types, or modes, of service to be provided (fixed-route bus service, para-transit- flex or deviated-route bus service, demand response services, commuter, bus rapid transit, micro transit service, etc.)
ii. Routes and/or locations of the service
iii. Existing schedule brochure review and assessment, recommendations for future improvements
iv. Geographic service area
v. Days and hours of service
vi. Vehicle requirements
vii. Staffing requirements
viii. Facility requirements

f) Develop a financial and capital plan (menu of options) include economic value from public transit
g) Recommend an implementation strategy
h) Review of Paratransit Services
i) Develop strategic scenarios that include elements in technological advances such as coordination and/or integration with ride-share services, autonomous vehicles
j) First/Last Mile Strategies
k) Shared Mobility Options
l) Fare structure Assessment
m) High level pros and cons for free fare
n) Payment Systems

As further information to Contractors, the following issues should be addressed by the plan:

a) What is an optimal transit plan now, 5 and 10 years from now?
b) Is the City effectively leveraging their strengths and optimizing their resources?
c) Are there services or relationships that should develop out of collaboration?
d) Is there a duplication of services and efforts?
e) Are there existing services that should no longer be provided?
f) Is the method of delivery appropriate or is there another better approach?
g) What factors must be measured to determine the success of each transit mode/initiative?
h) What current transit services/initiatives are most successful?
i) How successful are they? What makes them successful?
j) What current transportation services/initiatives are not as successful as desired?
k) Should these transportation services/initiatives be improved and kept, or be cut?
l) If these services/initiatives should be kept, what specifically should be done to improve them to make them successful?
m) What is the cost-benefit for improving each under-performing transit service/initiative?

n) What services and planning efforts are being duplicated among the City and other local stakeholders?

o) What opportunities for collaboration exist and how does the City move toward further collaboration with each stakeholder?

Task 5. Parking Assessment.

1) Assessment – The Assessment shall contain the following elements

a) Existing Conditions Inventory/Analysis:

ii. The existing conditions analysis will provide real-time data on parking that City staff, developers, and the community can use to understand the parking conditions within the designated study areas.

iii. Review the current land use code/zoning ordinance relative to parking regulations for study areas.

iv. Assess current operational practices including investments in technology

b) Supply/Demand -Develop future parking supply/demand forecast for each study area.

c) Stakeholder Input – Gather input from key stakeholders (major business/property owners).

d) Goal Identification – The management of curbside and parking resources are essential to achieving strategic goals. These goals, framing up the Multi-Modal Transition Plan, need to be agreed upon and integrated in a manner that the following recommendations steps begin to implement them.

e) Develop recommendations the City can implement to address challenges and opportunities that also advance multi-modal goals and objectives identified in the overall plan.

i. Recommendations to include a description, benefits, obstacles to implementation, responsible parties, costs, and implementation timeframe/steps.

ii. In coordination with the identified study areas identified, review and make recommendations as regards to the City's off-street parking requirements found within all appropriate local development regulations.

iii. Recommendation of underground and surface parking facilities including garages that may meet derived parking supply and demand in a manner that maximizes land use efficiencies including increased densities, access to transit, multi-use trails and other amenities that reduce vehicle dependency.

vi. Public and private partnership opportunities should be included for consideration of recommendations.

vii. Develop strategies to implement recommendations in two, five and ten year increments. Consider comprehensive solutions that aim to maximize both parking management and regulation and multi-modal transition goals. Include infrastructure investments, policies, and education and enforcement.

Task 6: Plan Integration.

1) Development of the 5-10 year blueprint with recommendations.

a. Within the selected study areas key findings from each of the above tasks shall be integrated in a manner that offers the City of Santa Fe a suite of options in the form of objectives. These shall include costs and benefits and be detailed in a temporal and organized manner that provide decision makers measured (performance based) steps to derived goals within five and ten years.

B. *Performance Measures.*

Contractor shall substantially perform the following Performance Measures:

1) Promoting a sustainable City, where residents feel safe, and care for their environment and the well-being of those within it.

2) Creating a future in Santa Fe were all people can afford to live, and can enjoy a quality of life that is better than any other city in our country.

The receipt of the deliverables contemplated under this Agreement shall assist the City in obtaining its goal(s) as set forth in its Strategic Plan on page(s) 8 FY20 Annual Budget.

City of Santa Fe Living Wage Ordinance

PURSUANT TO THE CITY OF SANTA FE
LIVING WAGE ORDINANCE, SECTION 28-1 SFCC 1987
EFFECTIVE MARCH 1, 2019 ALL WORKERS WITHIN THE
CITY OF SANTA FE
SHALL BE PAID A LIVING WAGE OF

$11.80
PER HOUR

Santa Fe's Living Wage

- The Santa Fe Living Wage Ordinance establishes minimum hourly wages.
- The March Living Wage increase corresponds to the increase in the Consumer Price Index (CPI).
- All employers required to have a business license or registration from the City of Santa Fe ("City") must pay at least the adjusted Living Wage to employees for all hours worked within the Santa Fe city limits.

Who is Required to Pay the Living Wage?

- The City to all full-time permanent workers employed by the City;
- Contractors for the City, that have a contract requiring the performance of a service but excluding purchases of goods;
- Businesses receiving assistance relating to economic development in the form of grants, subsidies, loan guarantees or industrial revenue bonds in excess of twenty-five thousand dollars ($25,000) for the duration of the City grant or subsidy;
- Businesses required to have a business license or registration from the City; and
- Nonprofit organizations, except for those whose primary source of funds is from Medic-aid waivers.
- For workers who customarily receive more than one hundred dollars ($100) per month in tips or commissions, any tips or commissions received and retained by a worker shall be counted as wages and credited towards satisfaction of the Living Wage provided that, for tipped workers, all tips received by such workers are retained by the workers, except that the pooling of tips among workers shall be permitted.

More Information, including the Living Wage Ordinance, is available at
http://www.santafenm.gov
(Click on Hot Topics/Living Wage)

IMPORTANT: THIS ENDORSEMENT CONTAINS DUTIES THAT APPLY TO THE ADDITIONAL INSURED IN THE EVENT OF OCCURRENCE, OFFENSE, CLAIM OR SUIT. SEE PARAGRAPH C.1. OF THIS ENDORSEMENT FOR THESE DUTIES.

ALSO, THIS ENDORSEMENT CHANGES THE CONTRACTUAL LIABILITY COVERAGE WITH RESPECTS TO THE "BODILY INJURY" OR "PROPERTY DAMAGE" ARISING OUT OF THE "PRODUCTS-COMPLETED OPERATIONS HAZARD." SEE PARAGRAPH 8.3. OF THIS ENDORSEMENT FOR THIS COVERAGE CHANGE.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

CONTRACTOR'S SCHEDULED AND BLANKET ADDITIONAL INSURED ENDORSEMENT WITH LIMITED PRODUCTS - COMPLETED OPERATIONS COVERAGE

This endorsement modifies insurance provided under the following: POLICY #2097381503

COMMERCIAL GENERAL LIABILITY COVERAGE

	Location(s) Of Covered Operations
Merced County of Governments	Any and All Projects by the Insured
	LSC Transportation Consultants, Inc.

A. WHO IS AN INSURED (Section II) is amended to include as an insured any person or organization, including any person or organization shown in the schedule above, (called additional insured) whom you are required to add as an additional insured on this policy under a written contract or written agreement; but the written contract or written agreement must be:

1. Currently in effect or becoming effective during the term of this policy; and
2. Executed prior to the "bodily injury," "property damage," or "personal and advertising injury."

B. The insurance provided to the additional insured is limited as follows:

1. That person or organization is an additional insured solely for liability due to your negligence and specifically resulting from "your work" for the additional insured which is the subject of the written contract or written agreement. No coverage applies to liability resulting from the sole negligence of the additional insured.
2. The Limits of Insurance applicable to the additional insured are those specified in the written contract or written agreement or in the Declarations of this policy, whichever is less. These Limits of Insurance are inclusive of, and not in addition to, the Limits of Insurance shown in the Declarations.
3. The coverage provided to the additional insured by this endorsement and paragraph **f.** of the definition of "insured contract" under **DEFINITIONS (Section V)** do not apply to "bodily injury" or "property damage" arising out of the "products-completed operations hazard" unless required by the written contract or written agreement. When coverage does apply to "bodily injury" or "property damage" arising out of the "products-completed operations hazard" such coverage will not apply beyond:
   - **a.** The period of time required by the written contract or written agreement; or
   - **b.** 5 years from the completion of "your work" on the project which is the subject of the written contract or written agreement,

whichever is less.

4. The insurance provided to the additional insured does not apply to "bodily injury," "property damage," or "personal and advertising injury" arising out of an architect's, engineer's, or surveyor's rendering of or failure to render any professional services including:

   a. The preparing, approving, or failing to prepare or approve maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; and

   b. Supervisory, or inspection activities performed as part of any related architectural or engineering activities.

C. As respects the coverage provided under this endorsement, **SECTION IV - COMMERCIAL GENERAL LIABILITY CONDITIONS** are amended as follows:

1. The following is added to the Duties In The Event of Occurrence, Offense, Claim or Suit Condition:

   e. An additional insured under this endorsement will as soon as practicable

      (1) Give written notice of an occurrence or an offense to us which may result in a claim or "suit" under this insurance;

      (2) Tender the defense and indemnity of any claim or "suit" to us for a loss we cover under this Coverage Part;

      (3) Tender the defense and indemnity of any claim or "suit" to any other insurer which also has insurance for a loss we cover under this Coverage Part; and

      (4) Agree to make available any other insurance which the additional insured has for a loss we cover under this Coverage Part.

   f. We have no duty to defend or indemnify an additional insured under this endorsement until we receive written notice of a claim or "suit" from the additional insured.

2. Paragraph **4.b.** of the Other Insurance Condition is deleted and replaced with the following:

   4. Other Insurance

   b. Excess Insurance

   This insurance is excess over any other insurance naming the additional insured as an insured whether primary, excess, contingentor on any other basis unless a written contract or written agreement specifically requires that this insurance be either primary or primary and noncontributing to the additional insured's own coverage. This insurance is excess over any other insurance to which the additional insured has been added as an additional insured by endorsement.

   When this insurance is excess, we will have no duty under Coverages **A or B** to defend the additional insured against any "suit" if any other insurer has a duty to defend the additional insured against that "suit." If no other insurer defends, we will undertake to do so, but we will be entitled to the additional insured's rights against all those other insurers.

   When this insurance is excess over other insurance, we will pay only our share of the amount of the loss, if any, that exceeds the sum of:

   (1) The total amount that all such other insurance would pay for the loss in the absence of this insurance; and

   (2) The total of all deductible and self-insured amounts under all that other insurance.

   We will share the remaining loss, if any, with any other insurance that is not described in this Excess Insurance prov1s1on and was not bought specifically to apply in excess of the Limits of Insurance shown in the Declarations of this Coverage Part.

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 10/02/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME: Mike Fitzgerald	
Key Insurance Group, LLC 6355 Ward Road, Suite 208 Arvada, CO 80004 License #: 250474	PHONE (A/C, No, Ext): (303)431-1888	FAX (A/C, No): (303)431-7812
	E-MAIL ADDRESS: Mike@mykeyinsurance.com	

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : American Casualty Company	20427
INSURER B : National Fire Ins. Co of Hartford	20478
INSURER C : Continental Insurance Company	35289
INSURER D : Continental Casualty Company	20443
INSURER E :	
INSURER F :	

INSURED

LSC TRANSPORTATION CONSULTANTS, INC.
2690 LAKE FOREST ROAD, SUITE C
Tahoe City, CA 96145

COVERAGES **CERTIFICATE NUMBER: 00000815-1959393** **REVISION NUMBER: 312**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR X Primary & Non-Cont. GEN'L AGGREGATE LIMIT APPLIES PER: POLICY X PRO-JECT LOC OTHER:	Y	Y	2097381503	06/18/2020	06/18/2021	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000,000 $ 300,000 $ 5,000 $ 1,000,000 $ 2,000,000 $ 2,000,000
B	AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY X HIRED AUTOS ONLY SCHEDULED AUTOS X NON-OWNED AUTOS ONLY	Y	Y	2097381419	06/18/2020	06/18/2021	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,000,000 $ $ $
C	X UMBRELLA LIAB X OCCUR EXCESS LIAB CLAIMS-MADE DED X RETENTION $ 0	Y	Y	2097381307	06/18/2020	06/18/2021	EACH OCCURRENCE AGGREGATE	$ 3,000,000 $ 3,000,000
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y / N ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N / A	Y	2099451109	06/18/2020	06/18/2021	PER STATUTE X OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ 1,000,000 $ 1,000,000 $ 1,000,000
D	Professional E & O	Y	Y	MCH276153961	06/18/2020	06/18/2021		2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The certificate holder listed below is an additional insured, the policies are primary and non-contributory, and contain a waiver of subrogration. The certificate holder shall be given thirty (30) days written notice of cancellation, suspension, or material changes on the policies listed.

RE: YARTS Strategic Plan, LSC #207480

CERTIFICATE HOLDER

Merced County of Governments
369 W. 18th St.
Merced, CA 95340

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Mike Fitzgerald (MJF)

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City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909
www.santafenm.gov

Alan Webber, Mayor

Councilors:
Signe I. Lindell, Mayor Pro Tem, District 1
Renee Villarreal, District 1
Michael J. Garcia, District 2
Carol Romero-Wirth, District 2
Roman "Tiger" Abeyta, District 3
Chris Rivera, District 3
Jamie Cassutt-Sanchez, District 4
JoAnne Vigil Coppler, District 4

MEMORANDUM

DATE: October 15, 2020

TO: Planning Commission, Finance Committee, Public Utilities/Public Works Committee, Quality of Life Committee, Governing Body

FROM: Elias Isaacson, Planning & Land Use Director ESI
Sally Paez, Assistant City Attorney SAP

RE: Proposed Legislation - Short-Term Rental Ordinance

Executive Summary:

The proposed legislation would amend the Short-Term Rental Ordinance set forth in the Santa Fe City Code (SFCC) Subsections 14-6.2(A)(5)-(8). Specifically, the legislation would (1) adopt by ordinance a maximum of one thousand (1000) short-term rental permits on residentially zoned property, (2) prospectively limit the number of short-term rental permits to one per natural person, (3) prospectively limit the proximity of short-term rental units, (4) require a local operator for short-term rental units, (5) adopt record-keeping and reporting requirements for short-term rental unit owners and host platforms, and (6) clarify other provisions of the short-term rental ordinance. The legislation would also amend the Land Use Code definitions in SFCC Section 14-12.1 SFCC 1987, as they relate to short-term rental units; and amend SFCC Section 12-2.3 to clarify that a short-term rental unit is not a Group R-1 occupancy for purposes of fire inspections.

Background:

This proposal originally included two separate bills, one amending the Short-Term Rental (STR) Ordinance set forth in SFCC Subsections 14-6.2(A)(5)-(8), and the other amending the Land Use Code Enforcement Ordinance set forth in SFCC Section 14-11.4. The bill sponsors, who include Mayor Webber and Councilors Lindell, Romero-Wirth, and Villarreal, presented the bills as a package aimed at improving the administration and enforcement of the City's STR program.

Amendments to the Land Use Code require a public hearing and recommendation by the Planning Commission (Commission) prior to consideration by the Governing Body. On June 18, 2020, the

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Commission reviewed both bills at a public hearing but postponed the matter for further review of the proposed amendments and the high volume of public comment received. The Commission provided the Governing Body with a memorandum (attached) that included initial input on both bills.

On June 24, the bill sponsors decided to table the amendments to the STR Ordinance to consider additional revisions based on input received. Amendments to the Land Use Code Enforcement Ordinance, SFCC Section 14-11.4, continued through the committee review process and were adopted by the Governing Body on August 12, 2020 as Ordinance No. 2020-18.

New Proposal to Amend STR Ordinance:

Following the introduction of the original STR legislation, the bill sponsors received input from numerous constituents and stakeholders, as well as the Commission. The sponsors chose to introduce a new version of the bill that incorporates revisions in response to the public input received. Significant changes from the previous draft legislation include the following:

- STR units on non-residentially zoned property, including the Business Capitol District (BCD), would require a registration and would not be subject to permit limitations, including the 1000 permit limit, the one permit/natural person limit, and the limitation on permit transfers.
- STR units on non-residentially zoned property would not be subject to the limitation of one rental within a seven-day period (this existing limitation would continue to apply to STR units on residentially zoned property).
- The proposed proximity limitations have been revised for both residentially zoned property and non-residentially zoned property.
- The Commission's proposed clarifications to the "natural person" provision and the permit transfer provision have been incorporated.
- The local operator requirement has been revised to require that the operator must be accessible by telephone and able to be physically present at the STR unit within one (1) hour of being contacted.
- The provisions addressing fire and safety inspections have been revised.
- The provisions that apply to host platforms have been revised.
- The provisions that "grandfather in" existing permits and registrations have been revised.

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Analysis of Criteria for Amendments to the Land Use Code:

Under SFCC Section 14-3.3, "Amendments to Text of Chapter 14," the Land Use Director must provide the Planning Commission with a recommendation regarding proposed amendments to the Land Use Code, including an assessment of whether the amendments meet the six criteria set forth in Section 14-3.3(B). The criteria are set forth below, followed by the Land Use Director's assessment of each.

(1) compliance with law;

The proposed amendments comply with municipal, state, and federal law concerning regulation of STR.

(2) consistency with the general plan;

Although the General Plan does not speak directly to the regulation of STR, the proposed amendments will further many of the themes and policies set forth in the General Plan, including enhancing the quality of life for residents; fostering economic diversity; maintaining Santa Fe's unique personality, sense of place, and character; and preserving a community-oriented downtown.

(3) consistency with other policies adopted by the governing body;

The policy objectives behind the proposed amendments are consistent with other policies adopted by the Governing Body and are described in the "purpose and intent" section of the draft legislation.

(4) consistency with the purpose and intent of Chapter 14 and of the section being amended;

The proposed amendments are consistent with the general purposes of the Land Use Code, as set forth in SFCC Section 14-1.3, because they are intended to promote the health, safety, order, convenience, prosperity, and general welfare of the residents of Santa Fe.

(5) consideration of how the amendment relates to other provisions of the Santa Fe City Code and the avoidance of unintended consequences; and

The proposed amendments to the STR Ordinance are intended to work in concert with recent amendments to the Land Use Code Enforcement Ordinance, SFCC Section 14-11.4, and with other provisions of the SFCC, including those that govern business licenses and lodgers' tax.

(6) consistency with any approved neighborhood conservation overlay districts.

The amendments are consistent with the regulations that apply in the City's overlay districts.

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Recommendation:

Staff recommends that the Commission make a positive recommendation to the Governing Body concerning the proposed legislation and that the Governing Body adopt the proposed legislation.

Attachments:

1. Proposed Legislation (2nd Draft STR Bill)
2. FIR
3. Previous Draft Legislation (1st Draft STR Bill), Considered by Planning Commission June 18, 2020
4. Planning Commission Meeting Minutes from June 18, 2020
5. Memo from Planning Commission dated June 24, 2020
6. Summary of Public Comments Received on 1st Draft STR Bill
7. Written Comments Received on 1st Draft STR Bill

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2020-__

INTRODUCED BY:

Mayor Alan Webber

Councilor Signe I. Lindell

Councilor Carol Romero-Wirth

Councilor Renee Villarreal

AN ORDINANCE

AMENDING SECTION 14-6.2 SFCC 1987 TO ADOPT BY ORDINANCE A MAXIMUM OF ONE THOUSAND (1000) SHORT-TERM RENTAL PERMITS IN THE CITY, TO PROSPECTIVELY LIMIT THE NUMBER OF SHORT-TERM RENTAL PERMITS TO ONE PER NATURAL PERSON, TO PROSPECTIVELY LIMIT THE PROXIMITY OF SHORT-TERM RENTAL UNITS, TO REQUIRE A LOCAL OPERATOR FOR SHORT-TERM RENTAL UNITS, TO ADOPT RECORD-KEEPING AND REPORTING REQUIREMENTS FOR SHORT-TERM RENTAL UNIT OWNERS AND HOST PLATFORMS, AND TO CLARIFY OTHER PROVISIONS OF THE SHORT-TERM RENTAL ORDINANCE; AMENDING THE LAND USE CODE DEFINITIONS IN SECTION 14-12.1 SFCC 1987 AS THEY RELEATE TO SHORT-TERM RENTAL UNITS; AND AMENDING SECTION 12-2.3 SFCC 1987 TO CLARIFY THAT A SHORT-TERM RENTAL UNIT IS NOT A GROUP R-1 OCCUPANCY FOR PURPOSES OF FIRE INSPECTIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. Subsection 14-6.2(A)(5) of SFCC 1987 (being Ord. No. 2011-37 § 8, as amended) is amended to read:

14-6.2 USE-SPECIFIC STANDARDS

(A) Residential Uses

(1) Continuing Care Community

(a) Density

Independent *dwelling units* are subject to the *density* standards of the district in which the *continuing care community* is located.

(b) Compliance with state and federal law

Continuing care communities must comply with all applicable *state* and federal laws and regulations.

(2) Mobile Home, Permanent Installation

In any district in which permanent single-*family* occupancy of a *mobile home* on an individual *lot* is allowed as a special use *permit* by the board of adjustment, the following minimum standards apply:

(a) the *mobile home* shall be anchored to a concrete foundation and skirted as specified by the *land use director*;

(b) the rental or lease of *mobile homes* used as single-*family* residences on individual *lots* is prohibited; and

(c) minimum requirements for *lot* size, *front*, *side* and *rear yards*, and all other standards pertaining to single-*family residential* land use set forth in Chapter 14 apply.

(3) Mobile Home Park

(a) Applicability

New *mobile home parks* are prohibited as of December 10,

2012 (effective date of this Ordinance No. 2012-37). In a district in which *mobile home parks* are allowed, the minimum standards set out in this section apply.

(b) License

Prior to beginning operation, a *mobile home park* owner or operator must obtain a business license from the *city* under the provisions of Article 18-1 SFCC 1987.

(c) Inspection

The *city* may inspect a *mobile home park* for conformance with the provisions of this section.

(d) Transfer of License

The *city* may issue a transfer of the license only after the following:

(i) *application* in writing for transfer of a license and payment of the transfer;

(ii) an inspection report by the *land use director* has been submitted to the *governing body*, stating conformance or nonconformance with the provisions of this section;

(iii) approval by the *governing body*.

(e) Revocation of License

The *governing body* may revoke a license to maintain and operate a *mobile home park* , as provided in Article 18-1 SFCC 1987 when the *licensee* has violated any provision of this section.

(f) Posting

The license certificate shall be conspicuously posted in the

office of or on the *premises* of the *mobile home park* at all times.

(g) Standards

Mobile home parks shall comply with the standards set forth in Subsection 14-7.2(1).

(4) Manufactured Homes

Manufactured homes:

(a) are permitted in any district in which site-built, *single-family dwellings* are allowed;

(b) shall meet all requirements of other site-built, *single-family dwellings* in the same district and all applicable historic or aesthetic standards set forth in Chapter 14; and

(c) shall be constructed according to the Manufactured Home Construction and Safety Standards, 24 CFR Section 3280.

(5) Short-Term Rental [~~of Dwelling~~] Units [~~- Residentially Zoned Property~~]

(a) [~~Dwelling Units~~] Purpose and Intent

[~~Dwelling units located on residentially zoned property may not be rented for less than thirty days except as set forth in this Subsection 14-6.2(A)(5) are allowed.~~] This section shall be known as the *Short-Term Rental Unit* Ordinance. The purposes of the *Short-Term Rental Unit* Ordinance are the following:

(i) to ensure that the operation of *short-term rental units* does not disrupt the character of the *city*'s residential neighborhoods or affect the quality of life of neighboring residents;

(ii) to prevent speculators from purchasing multiple homes for the purpose of operating multiple *short-term rental units*, thereby reducing

the availability of long-term housing;

(iii) to allow residents who comply with the *city*'s *short-term rental unit* regulations the option of utilizing their homes and *accessory dwelling units* as *short-term rental units* to create wealth and generate supplemental income;

(iv) to minimize public safety risks associated with s*hort-term rental units*, such as higher traffic levels, parking issues, noise, litter, and other public nuisances; and

(v) to ensure that an *owner* or *operator* of a *short-term rental unit* follows applicable regulations, including the payment of all applicable fees and taxes.

(b) Short-Term Rental [~~Units~~] *Permit* or Registration Required

[~~Short-term rental units are prohibited on residentially zoned property except as provided in this Subsection 14-6.2(A)(5)(b).~~

~~(i) Short-term rental units that are operated in compliance with Subsection 14-6.3(D)(1) (Accessory Dwelling Units) and in compliance with this Subsection 14-6.2(A)(5) are allowed.~~

~~(ii) Short-term rental units located in a development containing resort facilities approved pursuant to a special use permit which are owned in common by the owners within the development, are allowed. As used in this item, "resort facility" means any combination of swimming pools, spa facilities, golf courses, restaurants and tennis facilities.~~

~~(iii) The land use director may issue rental permits in a quantity approved by the governing body through adoption, after a public hearing, of a resolution for residential units not otherwise qualifying for permits under Items (i) and (ii) above. Dwelling units on non-residentially zoned property pursuant to §14-6.2(A)(6) and §14-6.2(A)(7) are not~~

~~subject to the permit limit imposed by this subsection.~~

~~(iv) Whenever the demand for short-term rental units exceeds the number permitted in accordance with Subsection 14-6.2(A)(5)(b)(iii) above, the number of additional permits may be increased by the governing body through adoption of a resolution and issued by the land use director. New permits shall be issued in the order that eligible applications are received.~~]

(i) An *owner* of a *short-term rental unit* must have a *city*-issued business license and either a short-term rental *permit* or a short-term rental registration, as set forth in subsections 14-6.2(A)(5)(c) and (d).

(ii) An *owner* or *operator* shall not operate, rent, offer to rent, or advertise a *short-term rental unit* without a valid *permit* or registration.

(iii) A *city*-issued *permit* or registration number must be included in all advertising of a *short-term rental unit*, including listings on a *host platform*.

(c) *Permit*; *Residentially Zoned Property*.

(i) *Permit*. A *short-term rental unit* on *residentially zoned property* requires a *city*-issued *permit*.

(ii) One thousand (1000)-*Permit* Limit. The *land use director* shall issue a maximum of one thousand (1000) short-term rental *permits*. The land use department shall process *applications* in the order of receipt and shall issue new *permits* in the order that complete *applications* are received. If the number of *permits* reaches the one thousand (1000)-*permit* limit, then the land use department shall stop processing *applications* and shall add *applicants* to a waiting list until a *permit* becomes available. If an *applicant* waits on the list for a year or longer, the *land use director* may require the *applicant* to indicate a continued interest in remaining on the list.

(iii) One (1) *Permit* per Natural Person Limit. The *land use*

director shall issue *permits* to *natural persons* only, and each *natural person* may possess a maximum of one (1) *permit*. If the subject *property* is owned by a legal or business entity, the *permit* must be held in the name of a person with legal authority to act on behalf of that entity. The fact that a *permit* must be issued to a *natural person* does not mean that the *property* cannot be titled in such entities as a revocable trust, an LLC, or a corporation. The *land use director* shall not issue *permits* to *dwelling units* that are comprised of multiple, time-divided ownership interests, provided, however, that certain *dwelling units* may be eligible to maintain short-term rental registrations, as set forth in subsection 14-6.2(A)(6)(b).

(iv) *Permit* Not Transferrable. A *permit* is not transferable to another person or *property*. Upon the transfer of ownership of a *short-term rental unit*, the short-term rental *permit* shall terminate and revert to the land use department. If the new *owner* wishes to use the *property* as a *short-term rental unit*, the *owner* shall submit a new *application* to the land use department. A transfer that does not result in new ownership of the *property*, such as a transfer to the owner's revocable trust for estate planning purposes or a transfer to an LLC where there is no change in the ownership interest in the *property*, does not constitute a transfer for purposes of this subparagraph.

(v) Frequency of Rental. A permitted *short-term rental unit* shall not be rented more than once within a seven (7)-day period.

(vi) Proximity. Subject to the exceptions listed below, the *land use director* shall not issue a new *permit* for a *short-term rental unit* if the subject *property*, as identified in the *application*, is located within a fifty (50)-foot radius of a *residentially zoned property* that has a permitted *short-term rental unit*. The radius shall be measured from the subject *property* boundary. This limitation shall not apply to the following:

(A) an *application* for a *short-term rental unit* that complies with the requirements set forth in the *accessory dwelling unit* ordinance, subsection 14-

6.3(D)(1);

(B) an *application* for a *short-term rental unit* in a *multiple-family dwelling development* that contains that contains four (4) or more *dwelling units*, provided, however, that the *land use director* shall not issue short-term rental *permits* for more than twenty-five (25%) of such *dwelling units*, rounded down to the nearest whole number, and shall not issue more than twelve (12) short-term rental *permits* within a single building within a *multiple-family dwelling development.*

(d) Registration; Non-*Residentially Zoned Property*.

(i) Registration. A *short-term rental unit* on non-*residentially zoned property* requires a *city*-issued registration.

(ii) Proximity.

(A) If a *multiple-family dwelling development* located within two-hundred (200) feet of *residentially zoned property* contains four (4) or more *dwelling units*, the *land use director* shall not issue short-term rental registrations for more than twenty-five (25%) of such *dwelling units*, rounded down to the nearest whole number.

(B) The *land use director* shall not issue more than twelve (12) short-term rental registrations within a single building within a *multiple-family dwelling development.*

[~~(c)~~](e) General Provisions

Unless otherwise stated, the following general provisions apply to all short-term rental units[~~:~~].

[~~(i) no more than one rental is allowed within a seven consecutive day period;~~

~~(ii) short-term rental permits will not be issued for more than two short-term rentals units directly adjoining each other on a residentially zoned street. For~~

~~the purposes of this subsection, "directly adjoining" means sharing a common boundary along a public street frontage, but does not include adjoining units in a condominium, townhouse development, in an apartment complex, or residential compound;~~]

(i) A *short-term rental unit* must have a local *operator* that is available twenty-four (24) hours per day, seven (7) days per week, to respond to complaints regarding the operation or occupancy of the *short-term rental unit*. The *operator* must be accessible by telephone and able to be physically present at the *short-term rental unit* within one (1) hour of being contacted.

[~~(iii)~~](ii) An *owner* of a *short-term rental unit* shall provide *off-street parking* [~~shall be provided~~] on site as follows: [~~1)~~]

(A) one (1) bedroom, one (1) parking space; and [~~2)~~]

(B) two (2) or more bedrooms[~~;~~], two (2) parking spaces[~~;~~].

[~~(iv)~~](iii) A *short-term rental unit* must meet all applicable building, [~~and~~] fire, [~~life~~]and safety codes, [~~shall be met~~] and all toilets, faucets, and shower heads [~~shall~~]must meet the water conservation requirements described in Section 25-2.6 SFCC 1987[~~;~~].

(iv) Prior to issuance of a *permit* or registration, a *short-term rental unit* must have a *certificate of occupancy* to ensure compliance with all applicable codes.

(v) At or before the time of *application* for a *permit* or registration, the *owner* of a *short-term rental unit* must also apply for and obtain a business license under Section 18-1 SFCC 1987.

[~~(v)~~](vi) [~~occupants~~]An *owner* or *operator* shall not allow *guests* [~~shall not~~]to park recreational vehicles on site or on the street[~~;~~].

[~~(vi)~~](vii) [~~short-term~~] *Short-term rental units* located on *residentially zoned property* shall be used exclusively for residential purposes and shall not be

used for commercial activities or events, defined as intending to make money, offering goods or services for sale, or conducting any other event or activity that is not residential in nature. An activity "not residential in nature" includes gatherings in excess of [~~three (3)~~] two (2) times the number of legally allowed [~~occupants~~] ***guests*** in the *short-term rental unit* [~~(including occupants)~~], unless the activity or event is otherwise permitted by the *city*[~~;~~].

[~~(vii)~~](viii) [~~the~~]The total number of [~~persons~~]***guests*** that may occupy [~~the~~]a *short-term rental unit* is twice the number of bedrooms[~~;~~].

[~~(viii)~~](ix) [~~noise~~]Noise or other disturbance [~~outside the~~]emitted from a *short-term rental unit* is prohibited after 10:00 p.m., including noise or disturbances emitted from decks, portals, porches, balconies, or patios[~~;~~].

[~~(ix)~~](x) [~~all occupants shall be informed~~]The *owner* or *operator* of a short-term rental unit shall notify all guests in writing of relevant *city* ordinances, including the *city*'s nuisance and water conservation ordinances[~~, by the owner/operator of the short-term rental unit~~]. All [~~occupants~~]***guests*** shall comply with all relevant *city* ordinances [~~and comply with all provisions of the lodger's tax ordinance;~~].

[~~(x)~~](xi) [~~the~~]The *owner*[~~/operator~~] shall pay all applicable local, state, and federal taxes, including lodgers' tax, gross receipts tax, and income tax[~~es;~~].

~~[(xi) should the owner/operator fail to pay all applicable taxes, the owner/operator shall be subject to penalties pursuant to Subsection 14-6.2(A)(5)(f).~~

~~(xii) the *owner*/operator shall make available to the *city* for its inspection all records relating to the operation of the short-term rental unit to determine compliance with this Subsection 14-6.2(A)(5); and~~

~~(xiii) the *owner* shall maintain adequate short-term rental insurance coverage for the *short-term rental unit*. Proof of insurance shall be required at the time the *permit* is issued and such other times as requested by the *land use director*.~~

~~(xiv) upon the transfer of ownership of a *short-term rental unit*, the short-term rental *permit* shall terminate and revert to the land use department. If the new *owner* wishes to use the property as a *short-term rental unit*, new *application* shall be submitted to the land use department.~~]

[~~(d)~~](f) [~~*Applications*~~] *Application* for a Short-Term Rental *Permit* or Registration

[~~Unless otherwise stated, an~~]An *applicant* shall submit an *application* for a short-term rental *permit* or registration[~~shall be submitted to the city as follows~~] that includes the following information and documentation:

(i) [~~the application shall include~~]the name and phone number of the local [~~owner/~~]operator[~~ who is available twenty-four hours per day, seven days per week to respond to complaints regarding the operation or occupancy of the *short-term rental unit* as well as the name and phone number of city staff responsible for enforcing this section~~];

(ii) [~~the application shall include~~]a statement signed by the [~~owner/operator~~] *owner* and *operator*, affirming that they will operate the *short-term rental unit* [~~shall be operated~~] in compliance with this subsection 14-6.2(A)(5) and all other applicable laws, *city* codes, and private covenants; and that no private covenants prohibit the operation of the *short-term rental unit*[~~ is in compliance with any applicable private covenants, including those that prohibit the presence of *short-term rental*~~]; and

(iii) additional information, documentation, and submittals as required by the *land use director*.

[~~(iii) all applicants must submit proof of all required inspections with their initial application. Renewal applications for the same property may submit proof of all required inspections in the form of a statement attesting to compliance with all applicable fire, health, and safety requirements. The city shall perform random inspections to ensure compliance with this~~

~~Subsection 14-6.2(A)(5).~~

~~(iv) prior to issuance of a permit, a certificate of occupancy is required to ensure compliance with this paragraph and all applicable codes;~~

~~(v) the permit is not transferable to another person or property;~~

~~(vi) within ten days of the issuance of the permit, the owner/operator shall mail notice by first class mail, with certificate of mailing, to the homeowners association (if applicable), and to the owners of properties within two hundred (200) feet of the subject property, exclusive of rights of way, as shown in the records of the county assessor, and by first class mail to the physical addresses of such properties where such address is different than the address of the owner and to the land use department. Notice shall be on a form approved by the land use director, and shall contain the name and phone number of the owner and operator who will be available twenty-four hours per day, seven days per week to respond to complaints regarding the operation or occupancy of the short-term rental as well as the name and phone number of city staff responsible for enforcing this paragraph. Copies of all required mailing lists and mailing certificates shall be provided to the land use director within ten days of the mailing. Failure to provide notification as described in this subsection is subject to penalties and prosecution pursuant to Subsection 14-6.2(A)(5)(f);~~

~~(vii) each application shall be accompanied by a fee of one hundred dollars ($100) to cover *application* processing and inspections. This application fee is non-refundable.~~

~~(viii) The annual permit fee schedule is as follows:~~

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Table 14-6.1-1 Annual Permit and Registration Fees*		
Short-term Rental Type	**Permit Fee per Unit**	**Registration Fee per Unit**
§ 14-6.2A(5)(b)(i) Accessory Dwelling Units	$325.00	
§ 14-6.2A(5)(b)(ii) Resort Units		$100.00
§ 14-6.2A(5)(b)(iii) Residential Units	$325.00	
§14-6.2A(6) Non-Residential Districts and § 14-6.2A(7) Commercial Districts		$100.00
Initial Application and Processing Fee (one-time)	$100.00	
*The annual permit fee shall not be prorated for a portion of the year.		

(ix) The annual fee includes the city's business registration fee and fees for inspections related to issuance of the short-term rental permit. Revenue from fees imposed pursuant to this paragraph shall be used only to administer, manage, and enforce this section.

(x) If payment of a permit fee was in excess of that for which a person was liable, the person may claim a refund by directing to the city finance director a written claim for refund no later than one year from the date payment was made. Every claim for refund shall state the amount and basis for the claim. The city finance director may allow the claim in whole or in part or may deny it. If the claim is not allowed in whole, the person may appeal the decision pursuant to Section 14-3.17.

(xi) Unless revoked as set forth in Subsection 14-6.2(A)(5)(f), a permit holder may renew the permit annually. If not renewed by March 15 of each year, the owner/operator may pay a late fee of fifty dollars ($50) to extend the time for filing to renew to April 15. An owner of an expired permit may submit a new application for a short-term rental

~~permit to the land use director in accordance with Subsection 14-6.2(A)(5)(b)(iv) subject to availability of permits.~~

~~(xii) A valid permit number shall be included in all advertising of the short-term rental, including listings on web-based rental sites.~~]

(g) *Permit* and Registration Renewals

(i) Unless revoked pursuant to section 14-11.4, an *owner* may renew a short-term rental *permit* or registration annually.

(ii) An *application* for renewal of a *permit* or registration shall include the records required by subparagraph 14-6.2(A)(5)(k) for the previous one (1) year.

(iii) An owner must renew a short-term rental *permit* or registration and the associated business license by March 15 of each year. If a *permit* or registration is not renewed by March 15, the owner may pay a late fee of fifty dollars ($50) to extend the time for filing to renew to April 15. If a *permit* is not renewed by its expiration date, including any thirty (30) day extension, then the *permit* will revert to the land use department and will become available to the next eligible *applicant* on the waiting list, if any. An *owner* whose *permit* or registration has expired may submit a new *application* for a short-term rental *permit* or registration to the *land use director*. Issuance of a new permit is subject to the availability of *permits*.

(h) Fees for *Short-term Rental Units*

The following fees shall be used only to administer, manage, and enforce this subsection 14-6.2(A)(5) and relevant sections of Chapter 18 SFCC 1987, which address applicable licenses and taxes.

(i) *Application* fee. An *application* for a new short-term rental *permit* shall be accompanied by a one-time non-refundable *application*, processing, and inspection fee of one hundred dollars ($100).

(ii) Business license fee. A *short-term rental unit* is subject to an annual business license fee of thirty-five dollars ($35).

(iii) *Permit* fee. A *short-term rental unit* on *residentially zoned property* is subject to an annual *permit* fee of two hundred and ninety dollars ($290).

(iv) Registration fee. A *short-term rental unit* on non-*residentially zoned property* is subject to an annual registration fee of two hundred and ninety dollars ($290).

(i) Inspections

The *city* shall perform an inspection prior to the issuance of an initial *permit* or registration to ensure compliance with subsection 14-6.2(A)(5) and all applicable fire, health, and safety requirements; and may, upon notice to the *owner*, perform additional inspections as warranted. To obtain a short-term rental *permit* or registration, a *dwelling unit* must meet the following requirements:

(i) fire evacuation plan;

(ii) carbon monoxide detection;

(iii) smoke alarms in all bedrooms;

(iv) fire extinguishers on each floor;

(v) no storage of combustible materials in mechanical, boiler, or electrical rooms;

(vi) fireplace or wood stove must have non-combustible ash receptacle outside the *dwelling unit*; and

(vii) address numerals must be at least four (4) inches tall, with one-half inch stroke width, in contrasting color, visible from the street.

(j) Required Notice for Short-term Rental *Permits*

(i) Within ten (10) days after the issuance or renewal of a short-term rental *permit*, the *owner* or *operator* shall mail notices by first-class mail to the homeowners

association within which the unit is located (if applicable); to the *owners* of *residentially zoned property* within two hundred (200) feet of the subject *property*, exclusive of rights of way, as shown in the records of the county assessor; to the physical addresses of such properties where such address is different than the address of the *owner*; and to the land use department.

(ii) The notices shall be on a form approved by the *land use director*.

(iii) The notices shall contain the name and phone number of the local *operator*. Within ten (10) days after any change in the contact information for the local *operator*, the *owner* or *operator* shall mail a new notice to all parties entitled to notice.

(iv) Within ten (10) days of the mailing, the *owner* or *operator* shall provide the *land use director* with copies of all required mailing lists and an affidavit of mailing signed by the person who mailed the notices.

(k) Records

Each *owner* or *operator* shall maintain records for the *owner's short-term rental unit* for at least the most recent three (3) years for the *owner's short-term rental unit* or units and shall make such records available to the *city* for inspection upon request. The records that must be maintained for each *short-term rental unit* include the following:

(i) For a *short-term rental unit* located on *residentially zoned property*, the starting date of each reservation and the number of nights rented for each reservation;

(ii) For all *short-term rental units*, the amount of rent guests paid by month; and

(iii) For all *short-term rental units*, the amount of each type of tax and fee the owner paid to the *city* in connection with rental of the unit by month.

[~~(e)~~](l) Violations and Penalties

[~~(i) The land use director shall document all alleged violations of this~~

~~paragraph and shall pursue enforcement through the municipal court as set forth in Article 1-3 SFCC 1987 or in another appropriate court of law. The city shall give the owner a written notice of violation, which shall be mailed either to the owner's local or business address or agent's address, informing the owner of the violation. If corrective action is not completed within fifteen (15) days of the date of the letter, the city may file a criminal complaint in municipal court. Upon conviction of a first violation, the land use director shall revoke the permit and operation of the short-term rental shall cease within thirty days.~~

~~(ii) An owner who offers for rent as a short-term rental a dwelling unit that is not permitted for use as a short-term rental is in violation of this paragraph and is subject to penalties, property liens and/or prosecution pursuant to subsection 14-2(A)(5)(f).(iii)An agent who knowingly assists an owner in advertising or renting a dwelling unit as a short-term rental unit that is not permitted under this subsection 14-6.2(A)(5) is subject to penalties and prosecution, and the agent's business license is subject to revocation.~~]

If an *owner* or *operator* fails to obtain the necessary *permit* or registration before renting, offering to rent, or advertising a short-term rental unit; fails to pay or report applicable taxes; or otherwise fails to adhere to the provisions of subsection 14-6.2(A)(5), the *owner* or *operator* shall be subject to the enforcement provisions set forth in Sections 1.3 and 14-11 SFCC 1987 and all other legal remedies and enforcement actions available under the law. These may include civil or criminal penalties or revocation of a short-term rental *permit* or registration.

[~~(f) Penalties~~

~~(i) Any owner who fails to report all applicable taxes, including gross receipts tax and lodger's tax, shall be subject to any and all remedies under the short-term rental ordinance and any other applicable city, county, state, or federal law or statute. Such owner shall also be subject to revocation of their short-term rental permit pursuant to Subsection 14-~~

~~6.2(A)(5)(e)(i).~~

~~(ii) If an owner is found guilty of operating a short-term rental without a valid permit, they shall be fined five hundred dollars ($500). The city may ask the municipal court to treat each day after the initial written notice of violation as a separate violation and assess two hundred fifty dollars ($250) for each day of such daily violations for a total cumulative fine amount. If the city is awarded money as part of a judgment following a court hearing and defendant does not make timely payments to the city, the city may bring an action in lien or equity for the collection of any amounts due.~~]

[~~(g)~~](m) Restrictive Covenants

Private restrictive covenants, enforceable by those governed by the covenants, may prohibit *short-term rental units*.

[~~(h)~~](n) Real Estate Disclosure

A [~~Real~~] real estate [~~brokers~~] broker listing [~~residential~~] *property* in Santa Fe shall provide prospective buyers with a current copy of this ordinance.

(o) Host Platforms.

(i) A *host platform* shall require an *owner* or *operator* of a *short-term rental unit* to include a *city*-issued *permit* or registration number in all listings or advertisements for a *short-term rental unit*.

(ii) Upon notice from the *city* that a *permit* or registration number on a *short-term rental unit* listing is invalid, the host platform shall deactivate that listing within five (5) business days.

(iii) A *host platform* shall provide a monthly report to the *city* that includes the web address (URL) for each *property* listed on the *host platform*, together with the *permit* or registration number associated with that URL.

[~~(i) The land use director shall establish administrative procedures necessary~~

~~to implement, manage and enforce this paragraph.~~

~~(6) Short-term Rental of Dwelling Units - Non-residentially Zoned Property~~

~~Short-term rental of dwelling units on non- residentially zoned property is permitted as set forth in Table 14-6.1-1, must be registered; are subject to a one-time one hundred dollar ($100) application, inspection and processing fee; and must comply with submission requirements and report all applicable taxes.~~]

(6) Existing Short-Term Rental *Permits* and Registrations

(a) Short-term rental *permits* and registrations held at the time the ordinance amending subsection 14-6.2(A) SFCC 1987 (Ordinance No. 2020-__) is adopted remain valid and are not subject to the limitations on proximity set forth in subsection 14-6.2(A)(5)(c) or (d) or the limit of one *permit* per natural person set forth in subsection 14-6.2(A)(5)(c)((iii). The *owner* does not need to renew those *permits* or registrations until they expire. Upon expiration, and in subsequent years, the *owner* is eligible to timely renew the *permits* or registrations pursuant to subsection 14-6.2(A)(5)(i), subject to compliance with applicable requirements of subsection 14-6.2(A)(5) and payment of required fees.

(b) A *short-term rental unit* that is validly permitted or registered at the time the ordinance amending subsection 14-6.2(A) SFCC 1987 (Ordinance No. 2020-__) is adopted and that either is located within a *development containing resort facilities* or is comprised of multiple, time-divided ownership interests may continue to operate as a *short-term rental unit* as provided in this subparagraph. Such units are not subject to the limitations on proximity set forth in subsection 14-6.2(A)(5)(c) or (d) or the limit of one (1) *permit* per natural person set forth in subsection 14-6.2(A)(5)(c)((iii). Upon expiration of the existing *permit* or registration and in subsequent years, the *owner* is eligible to timely file a renewal *application* and to obtain a short-term rental registration for the following year. Eligible units shall be issued a short-term rental registration, not a *permit*, regardless of whether the unit is located on residentially or non-

residentially zoned property, subject to ongoing compliance with applicable requirements of subsection 14-6.2(A)(5) and payment of applicable fees.

(7) *Dwelling Units* in Specified Commercial Districts

In the C-2 and SC Districts, *dwelling units* do not include mobile homes or recreational vehicles and shall be [~~either~~] one of the following:

(a) *accessory dwelling units* for occupancy only by *owners*, employees, or tenants of nonresidential uses that are operated on the same premises;

(b) part of a planned development; [~~or~~]

(c) part of a use for which a development plan or special use *permit* is required; or

(d) part of a qualifying residential project within the Midtown LINC Overlay District.

[~~(8) Effective Date~~

~~The provisions of Subsection 14-6.2(A)(5) of the Land Development Code shall go into effect immediately upon approval of the Governing Body. A ninety (90) day grace period shall be given for effected units to obtain a valid permit. Short-term rental unit owners who possess a valid short-term rental permit at the time this ordinance (Ordinance 2016-20) is adopted shall be considered to possess a valid permit under the new regulations and shall not need to renew their permit until the following year. Short-term rental unit owners who possess a valid short-term permit for a contiguous property issued prior to this ordinance (Ordinance 2016-20) being adopted shall be deemed as a "residential" permit holder upon the adoption of the ordinance and shall renew their permit as a "residential" permit in following years.~~]

Section 2. Section 14-12.1 of SFCC 1987 (being Ord. No. 2011-37, § 15 as amended) is amended to add and amend the following definitions:

14-12.1 DEFINITIONS

DEVELOPMENT CONTAINING RESORT FACILITIES, SHORT-TERM RENTAL

A *development* in which the *owners* own two (2) or more of the following facilities in common and have obtained a special use *permit* for operation of those facilities: swimming pools, spa facilities, golf courses, restaurants, or tennis facilities.

GUEST, SHORT-TERM RENTAL

Any person who rents a *short-term rental unit* or occupies a *short-term rental unit* during a rental period.

HOST PLATFORM, SHORT-TERM RENTAL

An internet website, a mobile application, or any other forum used to connect a short-term rental *owner* or *operator* with guests and to facilitate the booking of a *short-term rental unit*.

NATURAL PERSON

An individual human being, as opposed to an organization of any form or a business entity.

OPERATOR, SHORT-TERM RENTAL

A person who, with or without a short-term rental *permit* or registration, rents or offers to rent a *short-term rental unit* to guests.

SHORT-TERM RENTAL UNIT

A *dwelling unit* or *accessory dwelling unit*, or any portion of a *dwelling unit* or *accessory dwelling unit*, that is offered for rent or rented for a period of less than thirty (30) days.

Section 3. Section 12-2.3 of SFCC 1987 (being Ord. No. 2004-53, §§ 6, 7 as amended) is amended as follows:

12-2.3 Annual fire inspections.

The following types of occupancies, as defined by the International Building Code, shall require an annual inspection by the fire department for compliance with the fire code of the *city* of Santa Fe.

A. Group A-1 occupancies (assembly occupancies including, but not limited to, motion picture theaters, and symphony and concert halls, theaters);

B. Group A-2 occupancies (assembly occupancies including, but not limited to, banquet halls, night clubs, restaurants, taverns, and bars);

C. Group E occupancies (occupancies for educational purposes);

D. Group M occupancies, or greater, (mercantile occupancies including, but not limited to, department stores, drug stores, markets, motor fuel-dispensing facilities, retail or wholesale stores, sales rooms); and

E. Group R-1 occupancies (residential occupancies where the occupants are primarily transient in nature including, but not limited to, [~~short-term rental units,~~] boarding houses, hotels, and motels).

APPROVED AS TO FORM:

ERIN K. McSHERRY, CITY ATTORNEY

Legislation/2020/Bills/Short-Term Rental Changes

FIR No. 3254

FISCAL IMPACT REPORT

General Information:

(Check) Bill: X Resolution: _____

Short Title(s): Short-Term Rental Changes

Sponsor(s): Mayor Webber, and Councilors Lindell, Romero-Wirth, and Villarreal

Reviewing Department(s): Land Use, City Attorney's Office, Finance

Staff Completing FIR: Elias Isaacson, Land Use Director Date: 09/29/20 Phone: 505-955-6370

Reviewed by City Attorney: _____ Date: Oct 7, 2020

Reviewed by Finance Director: _____ Date: Oct 8, 2020

Summary:
The legislation would (1) adopt by ordinance a maximum of one thousand (1000) short-term rental permits in the City, (2) prospectively limit the number of short-term rental permits to one per natural person, (3) prospectively limit the proximity of short-term rental units, (4) require a local operator for short-term rental units, (5) adopt record-keeping and reporting requirements for short-term rental unit owners and host platforms, and (6) clarify other provisions of the short-term rental ordinance. The legislation would also amend the Land Use Code definitions in SFCC Section 14-12.1 SFCC 1987, as they relate to short-term rental units; and amend SFCC Section 12-2.3 to clarify that a short-term rental unit is not a Group R-1 occupancy for purposes of fire inspections.

Departments Affected:
Land Use, Tourism, Finance, and Fire Department

Consequences of Not Enacting Legislation:
Existing Ordinance remains in place, and difficulties with administration, enforcement, and revenue collection persist.

Conflict, Duplication, Companionship, or Relationship to Other Legislation:
No conflicts or duplications exist. This ordinance will work in concert with recently adopted Ordinance amending Section 14-11.4 of the Land Development Code to implement civil penalty provisions, a civil fine schedule, and civil citation procedures for Land Use Code enforcement actions.

Performance and Administrative Implications:
The revised ordinance will make the City's STR program easier to administer and enforce, while also ensuring the proper revenues to the City are collected.

Fiscal Implications:
The impacts to revenue are moderate. Adoption of these revision to the existing Ordinance may lead to more permit fees coming into the City. Impacts to expenditures are negligible.

Fiscal Impact:

_____ Check here if no fiscal impact

Expenditures

Expenditure Type	FYE __	FYE __	FYE __	Require BAR (Y/N)	Recurring (R) or Non-recurring (NR)	Fund	3-Year Total Cost
Personnel and Benefits*	$	$	$				
Capital Outlay	$	$	$				
Contractual/ Professional Services	$	$	$				
Operating	$	$	$				$
Total:	$	$	$				$

* This includes all staff time associated with executing the job functions of the proposed legislation.

Expenditure Narrative:

Revenue

Revenue Type	FYE 20	FYE 21	FYE 22	Recurring (R) or Non-recurring (NR)	Fund
General Fund	$	$11,250	$11,250	R	
Special Revenue	$	$	$		
CIP	$	$	$		
Enterprise	$	$	$		
Internal Service	$	$	$		
Trust and Agency	$	$	$		
Federal	$	$	$		
Other	$	$	$		
Total	$	$11,250	$11,250		

Revenue Narrative:

The amendment includes an increase of the registration fee so that it is commensurate with the permit fee. The recurring revenue increase is based on an assumption of issuing a combined total of 50 new and renewal non-residential registrations over the next year. The difference in current vs. proposed fees for new non-residentially zoned STR registrations is $225. The difference in renewal fees is also $225, suggesting this will be a recurring increase in revenues in years to come.

ATTACHMENT 3

Previous Draft Legislation (1st Draft STR Bill)

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2020-__

INTRODUCED BY:

Mayor Alan Webber

Councilor Signe I. Lindell

Councilor Carol Romero-Wirth

Councilor Renee Villarreal

AN ORDINANCE

AMENDING SECTION 14-6.2 SFCC 1987 TO ADOPT BY ORDINANCE A MAXIMUM OF ONE THOUSAND (1000) SHORT-TERM RENTAL PERMITS IN THE CITY, TO PROSPECTIVELY LIMIT THE NUMBER OF SHORT-TERM RENTAL PERMITS TO ONE PER NATURAL PERSON, TO PROSPECTIVELY LIMIT THE PROXIMITY OF SHORT-TERM RENTAL UNITS ON RESIDENTIALLY ZONED PROPERTY, TO REQUIRE A LOCAL OPERATOR FOR SHORT-TERM RENTAL UNITS, TO ADOPT RECORD-KEEPING AND REPORTING REQUIREMENTS FOR SHORT-TERM RENTAL UNIT OWNERS AND HOST PLATFORMS, AND TO CLARIFY OTHER PROVISIONS OF THE SHORT-TERM RENTAL ORDINANCE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. Subsection 14-6.2(A)(5) of SFCC 1987 (being Ord. No. 2011-37 § 8, as amended) is amended to read:

14-6.2 USE-SPECIFIC STANDARDS

(A) Residential Uses

(1) Continuing Care Community

(a) Density

Independent *dwelling units* are subject to the *density* standards of the district in which the *continuing care community* is located.

(b) Compliance with state and federal law

Continuing care communities must comply with all applicable *state* and federal laws and regulations.

(2) Mobile Home, Permanent Installation

In any district in which permanent single-*family* occupancy of a *mobile home* on an individual *lot* is allowed as a special use *permit* by the board of adjustment, the following minimum standards apply:

(a) the *mobile home* shall be anchored to a concrete foundation and skirted as specified by the *land use director*;

(b) the rental or lease of *mobile homes* used as single-*family* residences on individual *lots* is prohibited; and

(c) minimum requirements for *lot* size, *front*, *side* and *rear yards*, and all other standards pertaining to single-*family residential* land use set forth in Chapter 14 apply.

(3) Mobile Home Park

(a) Applicability

New *mobile home parks* are prohibited as of December 10, 2012 (effective date of this Ordinance No. 2012-37). In a district in which *mobile home parks* are allowed, the minimum standards set out in this section apply.

(b) License

Prior to beginning operation, a *mobile home park* owner or operator must obtain a business license from the *city* under the provisions of Article 18-1 SFCC 1987.

(c) Inspection

The *city* may inspect a *mobile home park* for conformance with the provisions of this section.

(d) Transfer of License

The *city* may issue a transfer of the license only after the following:

(i) *application* in writing for transfer of a license and payment of the transfer;

(ii) an inspection report by the *land use director* has been submitted to the *governing body*, stating conformance or nonconformance with the provisions of this section;

(iii) approval by the *governing body*.

(e) Revocation of License

The *governing body* may revoke a license to maintain and operate a *mobile home park* , as provided in Article 18-1 SFCC 1987 when the *licensee* has violated any provision of this section.

(f) Posting

The license certificate shall be conspicuously posted in the office of or on the *premises* of the *mobile home park* at all times.

(g) Standards

Mobile home parks shall comply with the standards set forth in Subsection 14-7.2(1).

(4) Manufactured Homes

Manufactured homes:

(a) are permitted in any district in which site-built, *single-family dwellings* are allowed;

(b) shall meet all requirements of other site-built, *single-family dwellings* in the same district and all applicable historic or aesthetic standards set forth in Chapter 14; and

(c) shall be constructed according to the Manufactured Home Construction and Safety Standards, 24 CFR Section 3280.

(5) Short-Term Rental [~~of Dwelling~~] Units [~~–Residentially Zoned Property~~]

(a) [~~Dwelling Units~~] Purpose and Intent

[~~Dwelling units located on residentially zoned property may not be rented for less than thirty days except as set forth in this Subsection 14-6.2(A)(5).~~] The purposes of this *Short-Term Rental Unit* Ordinance are the following:

(i) to ensure that the operation of *short-term rental units* in residential areas does not disrupt the character of the city's neighborhoods or affect the quality of life of neighboring residents;

(ii) to prevent speculators from purchasing multiple homes for the purpose of operating multiple *short-term rental units*, thereby reducing the amount of long-term housing availability;

(iii) to allow law abiding residents the option of utilizing their homes and *accessory dwelling units* as *short-term rental units* to create wealth and generate supplemental income;

(iv) to minimize public safety risks associated with *short-*

term rental units, such as higher traffic levels, parking issues, noise, litter, and other public nuisances; and

(v) to ensure that an *owner* or *operator* of a *short-term rental unit* follows applicable regulations, including the payment of all applicable fees and taxes.

(b) Short-Term Rental [~~Units~~] *Permit* Required

[~~Short-term rental units are prohibited on residentially-zoned property except as provided in this Subsection 14-6.2(A)(5)(b).~~]

[~~(i) Short-term rental units that are operated in compliance with Subsection 14-6.3(D)(1) (Accessory Dwelling Units) and in compliance with this Subsection 14-6.2(A)(5) are allowed.~~]

(i) An *owner* of a *short-term rental unit* must have a *city*-issued business license and a short-term rental *permit*. An *owner* or *operator* shall not operate, rent, offer to rent, or advertise a *short-term rental unit* without a valid *permit* from the *city*.

[~~(ii) Short-term rental units located in a development containing resort facilities approved pursuant to a special use permit which are owned in common by the owners within the development, are allowed. As used in this item, "resort facility" means any combination of swimming pools, spa facilities, golf courses, restaurants and tennis facilities.~~]

[~~(iii)~~](ii) The *land use director* may issue a maximum of one thousand (1000) short-term rental *permits*[~~ in a quantity approved by the governing body through adoption, after a public hearing, of a resolution for residential units not otherwise qualifying for permits under Items (i) and (ii) above. Dwelling units on non-residentially-zoned property pursuant to §14-6.2(A)(6) and §14-6.2(A)(7) are not subject to the permit limit imposed by this subsection~~].

(iii) The *land use director* shall issue *permits* to *natural*

persons only, and each *natural person* may possess a maximum of one (1) *permit.*

(iv) [~~Whenever the demand for short-term rental units exceeds the number permitted in accordance with Subsection 14-6.2(A)(5)(b)(iii) above, the number of additional permits may be increased by the governing body through adoption of a resolution and issued by the land use director. New permits shall be issued in the order that eligible applications are received.~~] The land use department shall process *applications* in the order of receipt and shall issue new *permits* in the order that complete *applications* are received. If the number of *permits* reaches the one thousand (1000)-*permit* limit, then the land use department shall stop processing *applications* and shall add *applicants* to a waiting list until a *permit* becomes available. If an *applicant* waits on the list for a year or longer, the land use department may require the *applicant* to indicate a continued interest in remaining on the list.

(v) A *permit* is not transferable to another person or property. Upon the transfer of ownership of a *short-term rental unit*, the short-term rental *permit* shall terminate and revert to the land use department. If the new *owner* wishes to use the property as a *short-term rental unit*, the *owner* shall submit a new *application* to the land use department.

(c) General Provisions

[~~Unless otherwise stated, the following general provisions apply to short-term rental units:~~]

(i) A *short-term rental unit* must have a local *operator* that is available twenty-four (24) hours per day, seven (7) days per week, to respond to complaints regarding the operation or occupancy of the *short-term rental unit*. For purposes of this subparagraph, "local" means within the municipal boundaries of the city of Santa Fe.

[~~(ii) short-term rental permits will not be issued for more than two short-term rentals units directly adjoining each other on a residentially zoned street. For the purposes of this subsection, "directly adjoining" means sharing a common boundary along a~~

~~public street frontage, but does not include adjoining *units* in a condominium, townhouse development, apartment complex, or residential compound;~~]

(ii) An *owner* or *operator* shall not rent a *short-term dwelling unit* more than once [~~no more than one rental is allowed~~] within a seven (7)-[~~consecutive~~] day period[~~;~~].

(iii) An *owner* of a *permitted short-term rental unit* shall provide *off-street parking* [~~shall be provided~~] on site as follows: [~~1)~~]

(A) one bedroom, one parking space; and [~~2)~~]

(B) two or more bedrooms[~~;~~], two parking spaces[~~;~~].

(iv) A *short-term rental unit* must meet all applicable building, [~~and~~] fire, [~~life~~]and safety codes, [~~shall be met~~] and all toilets, faucets, and shower heads [~~shall~~]must meet the water conservation requirements described in Section 25-2.6 SFCC 1987[~~;~~].

(v) Prior to issuance of a *permit*, a *short-term rental unit* must have a *certificate of occupancy* to ensure compliance with all applicable codes.

(vi) Prior to issuance of a *permit*, the *owner* of a *short-term rental unit* must obtain a business license under Section 18-1 SFCC 1987.

(vii) A valid business license number must be included in all advertising of a *short-term rental unit*, including listings on a *host platform*.

[~~(v)~~](viii) [~~occupants~~]An *owner* or *operator* shall not allow *guests* [~~shall not~~]to park recreational vehicles on site or on the street;

[~~(vi)~~](ix) [~~short-term~~] *Short-term rental units* located on *residentially-zoned property* shall be used exclusively for residential purposes and shall not be used for commercial activities or events, defined as intending to make money, offering goods or services for sale, or conducting any other event or activity that is not residential in nature. An activity "not residential in nature" includes gatherings in excess of [~~three (3)~~] two (2) times the

number of legally allowed [~~occupants~~] *guests* in the *short-term rental unit* [~~(including occupants)~~], unless the activity or event is otherwise permitted by the *city*[~~;~~].

[~~(vii)~~](x) [~~the~~]The total number of [~~persons~~]*guests* that may occupy [~~the~~]a *short-term rental unit* is twice the number of bedrooms[~~;~~].

[~~(viii)~~](xi) [~~noise~~]Noise or other disturbance [~~outside the~~]emitted from a *short-term rental unit* is prohibited after 10:00 p.m., including decks, portals, porches, balconies, or patios[~~;~~].

[~~(ix)~~](xii) [~~all occupants shall be informed~~]The *owner* or *operator* of a short-term rental unit shall notify all guests in writing of relevant *city* ordinances, including the *city*'s nuisance and water conservation ordinances[~~, by the owner/operator of the short-term rental unit~~]. All [~~occupants~~]*guests* shall comply with all relevant *city* ordinances, including [~~and comply with all provisions of~~] the [~~lodger's~~]lodgers' tax ordinance[~~;~~].

[~~(x)~~](xiii) [~~the~~]The *owner*[~~/operator~~] shall pay all applicable local, state, and federal taxes, including lodgers' tax, gross receipts tax, and income tax[~~es;~~].

~~[(xi) should the owner/operator fail to pay all applicable taxes, the owner/operator shall be subject to penalties pursuant to Subsection 14-6.2(A)(5)(f).~~

~~(xii) the *owner*/operator shall make available to the *city* for its inspection all records relating to the operation of the short-term rental unit to determine compliance with this Subsection 14-6.2(A)(5); and~~

~~(xiii) the *owner* shall maintain adequate short-term rental insurance coverage for the *short-term rental unit*. Proof of insurance shall be required at the time the *permit* is issued and such other times as requested by the *land use director*.~~

~~(xiv) upon the transfer of ownership of a *short-term rental unit*, the short-term rental *permit* shall terminate and revert to the land use department. If the new *owner* wishes to use the property as a *short-term rental unit*, new *application* shall be submitted to the~~

~~land use department.~~]

(d) *Applications* for a Short-Term Rental *Permit*

[~~Unless otherwise stated, an~~]An *applicant* shall submit an *application* for a short-term rental *permit* [~~shall be submitted to the city as follows~~] that includes the following information and documentation:

(i) [~~the application shall include~~]the name and phone number of the local owner[~~/operator~~] or *operator* who is available twenty-four (24) hours per day, seven (7) days per week to respond to complaints regarding the operation or occupancy of the *short-term rental unit* [~~as well as the name and phone number of city staff responsible for enforcing this section~~];

(ii) [~~the application shall include~~] a statement signed by the [~~owner/operator~~] *owner* and *operator*, affirming that they will operate the *short-term rental unit*[~~ shall be operated~~] in compliance with this subsection 14-6.2(A)(5) and all other applicable laws, *city* codes, and private covenants; and that no private covenants prohibit the operation of the *short-term rental unit*[~~ is in compliance with any applicable private covenants, including those that prohibit the presence of *short-term rental*~~]; and

(iii) additional information, documentation, and submittals as required by the *land use director*.

[~~(iii) all applicants must submit proof of all required inspections with their initial application. Renewal applications for the same property may submit proof of all required inspections in the form of a statement attesting to compliance with all applicable fire, health, and safety requirements. The city shall perform random inspections to ensure compliance with this Subsection 14-6.2(A)(5).~~

~~(iv) prior to issuance of a permit, a certificate of occupancy is required to ensure compliance with this paragraph and all applicable codes;~~

~~(v) the permit is not transferable to another person or property;~~

~~(vi) within ten days of the issuance of the permit, the owner/operator shall mail notice by first class mail, with certificate of mailing, to the homeowners association (if applicable), and to the owners of properties within two hundred (200) feet of the subject property, exclusive of rights of way, as shown in the records of the county assessor, and by first class mail to the physical addresses of such properties where such address is different than the address of the owner and to the land use department. Notice shall be on a form approved by the land use director, and shall contain the name and phone number of the owner and operator who will be available twenty four hours per day, seven days per week to respond to complaints regarding the operation or occupancy of the short term rental as well as the name and phone number of city staff responsible for enforcing this paragraph. Copies of all required mailing lists and mailing certificates shall be provided to the land use director within ten days of the mailing. Failure to provide notification as described in this subsection is subject to penalties and prosecution pursuant to Subsection 14-6.2(A)(5)(f);]~~

[~~(vii) each application shall be accompanied by a fee of one hundred dollars ($100) to cover *application* processing and inspections. This application fee is non-refundable.~~]

[~~(viii) The annual permit fee schedule is as follows:~~

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

Table 14-6.1-1 Annual Permit and Registration Fees*		
Short-term Rental Type	Permit Fee per Unit	Registration Fee per Unit
§ 14-6.2A(5)(b)(i) — Accessory Dwelling Units	$325.00	
§ 14-6.2A(5)(b)(ii) — Resort Units		$100.00
§ 14-6.2A(5)(b)(iii) — Residential Units	$325.00	
§14-6.2A(6) Non-Residential Districts and § 14-6.2A(7) — Commercial Districts		$100.00
Initial Application and Processing Fee (one-time)	$100.00	
*The annual permit fee shall not be prorated for a portion of the year.		

(ix) The annual fee includes the city's business registration fee and fees for inspections related to issuance of the short-term rental permit. Revenue from fees imposed pursuant to this paragraph shall be used only to administer, manage, and enforce this section.

(x) If payment of a permit fee was in excess of that for which a person was liable, the person may claim a refund by directing to the city finance director a written claim for refund no later than one year from the date payment was made. Every claim for refund shall state the amount and basis for the claim. The city finance director may allow the claim in whole or in part or may deny it. If the claim is not allowed in whole, the person may appeal the decision pursuant to Section 14-3.17.

(xi) Unless revoked as set forth in Subsection 14-6.2(A)(5)(f), a permit holder may renew the permit annually. If not renewed by March 15 of each year, the owner/operator may pay a late fee of fifty dollars ($50) to extend the time for filing to renew to April 15. An owner of an expired permit may submit a new application for a short-term rental

~~permit to the land use director in accordance with Subsection 14-6.2(A)(5)(b)(iv) subject to availability of permits.~~

~~(xii) A valid permit number shall be included in all advertising of the short-term rental, including listings on web-based rental sites.~~]

(e) Proximity of *Short-Term Rental Units* on *Residentially Zoned Property*

Subject to the exceptions listed below, the *land use director* shall not issue a new *permit* for a *short-term rental unit* if the subject property, as identified in the *application*, is located within a seventy-five (75)-foot radius of a *residentially zoned property* that has a permitted *short-term rental unit*. The radius shall be measured from the subject property boundary. This limitation shall not apply to the following:

(i) an *application* for a *short-term rental unit* located on non-*residentially zoned property* or within a *development containing resort facilities*;

(ii) an *application* for a *short-term rental unit* that complies with the requirements set forth in the *accessory dwelling unit* ordinance, subsection 14-6.3(D)(1); or

(iii) an application for a *short-term rental unit* in a *multiple-family dwelling* development that contains four (4) or more *dwelling units*, provided, however, that the *land use director* shall not issue short-term rental permits for more than twenty-five (25%) of the *dwelling units* in a *multiple-family dwelling* development that contains four (4) or more *dwelling units*.

[~~(e)~~](f) Fees for *Short-term Rental Units*

The following fees shall be used only to administer, manage, and enforce this subsection 14-6.2(A)(5) and relevant sections of Chapter 18 SFCC 1987, which address applicable licenses and taxes.

(i) *Application* fee. An *application* for a new short-term rental *permit* shall be accompanied by a one-time non-refundable *application*, processing, and

inspection fee of one hundred dollars ($100).

(ii) Business license fee. A *short-term rental unit* is subject to an annual business license fee of thirty-five dollars ($35).

(iii) *Permit* fee. A *short-term rental unit* is subject to an annual *permit* fee of two hundred and ninety dollars ($290).

(g) Required Notice

(i) Within ten (10) days after the issuance or renewal of a short-term rental *permit*, the *owner* or *operator* shall mail notices by first-class mail to the homeowners association within which the unit is located (if applicable); to the *owners* of *residentially-zoned property* within two hundred (200) feet of the subject property, exclusive of rights of way, as shown in the records of the county assessor; to the physical addresses of such properties where such address is different than the address of the *owner*; and to the land use department.

(ii) The notices shall be on a form approved by the *land use director*.

(iii) The notices shall contain the name and phone number of the local *operator*. Within ten (10) days after any change in the contact information for the local *operator*, the *owner* or *operator* shall mail a new notice, to all parties, in accordance with this subparagraph 14-6.2(A)(5)(g).

(iv) Within ten (10) days of the mailing, the *owner* or *operator* shall provide the *land use director* with copies of all required mailing lists and an affidavit of mailing signed by the person who mailed the notices.

(h) Records

Each *owner* or *operator* shall maintain all records for the *owner's short-term rental unit* for at least the most recent three years for the *owner's short-term rental unit* or units and shall make such records available to the *city* for inspection upon request. If a *host platform* collects rent for a *short-term rental unit*, the *host platform* must also maintain such records. The

records to be maintained for each *short-term rental unit* must include the following:

(i) The number of reservations and number of nights rented each calendar month;

(ii) The amount of rent guests paid by month; and

(iii) The amount of each type of tax and fee the owner paid to the *city* in connection with rental of the unit by month.

(i) *Permit* Renewals

Unless revoked pursuant to Section 14-11.4, an *owner* may renew a short-term rental *permit* annually. If not renewed by the expiration date of the existing *permit*, the *owner* may pay a late fee of fifty dollars ($50) to extend the time for filing to renew by thirty (30) days. After the thirty (30) days, if the *owner* has not renewed or requested an extension, the *permit* will become available to the next eligible *applicant*, and the *owner* may submit a new *application* for a short-term rental *permit* to the *land use director*, subject to the availability of *permits*.

(j) Inspections

The *city* shall perform random inspections to ensure compliance with subsection 14-6.2(A)(5) and all applicable fire, health, and safety requirements. The *city* may require an *applicant* to submit proof of inspections at the time of initial *application* and at such other times as requested by the *land use director*.

(k) Violations and Penalties

~~[(i) The land use director shall document all alleged violations of this paragraph and shall pursue enforcement through the municipal court as set forth in Article 1-3 SFCC 1987 or in another appropriate court of law. The city shall give the owner a written notice of violation, which shall be mailed either to the owner's local or business address or agent's address, informing the owner of the violation. If corrective action is not completed within fifteen (15) days of the date of the letter, the city may file a criminal complaint in municipal court. Upon~~

~~conviction of a first violation, the land use director shall revoke the permit and operation of the short term rental shall cease within thirty days.~~

~~(ii) An owner who offers for rent as a short term rental a dwelling unit that is not permitted for use as a short term rental is in violation of this paragraph and is subject to penalties, property liens and/or prosecution pursuant to subsection 14-2(A)(5)(f).(iii)An agent who knowingly assists an owner in advertising or renting a dwelling unit as a short term rental unit that is not permitted under this subsection 14-6.2(A)(5) is subject to penalties and prosecution, and the agent's business license is subject to revocation.~~]

If an *owner* or *operator* fails to obtain the necessary *permit* before renting, offering to rent, or advertising a short-term rental unit; fails to pay or report applicable taxes; or otherwise fails to adhere to the provisions of subsection 14-6.2(A)(5), the *owner* or *operator* shall be subject to the enforcement provisions set forth in Sections 1.3 and 14-11 SFCC 1987 and all other legal remedies and enforcement actions available under the law. These may include civil or criminal penalties or revocation of a short-term rental *permit.*

[~~(f) Penalties~~

~~(i) Any owner who fails to report all applicable taxes, including gross receipts tax and lodger's tax, shall be subject to any and all remedies under the short term rental ordinance and any other applicable city, county, state, or federal law or statute. Such owner shall also be subject to revocation of their short term rental permit pursuant to Subsection 14-6.2(A)(5)(e)(i).~~

~~(ii) If an owner is found guilty of operating a short term rental without a valid permit, they shall be fined five hundred dollars ($500). The city may ask the municipal court to treat each day after the initial written notice of violation as a separate violation and assess two hundred fifty dollars ($250) for each day of such daily violations for a total cumulative fine amount. If the city is awarded money as part of a judgment following a court~~

~~hearing and defendant does not make timely payments to the city, the city may bring an action in lien or equity for the collection of any amounts due.~~]

[~~(g)~~] (l) Restrictive Covenants

Private restrictive covenants, enforceable by those governed by the covenants, may prohibit *short-term rental units*.

[~~(h)~~](m) Real Estate Agent Disclosure

[~~Real~~]A real estate [~~brokers~~] agent [~~listing~~] who represents a prospective buyer of [~~residential~~] *residentially zoned property* in Santa Fe shall provide the prospective [~~buyers~~]buyer with a current copy of this ordinance.

(n) Host Platforms.

(i) A *host platform* shall include a valid business license number in all listings or advertisements for a *short-term rental unit.*

(ii) A *host platform* shall provide a monthly report to the city that includes the following information about the *short-term rental units* advertised in the city, disaggregated by owner, describing the following information for that month:

(A) The number of *short-term rental unit* listings and owners in the city;

(B) The number of reservations and number of rental nights for each unit;

(C) The amount of revenue owners collected through the *host platform*, including rent and each type of taxes and fees.

[~~(i) The land use director shall establish administrative procedures necessary to implement, manage and enforce this paragraph.~~]

(6) [~~Short-term Rental of Dwelling Units – Non-residentially Zoned Property~~]

Existing Short-Term Rental Permits and Registrations

[~~Short-term rental of dwelling units on non-residentially zoned property is permitted as set forth in Table 14-6.1-1, must be registered; are subject to a one-time one hundred dollar ($100) application, inspection and processing fee; and must comply with submission requirements and report all applicable taxes.~~]

(a) Short-term rental *permits* held at the time the ordinance amending subsection 14-6.2(A) SFCC 1987 (Ordinance No. 2020-__) is adopted are valid, even if multiple permits are held by one owner. The *owner* does not need to renew those *permits* until they expire. Upon expiration, the *owner* may be eligible to timely renew the *permits* pursuant to subsection 14-6.2(A)(5)(i), subject to payment of the annual business license and permit fees, as long as the land use department does not revoke the *permit* pursuant to Section 14-11.4.

(b) Short-term rental *permits* that do not comply with the proximity limitations set forth in subsection 14-6.2(A)(5)(e) held at the time that the ordinance amending subsection 14-6.2(5) (Ordinance No. 2020-__) is adopted are valid and owners of such *permits* are eligible to timely renew the *permits* pursuant to subsection 14-6.2(A)(5)(i), subject to payment of the annual business license and permit fees, as long as the land use department does not revoke the *permit* pursuant to Section 14-11.4.

(7) Dwelling Units in Specified Commercial Districts

In the C-2 and SC Districts, dwelling units do not include mobile homes or recreational vehicles and shall be [~~either~~] one of the following:

(a) accessory dwelling units for occupancy only by owners, employees, or tenants of nonresidential uses that are operated on the same premises;

(b) part of a planned development; [~~or~~]

(c) part of a use for which a development plan or special use *permit* is required; or

(d) part of a qualifying residential project within the Midtown LINC Overlay District.

~~[(8) Effective Date~~

~~The provisions of Subsection 14-6.2(A)(5) of the Land Development Code shall go into effect immediately upon approval of the Governing Body. A ninety (90) day grace period shall be given for effected units to obtain a valid permit. Short-term rental unit owners who possess a valid short-term rental permit at the time this ordinance (Ordinance 2016-20) is adopted shall be considered to possess a valid permit under the new regulations and shall not need to renew their permit until the following year. Short-term rental unit owners who possess a valid short-term permit for a contiguous property issued prior to this ordinance (Ordinance 2016-20) being adopted shall be deemed as a "residential" permit holder upon the adoption of the ordinance and shall renew their permit as a "residential" permit in following years.]~~

Section 2. Section 14-12.1 of SFCC 1987 (being Ord. No. 2011-37, § 15 as amended) is amended to add and amend the following definitions:

14-12.1 DEFINITIONS

DEVELOPMENT CONTAINING RESORT FACILITIES, SHORT-TERM RENTAL

A development in which the *owners* own two (2) or more of the following facilities in common and have obtained a special use *permit* for operation of those facilities: swimming pools, spa facilities, golf courses, restaurants, or tennis facilities.

GUEST, SHORT-TERM RENTAL

Any person who rents a *short-term rental unit* or occupies a *short-term rental unit* during a rental period.

HOST PLATFORM, SHORT-TERM RENTAL

An internet website, a mobile application, or any other forum used to connect a short-term rental

owner or operator with guests and to facilitate the booking of a short-term rental unit.

NATURAL PERSON

An individual human being, as opposed to an organization of any form or a business entity.

OPERATOR, SHORT-TERM RENTAL

A person who, with or without a short-term rental *permit* or registration, rents or offers to rent a short-term rental unit to guests.

SHORT-TERM RENTAL UNIT

A *dwelling unit* or *accessory dwelling unit*, or any portion of a *dwelling unit* or *accessory dwelling unit*, that is offered for rent or rented for a period of less than thirty (30) days.

APPROVED AS TO FORM:

ERIN K. McSHERRY, CITY ATTORNEY

Legislation/2020/Bills/Short-Term Rental Changes

ATTACHMENT
4
Planning Commission Meeting Minutes
June 18, 2020

City of Santa Fe

Agenda

PLANNING COMMISSION
Thursday, June 18, 2020 - 6:00pm
ATTEND VIRTUALLY

SPECIAL PROCEDURES FOR VIRTUAL ATTENDANCE AND PUBLIC COMMENT:

In response to the State's declaration of a Public Health Emergency, the Mayor's Proclamation of Emergency, and the ban on public gatherings of more than five (5) people, this meeting will be conducted virtually using Zoom.

Viewing on YouTube: Members of the public may stream the meeting live on the City of Santa Fe's YouTube channel at https://www.youtube.com/channel/UCuW5Fb7iWuKpTdsWYNDurgA. The YouTube live stream can be accessed at this address from most computers, mobile devices, and smartphones. A video recording of the meeting will be posted on YouTube and available for viewing after the meeting.

Attending on Zoom: Members of the public may attend the Zoom meeting on a computer, mobile device, or phone. The video conference link and teleconference number will be posted on the City of Santa Fe's Calendar of Events website at least seventy-two (72) hours before the meeting: https://www.santafenm.gov/events. The direct Zoom link is: https://us02web.zoom.us/j/86975140993?pwd=R21va0g5c1NJdyttdU45T1E3UVlqZz09 and use password: 419763.

Attending Zoom by Phone: Members of the public can attend the Zoom meeting by phone by dialing:
US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799
Webinar ID: 869 7514 0993

Public Comment:

- By video: A person attending the Zoom meeting by using a computer, mobile device, or smart phone may provide public comment during the meeting. Attendees should use the "Raise Hand" function to be recognized by the chair to speak at the appropriate time.
- By phone: A person attending the Zoom meeting by phone may provide public comment during the meeting but **must** provide advance notice to City staff. Please contact Noah Berke (505-490-5930, nlberke@santafenm.gov) no later than Monday, June 15, 2020, and provide your **full name, address, and the phone number** you will be using to call in to the teleconference. Without your phone number, the chair will not be able to recognize you to speak at the meeting.
- In writing: A person may submit written public comments in advance of the meeting by email (LandUsePublicComment@santafenm.gov), by U.S. Postal Service (City of Santa Fe, ATTN: Noah Berke, PO Box 909, Santa Fe, NM 87504-0909), or by dropping off a comment at the physical drop box which will be located outside City Hall at the entrance to Land Use Lobby facing Marcy Street. Please include your full name and address, and identify the specific agenda item you are commenting on. To be included in the official record and considered at the hearing, written public comment **must** be received no later than Monday, June 15, 2020.

A. ROLL CALL
B. PLEDGE OF ALLEGIANCE
C. APPROVAL OF AGENDA
D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS:

MINUTES: May 21, 2020
FINDINGS/CONCLUSIONS: None

OLD BUSINESS

E. NEW BUSINESS

1. **Case #2020-2115. Vista del Rio Final Subdivision Plat.** JenkinsGavin, Inc., Agent, for Moellenbeck Professional Association Retirement Trust and Twilight Homes, Owners, requests approval of a final subdivision plat for twenty-one single family lots located at 5401 Agua Fria St. The property is approximately 4.02 acres and is zoned MU (Mixed Use). (Dan Esquibel, Case Manager, daesquibel@santafenn.gov, 955-6587)

2. An Ordinance Amending Section 14-6.2 SFCC 1987 to Adopt by Ordinance a Maximum of one thousand (1000) Short-Term Rental Permits in the City; to Prospectively Limit the Number of Short-Term Rental Permits to One Per Natural Person; to Prospectively Limit the Proximity of Short-Term Rental Units on Residentially Zoned Property; to Require a Local Operator for Short-Term Rental Units; to Adopt Record-Keeping and Reporting Requirements for Short-Term Rental Unit Owners and Host Platforms; and to Clarify Other Provisions of the Short-Term Rental Ordinance. (Mayor Webber and Councilors Lindell, Romero-Wirth, and Villarreal) (Elias Isaacson, Land Use Director, esiasaacson@santafenm.gov, 955-6730) (Sally Paez, Assistant City Attorney, sapaez@santafenm.gov, 955-6501)

3. An Ordinance Amending Section 14-11.4 of the Land Development Code to Adopt Civil Penalty Provisions, a Civil Fine Schedule, and Civil Citation Procedures for Land Use Code Enforcement Actions; and to Permit the Land Use Director to Order a One-Year Waiting Period for Application for Short-Term Rental Permit by a Person Who Has Violated the Short-Term Rental ordinance, Section 14-6.2(A)(5) SFCC 1987. (Mayor Webber and Councilors Lindell, Romero-Wirth, and Villarreal) (Elias Isaacson, Land Use Director, esiasaacson@santafenm.gov, 955-6730) (Sally Paez, Assistant City Attorney, sapaez@santafenm.gov, 955-6501)

F. STAFF COMMUNICATIONS

G. MATTERS FROM THE COMMISSION

H. ADJOURNMENT

NOTES:

1) Procedures in front of the Planning Commission are governed by the City of Santa Fe Rules & Procedures for City Committees, adopted by resolution of the Governing Body of the City of Santa Fe, as the same may be amended from time to time (Committee Rules), and by Roberts Rules of Order (Roberts Rules). In the event of a conflict between the Committee Rules and Roberts Rules, the Committee Rules control.

2) New Mexico law requires the following administrative procedures to be followed by zoning boards conducting "quasi-judicial" hearings. By law, any contact of Planning Commission members by applicants, interested parties or the general public concerning any development review application pending before the Commission, except by public testimony at Planning Commission meetings, is generally prohibited. In "quasi-judicial" hearings before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross examination. Witnesses have the right to have an attorney present at the hearing.

3) The agenda is subject to change at the discretion of the Planning Commission.

***Persons with disabilities in need of special accommodations or the hearing impaired needing an interpreter please contact the City Clerk's Office (955-6520) 5 days prior to the hearing date.**

RECEIVED AT THE CITY CLERK'S OFFICE
DATE: May 2, 2020
TIME: 11:12 AM

SUMMARY INDEX
PLANNING COMMISSION MINUTES
JUNE 18, 2020

ITEM	ACTION TAKEN	PAGE(S)
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B. Pledge of Allegiance	Recited	1
C. Approval of Agenda	Approved as published	2
D. Approval of Minutes May 21, 2020	Approved	2
Findings/Conclusions	None	2
E. Old Business:	None	2
F. New Business		
1) Case #2020-2115. Vista del Rio Final Subdivision Plat	Approved with conditions	2-3
Findings/Conclusions	Approved	3
2) An Ordinance Amending Section 14-6.2	Postponed	3-37
3) An Ordinance Amending Section 14-11.4	Postponed	3-37
G. Staff Communications	Comments	37-38
H. Matters from the Commission	Comments	38
I. Adjournment	Adjourned at 10:06 pm	38

MINUTES OF THE CITY OF SANTA FE PLANNING COMMISSION
Thursday, June 18, 2020 - 6:00pm
VIRTUAL HEARING

CALL TO ORDER

A regular meeting of the City of Santa Fe Planning Commission was called to order by Chair Hiatt on the above date at approximately 6:00 p.m. at a virtual meeting held at https://www.youtube.com/user/cityofsantafe.

A. ROLL CALL

Roll Call indicated the presence of a quorum for the meeting.

Members Present
Commissioner John B. (Jack) Hiatt, Chair
Commissioner Mark Hogan, Vice Chair
Commissioner Janet Clow
Commissioner Pilar Faulkner, Secretary
Commissioner Brian Patrick Gutierrez
Commissioner Jessica Lawrence
Commissioner Dominic Sategna

Members Absent
Commissioner Lee Garcia (Excused)
(One Vacancy)

Others Present:
Mr. Elias Isaacson, Land Use Director
Mr. Noah Berke, Planner Manager and Staff Liaison
Ms. Sally Paez, Assistant City Attorney
Ms. Melissa D. Byers, Stenographer

NOTE: All items in the Committee packet for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Land Use Department.

B. PLEDGE OF ALLEGIANCE

Chair Hiatt led the Pledge of Allegiance.

Mr. Berke explained the process for participation by members of the public once the Chair opens the Public Hearing.

C. APPROVAL OF AGENDA

MOTION: Commissioner Faulkner moved, seconded by Commissioner Hogan, to approve the agenda, as presented.

VOTE: The motion passed by unanimous roll call vote with Commissioners Clow, Faulkner, Gutierrez, Hogan, Lawrence and Sategna voting in favor and none voting against.

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

MINUTES: May 21, 2020

Commissioner Clow noted on page 25, the sixth paragraph, "Commissioner Clow said the *applicant* appeared to have determined that having..." Instead of *applicant* it should say City staff.

MOTION: Commissioner Sategna moved, seconded by Commissioner Faulkner to approve the Minutes of May 21, 2020 as amended.

VOTE: The motion passed by unanimous roll call vote with Commissioners Clow, Faulkner, Gutierrez, Hogan, Lawrence and Sategna voting in favor and none voting against.

FINDINGS/CONCLUSIONS: None

E. OLD BUSINESS:

None.

F. NEW BUSINESS

1. **Case #2020-2115. Vista del Rio Final Subdivision Plat.** JenkinsGavin, Inc., Agent, for Moellenbeck Professional Association Retirement Trust and Twilight Homes, Owners, requests approval of a final subdivision plat for twenty-one single family lots located at 5401 Agua Fria St. The property is approximately 4.02 acres and is zoned MU (Mixed Use). (Dan Esquibel, Case Manager, daesquibel@santafenn.gov, 955-6587)

Staff Report

Dan Esquibel presented the staff report.

Mr. Esquibel stated the Land Use Department recommends approval for the final subdivision plat for the 21 family units, with the conditions of approval as outlined in the report and technical corrections in Exhibit A. He noted the criteria of section 14-3.7(C) is shown in Exhibit C and the applicant has agreed to the conditions.

Applicant's Presentation

Jennifer Jenkins, 130 Grant Avenue, Suite 101, was sworn. She stated the applicant agreed with all conditions of approval and technical corrections. She stood for questions.

Public Hearing

There were no public comments, therefore, Chair Hiatt closed the public hearing.

Commission Discussion

MOTION: In Case #2020-2115, Vista del Rio Final Subdivision Plat, Commissioner Hogan moved to approve with staff recommendations and technical corrections and conditions of approval. The motion was seconded by Commissioner Clow.

VOTE: The motion was approved by unanimous roll call vote with Commissioners Clow, Faulkner, Hogan, Gutierrez, Lawrence and Sategna voting in favor and none voting against.

MOTION: In Case #2020-2115, Vista del Rio Final Subdivision Plat Findings of Fact and Conclusions of Law, Commissioner Hogan moved, seconded by Commissioner Clow to approve the Findings of Fact and Conclusions of Law.

VOTE: The motion was approved by unanimous roll call vote with Commissioners Clow, Faulkner, Hogan, Gutierrez, Lawrence and Sategna voting in favor and none voting against.

2. **An Ordinance Amending Section 14-6.2 SFCC 1987 to Adopt by Ordinance a Maximum of one thousand (1000) Short-Term Rental Permits in the City; to Prospectively Limit the Number of Short-Term Rental Permits to One Per Natural Person; to Prospectively Limit the Proximity of Short-Term Rental Units on Residentially Zoned Property; to Require a Local Operator for Short-Term Rental Units; to Adopt Record-Keeping and Reporting Requirements for Short-Term Rental Unit Owners and Host Platforms; and to Clarify Other Provisions of**

the Short-Term Rental Ordinance. (Mayor Webber and Councilors Lindell, Romero-Wirth, and Villarreal) (Elias Isaacson, Land Use Director, esiasaacson@santafenm.gov, 955-6730) (Sally Paez, Assistant City Attorney, sapaez@santafenm.gov, 955-6501)

3. **An Ordinance Amending Section 14-11.4 of the Land Development Code to Adopt Civil Penalty Provisions, a Civil Fine Schedule, and Civil Citation Procedures for Land Use Code Enforcement Actions; and to Permit the Land Use Director to Order a One-Year Waiting Period for Application for Short-Term Rental Permit by a Person Who Has Violated the Short-Term Rental ordinance, Section 14-6.2(A)(5) SFCC 1987. (Mayor Webber and Councilors Lindell, Romero-Wirth, and Villarreal) (Elias Isaacson, Land Use Director, esiasaacson@santafenm.gov, 955-6730) (Sally Paez, Assistant City Attorney, sapaez@santafenm.gov, 955-6501)**

Chair Hiatt asked if both ordinances should be heard at the same time.

Ms. Paez explained it was up to the Commission, but the two proposals are meant to work in harmony and have one staff report. Taking them together made sense.

Seeing no objections from the Commission, Chair Hiatt ruled the two Ordinances would be heard together

Staff Report

Director Isaacson provided the staff report. The amendments improve enforcement of the City's Short-Term Rental (STR) program and create a system to impose penalties on owners operating STRs without authorization from the Land Use Department. The sponsors include Mayor Webber and Councilors Signe Lindell, Carol Romero-Wirth, and Renée Villarreal.

Per section 14-3.3, amendments to the Land Use Code require a public hearing, a review, and a recommendation from the Planning Commission before consideration by the Governing Body.

The amendments to section 14-6.2 amend and clarify the existing Short-Term Rental ordinance. The current limitation maximum is 1000 permits that may be issued by the Land Use Department as previously adopted by the City, by resolution. That amount will remain unchanged.

Additionally, the Ordinance will limit short-term rental permits to one per natural person and the proximity of STRs on residentially zoned property and require a local

operator for STR units. The Ordinance will require permit holders and host platforms to adhere to record-keeping and reporting.

Amendments to Section 14-11.4 include provisions for adopting civil penalties, a civil fine schedule, and civil citation procedures for Land Use Code enforcement. The amended ordinance would clarify the circumstances under which the Land-Use Director can invoke permits, including short-term rental permits. The Director could order for anyone that violates Code, a one year waiting period for application for a STR permit.

Director Isaacson referred to a chart in the packet showing the substantive changes to the two ordinances, the policy objectives, and the City's regulatory approach which is to ensure that operation of the STR in residential areas does not disrupt the character or quality of life of the neighborhood. The regulatory approach will be to limit the density and proximity of STRs by preventing new STRs on residentially zoned property within 75 feet of an existing STR. The resolution's 1,000 permit limit would be maintained and incorporated into the Ordinance.

Another policy objective is to prevent speculators from purchasing multiple homes for the purpose of operating multiple STR units, resulting in the reduction of long-term rental (LTR) housing. The regulatory approach is to issue only one permit to one actual person. Additionally, law-abiding residents would be allowed an option to utilize accessory dwelling units (ADU) as STR units to create wealth and generate supplemental income. The regulatory approach would exclude ADUs operating in compliance with the ADU ordinance section 14-6.3(D)(1) from the proximity/density limitations set forth in 14-6.2(E)(5)(e).

The policy objective to minimize public safety risks associated with STR units such as higher traffic levels, parking issues, noise, litter, and other public nuisances. Regulatory approaches would include who is available requiring a local operator 24/7 to respond to complaints and include their contact information. Also proposed is to limit frequency in STR guest turnover by prohibiting the rental of STR units to no more than once in 7 days. Existing limitations will be maintained on the maximum number of guests (2 x the number of bedrooms) and continued administration of the City's formal annual permitting requirements.

Last, to ensure the owner/operator of STR's follows applicable regulations, including the payment of all fees and taxes, they will adopt and enforce new enforcement options. That includes the schedule of civil fines which increases for repeat violators, the revocation of permits, and a one-year application waiting period for anyone who has violated. Permit holders will also be required to maintain books and records for a three-year minimum and record-keeping/reporting by host platforms and to collect revenues.

Director Isaacson turned the floor over to City Attorney Paez to discuss the policy making process and opportunities for public participation.

Ms. Paez said this is the first opportunity for public input on the legislation and is a matter of interest for City Councilors and the Mayor. Due to the limitations in State law for open meetings they cannot get together as a group of interested Councilors outside the context of formal public meetings. The objective of the four sponsors was to create a preliminary proposal with a lot of ideas and take that into the committee process. They would then obtain input from members of the public and stakeholders.

Staff has received a lot of input already and this is the first time a City body could weigh in on the amendments in a formal public meeting. The schedule proposed for the committees staffed by City Councilors is to go before the Quality of Life Committee on July 1; Public Works and Utilities Committee, July 6; request to publish before the City Council on July 8, go to the Finance Committee on July 13; and public hearing before City Council on August 12, 2020.

It is possible the Planning Commission could reach a final recommendation to approve, that contains possible nuances. They can recommend changes of what they like or eliminate what they don't like within their purview.

Staff has been compiling comments even those received after the deadline (Monday), due to the large volume. She hoped that Commissioners had a chance to review the first batch because three additional batches of recent public comments were sent to Commissioners.

Ms. Paez said she would like to read the names of those who sent written comments into the record. Additional comments have been received since the last batch. She will continue to gather that input and make it available to the City Councilors and other committees and the Governing Body to retain as a formal record.

Chair Hiatt asked if the draftsmen or sponsors of the Ordinance had an opportunity to involve the STR community or interested citizens.

Ms. Paez replied she is aware that sponsors individually have been speaking with stakeholders and community members ad hoc. There was no formal opportunity until tonight.

Mr. Berke provided historical context on the STR Ordinance and changes. He said that in about 2005, Santa Fe recognized the operation of vacation rentals throughout the City and they were somewhat disruptive to neighborhoods. They received a lot of neighborhood input on the issue and the City decided to look into the issue. Subsequently through a series of stakeholder meetings an STR ordinance was drafted and passed in 2007/2008. In 2015 the Governing Body passed a resolution that asked staff to analyze the current Land Development Code regarding STRs. They were asked to make recommendations in the ordinance.

There were a series of well attended public meetings with neighborhoods, different stakeholders, the Tourism/Hospitality industry. Options were presented at the meetings by City staff and the Tourism Department and considered changes and issues that would be needed through ordinance revisions. There were online platforms that could be rented through AirBNB, Craig's List, VRBO, etc. all showing short-term rentals that were not captured as having a permit.

The cap at that time was 350 STRs with a lengthy waiting list. They drafted major changes to the STR ordinances in 2015-2016 which included that:

- All rentals of less than 30 days had to register with the City with a registration permit regardless of zoning district.
- The cap for residential permits was increased from 350 to 1000 and could be adjusted if City Council thought necessary.
- They eliminated the 17 rentals per year but kept that there could only be 1 rental every 7 days.
- Two adjoining STRs on a residential street was prohibited.
- They clarified that STR permits were nontransferable and only for the owner of the property, it wouldn't transfer to a new owner.
- Applicants were allowed to submit self-compliance statements for renewal.
- A mailing requirement was added that applicants should notify the homeowners and neighborhood associations within a specific range.
- Fees were adjusted to cover the cost of staff performing fire inspection, home inspection and business permitting, and a late fee of $50 that granted a 30-day extension for renewals.
- Fees for enforcement were added and a fine of $500 with a required written notice to the applicant of a violation.
- Applicants had to list on the application where they advertised for verification by the City that the applicant legally advertised.
- A Short-Term Rental office was added with an increase in staffing of that office.
- The City purchased compliance software with the ability to compare the list of STRs with permits and the lists from VRBO, AirBNB, etc. and the ability to send a notification for non-compliance.
- Council instructed staff to report back and provide an update in 18 months from the adoption of the changes. That has been done.

Chair Hiatt asked Director Isaacson if there was anything else from staff. He was told there was none.

Vice Chair Hogan said he wanted to disclose two things: One, he received a large number of calls on this issue. Out of concern about ex parte, he had encouraged everyone to send their comments in writing to the City to be distributed to everyone. He added he did not believe his capacity to take action on this had been compromised.

Commissioner Hogan said secondly, he may soon be an STR operator. He had applied for a permit in January for his converted office and was given a permit. But he has never acted on that nor received any income because of COVID.

Commissioner Hogan said he felt the obligation to disclose his permit, but again did not think that compromised his ability to participate. He offered to recuse himself if the Chair or Attorney Paez felt differently.

Chair Hiatt said his understanding is that legislative matters for ex parte have a different connotation. He asked Ms. Paez to comment.

Ms. Paez agreed. A legislative matter has no ex parte communication limitation, whereas a quasi-judicial matter does have an ex parte communication limitation. In a quasi-judicial matter, the applicant has a constitutional right to impartial decision-makers who have not been swayed by information from outside the formal record. In this case, as a legislative matter it is okay to correspond. The sponsors have been trying to correspond with interested parties, which is appropriate. She saw no problem as long as a quorum of the Commission does not discuss this outside the context of a public meeting.

Chair Hiatt said on the second matter of the Vice Chair owning a STR but not having any tenants yet, based on Vice Chair Hogan's comments, he did not find an inability for him to participate. He asked if any Commissioner objected to the ruling of the Chair. There were no objections noted.

Ms. Paez provided for the record additional context in the Code of Ethics in Code, Section 1-7 requiring a public official with a conflict of interest to disclose that conflict at the public meeting. It states, *"A public official shall not perform an official act or attempt to influence another person to perform an official act in any matter in which he/she has a conflict of interest."* In this case because changes are not being made that would increase the revenues received, voting on the legislation would not be a conflict of interest. As long as no money is a result to the Commissioner.

Public Hearing

Chair Hiatt explained the process for the public hearing and that the comments were limited to two minutes. He noted 58 people wanted to participate and he appreciated all of their comments.

Ms. Paez read the names of those submitting written comments to the Commission, noting they continue to receive comments. Those will be compiled and be of benefit to additional committee meetings. She read into the record names of those sending written comments in alphabetical order: Rebecca Anderson, Cindy Atanasoff, Irene P. Ayala, Cheryl Benard, Tai Bixby, Steve Harris, Karen Heldmeyer, Robert

Hilgendorf, Craig Lamb, Patricia Lillis, David Mansure (with petition attached), John M. Nye, Paul Plunket, Karen Kolbert Richelli, Victoria Rogers, Tim Ryan, Marvin Schrager, Ron & Myrna Simon, Sara & Dave Singleton, Michael Tankersley, Jon B. Tucker, Elizabeth West, Janet Williams and Richard A. Woodruff. The written public comments are attached hereto as Exhibits 1, 2, 3 and 4.

Ms. Paez indicated the list of names would be provided to the stenographer. She apologized for any incorrect pronunciations.

Chair Hiatt noted for the record that he had not seen at least half of those comments. He counted the names on the petitions and appears there are 700 names.

Preston Ellsworth,1412 Cerrillos Road, was sworn. He thanked Mr. Berke for his help in navigating the administrative management of the system. He said he preferred this go to the Governing Body for better administration and oversight. Secondly, they need to get the County on board so the community could comprehend the problem. Third, the revenues, which are substantial, should be coming to the City and distributed by the Governing Body to the Convention and Visitor's Bureau, minus the fees and charges for enforcement.

Myra Canterbury, 15 Mesa Encantado, Unit 227, was sworn. She wasn't sure if she fell under the guidelines or was outside the boundaries of the 1000 people who are permitted. She asked the boundaries for the legislation.

Chair Hiatt asked Ms. Canterbury if she was registered with the City as a short-term rental owner. She told him she thought she was outside City limits.

Chair Hiatt said they were interested in her comments either way. He asked Mr. Berke to assist Ms. Canterbury.

Ms. Canterbury continued, saying how important it is to balance having affordable housing in Santa Fe because they need them to help manage their properties. She lives in a townhome community that has on-site management. She thought they could probably accommodate that. She pays her taxes through VRBO and they have started collecting taxes for the State and she presumes for Santa Fe, around December.

She asked if she has to be registered with the City of Santa Fe. She is not opposed to the changes other than that this community has a lot of short-term owners. They are back to back and attached, etc. and the 75 feet rule would be a problem for them. She wasn't sure what the 75 feet rule buys them when you have a community that is well-maintained and has a very strict HOA. She wanted to be sure she is legal and has no desire to cheat anyone out of revenues or money.

Ms. Paez encouraged Ms. Canterbury to contact the City. She noted the information is on the website for the Short-Term Rental office and they are easy to contact about the City's boundaries.

Chair Hiatt said he would go a step further and be proactive. He asked Mr. Berke to take Ms. Canterbury's address and initiate contact. He thanked her for coming.

Karen Kolbert Rokelly, 214 Griffin Street, was sworn. She didn't agree with this. She lives downtown and knows that the City needs to look for revenue, but where she lives there are no residents. It is just her and one other person. The City should look at another part, like Catron to Grant, not the Capital District area. They are different than a residential district. Her house was a business for 10 years and she now lives in it and uses it as both. She thought this absurd because the City needs the money more than ever because of the pandemic. They are cutting off their nose to spite their face by not letting a district like this, which is really business. STRs in this area should be exempt if they are not already, because it is not residential and areas like downtown should be excluded.

Andy Duettra, 25 Bluebonnet Circle, was sworn. He owns WSR Properties and manages almost 40 STRs in commercial districts, most within three blocks of the Plaza. They feel zoning rules should be consistent and reasonable. He agrees with Ms. Rokelly on separating commercial and residential areas, the BCD is a business district. He has operated a lodging business recognized by the City for 15 years. He doesn't understand why now that would change and residential rules brought into a business zone. The distinction contained in 14-6.2(A)(6) should remain and be reinserted into the Ordinance. He operates like any other hotel and B&B and the zoning should stay in place and remain sensible.

Marc Bertram, 906 Trail Cross Court, was sworn. He was thankful that Mr. Burke provided the history of the Ordinance. He echoed Andy's concerns on non-residential zoning versus residential. Every iteration of the Ordinance has taken that difference into account and the difference should remain. Another problem with the Ordinance is enforcement. The recommendations of the O'Donnell Report said additional regulation might be needed at some point. The City has to do better at enforcing laws already on the books. He asked how the Planning and Land-Use staff would grade themselves on the enforcement issue. He thought the ultimate problem was the City is trying to get those not in compliance, not registered and/or permitted, to either be in compliance, or get out of the business. Enforcement would go a long way to address the concerns of those in the residential zones. He recommends removing the "*natural person*" ownership requirement and wasn't sure that is legal. It is problematic and could be a legal problem down the road. He agreed with the previous speaker on the 75-foot rule.

David Mansure, 212 E. Berger St., was sworn. He works with Mr. Duettra and would add what he and many others have said, they need to reinsert 14-6.2(A)6. As a

BCD downtown business for 15 years they were exempt from residential rules. They are licensed as a business and operating solely in the BCD District. They should be treated like any other hotel and B&B downtown. He and Mr. Duettra initiated and sent the petition with 700 online signatures and had garnered them in one week. He also canvassed the downtown, BCD District retail businesses, galleries, restaurants, jewelers etc. and has a fair number of signatures in hand from them that he could share. The lists from which the signatures were garnered has past guests, property managers/owners, realtors, and other fellow business owners who all assert the language should be reinserted and all favor the exemption from residential rules.

Chair Hiatt stated unless the Commission objected, the Commission will permit the additional signatures to be added to the record if Mr. Mansure could turn them in to the Land Use staff by tomorrow at 5 PM, since the hearing is a virtual hearing.

Susan Orth, 2115 Calle Tecalote, was sworn. She noted she is the president of the Santa Fe Association of Realtors with over 900 realtor members and 100 affiliated industry members. She respectfully requested on their behalf that the action on the two ordinances be postponed. The ordinances represent significant changes to the City's existing short-term rental ordinance, as well as a fines and penalties structure. They believe the Association, STR owners and the public needs more time to review the proposals and the significant impact they will have on property owners and businesses in how the City will enact those regulations. The regulations were only available for public preview last week and the ordinance was extensively rewritten. Additionally, the fine and penalties section was severed from the original ordinance and changed extensively from a criminal to a civil structure. The Association was not involved nor consulted regarding the proposed changes. They believe the timing of the significant Land Use changes is particularly problematic. The community and local businesses are already seriously stressed in responding to the COVID 19 pandemic. The City should be completely invested in an open, transparent, inclusive process on any regulatory changes, particularly those that impact property rights. The City should ensure that changes are thoroughly vetted and supported to the extent possible by the community. The Association strongly urged the Planning Commission members to postpone action this evening.

Gregg Bovee, 3760 Academy Road, Unit A, was sworn. He said the regulation was brought to preserve the neighborhood's cohesiveness by eliminating traffic, noise, and complaints from neighbors. But he couldn't find a list or police reports verifying that those occurred. He asked if that was available.

Chair Hiatt asked that he address his questions to him as Chair. He has been making a note of them. He asked staff to put his question on the list of questions to be answered at the end of public comment.

Paula Moya, 625 Garcia St., was sworn. She is a registered, compliant short-term rental owner and pays STR taxes even before the platforms started collecting them. They have worked hard to contribute to the City. She grew up and went to school in Santa Fe and her parents owned a business here. She and her husband plan to retire from their jobs as professors at Stanford University to their home in Santa Fe. They purchased the home in Santa Fe not only as a home for them when visiting Santa Fe and her parents, but to be financially feasible they rent the house as an STR. She has two problems with the proposal: one is the STR should be one per natural person. They have the home in an LLC and the "natural" language could be problematic. Also, on the requirement of being a local operator. She manages the rental herself and works with many local residents in Santa Fe. She is available 24 hours a day and has never had any complaints or problems. Those two provisions make it financially unfeasible for her to own the home that they hope to retire to.

Charles Burkhardt, 13 Desert Plume Trail, was sworn. He noted he also owns 1155 Camino Delora and operates his own and several other vacation rentals throughout town. He said he is against the majority of the regulations. Someone earlier asked if the restrictions were to address current weaknesses in regulations. He didn't think so. Additional restrictions will only hurt those following the rules and does nothing to curb those who are operating illegally. The City should enforce the current regulations and look at the results. The Commission should consider the number of actual complaints filed over the last year; how many fines were issued for illegal operation of STRs. He was against all of the restrictions proposed.

Robert Zilinski, 502 Sunset, Unit B, was sworn. He currently lives in New Jersey and graduated from the University of New Mexico. In 1976 he bought property in Santa Fe and started the STR in 2008 after regulations were put in. He has always had a permit and paid all taxes and fees and has never had problems with noise or parking at the rental. He wondered who the regulation benefits because he thought it limits competition and benefits larger hotels. He saw no benefit for the City to limit competition. His renters have said they like staying in a house rather than a hotel and some of his people return again and again. This could hurt the visitors and tourism in Santa Fe and the investors who purchased property with conditions that appear to be changing. He thought this overregulation, and as one person with one property, appeared he was being pushed out of the STR market. He recommended postponing the ordinance or rejecting it.

Frances Maier, 633 Garcia Street, was sworn. She lives in both San Francisco and Santa Fe and grew up here. She has two rental properties that are loved by her guests, pays the taxes and has notified her neighbors. She has never had a complaint and her guests comply with everything. Vacation rentals bring in families who are not comfortable in hotels and like to support the local community. STRs allow her to keep her properties in the best shape. She agrees there is not enough enforcement. This change puts more burden on those who are compliant than someone who is not. She couldn't understand the benefit of the natural person rule. There are good reasons to

have an LLC to protect themselves. And the local operator rule is ridiculous. She pointed out that the Internet and phone works well both in Santa Fe and San Francisco and she can address any issues her guests might have. She said she does have a question on the part of the Ordinance that is grandfathered and isn't clear how or what that applies to. She purchased her second property based on the last ordinance and wants to be sure her property rights are not violated.

Germaine Gomez, 511 Cortez Street, was sworn. She owns and operates Fridays Off in Santa Fe, a STR property management company. She and her business partners were born and raised in Santa Fe. The proposed changes would hurt their small business, which supports 10 local families. They buy and shop in Santa Fe. Vacation rentals bring in revenue to the area and expand the economic pie. They provide jobs, support vendors and contractors regularly, and some rentals bring in traveling nurses. They provide a place for people to stay in a local vacation rental and this will limit competition. They want to see current regulations enforced. She has been in the industry almost 13 years when there were only 350 rentals. She understands a lot of changes have happened, but enforcement has not come full circle. They oppose the one rental per person, and the natural person and have several homeowners that own multiple properties. That should be allowed, and it helps to support the economy. Lastly, on the 16.3 or the one year, if there is a violation there should be a warning. Some of their owners are getting letters of violation when there is no violation. It would be unfair for the home to lose their permit without verification.

Barbara Yoffee, 209 Polaco Street, was sworn. She is the vice president of the Historic Guadalupe Neighborhood Association. She has lived in the neighborhood since 2002 and understands those with a vested interest. She said residential neighborhoods are not here as a business proposition or only for investors. As residents they have invested a lot of blood, sweat and tears and money in their neighborhoods. She has talked to many residents in the neighborhood who feel this is a good balance. Finally, there is a proposal and it should be discussed. Also, the STR rentals in historic neighborhoods have cut the long-term rental housing problem. Their neighborhood used to have long-term rentals for people who worked here, and the neighborhood was more substantial and consistent. She asked that they please talk with the neighbors, not just realtors and investors.

Karl Hans Sommer, PO Box 2678, was sworn. He said the job tonight is to look at the policy behind the amendment in light of the policies for the STR Ordinance. The proposed amendments, with the inclusion of the BCD, will be counterproductive. He noted that Mr. Bertram is just one of many local investors who revitalized buildings that were obsolete and difficult to occupy. He and others have spent tens of millions of dollars to bring properties to a new vitality in the downtown area. If the BCD is subject to the new regulations, they will limit the supply and eviscerate and discourage those investments and discourage further investment downtown. That is a serious policy to consider. Also, there is a serious question about the ownership provision. There is a

case in the New Mexico Supreme Court that may prohibit the amendment on who owns the property.

Chair Hiatt asked that Mr. Sommer to forward a copy of the Supreme Court case to Ms. Paez.

Jerry Richardson, 703 Don Felix St., was sworn. He is the president of the Historic Guadalupe Neighborhood Association but was speaking for himself. He has notified all of the members so they could make their opinions known. He is gratified to see the City looking at problems created by unlimited STR growth that has negatively impacted his neighborhood. His neighborhood is close to downtown and walkable to the Railyard, etc.

Mr. Richardson said people lose the sense of neighborhood and don't know their neighbors and there are a lot of people going in and out. They don't understand how densely populated their neighborhood is with zoning that allows 19 units per acre. It isn't that people are misbehaving or there have been significant issues. They are just not aware of other people living here. He appreciates the efforts to get the issue under control and thought it obviously needs more work. Most of the people talking tonight are not going to be affected by the amendments because they are grandfathered in. This is just trying to control it in some way.

Richard A. Woodruff, 615 Onate St., was sworn. He said for the record he co-owns Adobe Casitas Vacation Rentals. They have been renting about 18 homes for about six years and pay all their taxes and have never had a complaint. There are too many things wrong to go through each point. He doesn't believe they did due diligence on an economic impact study and what it would mean if they did not capture STR and if transfers were prohibited. They are mostly rented by tourists with families, often with pets. The 75-foot radius will decimate home transfer by about 75% of the existing vacation permits. Another point of fact is that since 2018 and the increase from 350 to 850 STR permits, they have not grown and remain flat. He recommends a proper economic impact study be done by City Council and an evaluation.

Laura Post, 832 Dunlap Street, was sworn. She lives in the Guadalupe neighborhood and this has been a concern of hers. She does not have an STR. She lives and works at St. Vincent Hospital and is a full-time resident for 45 years and raised her family here. She understands the economic impact that was expressed but is concerned more about the explosion of the AirBNB's. Specifically, downtown where she lives now. Her focus is on the availability and affordability of houses and the ability to buy affordable houses. Many of the AirBNBs are bought by people from out of State, out-of-towners who are exploiting their neighborhoods. Her son recently moved back with his family this year and couldn't find anything nearby to rent or buy. There is a long list of young people in the same situation.

Denise Ramonas, 600 A Griffin Street, was sworn. She is the president of the Griffin Park Condominium Association off Paseo de Peralta. They have 27 units and now have 8 units licensed for STR. Most of the other units are full-time residents who are very unhappy about the STRs. The Association's declaration prohibits STRs, *"No unit can be used for hotel or transient purposes"*. They have written and met with the STR office over the last three years and ask them not to renew or issue STRs for Griffin Park. Yet renewals continue and new permits have been issued. Most of the Griffin Park owners, including herself, support the proposed changes to the Ordinance. They ask that the Commission also consider including in the ordinance that if a condominium document prohibits STR, the City will honor that and not issue short-term licenses.

Mr. Berke offered to look into that if Ms. Ramonas emailed him the addresses.

Marilyn Proctor, Sandia Circle, was sworn. She has owned Proctor Property Management and Adobe Destinations for over 40 years. Her most important question is addressed to the Land-Use Director or Mr. Berke: "why this is happening"? She wants to hear the complaints and where they were and what the complaint was about. This is her livelihood and she has never had a complaint in 40 years. She asked why now the City is starting random inspections and why they couldn't go back to fire inspections instead. As a small business she shouldn't be punished because of the large corporate businesses like AirBNB. She follows the rules and guidelines and as many others said, there is and never has been enforcement. There has been a huge turnover in the Land Use Department, and she has never had them return her calls. She manages 50 properties and since the pandemic has lost over $300,000 of revenue since March. Tourism is suffering.

Stefanie Beninato, PO Box 1601, was sworn. She was happy that fines would be civil rather than criminal penalties because they will be easier to enforce. She has concerns about some of the provisions. It will not be easy to enforce a 75-foot separation of STRs. There are about the same number of unpermitted STRs as those permitted. The problem is enforcement and the City has been putting that off for at least three years. They say they are acquiring more programs and staff that is needed to enforce, but nothing changes. She favors one STR rental per owner because that does not affect the availability of affordable housing, which is a huge issue in neighborhoods like South Capital. Also, it can be disruptive in terms of feeling like they are part of the neighborhood. She sees a lot of RVs parked on the street in her neighborhood and appreciates that supposedly will not be allowed. But again, it is about enforcement. The City needs for not just the AirBNBs to pay taxes, but all of the platforms and to pursue those without a permit. She knows a person who rents apartments and uses them for AirBNBs. That is a total abuse of the system, as well as the people who own 10 units. People who have a second unit on their property are treated differently than someone with one unit. The treatment of STRs compared to hotels, now STRs have to meet hotel standards for fire. She goes to AirBNBs to avoid chemicals at the hotels. The Commission should look at consistency in terms of fire standards.

Madelyn Carey, 1674 Camino de Cruz Blanca, was sworn. She explained she is Nick's partner and is using his computer. Nick runs an STR. Her experience comes mostly from a federal level in environmental. She is heartened by the amount of diligence, care and opportunity for the public to comment. She would like the City to be regulating, managing and enforcing towards a vision, instead of in response to complaints. It is important to have a vision and know how STR rentals will exist within it. She wanted more discussion about tourism economy and how it has long been a consistent opportunity for locals to participate. To deny or limit how individuals can participate creates an equity issue. She encourages policymakers to consider how STRs can be part of a healthy, thriving Santa Fe and contribute to the locals' ability to remain in Santa Fe and participate in the economy. Ms. Carey said her partner is a full-time freelance creative and the AirBNB allows him to maintain his expenses while participating in the artistic and creative community.

Janet Williams, 1200 Don Gaspar, was sworn. She was speaking on behalf of the amendments which she believes are important. Her daughter lives on Apodaca Hill and neighbors on two sides are AirBNB. They have no neighbors, the STRs are destroying the fabric of neighborhoods. The City needs to get them under control. Owning one is fine, or a guest house rental is fine, but she doesn't want people owning 50 AirBNBs. She wants a limit and approves of the amendments.

Eric Enfield, 612 Old Santa Fe Trail, was sworn. He has lived in Santa Fe most of his life and has invested in the BCD zone and had an AirBNB. He said it is a mistake to include the BCD District in the Ordinance and is short sighted. The dynamics of a downtown area requires visitors. He has lived here for 48 years and worked with many of the City agents and including the BCD in a residential ordinance isn't right. Currently you can build a restaurant and bar next to a house in the BCD District. That is important for them to consider. The idea that a person can only own one unit makes no sense economically. When they change a district in the center of the City there is a lot to consider; it should be vibrant with people coming and going. He would rather have a family stay three days with their dog than a restaurant and bar. That would be what they are talking about if they eliminate residential use in the BCD.

Patricia Lilis, 2119 Conejo Drive, was sworn in. She appreciates the changes to the STRs and recognizes their negative effects on Santa Fe's long-term housing and the neighborhoods. The ordinance is written, *"Any natural person from anywhere can obtain one short-term rental permit."* Primary residency is not a requirement. Denver, Boulder, Charleston, Portland and many other cities chose to have a primary resident requirement in residential neighborhoods to address STR speculation and housing challenges. She has two requests: first, that the ordinance consider allowing one short-term rental per primary residence in residential neighborhoods. One permit per household for a main house or a guest house. Secondly, page 17, *"All current rentals are grandfathered in".* She asked how that would address the current housing issues and neighborhood

complaints. She asked that the Commission consider a grandfather clause of two years, which is generous, and more than many cities have allowed; including anonymous complaints to help identify illegal rentals and the safety of anyone making a complaint; post STR permit numbers instead of a business license; and require the owner's name(s) on the permit to match all names in the deed. STR abuse takes homes from people and families who have a primary residence in Santa Fe. STR regulations need to be reformed and a primary residence requirement is the best way to do that.

Nancy Bookbinder, 426 Abeyta Street, was sworn in. She said she seconded and concurred with everything Ms. Lilis said. Core to the conversations is to define what is meant by community. They use the word a lot and have talked about a key issue, a community that doesn't have housing.

Ms. Bookbinder said Long-term rentals are fine in a neighborhood, but short-term rentals tear up the neighborhood fabric. Not having neighbors or knowing who they are, people who come into your neighborhood and don't respect your property, or letting their dogs come onto your grounds. Someone had mentioned they live in San Francisco. San Francisco recognized what STRs were doing to the neighborhoods and changed their requirements. They allow STRs for a shorter period of time with the requirement that the owner must live on the property. She agrees with one property with a casita, etc., but when talking about what community is, means they have to support the people who want to live in Santa Fe. The hotels in Santa Fe serve people and support tourism. Neighborhoods are not established for people to come in for a night or two and disrupt the rest of the neighborhood. They preclude the opportunity for Santa Fean's to live in these neighborhoods. People who are concerned about their investments should look at the market today and put their place up for sale. It will sell in the next two weeks.

Mr. Berke noted that Karen Heldmeyer, 325 E. Berger had called in and was not able to access the meeting. She asked that her following statement be read into record:

> I swear. Karen Heldmeyer, 325 E. Berger.
>
> I sent in a consensus document w/ suggestions from the Neighborhood Network board.
>
> 3 issues with STRs: affects actual neighborhoods wactual neighborhoods, decreases stock of available housing in many neighborhoods, never really been adequate enforcement especially of fiscal impact
>
> People who actually live here also contribute to the city financially through their ownership and through their living expenses, but also contribute in many other ways to the community. that doesn't occur with transient renters.

Mr. Berke indicated he would email the comments to the stenographer for the record.

Chair Hiatt thanked Ms. Heldmeyer for her comments. He informed the Commission for those who didn't know, Councilor Heldmeyer was *the* Councilor who brought this to the Land Use Department and the various committees and to the Planning Commission when it was originally passed in the early 2,000's.

Paul Dedomenico, 1413 Paseo de Peralta, was sworn. He commented there had been a lot of focus on the BCD, but there are other commercial zonings that allow residential use. He owns properties in both BCD and C1 and thought there shouldn't be any STR limitations on property zoned commercially that allows residential use. He thought if that were to happen it was taking away his property rights.

Michael John Blackwell, 709 Don Felix, Unit D, was sworn in. He said he knows the STR's bring in a lot of revenue to the City in Gross Receipts Tax. He asked if the property tax would be increased or City workers would be laid off if STRs are decreased.

Chair Hiatt said Mr. Blackwell's question would be posed to Director Isaacson after the public hearing.

Chair Hiatt allowed a minute to ensure anyone wanting to comment had done so.

Mr. Berke noted there appeared to be no one else who wanted to comment.

Chair Hiatt closed the public hearing. He asked if there were questions from the Commissioners to staff. There were none.

He noted that he had been in the Director's chair at one time and was there when the Ordinance was passed. He had tried to create a strong enforcement team but thought he had not succeeded and hasn't been successful in enforcement since. He asked if there were statistics on enforcement activity in STR.

Mr. Isaacson replied he didn't have specific data on enforcement. The short-term rental enforcement is challenged by staff's ability to respond in a timely manner to issues. When a complaint is received of noise in the late evening, by the time staff receives the complaint they are not in a position to act. They are not able to verify that a violation occurred when they go to the site the following day.

Another challenge is that, as drafted, the Ordinance contains inherently difficult to enforce supervisions that either lacked clarity. Worse, staff doesn't have the tools to verify a violation. That motivated them in providing clarity in the ordinance where it was not clear and to simplify where necessary for easier interpretation.

He indicated when Ms. Paez started work on the amendments and presented it to the City Attorney's office, a comment was made that the Ordinance, as drafted, was very vague. That kicked off the question, before they went into public comment of, what is your opinion on areas of weakness and do the amendments address them? He thought one area of weakness is the drafting of the current ordinance. They have made significant strides with the proposals to strengthen the areas that are difficult to enforce.

Director Isaacson said they have made important strides in the department in the past 18 months and did a good job aligning their human resources to their technological resources. They now have better tools, especially with the switch to the Inter-Gov Permitting System. They no longer have to manage the STR program by spreadsheet and the licensing program allows them to accept applications online or in person. They can be entered into the system and tracked year to year. The system also communicates with another platform that allows them to monitor the permitted and unpermitted short-term rentals. By comparing a list of both they get a clear picture of who is operating outside the lines. Now they are in a position to strengthen the Ordinance in regard to enforcement. The tools through the civil penalties system will make it significantly easier for them to enforce the STRs.

Commissioner Clow asked to clarify the statement that a permit has to be issued to a natural person. She asked if that meant that the person applying for the permit has to have their name on the permit, but the house could still be deeded in an LLC.

Ms. Paez said yes, the intent of the natural person provision is to ensure the permit is held in the name of an actual human, not a legal or business entity. A real property owned by an LLC would typically have an operating agreement that specifies managing members who have authority to sign documents on behalf of the LLC. The people with that authority could obtain the permit. The intent is to have a human identity for the permit, but it doesn't restrict the underlying manner in which the real property is owned.

Commissioner Clow thought she had heard comments of concern it was legal title.

Ms. Paez said a sentence could be added to clarify that.

Chair Hiatt asked Ms. Paez to work in the meantime on an appropriate sentence.

Ms. Paez confirmed it would be okay to have a concept, so she wouldn't lose track of the substantive discussion.

Chair Hiatt addressed Mr. Isaacson on the argument on the BCD. He didn't understand why they should be treated differently than hotels.

Director Isaacson wasn't sure that had been contemplated. He explained motivation behind one of the changes was to simplify the program rather than have to

make a distinction between permits and registrations. Staff thought STRs would be easier to administer, manage and enforce by having only one license/permit application for all STR operators.

Chair Hiatt said he still didn't understand why they shouldn't be treated that way if in the District and competing with the hotels.

Director Isaacson said the number of comments received indicate the area warrants additional consideration.

Mr. Berke explained the requirements for hotels are completely different in their regulations and fire codes than an STR. At the time the Ordinance was drafted there was a difference between a bed-and-breakfast, a hotel and an STR. The Code differentiates through definitions, not just the amount of days the person stays. Amenities are also considered such as meeting rooms and recreation centers to determine what districts the hotels are allowed.

Commissioner Faulkner thought that wouldn't even be feasible in more dense neighborhoods on the requirement for 75 feet between STRs. The houses are six feet from each other and there isn't enough distance between properties.

Director Isaacson explained the 75 feet is measured with their software, not from property lines, but from the center of the property. As written, no two adjoining properties could have STRs but what is unclear is if adjoining means side to side or rear to rear. That lacks clarity and has been a challenge for staff to determine what properties are eligible for STR permits based on the existing permits. This is a clearer more precise way to quickly analyze proximity and density of the existing permits in any neighborhood.

Commissioner Faulkner asked if the 75 feet is from permits owned by the same person or between permits, period.

Director Isaacson replied 75 feet between permits. Applicants under the new system with exiting permits do not have to give up permits, even if they violate the 75 feet rule. But applicants who apply in the future may not be eligible if within 75 feet of a property holding a permit shown in the system.

Commissioner Faulkner said that would eliminate the ability for anyone in a dense neighborhood to have an STR. Her property is not 75 feet wide.

Director Isaacson agreed if her neighbor has a permit, she may not be eligible.

Commissioner Faulkner said that would exclude a massive amount of people who could have benefited from this in their retirement.

Director Isaacson said this is a way to express an existing provision in Code that is easier for staff to interpret.

Commissioner Faulkner asked if there is a way to specify restrictions of an area based on density and zoning. The 75-foot rule is very prohibitive regarding density. In Tierra Contenta or Las Solaras less than one person per 7-10 houses could have an STR.

Director Isaacson explained they ran an analysis and found applying the existing STRs to the existing permit holders affects roughly 125-140 existing permits. This is not as restrictive, but it is restrictive, intentionally. This was partly an approach to try to reduce the intensity and concentration of STRs in residential areas.

Commissioner Faulkner asked what areas of the City were facing that problem.

Director Isaacson replied that analysis confirmed their suspicions. The densest areas for short-term rentals are in the BCD and neighborhoods immediately adjacent.

Commissioner Faulkner asked why not just address those neighborhoods more stringently.

Chair Hiatt asked to interrupt. He noted that everyone on the Commission has the opportunity to amend and Commissioner Faulkner could provide specific limitations in a motion. He noted there were others that wanted to speak, and they could return to this issue.

Commissioner Sategna in trying to understand the one STR per natural person limitation, asked when married if each individual could own an STR.

Ms. Paez replied yes, one permit per human.

Commissioner Sategna clarified that a married couple could actually own two properties and be within the law.

Ms. Paez said it could be argued that way as community property.

Commissioner Sategna noted that given that; a single person doesn't have the same economic advantage as a married couple.

Ms. Paez replied that could be argued. There are a lot of benefits that tend to favor married couples, taxes and economics. This is not much different.

Commissioner Sategna asked if that was considered when this was being drafted and if staff believes it complies with the law.

Ms. Paez responded she hasn't come across anything that indicated the contrary. Other restrictions were looked at, such as restricting out-of-state owners. That type of limitation is problematic and raised potential issues with constitutional doctrines. She is unaware of a legal limitation treating one person the same as another, married or not.

Commissioner Sategna asked if they had also considered families that pass down property or in a trust where a family will benefit from the property. He asked if this Ordinance would impact that.

Ms. Paez said her understanding is a transfer of property ownership does not transfer an STR permit. She thought that was not allowed in the existing Ordinance. It is an ambiguity they want to clean up and in the current draft it is not allowed. The property has to be held by a natural person, which may have limited duration of ownership. To that point they could add language about transfers to allow the permit to be renewed and remain effective if it remains within the family. More precise limitations could be drafted, but none are in the current draft.

Commissioner Sategna said they have to consider consistency of the criteria with the General Plan. There is not a lot of detail how the changes meet that. The executive summary notes that the General Plan includes enhancing the quality of life for residents; fostering economic diversity; maintaining Santa Fe's unique personality; a sense of place and character; and preserving a community oriented downtown. Other issues raised in public comment were how this will impact small businesses.

He asked if there had been an economic impact study and details on how this met the criteria of consistency with the General Plan.

Director Isaacson said a main motivating factor in the revisions is the quality of life for residents. Several of the public comments today were on concerns for their neighborhoods, some centrally located. The sentiment is that the proliferation of STRs come at the expense of long-term rental units. The O'Donnell Report looked at issues around accessory dwelling units as well as short-term rentals. A connection was made between the proliferation of STRs and the decrease of the long-term rental units available, and the commencement increase in rents with LTR units. The report also connected the proliferation of STRs with the rising cost of housing. Ms. O'Donnell attributed roughly a 20% increase in average home prices directly caused by having more STR units.

Director Isaacson said comments were made tonight on economic diversity and that having LTR units on the market is important to the local workforce. They can see the vulnerabilities in local economy caused by relying solely on tourism for Santa Fe's economic base. More rental units on the market allows people in more diverse sectors of the economy to live, work and have families in Santa Fe. The City is more resilient to things like economic and health crises as currently experienced.

Commissioner Sategna thanked the Director for the additional information. He pointed out that an economic impact study has not been done on the changes.

Director Isaacson replied some decisions in preparation of the proposals have relied on the study by Ms. O'Donnell and informed these changes. But, he agreed, analysis on the changes themselves or the potential economic impact has not been done.

Commissioner Lawrence commented on Commissioner Faulkner's point on the 75 feet. She said she supports a radius and limitations on STRs and is often concerned about the possibility of STRs on multiple sides of her at one time. She wasn't sure 75 feet was the right number, but it is a good way to address the issue. She asked why one STR, opposed to two or three.

Director Isaacson thought that had come up in conversations and questions about primary residents. Limiting one STR to a natural person seemed a way to achieve the same outcome of limitation and move in that direction without going too far. Comments received over the last week may suggest that warrants further consideration.

Commissioner Lawrence asked if other ways were considered to limit the speculation, which clearly is the problem they need to solve.

Director Isaacson replied staff investigated the legality of restricting the permits to local residents, reducing the out-of-towners buying to use as STRs. That was decided as inappropriate. Returning to the question of why they are doing this, it is partly because the STR industry has evolved since the early 2000's and it has been a rapid evolution to now. Although this is more profound in larger cities, it is definitely happening in Santa Fe. One per natural person was a way to push back the trend and try to limit the growth. They wanted it to be more about the preservation of neighborhoods and the STR program to provide opportunities for people to supplement their income, but not as a big business. If STRs become big business, it will be at the detriment to many of their great neighborhoods.

Commissioner Lawrence thought the reasoning was sound, but was hesitant about having just one, opposed to two or three. She suggested increasing fees could obtain more funds from those renting STRs as a small business.

Director Isaacson said it is important that he declare he is not a short-term rental operator. Meetings like tonight are valuable because they receive input from people who are professional STR operators. He is happy with the level of interest, but they should keep in mind that often the operator/management companies operate STRs for private individuals. They manage the listings, do the rentals, etc., but the companies don't own the units and will not be impacted by these changes. He added there are various structures and he realizes he may have misspoken for some.

Commissioner Lawrence added that she also appreciated the public comments and has learned a lot.

Commissioner Clow referenced page 6, section D about a permit not being transferable to another person or property. She suggested clarification that a transfer to a trust for estate planning purposes is allowed. The reference specifically is when transfer is to another owner. Also, on page 12 section E, stating the 75-foot radius, *"shall be measured from the subject property boundary."* She would think that would be the edge of the property.

Director Isaacson replied that is correct, but the statement is inaccurate on how the 75 feet is interpreted.

Commissioner Clow noted she was confused about the exception of STR units that complies with the requirements of an accessory dwelling unit. She asked to clarify whether the 75-foot requirement is excluded.

Ms. Paez explained the Accessory Dwelling Unit Ordinance allows an STR on the property only if the owner resides in one of the units. The ADU Ordinance was written such that both units could not be STRs; for consistency, the STR Ordinance allows an owner who lives on site to rent out either the principal or accessory dwelling unit and excludes that owner from the density limitation. But if they want to rent an accessory or principal dwelling as STR, the owner must reside in one of the units. The nuance is similar to a permanent residency requirement because having an owner reside on the property mitigates damage to the character of the neighborhood. An application for an ADU in that circumstance would not prohibit a permit based on the 75-feet proximity rule.

Commissioner Clow confirmed the owner would be allowed to have an STR in that instance, even if within 75 feet of a neighbor who also has an STR.

Ms. Paez agreed. The ADU was written that both units could not be STRs for consistency, but this excludes the owner from the density limitation.

Commissioner Faulkner asked to clarify that the 75-foot requirement would not affect married couples.

Ms. Paez said the density limitation and the discussion of one per person could potentially impact families with more members. But they have more opportunities to have more permits as long as the permits are spread throughout town. If she and her husband and her daughter all wanted STR permits, they would have to find locations meeting the density requirement.

Director Isaacson thought the scenario described by Commissioner Faulkner may fall under the 75-foot exception rule Commissioner Clow referenced. The additional unit may likely be an accessory dwelling unit and would therefore be exempt.

Commissioner Faulkner asked how difficult it would be to enforce a larger radius instead of the 75-foot rule for one STR to another, using the number of homes within a specific radius, like a block.

Director Isaacson said that would not be as easy to enforce. Many of the amendments proposed are to simplify and eliminate having to do case by case analysis.

Ms. Paez explained problems with the existing proximity provision include the difficulty in defining "more than two adjacent STRs on a residential street", or "what is a residential street" or "what is a Santa Fe block." The City blocks don't look anything alike and it is difficult to apply a universal metric. They also discussed census blocks and tracts and Council Districts as potential quantifiable boundaries.

Commissioner Faulkner agreed each is different and each part of the City has a different matrix. Her thinking was to have a radius, such as 500 feet, in which no more than five STRs would be allowed.

Director Isaacson said that makes more sense, but the question is how to identify the center point of the 500-foot radius. The solution to the issue in other cities may not be one that could be easily applied in Santa Fe.

Commissioner Faulkner asked about a subdivision.

Director Isaacson said again it would be a situation requiring the application of a unique rule to a specific area of town that would have to be tracked or analyzed. They want to remove those unique aspects and have one rule that could be applied as consistently as possible that could determine eligibility.

Commissioner Faulkner said given the neighborhoods are diverse and different, she wasn't sure a blanket approach is the most equitable.

Director Isaacson said staff did a rough analysis on the existing permits on distances ranging from 25 up to 200 feet to find the best spot. In most places 75 feet seemed to work and aligned with areas where sentiment was that there was a concentration of too many STRs. It spoke directly to a policy objective and wouldn't negatively impact other parts of the City.

Commissioner Faulkner noted the intent is to grandfather the existing STR permits. The 75-feet restriction is mostly to ensure additional rentals could not go into areas with high STR rentals.

Director Isaacson explained it is twofold. It will immediately impact new permit applications but have a long-term effect in those areas as well. Through attrition, owners moving etc. the 75-foot rule will balance the neighborhoods and they will find equilibrium.

Chair Hiatt noted Richard Woodruff testified that the 75-foot rule could eliminate 75% of short-term rentals. He asked if that comported with what the Director observed.

Director Isaacson said Jennifer Fabian who helped put the proposals together also worked with GIS staff to analyze the properties. That assessment did not bear out the analysis. There is roughly 800 STRs in the City and the overlapping conflict of the 75-foot radius was about 125-140 of the current permits.

Commissioner Hogan said he appreciated the outline of the policy objectives and was glad the Ordinance was separated from the enforcement. He noted the numbers between the permitted and non-permitted STRs are nearly parallel, which points to enforcement being a significant issue. It would become more complicated to ensure the quality of STR management is maintained if the City doesn't have access. He supports enforcement and likes the idea of the penalty but suggests having a short period of amnesty for those who are noncompliant to be able to get permits.

Commissioner Hogan said he had more questions when it gets to making the changes. But he wondered how many issues they would hear if there were less illegal STRs. He noted the second point from the policy objectives, in the information the Commission was given says, *"Prevent speculation for purchasing multiple homes for the purpose of operating multiple short-term units, thereby, reducing the amount of long-term housing availability."*

Commissioner Hogan thought that seems intuitive, but he wasn't sure if it was factual. He and Alexandra Ladd have discussed that his impression, given the location of the majority of STRs, is they do not have a big impact on the long-term rental market. He asked if the Director could address and substantiate that.

Director Isaacson said he did not have the numbers with him, but agreed it seems intuitive with the fixed amount of housing. It is hard to say and is a one to one correlation. With the current health crisis and the State restriction of STRs operating at full occupancy, more than a handful of STRs have converted to long-term rental. They anticipate the trend to continue if the conditions continue; or a reversal of the trend if tourism increases the demand. One does impact the other.

Commissioner Hogan said it would be good to drill down on that more. Many would find that makes sense, but the action could negatively impact a lot of people financially. Including opportunities for locals to utilize their property to increase their family income. He suggested they get more hard data on that.

Director Isaacson noted some data is available in the O'Donnell Report about STRs as a percentage of housing, and the connection to the impact of STRs on affordable housing and housing prices overall. Also, the report references impact on the overall numbers of LTRs versus STRs and how the ratio fluctuated over the years and STR rentals have increased.

Commissioner Hogan said he couldn't help but wonder how the number would change if the number of illegal STRs were reduced. On the public safety, risk and quality of life it is implied that STRs have less maintenance and care and assumed they therefore become a blight on the neighborhood. He has seen the opposite. The property not viable for renovation in the historic downtown area was renovated. The reason it could be brought back to life is because a higher income could be expected from the STR. It is not necessarily a safe assumption that an STR will degrade the quality of the neighborhood and they are more sensitive to presentation and curb appeal. They advertise in an effort to attract people online.

He said another assumption is there is increase in traffic levels. When occupied full-time the person would make numerous trips in and out. Occupancy with an STR is more restricted because occupancy is cut by 50%, which would be less traffic than the average homeowner.

Director Isaacson pointed out nothing in the proposed revisions restricts occupancy and it remains the same as the existing Ordinance. Earlier his reference was the occupancy description that was related to the public health order issued. The order placed occupancy restrictions on STRs during the health crisis.

Commissioner Hogan asked if the discussion in the packet on the limit of one rental per seven days, is a response to the virus or if it is the existing condition.

Director Isaacson replied it is the existing condition and will carry through to the new version of the Ordinance. His reference was to recent restrictions of 50% occupancy for hotels and lodging in the State.

Commissioner Hogan said he didn't hear a lot of good public testimony and examples of direct testimony of how the quality of life has diminished, other than comments about losing their neighborhoods.

Commissioner Sategna asked on public comment referencing a petition with 700 signatures that favors exempting the BCD, has that been considered and if not, why not. He asked if that action is consistent with other policies adopted by the Governing Body.

Director Isaacson replied based on feedback received, questions regarding the proposed changes in the BCD probably warrant further consideration.

Commissioner Sategna asked if correct that the 800 permits already issued would be grandfathered and 80% of the existing permits would not be impacted by the new amendments. He was told that was correct.

Commissioner Sategna noted the amendments would only apply to 200 future properties and appears applications are already in place for those.

Director Isaacson replied currently not more than a handful of applications are pending.

Commissioner Sategna thought empowering the City to address the issues and enforce the laws was great. He liked that it is separate from other amendments but asked how they really help. They only apply to 20% of the applicants, and 80% are not impacted.

Director Isaacson explained it goes back to his discussion with Commissioner Faulkner. Initially 200 more permits can be issued before reaching the cap, but over time the existing permits will expire. The new applicants will be subject to the new provisions of the Ordinance and they will see a small impact at first. Over time the landscape of STRs will become more in line with the new Ordinance.

Commissioner Sategna said back to the matter on pass-through entities, family trusts; there might be loopholes. He supports a family being able to pass their property down but is concerned about an entire family having the ability to use that opportunity in the Ordinance. He asked that staff consider that while 800 homes will not be impacted currently and some will fall off, they should consider the loopholes and the impact of that.

Commissioner Gutierrez said the Commission was bombarded with additional correspondence and this is the first time the amendments have been heard. He asked if there would be other opportunities for the public to talk with staff on the changes.

Director Isaacson said this is the first time these specific policy proposals have been shared for public comment. There is a steady stream of feedback on the direct strengths and weaknesses of the Ordinance that has informed the policy shaping. And there will be plenty of opportunity for the public to weigh in on the revisions and shape the final Ordinances.

Ms. Paez added this has been driven by the elected policy makers who all have strong thoughts about amending the Ordinance. Limitations on moving this forward were due to the inability to meet with the public without violating the Open Meetings Act and quorum issues. The decision was to get something introduced and receive targeted input such as tonight. She thanked everyone for their help. It is a work in progress and has to go through the legislative process. They will consider the amendments and the input received throughout the summer.

Commissioner Gutierrez noted that it would be up to the chairman of each committee as this goes through the process, whether there will be public comment.

Ms. Paez said that is her understanding. There is a lot of interest and she anticipates the committees will want to hear the public comments. She plans to forward all of the written public comments on the record from this hearing. There are also people emailing City Council directly.

Commissioner Gutierrez said like an ENN, some issues can be hammered out before going to committees or the Governing Body. He was confused why the STR seven-day, one stay limitation was included in the proposed regulatory approach. He asked if that had changed.

Ms. Paez explained they highlighted some things they would keep, including the limit of 1000 permits. Potentially there is some ambiguity in the existing Ordinance about whether the one stay per every seven days limitation applies to non-residentially zoned properties. She explained it is an existing provision that is not expressly limited to residential properties. As she reads it, it is general and applied Citywide, but it could be argued either way. At a minimum they want to clean up the language and be very clear on the intent and rules.

Director Isaacson pointed out prior to the new technology, that provision had been almost impossible to enforce. Though they are not in a position to be proactive, if more than one rental occurs, they can now confidently verify that and pursue enforcement.

Commissioner Gutierrez clarified that when the Director says *technology* the reference is to the host platforms that will notify them.

Director Isaacson said one is the permitting system, Inter-Government, which helps throughout Land-Use and with the STR enforcement and applications. The other is Host Compliance, a platform monitoring service that provides data on all STR activity.

Commissioner Gutierrez asked the Director to pick one of the biggest problems with the STR Ordinance and how the issue is addressed, opposed to what the Commission has before them.

Director Isaacson replied one of the toughest and most confusing is the adjacency provision language. It continues to cause problems because of the number of variations; is it a private drive, a residential street, how do you define adjoining, etc. Some would argue adjoining is across the street or back door to back door. That causes frustration and has led to inconsistent permitting.

Director Isaacson stated that per the comments, they have not done a good job

cracking down on the STR units that have no permits. That impacts quality of life as well as loss of revenue to the City and is important they get a handle on that. They have the staff and technology, but they need an ordinance that is easy to understand and enforce. Those three things will enable the City to be more effective in managing the STR program.

Commissioner Gutierrez asked what other cities comparable to Santa Fe were looked at and what was the biggest take-away.

Director Isaacson said other cities with larger short-term rental programs that were looked at and were comparable in size: Charleston, SC because they are always neck and neck in the Top Tourist Destination for Historic. Also, they looked at larger cities like Austin, Boulder, San Francisco, Denver, and Boston for trends in the industry. Some cities have canceled their STR program altogether, but two consistent approaches were a primary residence versus limiting the number of permits per person. Staff chose to limit the number of permits.

Commissioner Gutierrez asked if Director Isaacson was comfortable that the 75 feet rule would work best for Santa Fe.

Director Isaacson said he was comfortable with the recommendations. The 75 feet is a workable distance; 50 feet didn't work and over 100 feet wasn't workable either. Staff felt the 75 feet would achieve their goals without drastically impacting the existing STRs.

Chair Hiatt indicated that Alexandra Ladd had signed back on to address Commissioner Hogan's question.

Mr. Berke asked to first clarify the discussion on the adjacency issue. That was not recommended by staff, as stated. The recommendation came from Councilors who included that provision as an amendment to proposals. He recalled the intent at the time was that the streets would not be inundated with short-term rentals.

Commissioner Hogan thanked Ms. Ladd for returning to the meeting. He asked her about the idea that an increase in short term rentals results in problems because it reduces the amount of long-term housing availablity. He thought that seemed intuitive and recalled they had discussed it briefly. He was surprised now to hear it was not as big an impact. He asked if she could elaborate.

Ms. Ladd said there is not years of study, but research has shown in other communities there is a tipping point where the number of STRs impact the market. Santa Fe is probably not there yet but certain neighborhoods do have a higher share of STRs. It was possibly because those neighborhoods did not offer a lot of affordability due to their location or they were higher-end homes. She thought it likely that the initial purchase of a home had created more of the impact on raising the values rather than the use of the home for STR that affected rent affordability or rental units available.

Commissioner Clow referenced page 5, *Short-term rental units located in a development containing resort facilities...* She noted the statement had been deleted. She asked to confirm that had been the exception to requiring a permit for an STR.

Ms. Paez explained the existing Ordinance has two categories: the Permit and the Registration category. The registration category is any short-term rental on a non-residentially owned property. Residentially owned property has a list of zoning districts as defined in the definitions and is mostly residentials.

Pursuant to the registration category, the two categories were non-residentially zoned including BCD and Commercial Districts and developments that contain resort facilities. Two of the resort facility communities came into the City through annexation with Special Use Permits for the County. They were built on that business model and that was justification not to subject them to the permit limitations and adjacency requirements. In review, they noticed there are only 3 registered STRs in that category. The sponsors found no reason to include them.

Commissioner Clow asked going forward if those units would have to be permitted, opposed to just registered.

Ms. Paez agreed the existing requirements subject them to being like any STR unit unless they are grandfathered.

Commissioner Clow referenced page 17, Preexisting Permits. She asked if the units in the development have permits or if they were just registered.

Ms. Paez said the Commissioner is pointing out a definite drafting error at the top of page 17.

Commissioner Clow verified it should say *short-term rental permits and registrations held at the time of the Ordinance amendment.*

Ms. Paez said that was correct. She thought this draft had included that and the intent was to convert those.

Commissioner Clow asked if the amendment had to be addressed tonight. It is complicated and she preferred their comments be noted and come back after edits. She said it was good to explore the changes and hear the public comments, but she preferred this come back after it is fine-tuned. She wanted others to hear the changes and get additional comments before making a decision.

Chair Hiatt agreed with Commissioner Clow's point of view. He said he would come back to that after hearing all of the Commissioners comments.

Commissioner Hogan had a point on the BCD. He thought the BCD is very unique given the part of town, income, the number of tourists it attracts and the percentage of turnover. He suggested it should be treated separately.

Director Isaacson agreed that was consistent with feedback from the public and it may warrant further consideration.

Commissioner Sategna asked if Chair Hiatt would entertain a motion.

Chair Hiatt said they were getting close to wrapping up comments.

Commissioner Faulkner agreed with Commissioner Hogan but couldn't step away from the 75-feet radius as the only solution for every part of town. She wouldn't be comfortable voting without trying to amend that in some way.

Commissioner Faulkner said she was trying to be helpful and offer solutions but couldn't understand why they don't apply the 75-foot rule in the areas where there are problems. If it becomes a problem in another part of town they will have a mechanism to activate the 75-foot radius. She agreed there was a lot to consider.

Chair Hiatt confirmed with Ms. Paez recommendation could be to postpone to a date certain.

Ms. Paez said if the Commission could supply input it would be helpful. If further exploration was warranted it possibly could be amended as it goes through the committee process. Then this could be brought back to the Commission.

Chair Hiatt asked why they would go through the process if there is opportunity now to provide input, and then have revisions come back to them. He was concerned because he hadn't read all of the public comments. He heard public comments today that he knows have not been addressed and there are important comments that haven't been answered. He wasn't sure they had been through all of them. He thought this was too quick for him.

He asked if they could keep the amendments here before sending to other committees.

Ms. Paez explained the sponsors are interested in taking it to the additional committee meetings which have been scheduled. They would want to proceed. She offered to forward the request. She noted it would not preclude the Commission from postponing and making a recommendation. Per Code, this would not go to the Governing Body without the Commission's recommendation. She agreed it would be fair for them

to take more time to digest the proposal and the input received.

Ms. Paez indicated she had written a couple of sentences of clarification requested by Commissioners. On clarifying subject property: *"If the subject property is owned by an organization or a legal or business entity, the permit must be held in the name of a person with legal authority to act on behalf of that organization or entity."* That language clarifies that the property could be held by a business or legal entity.

Ms. Paez added in terms of transfer, transferring into an entity, "*This subparagraph does not preclude a permit holder from transferring ownership of the subject property into ownership by an organization or a legal or business entity, provided however, that the permit holder must have legal authority to act on behalf of the organization or entity that owns the property."* She said something could be added that specifies the property title in a person's name could be transferred into a trust, and the owner could maintain their permit as trustee.

Commissioner Clow thought it really applies to whether a legitimate transfer to a different person/entity could apply upon death, if gifted to a trust, or if a person dies and goes through an estate. That is a legitimate transfer that requires a new deed and taxes to be paid. Those are the issues that should be looked into.

She explained if transferred to an entity, 100% owned by the original owner, that is not really a transfer. A transfer is if legally transferred to a different owner, and a gift where gift tax is due, or a transfer to a different entity. She noted comments by Commissioner Sategna of whether there is an exception and if family members should be able to gift to their children and the children retain the permit, are issues to look into further. But they are two separate issues.

Commissioner Clow continued that the two issues, the kind of transfer it is and if a new owner, should be addressed. In addition to whether there should be exceptions to a transfer that allow the permit to be transferred.

Ms. Paez said she hoped Commissioner Clow could render some proposed language.

Mr. Berke thought it beneficial to look at STR permits being transferable in general. He wasn't sure they were.

Ms. Paez informed him they are not transferable but can be held by a business entity which makes them more durable. The persons involved might change and the business entity owning the permit could remain the same. Eliminating the ability to hold a permit by a legal or business entity will preclude turnover of the ownership structure.

Commissioner Clow noted that many people do irrevocable trusts because they don't want a probate. They own a house in their name but retitle it in an irrevocable trust so it passes without probate and that should be excluded. The big issue is when there is a real transfer with new owners.

Director Isaacson explained the intent is for permits to expire at that point. The process was discussed in different contexts and that is how they will slowly implement the new regulation. The permits would expire over time with the transfer of property. The new owner would have to apply and is subject to the new permitting rules. That should remain intact as a critical part of the implementation.

Commissioner Clow agreed but noted the issue raised by Commissioner Sategna whether there should be family exceptions to the transfer.

Chair Hiatt asked Ms. Paez when this would return to the Commission before going to the Governing Body.

Ms. Paez thought it would be either the second meeting in July or the first meeting in August; most likely July.

Mr. Berke also thought the second meeting in July.

Director Isaacson explained they are reviewing the Land Use Development Fee schedule and it would come before the Planning Commission for review. The timeliness of the fee schedule relates to the Land Use operational budget proposal.

Ms. Paez noted it was seen before by the Commission with Carol Johnson.

Chair Hiatt asked if it was necessary for the Governing Body to hear from the Commission at that time. He wouldn't be opposed to both on the same schedule.

Director Isaacson said the timing for the second meeting of July is important. He noted the fee schedule isn't significantly different than last year.

Chair Hiatt said if they receive the draft ordinance by the second meeting in July, and the fees were in the same meeting, he suggests they not hold a public hearing. He asked if that would be acceptable.

Ms. Paez said the motion to postpone should include whether or not the Commission would hear public comment. She thought it might be useful to continue receiving written public comments with a specific deadline before the meeting.

Commission Discussion

MOTION: Commissioner Clow moved to postpone the recommendation on the ordinances until the second meeting in July, at which time there would be no public hearing, but written comments are encouraged to be received by the deadline, a week prior to the meeting. Commissioner Faulkner seconded the motion for both ordinances.

Commissioner Sategna said he suggested exceptions be considered for family pass-through entities. He understood the current proposed amendments already have exceptions through an LLC. He asked Ms. Paez for clarification if people could own multiple properties through an LLC.

Ms. Paez explained the existing draft legislation would preclude that. Any type of ownership transfer would result in the termination of the existing permit. Commissioners could add a friendly amendment or rely on staff, but there is no loophole for that in the draft.

Commissioner Sategna said he still favors exceptions.

Chair Hiatt asked to confirm that if the motion is successful it would not preclude any of the Commissioners contacting Ms. Paez or staff to provide more feedback.

Ms. Paez replied they would be happy to receive feedback. The sponsors are also considering input and amendments before the draft is published.

Chair Hiatt confirmed that Commissioner Clow's motion referred to both item 2 and item 3 and Commissioner Faulkner was aware of that.

Commissioners Clow and Faulkner confirmed that was their understanding.

Director Isaacson asked Ms. Paez if the draft could still move forward to the Governing Body committees if postponed tonight.

Ms. Paez said she wasn't aware of any legal limitation. The Code states there must be a recommendation from the Planning Commission, but the practice is to send legislation to committees. The Commission could include a request in their recommendation to hold this back from review by other committees at this time. She noted staff recommends this stay on schedule with the other committees to keep momentum and to have discussion in other venues.

Director Isaacson thought it important to use the committee's public hearings for the public to participate and provide input. He didn't want to stop the momentum for other committees to also have this type of conversation. He hoped this could still move forward to other committees.

Chair Hiatt said that was his intent.

Commissioner Faulkner asked if they could postpone but include a recommendation requesting the chairs of the committees allow public comment.

Chair Hiatt suggested the Commission just stay in their lane. The other committees will know this is an issue that will have tremendous feedback.

Chair Hiatt said he wanted to be sure everyone has opportunity to hear feedback and that the sponsors receive that feedback. Then the Planning Commission could give the sponsors their best in regard to the recommendation and language. He was looking forward to getting this draft back from the other committees.

Director Isaacson noted the Governing Body committed to the Ordinance revision going through all three Governing Body committees. That shows their interest in getting the draft in front of as many people as possible.

Commissioner Gutierrez repeated that the motion would not have public comment except the written comments. He asked if possible since other committees could decide whether to have public comment, to ask staff to set up a meeting for public feedback. Staff could report back to the Commission on the results.

Chair Hiatt asked if Commissioner Gutierrez was concerned it would stifle public comment by the Planning Commission not having a public hearing in July.

Commissioner Gutierrez replied there are three committees where public comment depends on the chair meaning there is only public comment at the Governing Body level. And they don't know if the other committees will open their meeting to comments.

Chair Hiatt pointed out written comment is requested before the draft comes back to the Commission. That provides opportunity for the public to focus on the changes or something they may have missed.

Commissioner Gutierrez noted there is no interaction with written comment.

He wanted a meeting of some sort with Land Use staff and the public who want to comment.

Chair Hiatt stated the motion limits public comment to written comments. Commissioner Gutierrez would like to ask Land-Use staff if they would consider a meeting with the general public.

Director Isaacson said he is reluctant for several reasons, one because of workload and capacity challenges. Secondly, the circumstances they find themselves in and the challenge of holding a public meeting over Zoom and the efficacy of that. If they could make the request contingent on what happens at the committee meetings, if all three committees hold public comment, the meeting hosted by Land Use may not be necessary.

Chair Hiatt asked if Commissioner Clow would remove public comments from the motion and allow the chair to make that decision.

Ms. Paez suggested the motion specify one way or the other.

Commissioner Clow said for her, listening to someone for two minutes and then cutting them off really doesn't provide a lot. Written comments are much better if everyone reads them and they give more details. She envisions the next meeting as brainstorming and doesn't want to take time for a two-minute public comment.

VOTE: The motion was approved by unanimous roll call vote with Commissioners Clow, Faulkner, Hogan, Gutierrez, Lawrence and Sategna voting in favor and none voting in against.

G. STAFF COMMUNICATIONS

Mr. Berke thanked everyone for their participation and good comments.

Director Isaacson agreed with Mr. Berke. He too appreciated the conversation and good public input. He will keep Chair Hiatt informed on the progress through the committees. He noted that staff will receive several applications and be very busy through July and August.

Ms. Paez added she would work with Director Isaacson to communicate suggestions from the meeting on areas that warrant further consideration. She took notes and thought it important to communicate the highlights of the discussion, especially to City Council. She offered to run what she captured of the discussion by Chair Hiatt and circulate that to the full Commission. Commissioners could contact her directly with their specific comments or anything she missed.

Chair Hiatt said he definitely wanted to see those.

Director Isaacson offered to work with his team to get the numbers for the data driven questions and have them available at the next meeting.

H. MATTERS FROM THE COMMISSION

Chair Hiatt said he received a communication about the Land Use budget issue that he will pass on to staff.

He noted that Commissioner Faulkner had drafted a letter to the Governing Body, and he will postpone the discussion until the next meeting.

Commissioner Gutierrez thanked staff for their work. He asked that they pay attention to the deadline date on the emails for the written comments, and stick to the deadline to allow the Commissioners time to process the comments.

Commissioner Faulkner asked if the letter from the Commission had to be postponed or could it be circulated and sent by the Chair.

Chair Hiatt thought it had to come before the Commission in an open meeting.

Ms. Paez agreed.

I. ADJOURNMENT

Adjourned at 10:06 pm.

Submitted by:

Melissa D. Byers

Melissa D. Byers, Stenographer for
Byers Organizational Support Services

Approved by:

John B. Hiatt

John B. Hiatt, Chair

ATTACHMENT

5

Planning Commission Memo Dated

June 24, 2020

City of Santa Fe, New Mexico

memo

Date: June 24, 2020

To: Members of the Quality of Life Committee, Public Works and Utilities Committee, Finance Committee, and Governing Body

From: Members of the Planning Commission

Via: Sally A. Paez, Assistant City Attorney

Subject: Proposed Amendments to Short-term Rental Ordinance and Land Use Code Enforcement Ordinance

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On Thursday, June 18, 2020, the Planning Commission held a public hearing on proposed amendments to the Short-term Rental (STR) Ordinance, Santa Fe City Code (SFCC) Section 14-6.2(A)(5)-(6), (8); and the Land Use Code Enforcement Ordinance, SFCC Section 14-11.4. Under the SFCC, proposed amendments to the text of Chapter 14 must be submitted to the Commission for review and recommendation at a public hearing, and the Governing Body must review the Commission's recommendations and any public comments received prior to taking final action on the legislation. SFCC § 14-3.3(A)(4).

The Planning Commission received a large volume of public comment on these proposals. Staff distributed written public comments from twenty-four 24 people to the Commission, including many comments received after the formal deadline. Additionally, twenty-nine (29) members of the public spoke at the public hearing.

The Planning Commission discussed the draft legislation at length but ultimately postponed a decision on a recommendation due to the extent of the proposed substantive changes and the high volume of public comment received. The Commission will finalize its recommendation at its July 16, 2020 meeting and will consider additional written public comments received by July 9, 2020. The Commission does not plan to accept additional live comment at the July 16, 2020 hearing.

Meanwhile, the Planning Commission understands that other City committees will be considering the proposed legislation at upcoming meetings. The

Commission offers the following input and suggestions made by individual Commissioners at the June 18, 2020 meeting for consideration by these other committees. These suggestions refer to the page and line numbers of the draft legislation considered at the June 18, 2020 hearing.

- **Global:** The draft legislation would remove the current distinction between STR units on residentially zoned property, which are subject to the permit limits, and STR units on non-residentially zoned property (including the Business Capital District, "BCD") and resort property, which must be registered but are not subject to the permit limits. Suggest that this aspect of the proposal warrants further consideration and should perhaps be withdrawn.
- **Page 4, lines 19-21**: This provision states that one purpose of the legislation is to prevent the reduction of long-term housing availability. Suggest further review of whether the assumptions underlying this provision are accurate, perhaps through further consultation with Alexandra Ladd.
- **Page 5, line 25, to page 6, line 1:** This provision states that the land use director shall issue permits only to "natural persons." Suggest clarifying that although a permit must be held in the name of a natural person, the subject property can be owned by a legal or business entity, such as a trust or LLC. For example, suggest adding language as follows: "If the subject property is owned by a legal or business entity, the permit must be held in the name of any person with legal authority to act on behalf of that entity. The fact that a permit must be issued to a natural person does not mean that the property cannot be titled in such entities as a revocable trust, an LLC, or a corporation." In addition, the limitation of one permit per natural person may warrant further consideration, especially if there is not a distinction between STRs on residentially zoned and non-residentially zoned property.
- **Page 6, lines 6-11:** This provision states that a permit is not transferrable. Suggest considering whether there should be exceptions to this rule. For example, suggest adding the following language: "A transfer that does not result in new ownership of the property, such as a transfer to the owner's revocable trust for estate planning purposes or a transfer to an LLC where there is no change in the ownership interest in the property, does not constitute a transfer for purposes of this subparagraph."
- **Page 7, lines 3-5:** This provision states that an STR unit cannot be rented more than once in a 7-day period. Suggest further consideration of whether this should apply to an STR unit on non-residentially zoned property.
- **Page 12, lines 5-10:** This provision states that a permit shall not be issued for a new STR unit on residentially zoned property if there is already a permitted STR unit within 75'. Suggest the following: (1) consider whether this rule is appropriate for all parts of the city, or whether there should be a different rule (perhaps no proximity limitation) in areas

or council districts where there is not a problem with STR density; (2) suggest further review of whether 75' is the appropriate radius; and (3) suggest further review of whether the 75' radius should be measured from the applicant's property boundary (as set forth in the draft) or whether it should be measured from the center of the parcel, as determined by the city's GIS program (which was used when analyzing the effect of this provision).

- **Page 17, pages 6-11:** Suggest revising the "grandfather" provision to clarify that an STR with an existing registration shall be considered to have a valid permit under the new regulations and that the permit may be timely renewed as long as it is not revoked due to non-compliance.
- **Section 14-11.4, Global:** A large amount of public comment focused on the ability to provide oversight and enforce the regulations. Suggest reviewing to ensure that these changes will be enforceable with city staff resources.

ATTACHMENT
6
Summary
Public Comments
1st Draft STR Bill

City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909
www.santafenm.gov

Alan Webber, Mayor

Councilors:
Signe I. Lindell, Mayor Pro Tem, District 1
Renee Villarreal, District 1
Michael J. Garcia, District 2
Carol Romero-Wirth, District 2
Roman "Tiger" Abeyta, District 3
Chris Rivera, District 3
Jamie Cassutt-Sanchez, District 4
JoAnne Vigil Coppler, District 4

TO: **Planning Commission, Finance Committee, Public Utilities/Public Works Committee, Quality of Life Committee, Governing Body**

FROM: **Assistant City Attorney Sally Paez (sapaez@santafenm.gov, 955-6501)**

DATE: **October 15, 2020**

RE: **Summary of Public Comments Received on 1st Draft Short Term Rental Bill and How the City Has Responded or Proposes to Respond**

*This summary provides a broad, general overview of input received (including written submissions and oral public comment at the Planning Commission). This chart does not provide details about each specific comment. Please refer to full comments submitted for an accurate statement of each commenter's concerns.

	Public Comments & Suggestions	Commenter(s)	How the City Has Responded or Proposes to Respond
1	**General concern about taxes & fees:** Importance of generation, collection, and use.	Michael John Blackwell Paul DeDomenico Preston Ellsworth Two Casitas	• The Bill would adopt new recording keeping and reporting requirements for owners and host platforms. • The City has entered into Voluntary Tax Collection Agreements with Host Platforms. • Failure to collect and pay taxes is subject to enforcement action.
2	**General concern about enforcement:** Need to enforce existing rules.	Stefanie Beninato Marc Bertram Charles Burkhardt Paul DeDomenico Germaine Gomez	• The proposed amendments are intended to clarify existing rules, make the ordinance easier to administer, and facilitate enforcement. • Amendments (adopted August 12, 2020) to the enforcement

		Karen Heldmeyer (Neighborhood Network) Robert Hilgendorf Frances Maier Two Casitas	ordinance, SFCC Section 14-11, allow civil fines, permit revocation, and/or 1-year application waiting period for violators. • The City is under contract with Host Compliance, which assists the City in collecting data about listings. • The 2nd Draft of the Bill would include a provision that requires a host platform to remove invalid listings upon notice from the City that the listing does not comply with the City's ordinance.
3	**General concern about legislative process:** Community members & stakeholders need additional time to review proposed amendments; public health emergency (and use of Zoom virtual meeting platform) makes this a bad time to adopt changes; City should conduct economic impact study; existing permit holders should receive notice of proposed legislation.	Irene P. Ayala Paul DeDomenico Susan Orth (SF Ass. of Realtors) Sara & Dave Singleton Jon B. Tucker Richard A. Woodruff	• Introduction of 1st Draft of the Bill and preliminary public hearing before the Planning Commission generated significant public input, in addition to feedback from the Planning Commission. • The May 2019 Kelly O'Donnell report provided a basis for the need to adopt changes, which are driven by an array of policy objectives, including but not limited to economic concerns. • Bill sponsors have taken additional time to consider input on 1st Draft of Bill. • Bill sponsors met with stakeholders and constituents, and created a 2nd Draft of the Bill in response to input received. • There will be more opportunities for public engagement. The 2nd Draft of the Bill will be considered at public hearings before the Planning Commission and the Governing Body. The Bill will also be considered by three of the City's standing committees.
4	**General concern about stated purpose and intent**: No data supporting idea that STR causes	Gregg Bovee Planning Commission Two Casitas	• Other commenters support the proposal specifically because they do believe that it will protect residential neighborhoods from

	traffic, noise and nuisances; or decreases affordable long-term housing.		these types of concerns and advance availability of long-term housing.
5	**Suggestion:** Adopt a primary residency requirement (owner cannot obtain STR permit unless the unit is their primary residence)	Nancy Bookbinder Karen Heldmeyer (Neighborhood Network) Patricia Lillis Elizabeth West	• Bill sponsors have considered this suggestion and have concluded this requirement is not the best fit for Santa Fe at this time. • The proposal includes other means intended to address the same underlying concerns, such as permit limits and proximity limitations for STR units that are not operated in compliance with the City's ADU ordinance.
6	**Suggestion:** Only locals should be allowed to obtain STR permits.	Janet Williams	• Such a provision could be challenged as unconstitutional under the privileges and immunities clause of 14th amendment and the dormant commerce clause.
7	**Suggestion:** Allow anonymous complaints about STR units.	Karen Heldmeyer (Neighborhood Network) Patricia Lillis Elizabeth West	• Neither the current ordinance nor the proposed changes preclude anonymous complaints, but such complaints may not provide an adequate evidentiary basis for taking enforcement action and proving a code violation. The most effective way to report a problem is to use the CRM system on the Constituent Services webpage.
8	**Suggestion**: Keep rules as clear and simple as possible to facilitate enforcement.	Elizabeth West	• The proposed amendments are intended to clarify existing rules, make the ordinance easier to administer, and facilitate enforcement.
9	**General Opposition:** Real problem is lack of enforcement; amendments will hurt tourism, economy, tax revenues, and competition; amendments will prevent investment and the	Rebecca Anderson Cindy Atanasoff Cheryl Benard Marc Bertram Tai Bixby Amy Bobrick Charles Burkhardt Paul DeDomenico	• Many of the proposed amendments are intended to clarify the existing ordinance. • The City recently amended the enforcement ordinance to add new enforcement tools. • The 2nd Draft of the Bill would retain the existing distinction between residential and non-

	revitalization and maintenance of properties; amendments protect hotels to detriment of local business; no evidence that adopting more restrictions on STR will increase supply of long-term housing.	Germaine Gomez Steve Harris Robert Hilgendorf Lodgers Association Frances Maier Paula Moya Marilyn Proctor Karen Kolbert Richelli Marvin Schrager Ron & Myrna Simon Karl Hans Sommer Jon B. Tucker Two Casitas Richard A. Woodruff Robert Zilinski	residential zoning, which should alleviate some concerns about impacts on tourism and the economy while furthering the goal of protecting residential neighborhoods.
10	**General Support:** Proposal will protect residential neighborhoods and advance long-term housing.	Stefanie Beninato Nancy Bookbinder Karen Heldmeyer (Neighborhood Network) Craig Lamb Cynthia Lamb Patricia Lillis Laura Post Jerry Richardson Mike Tankersley Janet Williams Barbara Yoffee	• The 2nd Draft of the Bill retains provisions intended to protect residential neighborhoods, including permit and proximity limitations. • The 2nd Draft of the Bill incorporates additional limitations on density for multiple-family dwelling units.
11	**Opposes proximity limitation, 75' radius:** Unworkable; hard to enforce; not fair; decreases home values; will prevent existing STRs from obtaining new permit if ownership transferred; will decrease number of STRs below the 1000 permit cap; should be revisited after development of publicly-available maps; suggestion to retain existing density limitation.	Stefanie Beninato Myra Canterbury Karen Heldmeyer (Neighborhood Network) Susan Orth (SF Ass. of Realtors) Ron & Myrna Simon Richard A. Woodruff	• 2nd Draft of the Bill would adopt a 50' radius, instead of a 75' radius, to strike a more appropriate balance. • The existing proximity limitation has been difficult for City staff to interpret and administer. • The proposed proximity limitation can be easily measured and implemented using the City's GIS resources.

12	**Opposes proximity limitation, 25% for multi-family:** Request to clarify types of multi-family to which this applies; request to eliminate this and retain ability to get STR permit for this type of development (as long as this is allowed by HOA or Condo rules); suggestion that allowing any STR units in multi-family housing is detrimental to long-term housing availability and allows unfair competition with hotels.	Paul DeDomenico Lodgers Association Susan Orth (SF Ass. of Realtors)	• As defined in § 14-12.1, "multiple family dwelling," means "[a] residential building containing two or more dwelling units on one lot, or two or more detached principal units on one lot." • The 2nd Draft of the Bill would apply this limitation only to STR units on residentially zoned property and STR units within 200' of residentially zoned property. • The 2nd Draft of the Bill would also limit the total number of STR units within a single building to 12 units.
13	**Non-residentially zoned property:** BCD, Downtown area, other commercial areas that allow residential use (e.g. C-1) should not be subject to new limitations; provisions warrant further consideration.	Cindy Atanasoff Marc Bertram Charles Burkhardt Paul DeDomenico Andy Duettra Eric Enfield Germaine Gomez Robert Hilgendorf Bruce Kuehnle Lodgers Association David Mansure (petition w/ 704 names) Susan Orth (SF Ass. of Realtors) Planning Commission Karen Kolbert Richelli Victoria Rogers Tim Ryan	• The 2nd Draft of the Bill would apply permit limits only to STR units on residentially zoned property. • The 2nd Draft of the Bill would apply proximity limits only to STR units on or within 200' of a residentially zoned property (except the maximum of 12 STR units in a single building, which would apply City-wide). • The 2nd Draft of the Bill would apply the 1 rental per every 7 days rule only to STR units on residentially zoned property.
14	**Opposes "natural person" requirement:** Many STRs are owned by business or legal entities;	Marc Bertram Charles Burkhardt Paul DeDomenico Frances Maier	• The 2nd Draft of the Bill incorporates suggested revisions from the Planning Commission to clarify that property may be held

	limitation may be contrary to law (e.g., *Mecham* case).	Paula Moya Susan Orth (SF Ass. of Realtors) Karl Hans Sommer Mike Tankersley	by a business or legal entity and that the permit must be held by person with legal authority to act on behalf of the legal or business entity that owns the property. • *Mecham* case is distinguishable; that case dealt with a special use permit that ran with the property and required the owner to incur a large investment (tennis courts etc.). An STR permit is a license that runs with the owner, not the property.
15	**Supports 1 permit/natural person limitation:** Suggestion to go one step farther and allow only 1 permit/family.	Stefanie Beninato John M. Nye	• Difficult burden for City to define family for this purpose and to determine whether there is a permit held by a family member.
16	**Opposes 1 permit/person limitation:** Arbitrary; suggestions include 2-3 per owner or a limit on the number of permitted bedrooms/permittee.	Amy Bobrick Charles Burkhardt Paul DeDomenico Craig Lamb Paula Moya Paul Plunkett	• The Bill Sponsors propose that the 1 permit/person limitation strikes the appropriate balance for Santa Fe at this time.
17	**Supports 1000 permit limit**	Charles Burkhardt	• This limitation was adopted by Resolution and is currently in place. The legislation would adopt the existing limitation by ordinance.
18	**Opposes local operator requirement:** Not necessary; operators can be available and prevent problems without residing within City limits; suggestions include allow operator to reside within SF County or within 10, 20, or 25 miles (noting that a person in the county may be very close).	Charles Burkhardt Mike Henry (Campanilla Compound) Frances Maier Paula Moya Mike Tankersley	• The 2nd Draft of the Bill no longer requires the local operator to reside within City limits and would instead require that the operator must be able to be physically present at the STR unit within 1 hour of being contacted to address problems.
19	**Opposes 1/rental per every 7/days limitation**: Difficult to track and	Charles Burkhardt Paul DeDomenico	• Existing ordinance includes this general provision.

	enforce; should be withdrawn or not applied in non-residential areas/districts; suggestion to change to annual cap on rental days to allow more flexibility.	Mike Henry (Campanilla Compound) Patricia Lillis Susan Orth (SF Ass. of Realtors) Planning Commission	• The 2nd Draft of the Bill would remove this limitation for STR units on non-residentially zoned property, as suggested by the Planning Commission and others. • The 2nd Draft of the Bill would require an STR owner on residentially zoned property to keep records of rental dates and to provide records of rentals within the past year when filing a renewal application.
20	**Transfer of permits** – change in ownership should be allowed if underlying beneficial interest does not change; suggested change to address units that are comprised of multiple time-divided interests.	Mike Henry (Campanilla Compound) Planning Commission Susan Orth (SF Ass. of Realtors) Mike Tankersley	• The 2nd Draft of the Bill includes clarifying language proposed by the Planning Commission. • The 2nd Draft of the Bill would "grandfather in" units that are comprised of multiple time-divided interests and would allow such units to remain registered in subsequent years as long as they are in compliance with applicable rules, fees, and taxes.
21	**Private covenants:** Restrictions should be enforced	Denise Ramonas	• Although the City does not directly enforce covenants, the proposal requires an applicant to affirm in the application that the proposed STR unit would not violate private covenants, and the recently adopted amendments to the enforcement ordinance allow the City to revoke a permit if false information is submitted in the application.
22	**Inspections:** Opposes random inspections; supports fire inspections	Stefanie Beninato Marilyn Proctor	• The 2nd Draft of the Bill was revised and clarifies fire inspection requirements.
23	**Grandfather provision:** Should be clarified.	Frances Maier Susan Orth (SF Ass. of Realtors) Planning Commission Mike Tankersley	• The 2nd Draft of the Bill was revised in response to comments received.
24	**Grandfather Provision:** Adopt amortization period;	Nancy Bookbinder Patricia Lillis	• The Bill Sponsors have concluded that it is fair to allow existing STR

	grandfather existing permits for only 2 years.		permittees to continue to operate in compliance with applicable rules, fees, and taxes. • If the City did want to make new limitations retroactive through an amortization provision, the City would need to introduce evidence into the record at public hearings demonstrating that it is reasonable to do so based on the factors set forth in New Mexico law.
25	**Advertisements:** Should list a permit number, not a business license number.	Nancy Bookbinder, Patricia Lillis	• The 2nd Draft of the Bill was revised in response to comments received and would require either a permit or registration number (instead of business license number).
26	**Host Platform Requirements:** Request to amend provisions to avoid undue burden; suggestion that platforms cannot evaluate validity of permit; suggestion to add a "notice and take-down" provision.	Kristina Bennard (Expedia Group) Paul DeDomenico Toral Patel (Airbnb)	• The 2nd Draft of the Bill was revised in response to comments received. • The proposal now includes a "notice and take-down" provision, which requires a host platform to remove a listing upon notice from the City that the listing is invalid or does not comply with City rules. • The 2nd Draft of the Bill was revised to reduce reporting requirements to lessen the burden on host platforms while still obtaining information necessary to assist with enforcement.
27	**Insurance Requirement:** Why remove requirement for adequate insurance?	Rebecca Anderson John M. Nye	• The Bill Sponsors propose to remove this requirement because insurance is a private contract between the owner and the company. Retaining this provision would require the City to regulate a private agreement and determine the type and level of insurance that is adequate and appropriate. Retaining this provision would also impose an administrative burden of reviewing insurance documents at time of application.

28	**Notice Requirements:** Should not apply to STR on commercial property.	Paul DeDomenico	• Notice provisions are included in the existing ordinance. • The ordinance requires notice only to owners of residentially zoned property, not commercial property.
29	**Real Estate Disclosure:** Remove provision or retain existing provision.	Susan Orth (SF Ass. of Realtors)	• The 2nd Draft of the Bill was revised in response to comments received.

ATTACHMENT
7
Written Comments
1st Draft STR Bill

GURULE, GERALDINE A.

Subject: FW: Opposition to the proposed revisions to the City of Santa Fe's Short-Term Rental Ordinance.

From: Becky Anderson <rebeccapanderson@gmail.com>
Sent: Tuesday, June 16, 2020 10:44 AM
To: Mayors Office <mayor@santafenm.gov>; LINDELL, SIGNE I. <silindell@santafenm.gov>; VILLARREAL, RENEE D. <rdvillarreal@santafenm.gov>; ROMERO-WIRTH , CAROL <cromero-wirth@santafenm.gov>; GARCIA, MICHAEL J. <mjgarcia@santafenm.gov>; ABEYTA, ROMAN R. <rrabeyta@santafenm.gov>; cmrivera@santafnm.gov; COPPLER, JOANNE V. <jvcoppler@santafenm.gov>; CASSUTT-SANCHEZ, JAMIE A. <jcsanchez@santafenm.gov>
Subject: Opposition to the proposed revisions to the City of Santa Fe's Short-Term Rental Ordinance.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Webber and Santa Fe City Councilors,

I am a resident of Santa Fe (born and raised) and I am writing this email to express my **opposition** to the proposed revisions to the City of Santa Fe's Short-Term Rental Ordinance.

I would also like to know more about the proposal, its rationale, and how the proposal was crafted. Local businesses are hurting - I fail to understand how this revision supports local businesses. It seems to me this revision simply protects the interests of Hilton, Charlestowne Hotels, and Heritage Hotels and Resorts, Inc. Also, why eliminate the requirement for adequate insurance or proof of insurance?

Thank you,
Rebecca Anderson

GURULE, GERALDINE A.

Subject: FW: Please: Stop the changes to the STRO within the BCD

From: Cindy Atanasoff <catanasoff@yahoo.com>
Sent: Tuesday, June 16, 2020 10:27 AM
To: Land Use Public Comment <landusepubliccomment@santafenm.gov>; Mayors Office <mayor@santafenm.gov>; VILLARREAL, RENEE D. <rdvillarreal@santafenm.gov>; LINDELL, SIGNE I. <silindell@santafenm.gov>; GARCIA, MICHAEL J. <mjgarcia@santafenm.gov>; ROMERO-WIRTH , CAROL <cromero-wirth@santafenm.gov>; RIVERA, CHRISTOPHER M. <cmrivera@santafenm.gov>; ABEYTA, ROMAN R. <rrabeyta@santafenm.gov>; CASSUTT-SANCHEZ, JAMIE A. <jcsanchez@santafenm.gov>; COPPLER, JOANNE V. <jvcoppler@santafenm.gov>
Subject: Please: Stop the changes to the STRO within the BCD

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Mayor, City Council Members, Planning Commission;

I am shocked! I never imagined a city could so drastically change the ordinances in a way that defies logic. You are suddenly changing fundamental rules of commerce in a business district. Why?

Who benefits from this change? There are no 'residences' impacted by downtown Short Term Rentals. How exactly will you reconcile the 1000 limit of residential STR permits allowed versus the current STR registration required in the Business Capitol District? Are you making the Residential limitations more contentious by co-mingling the BCD rentals under the same umbrella?

We are in a lock-down during a global pandemic and you choose now to make these stealth changes to ordinances that have been in place for years? Were you even planning to provide Notification and allow Due Process to property owners impacted by your sudden 180 on basic practices of rentals?

How can you force commerce to be conducted among 'Persons' instead of business entities in today's litigious society? This is cruel to those comforted by common sense risk management. How are you justified in limiting the commerce a 'Person' chooses to do to one property, to one stay per seven days? What??

Who again benefits from this change? You are virtually eliminating a lodging option for families and friends to vacation together and enjoy each other's company in a living room or around a kitchen table with a home-cooked meal. Why??

Who did you say benefits from this change? You are decimating income of multiple entrepreneurs, investors, retirees, and individuals who made a sound business decision to invest in your previously thriving city largely dependent on tourism.

How does this benefit the city? It certainly doesn't benefit the livelihoods of all the now struggling downtown restaurants, cafes, galleries, and shops who enjoy the foot traffic of the downtown visitors.

Who did you say benefits from these changes? Please explain. I would like to know where the 'greater good' will be in exchange for the sacrifice you are forcing me and many others to make.

Sincerely,

Cindy Atanasoff

Local Address: 142 Lincoln Ave #501 Santa Fe, NM 87501

Home Address: 4005 Heron Cove Lane The Colony, TX 75056

GURULE, GERALDINE A.

From: Irene Ayala <ayalalaw@icloud.com>
Sent: Monday, June 15, 2020 12:29 PM
To: Land Use Public Comment
Subject: Short-term rental permit/notification

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jeri Hull and I are the owners of a home in Santa Fe that has a short-term rental permit. I was just informed this weekend about amendments to the short-term rental permit ordinance. I was able to receive and review a copy of the proposed changes from another permit holder.

I would sincerely appreciate it if in the future all existing permit holders be notified of proposed changes to the permit ordinance so that we can be sure we remain in compliance with those changes. Notification can be made to the email address below.

My property is located at 812 Calle David, Santa Fe, 87506.
Short-Term Rental No. 221793

Thank you

Irene P. Ayala
ayalalaw@icloud.com

Subject: proposed STRO changes
Date: Saturday, June 13, 2020 at 08:26:49 Mountain Daylight Time
From: Cheryl Benard
To: mayor@santafenm.gov
Category: Adobe Casitas

Mr. Mayor,

I live on Calle Estado. For years I would drive by the abandoned building on 301 East Palace and feel sad about the deterioration of such a beautiful building right there in the core area of historic Santa Fe. Finally my husband and I decided to try to buy and rehabilitate it. It had been in the past a hair salon, an art gallery and a medical practice so our first thought was to make it available for business use once more. But we soon discovered that this would not work as there was an oversupply of business real estate and besides, we would not be able to create the required number of parking spaces. We next considered long term rental. But while our motives were in part cultural, we are not in a position to operate at a continual loss and in fact it was the municipal advisors themselves who told us that there was no way we could sustain the building, at least cover our costs and pay the utilties, with long-term rental. Therefore we turned the building into three units, spent a lot of money refurbishing and installing solar panels and updating the electric etc. and then we started to rent it out. The income is modest at best and is slowly going towards offsetting our initial costs. Corona was a blow. And now this proposed ordinance will frankly be a disaster for us and for others who are maintaining properties large and small in historic Santa Fe through short term vacation rentals. The policy besides, makes no sense. I am a researcher by profession and I tell you this with some confidence. You have been told differently - there are lobbies at work here, but their recommendations are short sighted even for their own interests. Our clients will not stay in a hotel if they can't stay with us, nor will they stay in more distant vacation rentals. They want to stay in a group, they want to fix their own breakfast, they want to be able to walk. My guests benefit the nearby hotels, where they visit the spa, the nail salon, the restaurants and the bars. If they can't stay at my place or similar places, they will go elsewhere, to other states and other cities. Please reconsider.

Respectfully,

Dr. Cheryl Benard

PAEZ, SALLY A.

From: Kristina Bennard (ELCA) <kbennard@expediagroup.com>
Sent: Monday, June 29, 2020 9:50 AM
To: PAEZ, SALLY A.; RANDALL, RANDY; ISAACSON, ELIAS S.
Cc: Ashley Hodgini (ELCA); settergroup@gmail.com; Kristina Bennard (ELCA)
Subject: Santa Fe / Vrbo
Attachments: NYC DECISION and ORDER_Preliminary Injunction 2019.01.03.pdf; Boston -- Order on Motion for Preliminary Injunction.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,
Thank you for your time on Friday to discuss Santa Fe's draft amendments to its short-term rental law. We said we'd follow up on a few items: (1) possible language for a mandatory field with notice-and-takedown; (2) additional comments on the draft's data disclosure requirements; and (3) case law regarding data disclosure requirements. This email responds to all three:

(1) **Mandatory field and take-downs.** Here is possible language to accomplish the two-step process we discussed:

Host platforms shall require operators of short-term rental units to include their City-issued business license number in their listings or advertisements, in a format designated by the City. Upon notice from the City that a business license number on a short-term rental unit listing is invalid, the host platform shall deactivate that listing within five business days.

If you prefer to use a short-term rental permit number instead, you can insert that term instead of "business license number."

(2) **Data disclosure by platforms.** The current draft amendments require platforms to submit reports of the following information:
   a. number of short-term rental unit listings and owners in the city;
   b. number of reservations and number of rental nights for each unit; and
   c. amount of revenue owners collected through the host platform, including rent and each type of taxes and fees.

This information is to be reported monthly and disaggregated by owner.

As discussed, this requirement, as written, does not specify that the information has to be provided in a way that identifies a host or property location. Rather, it could be provided similar to how platforms previously reported data to New Orleans. There, each host had an anonymized number assigned to him/her that was consistent for each report. And together with the host number, platforms reported the number of nights the host's property had already been rented for that year and the number of nights it had reservations for the remainder of the year. (New Orleans wanted this information to enforce its annual 90-night cap.) If, in reviewing the reports, New Orleans identified a listing that had exceeded the limit, it could send the platform a subpoena to get the host, property, and transactional information associated with that listing.

New Orleans has since changed its law and no longer requires this kind of reporting. It is also burdensome for platforms to generate these kinds of reports. Santa Fe would be the only place we'd be doing it.

The most common kind of reports that cities have required are monthly reports of the URLs for the properties listed on a platform together with the license number associated with that URL. That's as close to a "standard" report as we've gotten. If you saw news on Friday about the MOU that Vrbo signed with Kauai, Hawaii, this is the monthly report we'll be sending. It's what we do in San Francisco and Seattle, among others. Basically, it's a report that scrapes the platform's own website and provides it in a regular report to the city. The cities then use it to check the license numbers and report back to the platform if any are invalid.

Other cities require aggregate / total data, e.g., how many nights were booked on the platform this quarter, how many properties were listed this quarter, what was the total amount of rent hosts collected via the platform this quarter?

Still other cities don't require reporting at all, but rather find that a mandatory field for a license number together with the notice-and-takedown step is sufficient for their enforcement needs. When only licensed properties are on a host platform, that tends to drive compliance with all other aspects of a city's regulatory requirements.

Another way for Santa Fe to ensure its one-transaction-per-seven-days requirement is being followed is to require *operators*, as part of renewing their license, to submit a record of bookings they had the previous year. The city might also consider whether instead to limit each operator to 52 transactions per year (the equivalent of one transaction per week), which would allow an operator to book more travelers during a busy season. Palm Springs, California, does something similar to that.

Finally, note that if a city does require platforms to provide data, there must be protections for that information and guidelines for how it can be used, shared, and stored by the city because it is often competitively sensitive.

(3) **Case law**. Citing the Fourth Amendment of the U.S. Constitution, two federal courts last year stopped enforcement of laws that required hosting platforms to provide reports of user information to government officials without any legal process. Both New York City and Boston enacted laws that required short-term rental hosting platforms to submit monthly reports that included owner information, property addresses, and transactional information, like number of days booked. Two different federal courts stopped enforcement of those laws, ruling that requiring hosting platforms to disclose their business records without *any* legal process – like a subpoena, warrant, or court order – violated the Fourth Amendment, which guards against unreasonable searches and seizures by government officials. *Airbnb, Inc. v. City of Boston*, Case No. 18-cv-12358-LTS (D. Mass. May 3, 2019); *HomeAway.com, Inc. v. City of New York*, 373 F. Supp. 3d 467 (S.D.N.Y. 2019). Copies of both decisions are attached.

In addition to the Fourth Amendment, the Stored Communications Act, 18 U.S.C. §§ 2702, 2703, is a federal law that mandates specified forms of legal process—like a subpoena or court order—that the government must follow before obtaining personal information from internet providers. A federal court in Oregon halted enforcement of a provision in the Portland City Code that would have required hosting platforms to disclose to city tax officials "all physical addresses of transient lodging occupancy locations within Portland city limits and the related contact information, including the name and mailing address of the general manager, agent, owner, host or other responsible person for the location." *HomeAway.com, Inc. v. City of Portland*, 2017 WL 2213154, at *4 (D. Or. May 11, 2017).

In recognition of these rulings, the City and County of Honolulu acknowledged in a stipulated court filing that a provision in its law that required hosting platforms to provide reports of owner name, property address, tax identification number, length of stay, and price paid was unenforceable given the state of the law. *Kokua Coalition v. Department of Planning and Permitting*, No. 19-cv-00414-DKW, Dkt. 37 at ¶¶ 10-11 (D. Hawai'i Oct.

4, 2019). Similarly, last fall, Palm Beach County, Florida, amended its law to remove a provision that required hosting platforms to provide monthly reports with owner name, property address, tax account number, and parcel number.

I know this is a ton of information. If, after digesting it, you'd like to discuss further, we'd welcome that opportunity. Best, Kristina

Kristina Silja Bennard
Senior Corporate Counsel (Regulatory / Litigation)

Cell +1 206 227 9583
Email: kbennard@expedia.com
expediagroup.com

GURULE, GERALDINE A.

Subject: FW: Voting No On The Ordinance Amending Section 14-6.2 Short Term Rental Ordinance

From: Tai Bixby <tai@gotspaceusa.com>
Sent: Wednesday, June 17, 2020 3:10 PM
To: Land Use Public Comment <landusepubliccomment@santafenm.gov>; esiasaacson@santafenm.gov; PAEZ, SALLY A. <sapaez@santafenm.gov>
Subject: Voting No On The Ordinance Amending Section 14-6.2 Short Term Rental Ordinance

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Santa Fe Land Use Department,

This item is on the Planning Commission Agenda for Thursday June 17, 2020. I am writing as a citizen of the City of Santa Fe and as a real estate professional with direct knowledge of the real estate market. I'm writing to manifest my opinion **against** the proposed amendment Section 14-6.2 the Short Term Rental Ordinance. The proposed changes will decrease tourism by increasing costs and shrinking inventory. The proposed changes will hurt property values and will indirectly reduce tax income to the county and City. The proposed fines are regressive and, rather than increasing city income, will have a chilling effect on the tourist economy. The proposed amendment will cause Santa Fe to lag behind in recovering from the effects of the recession, the depths of which we have yet to arrive at. Please do not change the Short Term Rental Ordinance.

Please VOTE NO on the proposed amendment to the Short Term Rental Ordinance.

Tai Bixby, CCIM
Director
tai@gotspaceusa.com

Transaction Coordinator
Sarah Raboff
sarar@gotspaceusa.com

NAI Maestas & Ward
418 Cerrillos Road Suite 11
Santa Fe NM 87501
gotspaceusa.com

Direct +1 505 577 3524
Main +1 505 878 0001
Santa Fe +1 505 988 8081

NAI Maestas & Ward

PAEZ, SALLY A.

From: BERKE, NOAH L.
Sent: Thursday, June 18, 2020 12:21 PM
To: PAEZ, SALLY A.; ISAACSON, ELIAS S.
Subject: Fwd: 628 1/2 Camino De La luz

Get Outlook for iOS

From: Amy Bobrick <amy.bobrick@kw.com>
Sent: Thursday, June 18, 2020 8:39:58 AM
To: Land Use Public Comment <landusepubliccomment@santafenm.gov>
Subject: Fwd: 628 1/2 Camino De La luz

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Attention Land-Use.

Please see below. I am opposed to your new rules. I started this project and was given guidelines by the City of Santa Fe Short Term Rental Dept. I have all of the e-mails.
>
> Hello Carol,
>
> I see the proposed changes to the short term rental ordinance. I am definitely against them. I have been working for over a year with Christopher Purvis, James Martinez at the City and Mary Ann Seiderer when she was working for the city in short term rentals and MTA Construction.
>
> I have e-mails stating that I could add another rental to my existing rental that is licensed with the city. I live on the premises. I am in the process of adding another auxiliary unit and I do have a building permit. My contractor has been very slow and this should have already been completed but there were snags and especially with the pandemic. I had to divide my 2 legal lots of record which I would not have done if this was not a possibility. It was very expensive to have it surveyed , architectural plans that would be approved by the historic board , and of course the actual project. This is my livelihood and I also was the owner of The Bobcat inn for 15 years. This has been my career. I am asking you to re-think this new stipulation of one short term rental per natural citizen. I would not have done this project if this had been the case. I have e-mails from Maryann stating what would be allowed and I followed all of these guidelines. This would totally not be fair since I would never have done this if this had been brought up. I am spending around 150K on this addition. The new addition is over 75 feet from the front door of the current short term rental. I sincerely hope that you will take property owner's rights into consideration. Again, I am a resident and I live on the property but both units are separate from my house but connected.
>
> Thank you, Amy
>
>
> Amy Bobrick
> 505 920 8941
> amy.bobrick@kw.com
>
> Keller Williams
> 130 lincoln Ave

> Santa Fe, NM 87501
> 505 983 5151
>
>
>
>

Dear Sir/Madam,

I am writing to you today in regards to the proposed changes to the short term rental regulations. I would like to start by introducing myself. I am a resident of Santa Fe, the father of a 3 year old girl, the owner of Santa Fe Property Solutions, as well as an owner of the property located at 1155 Camino Delora that is primarily used for short term and vacation rentals. My company's main focus is management of vacation rentals and second homes. We currently manage 14 properties and employ 4 housekeepers, 1 landscaper, 1 maintenance person, an assistant manager, myself, as well as several others on an as needed basis. The changes, if passed, would ultimately lead to my company going out of business, and my staff losing their jobs.

I have several issues with the proposed legislation. The first is the fact that additional restrictions will only hurt those of us that are following the current rules, but will do nothing to curb those operating illegally. In fact, by having less of us able to be permitted and operate within the boundaries of the law, those operating illegally would see an increase in business and likely the city would see an increase in the number of illegal STRs. I understand that the cap would remain the same, but the changes would essentially reduce the number of properties that are eligible for a permit in the first place.

I do understand and support maintaining the cap of 1000 permits, I do support requiring the owner or operator to live in Santa Fe. However, I do not fully understand why the city council is proposing the changes that will eventually force my business to close. I haven't been given a concrete answer, only that 'there aren't enough affordable long term rentals', or that 'they are hurting the character of our neighborhoods'. Additionally, the Land Use Director stated that he 'didn't believe these changes would affect property managers' in a negative way but that they hadn't actually done an economic impact study. I would like to address these items individually.

'There aren't enough affordable long term rentals'

Many of the properties that I manage are second homes. This means that these homes werent going to be on the long term market to begin with. The owners come to visit Santa Fe frequently and do not wish to enter into a long term agreement that would prohibit them from visiting when they would like. If they lost their ability to do vacation rentals while they are not in Santa Fe, the home would just sit empty, not creating jobs for me and my staff or taxes for the city and state.

Of the homes that aren't second homes and could potentially be converted to long term, none of them would ever be considered 'affordable'. If these homes were somehow made affordable, it is likely that the same people complaining about STR's would complain about the affordable rental next to them. If the city is truly interested in providing affordable housing, one place that it could start is by eliminating the 'fee in lieu' that allows these new apartment complexes to pay a fee in lieu of providing a portion of their units as affordable.

The city could also begin to enforce the current code and eliminate the illegal vacation rentals which currently outnumber permitted vacation rentals.

‘They are hurting the character of our neighborhoods’

Approximately half of the properties we currently manage were purchased in a state of disrepair. Some were downright in shambles. The owners of these homes bought them with the idea that they could spend more money returning them to their original glory and improving the neighborhood ascetic because they would be able to offer them as vacation rentals. Whenever there is a maintenance issue, it is corrected immediately. The landscapes and gardens are always in top shape, and concerns from neighbors are addressed immediately. Those of us that have permitted vacation rentals are concerned with these things, as well as parking, noise, etc because our business depends on it all.

‘This won’t affect property managers in a negative way’

This belief is flat out wrong. According to the Land Use Director, he and his staff believe that initially these changes would reduce currently permitted STRs by about 18% when it comes time to renew. Over time, the changes would continue to decrease the number of eligible properties, some estimates are saying down to 250. Further, keeping the 1 check-in per 7 days rule will continue to drive down profits even further, essentially eliminating property management as a viable business. I would like to remind you that the only people this legislation will affect are those of us that have been following the rules, and the effect will be incredibly negative.

The truth is that Santa Fe is largely a tourist town, vacation rentals drive revenue for the city and small businesses, unemployment has increased by almost 9% since last year, and this would cause increased economic strain on the entire community. During these strange and trying times, to purposefully make it harder/impossible to keep a business open is unthinkable.

To summarize, I would respectfully request the following changes be made to the proposed legislation:

1. Eliminate 1 check in per 7 days rule
2. Eliminate type of ownership requirement
3. Eliminate number of permits each person is eligible to hold
4. Maintain cap of 1000 permits
5. Require owner or operator to reside in Santa Fe County
6. Adopt civil penalties provisions
7. Exempt commercially zoned permits from residential rules

If there is anything I can help with or clarify, I would be more than happy to assist.

Thank you for your time and consideration,
Charles Burkhardt

info@santafepropertysolutions.com 1155 Camino Delora

COMMENTS ON
SHORT TERM RENTAL ORDINANCE & PROPOSED AMENDMENTS

DATE: June 29, 2020

TO: Mayor Alan Webber, Councilor Signe Lindell, Councilor Carol Romero Wirth, Councilor Renee Villarreal, Councilor Michael Garcia, Councilor Chris Rivera, Councilor Roman Abeyta, Councilor Jamie Cassutt-Sanchez, Councilor JoAnne Vigil Coppler, Commissioner John Hiatt, Commissioner Mark Hogan, Commissioner Pilar Faulkner, Commissioner Lee Garcia, Commissioner Brian Gutierrez, Commissioner Janet Clow, Commissioner Jessica Eaton Lawrence, Commissioner Dominic Sategna, City Attorney Erin McSherry, Assistant City Attorney Sally A Paez, Constituent Service Director Kristine Mehelcic,

FROM: Paul DeDomenico, 1413 Paseo De Peralta, Santa Fe, NM 87501.
Email: paul.dedomenico@gmail.com. Cell: 505-660-8215.

I was present at the June 18th Planning Commission Zoom meeting regarding the proposed changes to the short term rental ordinance. Here are my takeaways:

It was evident from staff responses that a couple of things are taking place;

1. **This is "stealth" legislation**. When Commissioner Hiatt asked if there had been any public input from the public or business community previous to the drafting of the amendment the answer from City Attorney Paez was "no". Myself, and people I know in the business community who deal in STRs did not find out about the proposed legislation until a very short time before the PC meeting.
2. **City staff is under pressure** to impose a strategy to push the legislation through on a short timeline with limited public input.

Wheter intentional or not, it certainly gives the impression is that there is an intent to minimize public input and potential pushback, take advantage of the COVID-19 shutdown and quietly push this through legislation. The result is that the amendment is unclear, confusing, **and not well thought out**. I assume this is due to pressure from the sponsors (and perhaps other business interests?) to rush the legislation.

While I am most concerned about how this legislation applies to short term rentals under commercial zoning where residential use is allowed (e.g. BCD, C1, etc..), I must address first address the most glaring issue:

> **ENFORCEMENT:** When Land Use Director Issacson was asked by the PC why the current code has not been enforced he stated that the City did not have the proper enforcement infrastructure. One of the staff or commissioners stated that the number of illegal rentals roughly equaled the amount of legal rentals. **If this is accurate, then enforcement should reduce short term rentals in residentail neighborhoods by a whopping 50% with no impact on lodgers or gross receipts tax revenue.!** Enforcement of the current STRO should be mandatory and city staff should receive the proper support.

Limitations intended for residential neighborhoods should be placed on commercially zoned STRs where residential use is allowed. A lot of problems are created by applying an ordinance intended to address issues in residential areas to commercial properties. Mr Isaacson commented during the PC meeting that the intention of creating a blanket legislation was to simplify the process and management of ST rental by the city. This is not reasonable because **residential and commercial are two very different animals.**

I include myself as one of a number of vital investors and entrepreneurs who choose to invest in downtown Santa Fe because it is a unique city which offers tremendous opportunities to locals and visitors! We are creative and dedicated citiznes and above all we are committed to the pledge of our City Different. Let's not limit the opportunities to our visitors, that come here from all over the globe, to strictly large hotels as option for their stay. Santa Fe has so much to offer these visitors in terms of diverse culture, historic architecture, adaptive reuse and proximity to all of the wonders of the Plaza. It is a rare thing to have such options in a historic, walkable downtown. Don't limit this!

1) **LIMITING THE NUMBER OF SHORT TO RENTALS TO ONE PER NATURAL PERSON:** There was across the board befuddlement at the PC meeting on this point. In my situation, I have two different single member LLCs that hold or manage commercial property. The single member for both LLCs is a NM Sub-Chapter S Corporaton. I can't even fathom how the "One Natural Person" clause could apply to my situation. And you can be sure that my situation is not unique with other commercial landlords also having complicated entity structures.

2) **ONE RENTAL PER SEVEN DAYS:** Converting office or retail to residential use is actually a reduction in occupancy of the converted space. In addition, retail and office are occupied potentially 100% of the year whereas STRs are occupied

60-70% of the year. **There should be no limit on the number of days a commercial short term rental can be occupied.** The city doesn't ordaine that small hotels, B&Bs, retail stores or offices can only operate a certain amount of days per week because they cause too many people on commercial streets. I think this limitation was intended for STRs in residential areas but it makes absolutely no sense to apply it to commercial property.

3) **PERMIT TRANSFER :** Commercial property entrepreneurs spend significant money and time on their investments. They spend significant funds to purchase, improve, restore, add value and create income which in turn creates jobs and genrates taxes. **Commercial differs from residential in that the value of commercial property is based on the property's net income.** Many commercial landlords use STRs to increase cash flow and spend large sums of money to convert a property to residential use. If STR permits cannot be transferred to a buyer it will **DESTROY THE VALUE commercial property** where the permit(s) reside. **Commercial STR permits must be allowed to convey with the property.**

4) **DENSITY:** For the same reasons stated above, **there should be no limitation on the number of STRs at any commercial property where residential use is allowed under zoning.** The 1000 STR licenses limit should not be applied to commercial property.

5) **200 FOOT NOTICE:** Again it is unclear whether the requirement to notify properties within 200 feet would apply to commercial properties. I assume a new STR applicant would unfairly meet resistance from a hotel or competing STR withiin 200 feet. Again it makes no sense for commercial properties.

6) **MULTI-FAMILY LIMITATION:** Would the multi-family limit of STRs to 25% of the dwelling units apply only to specific multi-family zoned properties? What defines multi-family under the proposed ordinance?

7) **HOST PLATFORMS:** STR permit holders have no control over the record-keeping of hostong platforms (AirBnB, VRBO, Booking.com, etc...). If for some reason hostong platforms were unable unable to meet the record-keeping requirements of the city ordinance, does this mean STR perment holders would be excluded from utilizing them?

In case you weren't aware, travel sites such as Airbnb have moved into traditional hospitality and have implemented a hotel program that provides a

platform for smaller boutique hotels and Bed and Breakfasts. It's important to understand that even prior to COVID-19, the hospitality industry's age old models were being challenged by both creative platforms (Airbnb) and a new wave of travelers. This will continue to shift as travelers either become wary of larger hotels where large numbers of people congregate, and/or search out more unique stay opportunities. Let's be at the forefront of change and provide these treaveler opportunities.

I love Santa Fe! I have lived here for 31 years and my three children were all born and raised here. I have been an honest and responsible landlord. My tenants, especially my retail tenants, are struggling through the COVID-19 crisis and I am doing my best to ease their burden. I pay a lot of money each year in property taxes. I only want what is best for Santa Fe.

Commercial landlords pay gross receipts taxes and lodgers taxes on their short term rentals. I understand that **15% of the annual lodgers tax collected by the state comes from STRs** which is a significant amount. Why would the city want to reduce that revenue by limiting stay or STRs in commercial districts when, again, ENFORCEMENT would reduce the number of STRs by as much as 50% with **NO NEGATIVE IMPACT ON LODGERS OR GROSS RECEIPTS TAX.**

Commercial landlords have the legal right to maximize income even if that means converting some commercial space to STR where allowed to by zoning. The majority of my income comes from commercial income property and I view the ordinance as a potential threat to my livelihood and the stability of my family's future. I believe that the application of STR residential limitations on commercial property in both the current ordinance and proposed amendment constitute a taking of property rights.

It is evident that the current ordinance and proposed amendments are intended for residential neighborhoods and should not apply to commercial districts.

Please let me know how I can be of assistance in creating an appropriate STR rental ordinance.

Sincerrely,

Paul DeDomenico

PAEZ, SALLY A.

From: ROMERO-WIRTH , CAROL
Sent: Wednesday, June 24, 2020 2:17 PM
To: LINDELL, SIGNE I.; VILLARREAL, RENEE D.; WEBBER, ALAN M.
Cc: PAEZ, SALLY A.; FAUBION, JENNIFER R.; ISAACSON, ELIAS S.
Subject: Fwd: STRO Zoom call
Attachments: AWD markup of STRO 6-24-20.pdf

FYI

Carol Romero-Wirth
City Councilor, District 2
Office: 505 955-6815
Cell: 505 470-2855

Facebook & Twitter @romerowirth

From: Andy Duettra <aduettra@gmail.com>
Sent: Wednesday, June 24, 2020 11:32 AM
To: ROMERO-WIRTH , CAROL
Cc: Marc Bertram
Subject: Re: STRO Zoom call

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Carol:

Hi! Just to follow up here: you know the real issue we have with the proposed STRO is its effect of inserting rules designed for residentially-zoned STRs into commercial zones such as the BCD. The Planning Commission also noted this significant issue, among others.

This raises serious practical and legal concerns for the city, such as depriving certain property owners of normal use rights granted by commercial zoning and intended by the Land Use Code, and the right to CHANGE that use over time as needs and conditions change.

One insight you might consider is that, if the number of short-term rentals INCREASE in areas like the BCD, that should actually help diminish STRs in close-in residential areas by providing appealing/superior options for tourists. We should encourage that as a needed option to residential-zoned short-term rentals.

I think the "cleanest" option for the City Council might be to change the title of the ordinance to "**Short-Term Rental Units - Residentially-Zoned Property**." In addition, a change in the definitions section to make STRs, as that term is used in Section 14.6-2 (A) (5), be ONLY those located on residentially-zoned property would also clarify that distinction.

The effect would be to allow short-term rentals in ALL commercial areas, putting them on the precise same footing as every other bar, restaurant, jewelry store, gallery, hotel and B&B in our commercial districts, not treated as some especially abhorrent business needing extra and distinctive regulation. Simple and effective, cleans up the mess.

The changes above, detailed in the attachments to this email, along with some "cleanup" and clarification items, will solve the issues we have with the proposed STRO, and allow everyone to focus upon proper regulation in residential areas.

I hope this may prove helpful in your discussions. Please let me know if you can't pull up the attachment.

As always, we are available to discuss any of this and appreciate your time and effort in listening to our concerns!

Sincerely yours,

Andy

Andy Duettra
AdobeStar Properties, LLC
154 West Marcy St, Suite 104
Santa Fe, NM 87501
505 603 7644 (c)

On Mon, Jun 22, 2020 at 4:58 PM ROMERO-WIRTH , CAROL <cromero-wirth@santafenm.gov> wrote:

> Marc,
>
> I have a meeting with the sponsors this week to discuss how to move forward. As of now the bill is scheduled for:
>
> Quality of Life on July 1
> Public Works and Utilities on July 6
> Finance on July 13
> City Council on August 12
>
> It can be amended or substituted at any of these stops.
>
> There is also talk that it may go back to the Planning Commission before it goes to City Council on August 12th. It cannot be amended at the Planning Commission.
>
> I will know more in a couple of days.
>
> -Carol
>
> Carol Romero-Wirth
> City Councilor, District 2
> Office: 505 955-6815
> Cell: 505 470-2855
>
> Facebook & Twitter @romerowirth

From: Marc Bertram <marcbert@aol.com>
Sent: Monday, June 22, 2020 3:49:08 PM

To: ROMERO-WIRTH , CAROL <cromero-wirth@santafenm.gov>
Cc: aduettra@gmail.com <aduettra@gmail.com>
Subject: Re: STRO Zoom call

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Now that we have had the Planning Commission meeting, we would like to circle back with you and make sure we understand the process going forward .Please let us know when we could have another Zoom meeting with you. Let me know what day or time may work.

Marc Bertram
SF Brown Real Estate
PO Box 5735
Santa Fe NM 87505
direct 1-505-473-7740 x 13
mobile 1-505-930-0720
email marcbert@aol.com
Visit Santa Fe's Finest Vacation Rentals www.adobestarproperties.com
Visit Albuquerque's Newest AAA Four Diamond Hotel www.hotelparqcentral.com

In a message dated 6/16/2020 4:08:15 PM Mountain Standard Time, cromero-wirth@santafenm.gov writes:

Zoom

Carol Romero-Wirth
City Councilor, District 2
cromero-wirth@santafenm.gov
(505)955-6815 Office
(505)470-2855 Mobile
Facebook & Twitter @romerowirth

From: Marcbert <marcbert@aol.com>
Sent: Tuesday, June 16, 2020 4:07:18 PM
To: ROMERO-WIRTH , CAROL <cromero-wirth@santafenm.gov>
Cc: Andy Duettra <aduettra@gmail.com>; FAUBION, JENNIFER R. <jrfaubion@santafenm.gov>
Subject: Re: STRO Zoom call

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Do we know yet whether these meetings will be in person or Zoom meetings ?

Marc Bertram

SF Brown Real Estate

PO Box 5735
Santa Fe NM 87505
direct 1-505-473-7740 x 13
mobile 1-505-930-0720
email marcbert@aol.com
Visit Santa Fe's Finest Vacation Rentals www.thelincolnsf.com
Visit Albuquerque's Newest AAA Four Diamond Hotel www.hotelparqcentral.com

> On Jun 16, 2020, at 1:38 PM, ROMERO-WIRTH, CAROL <cromero-wirth@santafenm.gov> wrote:

Andy,

The bill is currently scheduled to be at:

Planning Commission on 6/18
Quality of Life on 7/1
Public Works and Utilities on 7/6
Finance on 7/13
City Council for Public Hearing and final passage on 8/12

It can be amended at any of the three Council Committees and at City Council on 8/12

Carol Romero-Wirth
City Councilor, District 2
cromero-wirth@santafenm.gov
(505)955-6815 Office
(505)470-2855 Mobile
Facebook & Twitter @romerowirth

From: Andy Duettra <aduettra@gmail.com>
Sent: Tuesday, June 16, 2020 11:54 AM
To: ROMERO-WIRTH , CAROL
Cc: FAUBION, JENNIFER R.; Marc Bertram
Subject: STRO Zoom call

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Carol and Jennifer-Thanks for your time today! Good to be able to discuss our concerns with you regarding keeping the status of STRs in the BCD distinct from those in residential zones.

We did have a few follow up questions: do you know the date of the Quality of Life Committee meeting at which the STRO will be taken up, and will that meeting be a public one? Also, will that be the first opportunity to revise the draft, or might that occur earlier?

Thanks again!

Best regards-Andy and Marc

Andy Duettra
AdobeStar Properties, LLC
154 West Marcy St, Suite 104
Santa Fe, NM 87501
505 603 7644 (c)

Insertions for STRO Revisions

1. Preserve the language in the title of Section 14-6.2 (A) 5 to read "Short-Term Rental Units - Residentially-Zoned Property."

2. Revise Section 14-6.2 (A) 6 to read "Short-Term Rental Units - Non-Residentially Zoned Property Short-term rental of dwelling units on non-residentially zoned property is permitted as per Chapter 14 of the Municipal Charter and Code of Uses City of Santa Fe, New Mexico."

Andy Duetta
6-24-20

CITY OF SANTA FE, NEW MEXICO
BILL NO. 2020-__
INTRODUCED BY:

AN ORDINANCE
AMENDING SECTION 14-6.2 SFCC 1987 TO ADOPT BY ORDINANCE A MAXIMUM OF ONE THOUSAND (1000) SHORT-TERM RENTAL PERMITS IN THE CITY, TO PROSPECTIVELY LIMIT THE NUMBER OF SHORT-TERM RENTAL PERMITS TO ONE PER NATURAL PERSON, TO PROSPECITIVELY LIMIT THE PROXIMITY OF SHORT-TERM RENTAL UNITS ON RESIDENTIALLY ZONED PROPERTY, TO REQUIRE A LOCAL OPERATOR FOR SHORT-TERM RENTAL UNITS, TO ADOPT RECORD-KEEPING AND REPORTING REQUIREMENTS FOR SHORT-TERM RENTAL UNIT OWNERS AND HOST PLATFORMS, AND TO CLARIFY OTHER PROVISIONS OF THE SHORT-TERM RENTAL ORDINANCE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. Section 14-6.2 of SFCC 1987 (being Ord. No. 2011-37 § 8, as amended) is amended to read:

14-6.2 - USE-SPECIFIC STANDARDS

#1 on Insertion doc

(A) Residential Uses

(5) Short-Term Rental [~~of Dwelling~~] Units [~~Residentially Zoned Property~~]

(Ord. No. 2016-33)

(a) [~~Dwelling Units~~] Purpose and Intent

[~~Dwelling units located on residentially zoned property may not be rented for less than thirty days except as set forth in this Subsection 14-6.2(A)(5).~~] The purposes of this *Short-Term Rental Unit* ordinance are the following:

(i) to ensure that the operation of *short-term rental units* in residential areas does not disrupt the character of the city's neighborhoods or affect the quality of life of neighboring residents;

(ii) to prevent speculators from purchasing multiple homes for the purpose of operating multiple *short-term rental units*, thereby reducing the amount of long-term housing availability;

(iii) to allow law abiding residents the option of utilizing their homes and *accessory dwelling units* as *short-term rental units* to create wealth and generate supplemental income;

(iv) to minimize public safety risks associated with *short-term rental units*, such as higher traffic levels, parking issues, noise, litter, and other public nuisances; and

(v) to ensure that an *owner* or *operator* of a *short-term rental unit* follows applicable regulations, including the payment of all applicable fees and taxes.

(b) Short-Term Rental [~~Units~~] *Permit* Required

[~~Short-term rental units are prohibited on residentially zoned property except as provided in this Subsection 14-6.2(A)(5)(b).~~]

One permit per property

Any legal entity

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[~~(i) Short-term rental units that are operated in compliance with Subsection 14-6.3(D)(1) (Accessory Dwelling Units) and in compliance with this Subsection 14-6.2(A)(5) are allowed.~~]

(i) An *owner* of a *short-term rental unit* must have a *city*-issued business license and a short-term rental *permit*. An *owner* or *operator* shall not rent, offer to rent, or advertise a *short-term rental unit* without a valid ~~*permit* or registration~~ from the *city*.

rental

(iii) A *short-term ~~dwelling~~ unit* shall not be operated without a *permit*. The *land use director* may issue a maximum of one thousand (1000) short-term rental *permits*[~~ in a quantity approved by the governing body through adoption, after a public hearing, of a resolution for residential units not otherwise qualifying for permits under Items (i) and (ii) above. Dwelling units on non-residentially zoned property pursuant to §14-6.2(A)(6) and §14-6.2(A)(7) are not subject to the permit limit imposed by this subsection~~]. The *land use director* shall issue ~~*permits to natural persons* only~~, and ~~each *natural person*~~ may possess a maximum of one (1) *permit*.

(iv) [~~Whenever the demand for short-term rental units exceeds the number permitted in accordance with Subsection 14-6.2(A)(5)(b)(iii) above, the number of additional permits may be increased by the governing body through adoption of a resolution and issued by the land use director. New permits shall be issued in the order that eligible applications are received.~~] The land use department shall process *applications* in the order of receipt and shall issue new *permits* in the order that complete *applications* are received. If the number of *permits* reaches the one thousand (1000)-*permit* limit, then the land use department shall stop processing *applications* and shall add *applicants* to a waiting list until a *permit* becomes available. If an *applicant* waits on the list for a year or longer, the land use department may require the *applicant* to indicate a continued interest in remaining on the list.

(v) A *permit* is not transferable to another person or property. Upon the transfer of ownership of a *short-term rental unit*, the short-term rental *permit* shall terminate and revert to the land use department. If the new *owner* wishes to use the property as a *short-term rental unit*, the *owner* shall submit a new *application* to the land use department.

New

~~(c)~~ General Provisions

[~~Unless otherwise stated, the following general provisions apply to short-term rental units:~~]

(i) A *short-term rental unit* must have a local *operator* that is available twenty-four (24) hours per day, seven (7) days per week, to respond to complaints regarding the operation or occupancy of the short-term rental unit. For purposes of this subparagraph, "local" means within city limits.

rental

(ii) An *owner* or *operator* shall not rent a *short-term ~~dwelling~~ unit* more than once [~~no more than one rental is allowed~~] within a seven (7)-[~~consecutive~~]day period[~~;~~].

[~~(ii) short-term rental permits will not be issued for more than two short-term rentals units directly adjoining each other on a residentially zoned street. For the purposes of this subsection, "directly adjoining" means sharing a common boundary along a public street frontage, but does not include adjoining *units* in a condominium, townhouse development, apartment complex, or residential compound;~~]

(iii) An *owner* of a *permitted short-term rental unit* shall provide *off-street parking* [~~shall be provided~~] on site as follows: [~~1~~)]

(A) one bedroom, one parking space; and [~~2~~)]

(B) two or more bedrooms[~~;~~], two parking spaces[~~;~~].

(iv) A *short-term rental unit* must meet all applicable building, [~~and~~] fire, [~~life~~]and safety codes, [~~shall be met~~] and all toilets, faucets, and shower heads [~~shall~~]must

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meet the water conservation requirements described in Section 25-2.6 SFCC 1987[~~:~~].

(v) Prior to issuance of a *permit*, a *short-term rental unit* must have a *certificate of occupancy* to ensure compliance with all applicable codes.

(vi) Prior to issuance of a *permit*, the *owner* of a *short-term rental unit* must obtain a business license under Section 18-1 SFCC 1987.

(vii) A valid business license number shall be included in all advertising of a *short-term rental unit*, including listings on a *host platform*.

[~~(v)~~](viii) [~~occupants~~]An *owner* or *operator* shall not allow *guests* [~~shall not~~]to park recreational vehicles on site or on the street;

[~~(vi)~~](ix) [~~short-term~~] *Short-term rental units* ~~located on residentially-zoned property~~ shall be used exclusively for residential purposes and shall not be used for commercial activities or events, defined as intending to make money, offering goods or services for sale, or conducting any other event or activity that is not residential in nature. An activity "not residential in nature" includes gatherings in excess of two (~~3~~2) times the number of legally allowed [~~occupants~~]*guests* in the *short-term rental unit*[~~ (including occupants)~~], unless the activity or event is otherwise permitted by the *city*[~~:~~].

[~~(vii)~~](x) [~~the~~]The total number of [~~persons~~]*guests* that may occupy [~~the~~]a *short-term rental unit* is twice the number of bedrooms[~~:~~].

[~~(viii)~~](xi) [~~noise~~]Noise or other disturbance outside [~~the~~]a *short-term rental unit* is prohibited after 10:00 p.m., including decks, portals, porches, balconies, or patios[~~:~~].

[~~(ix)~~](xii) [~~all occupants shall be informed~~]The *owner* or *operator* of a short-term rental unit shall notify all guests in writing of relevant *city* ordinances, including the *city*'s nuisance and water conservation ordinances[~~, by the owner/operator of the short-term rental unit~~]. All [~~occupants~~]*guests* shall comply with all relevant *city* ordinances, including [~~and comply with all provisions of~~] the [~~lodger's~~]lodgers' tax ordinance[~~:~~].

[~~(x)~~](xiii) [~~the~~]The *owner*[~~/operator~~] shall pay all applicable local, state, and federal taxes, including lodgers' tax, gross receipts tax, and income tax[~~es;~~].

~~(xi) should the owner/operator fail to pay all applicable taxes, the owner/operator shall be subject to penalties pursuant to Subsection 14-6.2(A)(5)(f).~~

~~(xii) the *owner*/operator shall make available to the *city* for its inspection all records relating to the operation of the short-term rental unit to determine compliance with this Subsection 14-6.2(A)(5); and~~

~~(xiii) the *owner* shall maintain adequate short-term rental insurance coverage for the *short-term rental unit*. Proof of insurance shall be required at the time the *permit* is issued and such other times as requested by the *land use director*.~~

~~(xiv) upon the transfer of ownership of a *short-term rental unit*, the short-term rental *permit* shall terminate and revert to the land use department. If the new *owner* wishes to use the property as a *short-term rental unit*, new *application* shall be submitted to the land use department.~~]

(d) *Applications* for Short-Term Rental *Permit*

[~~Unless otherwise stated, an~~] An *applicant* shall submit an *application* for a short-term rental *permit* [~~for a short-term rental shall be submitted to the city as follows~~] that includes the following information and documentation:

(i) [~~the application shall include~~]the name and phone number of the local owner[~~/operator~~] or *operator* who is available twenty-four (24) hours per day, seven (7) days per week to respond to complaints regarding the operation or occupancy of the *short-term rental unit* [~~as well as the name and phone number of city staff responsible for enforcing this section~~];

(ii) [~~the application shall include~~] a statement signed by the

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[~~owner/operator~~] *owner* and *operator*, affirming that they will operate the *short-term rental unit*[~~-shall be operated~~] in compliance with this subsection 14-6.2(A)(5) and all other applicable laws, *city* codes, and~~-~~ private covenants; and that no private covenants prohibit the operation of the *short-term rental units*; and

(iii) additional information, documentation, and submittals as required by the *land use director*.

[~~(iii) all applicants must submit proof of all required inspections with their initial application. Renewal applications for the same property may submit proof of all required inspections in the form of a statement attesting to compliance with all applicable fire, health, and safety requirements. The city shall perform random inspections to ensure compliance with this Subsection 14-6.2(A)(5).~~

~~(iv) prior to issuance of a permit, a certificate of occupancy is required to ensure compliance with this paragraph and all applicable codes;~~

~~(v) the permit is not transferable to another person or property;~~

~~(vi) within ten days of the issuance of the permit, the owner/operator shall mail notice by first class mail, with certificate of mailing, to the homeowners association (if applicable), and to the owners of properties within two hundred (200) feet of the subject property, exclusive of rights of way, as shown in the records of the county assessor, and by first class mail to the physical addresses of such properties where such address is different than the address of the owner and to the land use department. Notice shall be on a form approved by the land use director, and shall contain the name and phone number of the owner and operator who will be available twenty four hours per day, seven days per week to respond to complaints regarding the operation or occupancy of the short term rental as well as the name and phone number of city staff responsible for enforcing this paragraph. Copies of all required mailing lists and mailing certificates shall be provided to the land use director within ten days of the mailing. Failure to provide notification as described in this subsection is subject to penalties and prosecution pursuant to Subsection 14-6.2(A)(5)(f);~~]

[~~(vii) each application shall be accompanied by a fee of one hundred dollars ($100) to cover *application* processing and inspections. This application fee is non-refundable.~~]

[~~(viii) The annual permit fee schedule is as follows:~~

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Table 14-6.1-1 Annual Permit and Registration Fees*		
Short-term Rental Type	Permit Fee per Unit	Registration Fee per Unit
§ 14-6.2A(5)(b)(i) — Accessory Dwelling Units	$325.00	
§ 14-6.2A(5)(b)(ii) — Resort Units		$100.00
§ 14-6.2A(5)(b)(iii) — Residential Units	$325.00	
§14-6.2A(6) Non-Residential Districts and § 14-6.2A(7) — Commercial Districts		$100.00
Initial Application and Processing Fee (one-time)	$100.00	
*The annual permit fee shall not be prorated for a portion of the year.		

(ix) The annual fee includes the city's business registration fee and fees for inspections related to issuance of the short-term rental permit. Revenue from fees imposed pursuant to this paragraph shall be used only to administer, manage, and enforce this section.

(x) If payment of a permit fee was in excess of that for which a person was liable, the person may claim a refund by directing to the city finance director a written claim for refund no later than one year from the date payment was made. Every claim for refund shall state the amount and basis for the claim. The city finance director may allow the claim in whole or in part or may deny it. If the claim is not allowed in whole, the person may appeal the decision pursuant to Section 14-3.17.

(xi) Unless revoked as set forth in Subsection 14-6.2(A)(5)(f), a permit holder may renew the permit annually. If not renewed by March 15 of each year, the owner/operator may pay a late fee of fifty dollars ($50) to extend the time for filing to renew to April 15. An owner of an expired permit may submit a new application for a short-term rental permit to the land use director in accordance with Subsection 14-6.2(A)(5)(b)(iv) subject to availability of permits.

(xii) A valid permit number shall be included in all advertising of the short-term rental, including listings on web-based rental sites.]

(e) Proximity of *Short-Term Rental Units*

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probably remove as redundant or not Needed?

Subject to the exceptions listed below, the *land use director* shall not issue a new *permit* for a *short-term rental unit* if the subject property, as identified in the application, is located within a seventy-five (75)-foot radius of a *residentially zoned property* that has a permitted *short-term rental unit*. The radius shall be measured from the subject property boundary. This limitation shall not apply to the following:

(i) an *application* for a *short-term rental unit* located on non-*residentially zoned property* or within a *development containing resort facilities*;

(ii) an *application* for a *short-term rental unit* that complies with the requirements set forth in the *Accessory Dwelling Unit* ordinance, subsection 14-6.3(D)(1); or

(iii) an application for a *short-term rental unit* in a *multiple-family dwelling* development that contains four (4) or more *dwelling units*, provided, however, that the *land use director* shall not issue short-term rental permits for more than twenty-five (25%) of the *dwelling units* in a *multiple-family dwelling* development that contains four (4) or more *dwelling units*.

[~~(e)~~](f) Fees for Short-term Rental *Permit*

The following fees shall be used only to administer, manage, and enforce this subsection 14-6.2(A)(5) and relevant sections of Chapter 18 SFCC 1987, addressing applicable licenses and taxes.

(i) *Application* fee. An *application* for a short-term rental *permit* shall be accompanied by a one-time non-refundable *application*, processing, and inspection fee of one hundred dollars ($100).

(ii) Business license fee. A *short-term rental unit* is subject to an annual business license fee of thirty-five dollars ($35).

(iv) *Permit* fee. A *short-term rental unit* is subject to an annual *permit* fee of two hundred and ninety dollars ($290).

(g) Required Notice

(i) Within ten (10) days after the issuance or renewal of a short-term rental *permit*, the *owner* or *operator* shall mail notices by first-class mail to the homeowners association within which the unit is located (if applicable); to the *owners* of *residentially-zoned property* within two hundred (200) feet of the subject property, exclusive of rights of way, as shown in the records of the county assessor; to the physical addresses of such properties where such address is different than the address of the *owner*; and to the land use department.

(ii) The notices shall be on a form approved by the *land use director*.

(iii) The notices shall contain the name and phone number of the local *operator*. Within ten (10) days after any change in the contact information for the local *operator*, the *owner* or *operator* shall mail a new notice, to all parties, in accordance with this subparagraph 14-6.2(A)(5)(e).

(iv) Within ten (10) days of the mailing, the *owner* or *operator* shall provide the *land use director* with copies of all required mailing lists and an affidavit of mailing signed by the person who mailed the notices.

(h) Records

unit

For the current calendar year and the three (3) immediately preceding calendar years, each short-term rental *owner* must maintain records for each *short-term rental unit* and shall make such records available to the *city* for inspection upon request. If a *host platform* collects rent for a *short-term rental unit*, the *host platform* must also maintain such records. The records to be maintained for each *short-term rental unit* must include the following:

(i) The total number of times and number of nights that the unit was rented to guests each calendar month;

(ii) The total amount of rent paid by guests by month; and

(short-term rental!)

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(iii) The total amount of each type of tax and fee paid to the *city* in connection with rental of the unit by month.

(i) *Permit* Renewals

Unless revoked pursuant to Section 14-11.4, an *owner* may renew a short-term rental *permit* annually. If not renewed by the expiration date of the existing *permit*, the *owner* may pay a late fee of fifty dollars ($50) to extend the time for filing to renew by thirty (30) days. After the thirty (30) days, if the *owner* has not renewed or requested an extension, the *permit* will become available to the next eligible *applicant*, and the *owner* may submit a new *application* for a short-term rental *permit* to the *land use director*, subject to the availability of *permits*.

(j) Inspections

The *city* shall perform random inspections to ensure compliance with subsection 14-6.2(A)(5) and all applicable fire, health, and safety requirements. The *city* may require an *applicant* to submit proof of inspections at the time of initial *application* and at such other times as requested by the *land use director*.

(k) Violations and Penalties

[~~(i) The land use director shall document all alleged violations of this paragraph and shall pursue enforcement through the municipal court as set forth in Article 1 3 SFCC 1987 or in another appropriate court of law. The city shall give the owner a written notice of violation, which shall be mailed either to the owner's local or business address or agent's address, informing the owner of the violation. If corrective action is not completed within fifteen (15) days of the date of the letter, the city may file a criminal complaint in municipal court. Upon conviction of a first violation, the land use director shall revoke the permit and operation of the short term rental shall cease within thirty days.~~

~~(ii) An owner who offers for rent as a short term rental a dwelling unit that is not permitted for use as a short term rental is in violation of this paragraph and is subject to penalties, property liens and/or prosecution pursuant to subsection 14 2(A)(5)(f).(iii)An agent who knowingly assists an owner in advertising or renting a dwelling unit as a short term rental unit that is not permitted under this subsection 14 6.2(A)(5) is subject to penalties and prosecution, and the agent's business license is subject to revocation.~~]

If an *owner* or *operator* fails to obtain the necessary *permit* before renting, offering to rent, or advertising a short-term rental unit; fails to pay or report applicable taxes; or otherwise fails to adhere to the provisions of subsection 14-6.2(A)(5), the *owner* or *operator* shall be subject to the enforcement provisions set forth in Sections 1.3 and 14-11 SFCC 1987 and all other legal remedies and enforcement actions available under the law. These may include civil or criminal penalties or revocation of a short-term rental *permit*.

[~~(f) Penalties~~

~~(i) Any owner who fails to report all applicable taxes, including gross receipts tax and lodger's tax, shall be subject to any and all remedies under the short term rental ordinance and any other applicable city, county, state, or federal law or statute. Such owner shall also be subject to revocation of their short term rental permit pursuant to Subsection 14 6.2(A)(5)(e)(i).~~

~~(ii) If an owner is found guilty of operating a short term rental without a valid permit, they shall be fined five hundred dollars ($500). The city may ask the municipal court to treat each day after the initial written notice of violation as a separate violation and assess two hundred fifty dollars ($250) for each day of such daily violations for a total cumulative fine amount. If the city is awarded money as part of a judgment following a court hearing and defendant does not make timely payments to the city, the city may bring an action in lien or equity for the collection of any amounts due.~~]

[~~(g)~~] (l) Restrictive Covenants

Private restrictive covenants, enforceable by those governed by

Insert #2 from Insertions revisions AD 6-24-20

the covenants, may prohibit *short-term rental units*.

[~~(h)~~](m) Real Estate Agent Disclosure

[~~Real~~]A real estate [~~brokers~~] agent [~~listing~~] who represents a prospective buyer of [~~residential~~] *residentially zoned property* in Santa Fe shall provide the prospective [~~buyers~~]buyer with a current copy of this ordinance.

(n) Host Platforms.

(i) A *host platform* shall include a valid business license number in any listing or advertisement for a *short-term rental unit*.

(ii) A *host platform* shall provide a monthly report to the city that includes the following information, disaggregated by owner:

(A) The total number of *short-term rental unit* listings and owners in the city;

(B) The total number of times and nights each unit was rented to guests each calendar month;

(C) The total amount of revenue collected from all rentals through the *host platform* in the city, including rent and each type of taxes and fees.

[~~(i) The land use director shall establish administrative procedures necessary to implement, manage and enforce this paragraph.~~]

[~~(6) Short-term Rental of Dwelling Units - Non-residentially Zoned Property~~

~~Short-term rental of dwelling units on non-residentially zoned property is permitted as set forth in Table 14-6.1-1, must be registered, are subject to a one-time one-hundred dollar ($100) application, inspection and processing fee; and must comply with submission requirements and report all applicable taxes.~~]

(o) Existing Short-Term Rental Permits

(a) An *owner* of a *short-term rental unit* who possesses a valid short-term rental *permit* at the time that the ordinance amending subsection 14-6.2(A)(5) (Ordinance No. 2020-) is adopted is considered to possess a valid *permit* under the new regulations and does not need to renew the *permit* until it expires.

(b) An *owner* of a *short-term rental unit* who possesses more than one (1) valid short-term rental *permit* at the time that the ordinance amending subsection 14-6.2(A)(5) (Ordinance No. 2020-) is adopted may timely renew those permits as long as the permits are not revoked under Section 14-11.4.

(c) An *owner* who possesses a valid short-term rental *permit* for a *short-term rental unit* that does not comply with the proximity limitations set forth in subsection 14-6.2(A)(5)(e) at the time that the ordinance amending subsection 14-6.2(5) (Ordinance No. 2020-) is adopted is considered to possess a valid permit under the new regulations and may timely renew that permit as long as the permit is not revoked under Section 14-11.4.

(7) Dwelling Units in Specified Commercial Districts (Ord. No. 2016-39 § 4)

In the C-2 and SC Districts, dwelling units do not include mobile homes or recreational vehicles and shall be [~~either~~] one of the following:

(a) accessory dwelling units for occupancy only by owners, employees, or tenants of nonresidential uses that are operated on the same premises;

(b) part of a planned development; [~~or~~]

(c) part of a use for which a development plan or special use *permit* is required; or

(d) part of a qualifying residential project within the Midtown LINC Overlay District.

[~~(8) Effective Date~~

~~The provisions of Subsection 14-6.2(A)(5) of the Land Development Code shall go into~~

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~~effect immediately upon approval of the Governing Body. A ninety (90) day grace period shall be given for effected units to obtain a valid permit. Short-term rental unit owners who possess a valid short-term rental permit at the time this ordinance (Ordinance 2016-20) is adopted shall be considered to possess a valid permit under the new regulations and shall not need to renew their permit until the following year. Short-term rental unit owners who possess a valid short-term permit for a contiguous property issued prior to this ordinance (Ordinance 2016-20) being adopted shall be deemed as a "residential" permit holder upon the adoption of the ordinance and shall renew their permit as a "residential" permit in following years.~~

Section 2. Section 14-12.1 of SFCC 1987 (being Ord. No. 2011-37, § 15 as amended) is amended to add the following definitions:

14-12.1 – DEFINITIONS

DEVELOPMENT CONTAINING RESORT FACILITIES, SHORT-TERM RENTAL

A development in which the *owners* own two (2) or more of the following facilities in common and have obtained a special use *permit* for operation of those facilities: swimming pools, spa facilities, golf courses, restaurants, or tennis facilities.

GUEST, SHORT-TERM RENTAL

Any person who rents a *short-term rental unit* or occupies a *short-term rental unit* during a rental period.

HOST PLATFORM, SHORT-TERM RENTAL

An internet website, a mobile application, or any other forum used to connect a short-term rental owner or operator with guests and to facilitate the booking of a short-term rental unit.

NATURAL PERSON

An individual human being, as opposed to an organization of any form or a business entity.

OPERATOR, SHORT-TERM RENTAL

A person who, with or without a short-term rental *permit* or registration, rents or offers to rent a short-term rental unit to guests.

SHORT-TERM RENTAL UNIT

A *dwelling unit* or *accessory dwelling unit*, or any portion of a *dwelling unit* or *accessory dwelling unit* that is offered for rent or rented for a period of less than thirty (30) days. located on residentially-zoned property

APPROVED AS TO FORM:

ERIN K. McSHERRY, CITY ATTORNEY

For purposes of Section 14.6-2(A)(5), a

Legislation/2020/Bills/Short-Term Rental Changes

Dear Mayor Webber and members of the Santa Fe city council:

As residents of Santa Fe for over 40 years, we have lived in both RC-8 districts on the Eastside and Don Gaspar as well as currently downtown in the BCD.

We are writing to ask you to please exclude the BCD from your current ordinance changes in the hope this was just an error in drafting.

The BCD is representative of downtown living in cities throughout the country. It does not conform to normal residential zoning and should not be grouped with it.

"Neighbors" in the BCD are restaurants, offices, bars, art galleries, museums, hotels, and properties that have short term renters. In the daytime, people walk back and forth asking for directions and the best places to eat. At night, the area is unusually quiet. This is downtown living that we were accustomed to when we lived years ago in New York City. Building on the growing mixture of business and residence is one way to revitalize our downtown. While we don't rent our residence, no short term renters living nearby have negatively affected us.

When we lived in the RC-8 districts, we understood the concern about short term rentals disturbing the fabric of neighborhoods. We are supportive of the changes that might improve the quality of life for full-time residents. Listening to the recent planning commission hearing, we recognized that some people spoke passionately in support of the proposed changes, but may not realize that some of us live among offices in the BCD, or even where the BCD boundaries lie. It is important to point out the difference, for example, between the BCD and the "historical Guadalupe neighborhood."

We felt relieved to hear that the planning commission and staff saw the possibility of excluding the BCD, as well as many in attendance and that over 800 residents wrote letters wishing the BCD ordinance to continue to be unaffected by a new STRO.

As leaders of our community, we know you see the importance of a vital downtown and hope that you will remove the BCD from any further ordinance changes.

Sincerely,

Pat and Michael French
128 Grant Avenue
Santa Fe, New Mexico

GURULE, GERALDINE A.

From: Stephen Harris <stillwater_flyfisher@hotmail.com>
Sent: Monday, June 15, 2020 8:58 AM
To: Mayors Office
Cc: Kathy Komoll; Teya Vitu; Paco Arguello; Donna Reynolds; gholcomb@vrma.org; aduettra@gmail.com; LINDELL, SIGNE I.; VILLARREAL, RENEE D.; GARCIA, MICHAEL J.; ROMERO-WIRTH , CAROL; RIVERA, CHRISTOPHER M.; ABEYTA, ROMAN R.; CASSUTT-SANCHEZ, JAMIE A.; COPPLER, JOANNE V.; Land Use Public Comment
Subject: Short-Term Rental (STR) Ordinance

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the Honorable Mayor Alan Weber

My wife and I live in Montana and travel south in the winter months. Santa Fe is a destination we enjoy and it continues to be a reoccurring destination.

We use rental systems such as Home Away and Air B&B for much of our travel. These type systems have allowed us to be in walking distance to Santa Fe's downtown/plaza area and the properties provided are a "home away from home atmosphere" that is not provided from other options, such as the Hotel system.

It has come to my attention that changes, from a pending Short-Term Rental (STR) Ordinance, could limit our options and or availability in the future.

Reducing the availability would impair our choices; as even now getting the properties we have used and will continue to use fill up quickly and many times are unavailable.

Potential restrictions will make this more difficult and would limit our returns back to Santa Fe. From a short term rental user point of view, Santa Fe needs to keep what currently exists and even expand the type of rental system we use and not limit it.

Thank you in advance for considering this as you deliberate the pending STR

Steve Harris
Montana Retiree

PAEZ, SALLY A.

From: Melissa Byers <melbye.boss@gmail.com>
Sent: Thursday, June 18, 2020 8:32 PM
To: BERKE, NOAH L.
Cc: ISAACSON, ELIAS S.; PAEZ, SALLY A.
Subject: Re: FW: sorry for the technical glitch

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Got it, thanks!

On Thu, Jun 18, 2020 at 7:50 PM BERKE, NOAH L. <nlberke@santafenm.gov> wrote:

> Noah Berke, CFM
> Planner Manager
> City of Santa Fe Land Use Department
> Office: (505) 955-6647
> Cell or Text: (505) 490-5930
> Email: nlberke@santafenm.gov
>
> Click here for Zoning Code Information
>
> Click here for Property Information
>
> https://www.alltogethersantafe.org/
>
> -----Original Message-----
> From: Karen Heldmeyer <kheld@earthlink.net>
> Sent: Thursday, June 18, 2020 7:38 PM
> To: BERKE, NOAH L. <nlberke@santafenm.gov>
> Subject: sorry for the technical glitch
>
> CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.
>
> I swear. Karen Heldmeyer, 325 E. Berger
>
> I sent in a consensus document w/ suggestions from the Neighborhood Network board.
>
> 3 issues with STRs: affects actual neighborhoods w actual neighborhoods, decreases stock of available housing in many neighborhoods, never really been adequate enforcement especially of fiscal impact
>
> People who actually live here also contribute to the city financially through their ownership and through their living expenses, but also contribute in many other ways to the community. that doesn't occur with transient renters.

GURULE, GERALDINE A.

From: Karen Heldmeyer <kheld@earthlink.net>
Sent: Monday, June 15, 2020 4:01 PM
To: BERKE, NOAH L.; ISAACSON, ELIAS S.
Cc: Mayors Office; ROMERO-WIRTH , CAROL; LINDELL, SIGNE I.; VILLARREAL, RENEE D.
Subject: Neighborhood Network submission on STRs for the 6/18/20 Planning Commission meeting

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The Neighborhood Network appreciates the attempt to amend the Short Term Rental ordinance so that it more carefully reflects the negative effects that the current ordinance and policy have had on existing neighborhoods and on the availability of housing in Santa Fe and tries to correct those problems.

We would also like to thank Pat Lillis for her hard work on researching what other similarly-situated cities have done to deal with STRs.

The NN Board endorses the following amendments to the ordinance:

We endorse the idea that STR permits should only be given to addresses with a local primary resident.

We like the idea of only one permit per "natural person" but think this should be implemented more quickly as some individuals and businesses have amassed large numbers of STRs under the current system and those multiple holdings are particularly deleterious to both neighborhoods and the availability of actual housing.

We agree that there should be no transfers of STR permits when property is transferred or sold unless such a sale or transfer occurs within the immediate family..

All STRs should be permitted, licensed, and in compliance with both GRT and Lodgers' Tax and should feature the permit # in any advertising.

Additionally, all STRs should be in compliance with all other city ordinances and codes.

City staff must monitor all STRs, permitted and otherwise, to insure compliance. If a given unit is not ipermitted, the owner or operator of that unit shall be barred from applying for an STR permit for one year.
For all other violations, the city can assess a $100 fine for each day each violation occurs.

The city should revisit the issue of the proposed proximity of STR's to one another after develpoing a publicly-available map showing how the question of proximity has been handled by the city in the past.

The language on what constitutes a "nonresidential" use should be clarified and tightened to prevent "party houses" and similar uses.

City staff shall also promptly investigate all complaints of violations. Complaints can be made anonymously.

With tighter monitoring of the requirements for STRs, the city needs to revisit the actual cost of permitting and monitoring those units and increase the permit fee accordingly.

Thank you for considering these amendments.

Karen Heldmeyer

Acting President, Neighborhood Network

699-7145

Feature permit # in any advertising

Require business license and tax compliance

Monitor compliance with all codes with strict penalties (1 year?) if not followed

Should we advocate for the primary resident rule?

PAEZ, SALLY A.

From: SALAZAR, ANDREA
Sent: Tuesday, August 25, 2020 9:44 AM
To: PAEZ, SALLY A.
Subject: FW: Short Term Rental Changes

See Mr. Henry's response…

Andréa Salazar
Assistant City Attorney, City of Santa Fe
(505) 955-6303
asalazar@santafenm.gov

WE ARE

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#TodosJuntosSantaFe
http://www.todosjuntossantafe.org

This message may be subject to the attorney client privilege. 11-503 NMRA. If you have received this message in error, please delete it and alert the sender. 16-404(B) NMRA.

From: Mike Henry <henry80108@gmail.com>
Sent: Tuesday, August 25, 2020 9:33 AM
To: WEBBER, ALAN M. <amwebber@santafenm.gov>
Cc: ISAACSON, ELIAS S. <esisaacson@santafenm.gov>; SALAZAR, ANDREA <asalazar@santafenm.gov>; FAUBION, JENNIFER R. <jrfaubion@santafenm.gov>; Signe Lindell <s.lindell@comcast.net>; ROMERO-WIRTH , CAROL <cromero-wirth@santafenm.gov>; VILLARREAL, RENEE D. <rdvillarreal@santafenm.gov>; elicccondos@gmail.com
Subject: Re: Short Term Rental Changes

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Mayor,
Thank you so much for your quick response. I appreciate you sending this to the team responsible for working the draft. As I mentioned in my original e-mail, I would like to invite the team over to Campanilla to see our community and learn more about our business model - particularly the dimensions and quirks of quarter ownership.

Our community is unique, and we believe our maintained homes enhance Otero Street.

I've copied Eli O'Dowd on this message as she is our on site Property Manager. I'm hoping Eli can work with you or your assistants on arranging a tour.

Thank you again for your consideration.

Mike Henry
President of the Board
Campanilla Compound
334 Otero Street
Santa Fe, NM

On Mon, Aug 24, 2020 at 12:17 PM WEBBER, ALAN M. <amwebber@santafenm.gov> wrote:

Thanks for your very thorough and thoughtful letter.
I'm copying this email to the staff team that has been working on the draft revisions and also to the City Councilors who have taken the lead in developing the policy approach. We'll all want to take a careful look at the concerns you have to see what can be done.
Thanks again.
Alan

On Aug 24, 2020, at 11:44 AM, Mike Henry <henry80108@gmail.com> wrote:

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August 23, 2020

Mayor Allen Webber
City of Santa Fe, New Mexico
200 Lincoln Avenue
Santa Fe, NM 87504

Dear Mr. Mayor,

I understand that the city of Santa Fe is reviewing and possibly changing some of the regulations of the City's STR program. While I understand and respect the need for review and updating of the policies, I want to ensure that you are aware that all STR properties are not the same and changing regulations could have a dramatic impact on revenues for the City of Santa Fe and our investment.

I am President of the Board of Directors of Campanilla Compound, a community of 15 residences in the historic Santa Fe style, including both newer construction and renovated historic structures. This high-quality community was approved by the City, and first permitted and developed in 1984. Campanilla is a small neighborhood, with a single access to Otero Street; all management functions, trash removal, outdoor amenities and parking is contained on private property within the community.

From its inception, Campanilla has been occupied by a mix of owners and renters, with on-site management. The Association owns and maintains all common elements and the interiors, exteriors, and furnishings of all residences. Each home is 'quarter owned' and we have several owners that own

multiple quarters. We have approximately fifty (50) owners in total. Campanilla was one of the first communities of this type to be permitted by the City's original Short-Term Rental (STR) program.

We employ two long-standing Santa Fe residents and over 25 local vendors in the running of our business. We do not receive complaints from our neighbors and have been a business in 'Good Standing' and our BBB rating is A+

The regulations as currently drafted, including requirements that permits revert to the City upon a sale, would make it impossible to maintain the current rental business. Moreover, it is not clear how the sale of a single quarter-ownership interest would affect the existing permit and the rights of the remaining majority owners.

Pursuant to the deed restrictions, each quarter owner is entitled to occupy their unit for 13 weeks, spaced throughout the year. Our owners can place some, all, or none of their weeks in the rental pool. We do have carefully thought out use restrictions and active, on-site management, which results in the impact to our community, and by extension the neighboring properties, being the same whether an owner or a tenant occupies any particular week. Our owners demand nothing less.

We request that you address this unique situation in the ordinance, in much the same way as Quail Run was exempted for sound reasons. We request language such as the following:

Revise Section 13-6.2(A)(5)(c)(xiv) to read "upon the transfer of ownership of a short-term rental unit, except the transfer of an interest in a unit that is comprised of multiple, time-divided ownership interests, the short term rental permit shall terminate…" and revise Section 13-6.2(A)(5)(d)(v) to read "the permit is not transferable to another person, except purchasers of partial, time divided interests, or property" so that the permit will not revert if only one quarter interest is sold, but rather the new partial owner would take the place of the old owner.

We have other concerns about additional changes the City is proposing. For example, the loss of a permit for 'technical violations' would mean it is lost forever because the rules would prohibit re-issuing it in these circumstances. This 'one strike and you're out' policy is a bit rigid and unrealistic. What are your and the committee's thoughts on what to suggest as a safe harbor or second chance procedure?

There is also the requirement that the operator live within the city limits which seems arbitrary and possibility unconstitutional. I suggest a dimensional radius (i.e. 25 miles from Santa Fe) or within Santa Fe County as examples.

In addition, the draft does not address how insurance policies work for quarter-owned properties. The COA should be allowed to provide the policies vs. all 50+ of our homeowners.

Finally, the draft suggests capping the number of nights for rental use. Since we are a community of homes and not your typical STR, it would allow more flexibility for guests and hosts if there were an annual cap on rental days, which would serve the same purpose of reducing impacts on the neighborhood.

With that said, I would like to invite you and the other City officials over to Campanilla for a tour of our compound. I want you to meet our employees and see our homes and most importantly learn our business model.

Thank you for your consideration.

Sincerely,

Mike Henry
Campanilla Compound
President, Board of Directors

From: BERKE, NOAH L.
To: ISAACSON, ELIAS S.; PAEZ, SALLY A.
Subject: Fwd: Amendments to STRO ordinance
Date: Thursday, June 18, 2020 2:34:48 PM

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From: I <rnhilgendorf@aol.com>
Sent: Thursday, June 18, 2020 1:38:48 PM
To: Land Use Public Comment <landusepubliccomment@santafenm.gov>
Subject: Amendments to STRO ordinance

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Dear All"

I own two short term rentals at 310 McKenzie St. behind my law office in the BCD. The proposed changes in the STRO ordinance do not seem necessary or justified. The problems in residential neighborhoods should not be use to make changes in the status of our rentals in the BCD. If in fact there are more short term rentals in the city than the authorized 1,000 units then enforcement of the existing ordinance would seem the appropriate solution. I am requesting that before this change is made a full study of the number of unlicensed units outside the BCD be made and a strategy be developed for controlling the unlicensed units. I have not had any complaints from any source in the BCD concerning my units and even though I might be grandfathered in, an apt term since I am 78 years old, obviously ownership will change for my units and these onerous requirements would have to be met by my heirs. Thank you for your consideration. Sincerely, Robert Hilgendorf

GURULE, GERALDINE A.

Subject: FW: Planning Commission meeting 6/18 to consider changes to the Short Term Rental regulations

-----Original Message-----
From: Craig Lamb <clambnm@gmail.com>
Sent: Wednesday, June 17, 2020 5:16 PM
To: PAEZ, SALLY A. <sapaez@santafenm.gov>
Subject: Planning Commission meeting 6/18 to consider changes to the Short Term Rental regulations

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I understand you are the person to submit comments to on the proposed changes to the city of Santa Fe's Short Term Rental policy being considered at a Planning Commission meeting on June 18. If you are not the appropriate person, please forward this to the appropriate person(s) or let me know who to contact.

The comment I would like those considering these changes to see is as follows:

I applaud most of the changes being recommended in the granting and the managing of Short Term Rental permits in the city of Santa Fe. Particularly in requiring permit holders to be city residents and to manage their enterprises themselves, report use and pay appropriate taxes, etc.

I have one problem with the newly proposed changes. Your proposed regulation that a resident can hold only one permit (I assume that means for only one rental unit, though this isn't clear) seems arbitrary. It seems you are, in general, trying to prevent people who are buying up multiple units in an area or around town for the express purpose of turning these into Short Term Rental units, and I agree that is a good policy. But, some local homeowners have more than one auxiliary structure on their property that they can offer as Short Term Rentals, in the pursuit of a livelihood here. I suggest this section could be liberalized some, to at least "two" units or "no more than two or three contiguous units". Or, base this on the number of bedrooms on offer or guests who allowed. Otherwise, it is discriminatory. A permit holder could have a three or four (or more) bedroom house they are renting and another two small one or two bedroom units. How is this different in their impact on the neighborhood or surrounding community?

I urge you to rethink this section of the proposed regulation changes and alter it to better address the perceived problem you are trying to address in this section.

Thank you for your consideration.

Craig Lamb
117 1/2 Martinez Street

PAEZ, SALLY A.

From: BERKE, NOAH L.
Sent: Thursday, August 13, 2020 9:30 PM
To: PAEZ, SALLY A.
Subject: FW: Letter

Noah Berke, AICP, CFM
Planner Manager
City of Santa Fe Land Use Department
Office: (505) 955-6647
Cell or Text: (505) 490-5930
Email: nlberke@santafenm.gov

Click here for Zoning Code Information

Click here for Property Information

https://www.alltogethersantafe.org/

From: Janet Clow <jclow1949@gmail.com>
Sent: Thursday, August 13, 2020 3:31 PM
To: BERKE, NOAH L. <nlberke@santafenm.gov>
Subject: Letter

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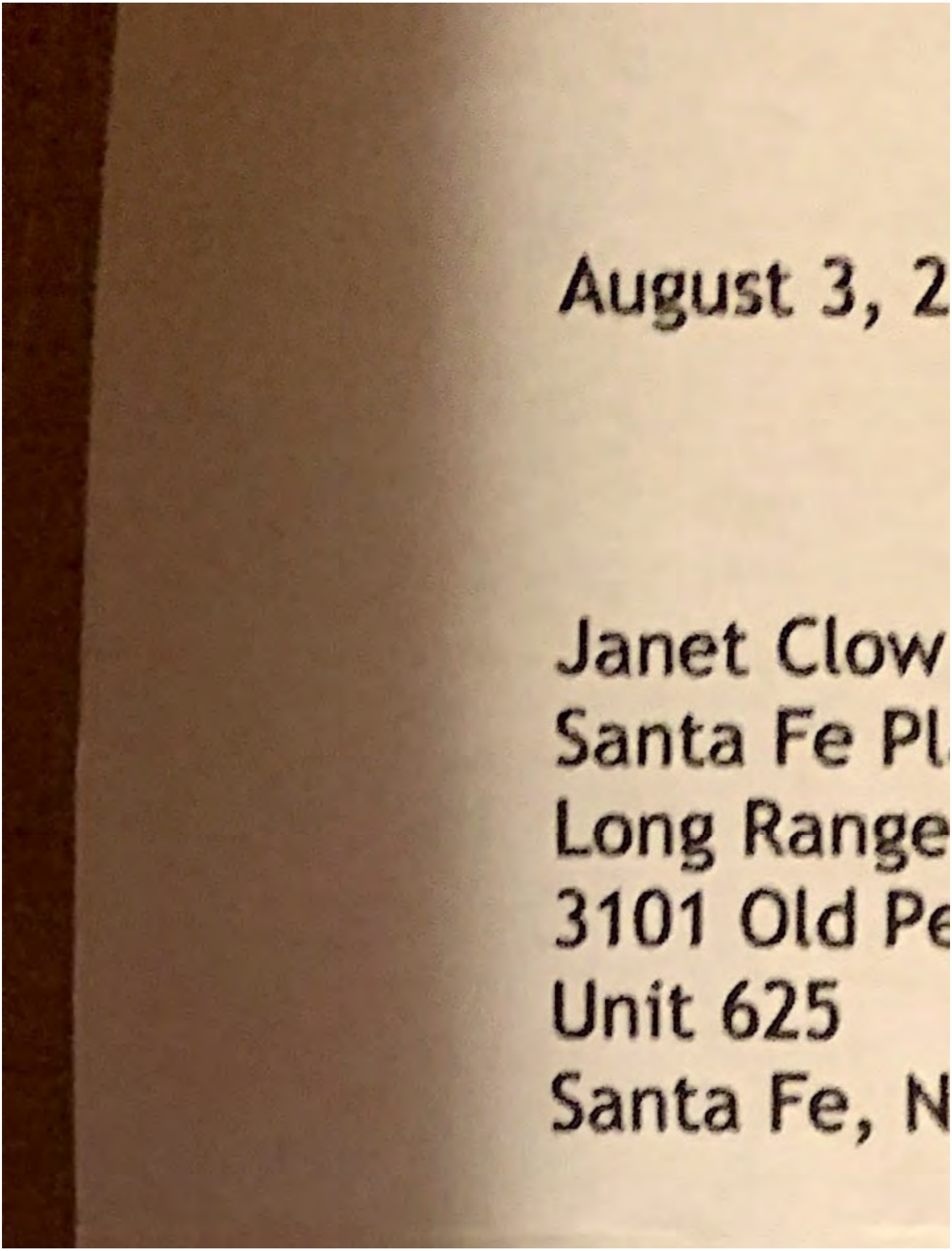
Noah: I received the attached letter last week in the mail. Janet Clow


August 3, 2
Janet Clow
Santa Fe Pl
Long Range
3101 Old Pe
Unit 625
Santa Fe, N

Sent from my iPhone

Dear Planning Commissioners,

My name is Patricia Lillis. I live at 2119 Conejo Drive, Santa Fe, NM 87505.
Attached, and below, are my submitted, written comments on the Short-Term Rental Changes.
Thank you for your consideration.

ATTACHMENTS

Attachment "A" contains my comments and suggestions written directly onto the "Short-Term Rental Changes" pdf file. It is an easy way to get to the highlights of this Ordinance rewrite.

Attachment "B" supports my comments with recommendations, statistics, background and the need of a Primary Resident requirement after more than two years of following what other cities have done to mitigate the negative effects Short-term Rentals have had on communities.

Attachment "C" is a partial list, with summary and links, of what 15 cities have accomplished. They include **Portland, OR, Boulder, Charleston, Santa Monica, Denver, Miami Beach, Miami, Richmond, Boston, Washington, DC, San Francisco, Los Angeles, New York City, New Orleans, Sunnyvale, CA**

Attachment "D" contains the body of this email.

COMMENTS

The two major elements missing in the STR ordinance draft are:

1) **This ordinance needs a Primary Residency requirement of 6 months or more.** (This ordinance says that any "natural person" from anywhere can have one speculative STR that is not a primary resident)**; and**
2) **This ordinance needs to phase out within a year or two current STRs that are not primary residences.**

NOTE: Pretty much all cities with housing challenges have gone with a **Primary Resident Requirement**. There are many levels that include a Primary Resident requirement. For example:
- Primary Residency requirement of 6 months can include renters, with homeowner's approval.
- Primary Residency requirement of 6 months can range from requiring the Host to reside on site during the stay to allowing an "operator" to manage the STR for a maximum of 60, 90 or 120 days a year.

In short, the City's ordinance proposes that:
- All current rentals remain the same with no time limit.
- Primary Residency is not a requirement.
- Any "natural person" person from anywhere can have one STR rental — doesn't prevent speculation.

On page 4 of the ordinance draft, Santa Fe has stated its intent and has acknowledged the STR problem but these amendments do nothing to address that intent and acknowledgment.

I would like the City of Santa Fe to do what most cities with housing challenges have accomplished and submit an ordinance with real reform. This current draft falls well short of that.

With so much talk about Santa Fe's housing shortage and housing challenges, we must take the step in the right direction and do something substantive. This ordinance does not do that. Compared to other cities, we are so far behind in reforming our STR ordinance. **Primary Residency requirement is the key.** Primary Residency can include a variety of options and this one requirement, other cities say, makes enforcement and fee collection easier while removing competition with speculators.

Housing is important. It is a home. Santa Fe should honor that by including a Primary Residency requirement and phasing out all current STRs that do not meet that criteria. STRs take housing off the market and disrupt neighborhoods on so many levels.

Anything other than primary residency encourages speculation, takes away long-term rentals and reduces home ownership opportunities for our residents.

After reading these changes carefully and researching Short-term Rental regulation changes made by other cities due to housing challenges and neighborhood impact, I submit my comments. — Pat Lillis, Santa Fe

NOTE: Pretty much all cities like Santa Fe that have housing challenges have gone with a **Primary Resident Requirement**

There are many levels that include a Primary Resident requirement. For example:

1. Primary Residency requirement of 6 months can include renters, with homeowner's approval
2. Primary Residency requirement of 6 months can range from:
   - requiring the Host to reside on site during the stay
   - allowing an "operator" to manage or host a STR for a maximum of 60, 90 or 120 days a year.

Santa Fe should consider a Primary Residency requirement.

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2020-__

INTRODUCED BY:

Mayor Alan Webber

Councilor Signe I. Lindell

Councilor Carol Romero- Wirth

Councilor Renee Villarreal

AN ORDINANCE

AMENDING SECTION 14-6.2 SFCC 1987 TO ADOPT BY ORDINANCE A MAXIMUM OF ONE THOUSAND (1000) SHORT-TERM RENTAL PERMITS IN THE CITY, TO PROSPECTIVELY LIMIT THE NUMBER OF SHORT-TERM RENTAL PERMITS TO ONE PER NATURAL PERSON, TO PROSPECTIVELY LIMIT THE PROXIMITY OF SHORT-TERM RENTAL UNITS ON RESIDENTIALLY ZONED PROPERTY, TO REQUIRE A LOCAL OPERATOR FOR S HORT-TERM RENTAL UNITS , TO ADOPT RECORD-KEEPING AND REPORTING REQUIREMENTS FOR SHORT-TERM RENTAL UNIT OWNERS AND HOST PLATFORMS, AND TO CLARIFY OTHER PROVISIONS OF THE SHORT-TERM RENTAL ORDINANCE.

BE IT ORDAINED BY THE GOVERNING BODY OF TH E CITY OF SANTA FE:

Section 1. Subsection 14-6.2(A)(5) of SFCC 1987 (being Ord. No. 2011-37 § 8, as amended) is amended to read:

14-6.2 USE-SPECIFIC STANDARDS

(A) Residential Uses

(1) Continuing Care Community

(a) Density

Independent *dwelling units* are subject to the *density* standards of the district in which the *continuing care community* is located.

(b) Compliance with state and federal law

Continuing care communities must comply with all applicable *state* and federal laws and regulations.

(2) Mobile Home, Permanent Installation

In any district in which permanent single-*family* occupancy of a *mobile home* on an individual *lot* is allowed as a special use *permit* by the board of adjustment, the following minimum standards apply:

(a) the *mobile home* shall be anchored to a concrete foundation and skirted as specified by the *land use director*;

(b) the rental or lease of *mobile homes* used as single-*family* residences on individual *lots* is prohibited; and

(c) minimum requirements for *lot* size, *front*, *side* and *rear yards*, and all other standards pertaining to single-*family residential* land use set forth in Chapter 14 apply.

(3) Mobile Home Park

(a) Applicability

New *mobile home parks* are prohibited as of December 10, 2012 (effective date of this Ordinance No. 2012-37). In a district in which *mobile home parks* are allowed, the minimum standards set out in this section apply.

(b) License

Prior to beginning operation, a *mobile home park* owner or operator must obtain a business license from the *city* under the provisions of Article 18 -1 SFCC 1987.

(c) Inspection

The *city* may inspect a *mobile home park* for conformance with the provisions of this section.

(d) Transfer of License

The *city* may issue a transfer of the license only after the following:

(i) *application* in writing for transfer of a license and payment of the transfer;

(ii) an inspection report by the *land use director* has been submitted to the *governing body*, stating conformance or nonconformance with the provisions of this section;

(iii) approval by the *governing body*.

(e) Revocation of License

The *governing body* may revoke a license to maintain and operate a *mobile home park*, as provided in Article 18-1 SFCC 1987 when the *licensee* has violated any provision of this section.

(f) Posting

The license certificate shall be conspicuously posted in the office of or on the *premises* of the *mobile home park* at all times.

(g) Standards

Mobile home parks shall comply with the standards set forth in Subsection 14 -7.2(1).

(4) Manufactured Homes

Manufactured homes:

(a) are permitted in any district in which site-built, *single-family dwellings* are allowed;

(b) shall meet all requirements of other site- built, *single-family dwellings* in the same district and all applicable historic or aesthetic standards set forth in Chapter 14; and

(c) shall be constructed according to the Manufactured Home Construction and Safety Standards, 24 CFR Section 3280.

(5) Short-Term Rental [of Dwelling] Units [- Residentially Zoned Property]

(a) [Dwelling Units] Purpose and Intent

~~[Dwelling units located on residentially zoned property may not be rented for less than thirty days except as set forth in this Subsection 14-6.2(A)(5).]~~ The purposes of this *Short-Term Rental Unit* Ordinance are the following:

(i) to ensure that the operation of *short-term rental units* in residential areas does not disrupt the character of the city's neighborhoods or affect the quality of life of neighboring residents;

(ii) to prevent speculators from purchasing multiple homes for the purpose of operating multiple *short-term rental units*, thereby reducing the amount of long-term housing availability;

(iii) to allow law abiding residents the option of utilizing their homes and *accessory dwelling units* as *short-term rental units* to create wealth and generate supplemental income;

(iv) to minimize public safety risks associated with *short-*

← INTENT listed here. However, Page 17 says all current STRs are forever grand-fathered in. And, Page 6 states that anyone on the planet can have a short term rental in Santa Fe.

← Why say multiple?

← Add "primary" to precede the word resident. to make it a primary resident requirement

term rental units, such as higher traffic levels, parking issues, noise, litter, and other public nuisances; and

(v) to ensure that an *owner* or *operator* of a *short-term rental unit* follows applicable regulations, including the payment of all applicable fees and taxes.

(b) Short-Term Rental [Units] *Permit* Required

[~~Short-term rental units are prohibited on residentially zoned property except as provided in this Subsection 14-6.2(A)(5)(b).~~]

[~~(i) Short-term rental units that are operated in compliance with Subsection 14-6.3(D)(1) (Accessory Dwelling Units) and in compliance with this Subsection 14-~~ 6.2(A)(5) are allowed.]

(i) An *owner* of a *short-term rental unit* must have a *city*-issued business license and a short-term rental *permit*. An *owner* or *operator* shall not operate, rent, offer to rent, or advertise a *short-term rental unit* without a valid *permit* from the *city*.

[~~(ii) Short-term rental units located in a development~~ containing resort facilities approved pursuant to a special use permit which are owned in common ~~by the owners within the development, are allowed~~. ~~As used in this item, "resort facility" means~~ any combination of swimming pools, spa facilities, golf courses, restaurants and tennis facilities.]

[(iii)](ii) The *land use director* may issue a maximum of one thousand (1000) short-term rental *permits*[~~in a quantity approved by the governing body through adoption, after a public hearing, of a resolution for residential units not otherwise qualifying for permits under Items (i) and (ii) above. Dwelling units on non-residentially zoned property pursuant to §14-6.2(A)(6) and §14-6.2(A)(7) are not subject to the permit limit imposed~~ by this subsection].

(iii) The *land use director* shall issue *permits* to *natural*

← See next page

persons only, and each *natural person* may possess a maximum of one (1) *permit*.

(iv) ~~[Whenever the demand for short-term rental units exceeds the number permitted in accordance with Subsection 14-6.2(A)(5)(b)(iii) above, the number of additional permits may be increased by the governing body through adoption of a resolution and issued by the land use director. New permits shall be issued in the order that eligible applications are received.]~~ The land use department shall process *applications* in the order of receipt and shall issue new *permits* in the order that complete *applications* are received. If the number of *permits* reaches the one thousand (1000)- *permit* limit, then the land use department shall stop processing *applications* and shall add *applicants* to a waiting list until a *permit* becomes available. If an *applicant* waits on the list for a year or longer, the land use department may require the *applicant* to indicate a continued interest in remaining on the list.

(v) A *permit* is not transferable to another person or property. Upon the transfer of ownership of a *short-term rental unit*, the short-term rental *permit* shall terminate and revert to the land use department. If the new *owner* wishes to use the property as a *short-term rental unit*, the *owner* shall submit a new *application* to the land use department.

(c) General Provisions

~~[Unless otherwise stated, the following general provisions apply to short-~~ term rental units:]

(i) A *short-term rental unit* must have a local *operator* that is available twenty -four (24) hours per day, seven (7) days per week, to respond to complaints regarding the operation or occupancy of the *short-term rental unit*. For purposes of this subparagraph, "local" means within the municipal boundaries of the city of Santa Fe.

~~[(ii) short-term rental permits will not be issued for more than two short-term rentals units directly adjoining each other on a residentially zoned street. For the purposes of this subsection, "directly adjoining" means sharing a common boundary along a~~

Each natural person listed on the deed should be included in the STR permit to prevent co-owners from obtaining multiple short-term rental permits

Best solution. Add Primary Residency requirement to support intent from page 4.

Most cities with housing challenges include a primary resident requirement.

Why aren't we?

← Complaints or information concerning enforcement of non-compliance shall be treated anonymously.

~~public street frontage, but does not include adjoining *units* in a condominium, townhouse~~ development, apartment complex, or residential compound;]

(ii) An *owner* or *operator* shall not rent a *short-term dwelling unit* more than once [~~no more than one rental is allowed~~] within a seven (7)-[consecutive] day period[;].

(iii) An *owner* of a *permitted short-term rental unit* shall provide *off-street parking* [shall be provided] on site as follows: [~~1)~~]

(A) one bedroom, one parking space; and [2)]

(B) two or more bedrooms[;], two parking spaces[;].

(iv) A *short-term rental unit* must meet all applicable building, [and] fire, [life] and safety codes, [~~shall be met~~] and all toilets, faucets, and shower heads [shall]must meet the water conservation requirements described in Section 25-2.6 SFCC 1987[;].

(v) Prior to issuance of a *permit*, a *short-term rental unit* must have a *certificate of occupancy* to ensure compliance with all applicable codes.

(vi) Prior to issuance of a *permit*, the *owner* of a *short-term rental unit* must obtain a business license under Section 18 -1 SFCC 1987.

(vii) A valid business license number must be included in all advertising of a *short-term rental unit*, including listings on a *host platform*.

[(v)](viii) [occupants]An *owner* or *operator* shall not allow *guests* [shall not]to park recreational vehicles on site or on the street;

[(vi)](ix) [~~short term~~] *Short-term rental units* located on *residentially-zoned property* shall be used exclusively for residential purposes and shall not be used for commercial activities or events, defined as intending to make money, offering goods or services for sale, or conducting any other event or activity that is not residential in nature. An activity "not residential in nature" includes gatherings in excess of [~~three (3)~~] two (2) times the

← How will this 7-day period be enforced? Seems very difficult to track and enforce.

← STR Permit # should be posted. Not Business License. Each STR has a permit # for tracking unit unlike business license used for multiple purposes.

number of legally allowed [occupants] guests in the *short-term rental unit* [(including occupants)], unless the activity or event is otherwise permitted by the *city*[;].

[(vii)](x) [the]The total number of [persons] guests that may occupy [the]a *short-term rental unit* is twice the number of bedrooms[;].

[(viii)](xi) [noise]Noise or other disturbance outside [the]a *short-term rental unit* is prohibited after 10:00 p.m., including decks, portals, porches, balconies, or patios[;].

[(ix)](xii) [~~all occupants shall be informed~~]The *owner* or *operator* of a short-term rental unit shall notify all guests in writing of relevant *city* ordinances, including the *city*'s nuisance and water conservation ordinances[~~, by the owner/operator of the short-term rental unit~~]. All [occupants]guests shall comply with all relevant *city* ordinances, including [~~and~~ comply with all provisions of] the [lodger's] lodgers' tax ordinance[;].

[(x)](xiii) [the]The *owner*[/operator] shall pay all applicable local, state, and federal taxes, including lodgers' tax, gross receipts tax, and income tax[es;].

~~[(xi) should the owner/operator fail to pay all applicable taxes, the owner/operator shall be subject to penalties pursuant to Subsection 14-6.2(A)(5)(f).~~

~~(xii) the *owner*/operator shall make available to the *city* for its inspection all records relating to the operation of the short-term rental unit to determine compliance with this Subsection 14-6.2(A)(5); and~~

~~(xiii) the *owner* shall maintain adequate short-term rental insurance coverage for the *short-term rental unit*. Proof of insurance shall be required at the time the *permit* is issued and such other times as requested by the *land use director*.~~

~~(xiv) upon the transfer of ownership of a *short-term rental unit*, the short-term rental *permit* shall terminate and revert to the land use department. If the new *owner* wishes to use the property as a *short-term rental unit*, new *application* shall be submitted to the~~

land use department.]

(d) *Applications* for Short-Term Rental *Permit*

[Unless otherwise stated, an]An *applicant* shall submit an *application* for a short-term rental *permit* [~~shall be submitted to the city as follows~~] that includes the following information and documentation:

(i) [the application shall include]the name and phone number of the local owner[/operator] or *operator* who is available twenty-four (24) hours per day, seven (7) days per week to respond to complaints regarding the operation or occupancy of the *short-term rental unit* [~~as well as the name and phone number of city staff responsible for enforcing this~~ section];

(ii) [~~the application shall include~~] a statement signed by the [owner/operator] *owner* and *operator*, affirming that they will operate the *short-term rental unit*[~~shall be operated~~] in compliance with this subsection 14-6.2(A)(5) and all other applicable laws, *city* codes, and private covenants; and that no private covenants prohibit the operation of the *short-term rental unit*[~~ is in compliance with any applicable private covenants, including those that prohibit the presence of *short-term rental*~~]; and

(iii) additional information, documentation, and submittals as required by the *land use director*.

[~~(iii) all applicants must submit proof of all required inspections with their initial application. Renewal applications for the same property may submit proof of all required inspections in the form of a statement attesting to compliance with all applicable fire, health, and safety requirements. The city shall perform random inspections to ensure compliance with this Subsection 14-6.2(A)(5).~~

~~(iv) prior to issuance of a permit, a certificate of occupancy is required to~~ ensure compliance with this paragraph and all applicable codes;

~~(v) the permit is not transferable to another person or property;~~

~~(vi) within ten days of the issuance of the permit, the owner/operator shall mail notice by first class mail, with certificate of mailing, to the homeowners association (if~~ applicable), and to the owners of properties within two hundred (200) feet of the subject property, ~~exclusive of rights of way, as shown in the records of the county assessor, and by first class mail~~ to the physical addresses of such properties where such address is different than the address of the ~~owner and to the land use department. Notice shall be on a form approved by the land use director, and shall contain the name and phone number of the owner and operator who will be available twenty-four hours per day, seven days per week to respond to complaints regarding the operation or occupancy of the short term rental as well as the name and phone number of city staff responsible for enforcing this paragraph. Copies of all required mailing lists and mailing certificates shall be provided to the land use director within ten days of the mailing. Failure to provide notification as described in this subsection is subject to penalties and prosecution pursuant to Subsection 14-6.2(A)(5)(f);]~~

[(vii) ~~each application shall be accompanied by a fee of one hundred dollars ($100) to cover *application* processing and inspections. This application fee is non refun dable.]~~

[~~(viii) The annual permit fee schedule is as follows:~~

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

~~Table 14-6.1-1~~ Annual Permit and Registration Fees*		
~~Short-term Rental~~ Type	Permit ~~Fee per~~ Unit	Registration Fee per Unit
~~§ 14-6.2A(5)(b)(i)~~ Accessory Dwelling Units	$325.00	

~~(ix) The annual fee includes the city's business registration fee and fees for inspections related to issuance of the short-term rental permit. Revenue from fees imposed pursuant to this paragraph shall be used only to administer, manage, and enforce this~~ section.

~~(x) If payment of a permit fee was in excess of that for which a person was liable, the person may claim a refund by directing to the city finance director a written claim for refund no later than one year from the date payment was made. Every claim for refund shall state the amount and basis for the claim. The city finance director may allow the claim in whole or in part or may deny it. If the claim is not allowed in whole, the person may appeal the decision pursuant to Section 14-3.17.~~

~~(xi) Unless revoked as set forth in Subsection 14-6.2(A)(5)(f), a permit holder may renew the permit annually. If not renewed by March 15 of each year, the owner/operator may pay a late fee of fifty dollars ($50) to extend the time for filing to renew to April 15. An owner of an expired permit may submit a new application for a short-term rental~~

~~permit to the land use director in accordance with Subsection 14-6.2(A)(5)(b)(iv) subject to~~ availability of permits.

~~(xii) A valid permit number shall be included in all advertising of the short-term rental, including listings on web-based rental sites.]~~

(e) Proximity of *Short-Term Rental Units* on *Residentially Zoned Property*

Subject to the exceptions listed below, the *land use director* shall not issue a new *permit* for a *short-term rental unit* if the subject property, as identified in the *application*, is located within a seventy-five (75)-foot radius of a r *esidentially zoned property* that has a permitted *short-term rental unit*. The radius shall be measured from the subject property boundary. This limitation shall not apply to the following:

(i) an *application* for a *short-term rental unit* located on non-*residentially zoned property* or within a *development containing resort facilities*;

(ii) an *application* for a *short-term rental unit* that complies with the requirements set forth in the *accessory dwelling u nit* ordinance, subsection 14-6.3(D)(1); or

(iii) an application for a *short-term rental unit* in a *multiple-family dwelling* development that contains four (4) or more *dwelling units*, provided, however, that the *land use director* shall not issue short-term rental permits for more than twenty-five (25%) of the *dwelling units* in a *multiple-family dwelling* development that contains four (4) or more *dwelling units*.

← Lots of long-term rental housing removed from the market?

Make primary residence requirement.

[(e)](f) Fees for *Short-term Rental Units*

The following fees shall be used only to administer, manage, and enforce this subsection 14-6.2(A)(5) and relevant sections of Chapter 18 SFCC 1987, which address applicable licenses and taxes.

(i) *Application* fee. An *application* for a new short-term rental *permit* shall be accompanied by a one-time non-refundable *application*, processing, and

inspection fee of one hundred dollars ($100).

(ii) Business license fee. A *short-term rental unit* is subject to an annual business license fee of thirty -five dollars ($35).

(iii) *Permit* fee. A *short-term rental unit* is subject to an annual *permit* fee of two hundred and ninety dollars ($290).

(g) Required Notice

(i) Within ten (10) days after the issuance or renewal of a short-term rental *permit*, the *owner* or *operator* shall mail notices by first-class mail to the homeowners association within which the unit is located (if applicable); to the *owners* of *residentially-zoned property* within two hundred (200) feet of the subject property, exclusive of rights of way, as shown in the records of the county assessor; to the physical addresses of such properties where such address is different than the address of the *owner*; and to the land use department.

(ii) The notices shall be on a form approved by the *land use director*.

(iii) The notices shall contain the name and phone number of the local *operator*. Within ten (10) days after any change in the contact information for the local *operator*, the *owner* or *operator* shall mail a new notice, to all parties, in accordance with this subparagraph 14-6.2(A)(5)(e).

(iv) Within ten (10) days of the mailing, the *owner* or *operator* shall provide the *land use director* with copies of all required mailing lists and an affidavit of mailing signed by the person who mailed the notices.

(h) Records

Each *owner* or *operator* shall maintain all records for the *owner's short-term rental unit* for at least the most recent three years for the *owner's short-term rental unit* or units and shall make such records available to the *city* for inspection upon request. If a *host platform* collects rent for a *short-term rental unit*, the *host platform* must also maintain such records. The

records to be maintained for each *short-term rental unit* must include the following:

(i) The number of reservations and number of nights rented each calendar month;

(ii) The amount of rent guests by month; and

(iii) The amount of each type of tax and fee the owner paid to the *city* in connection with rental of the unit by month.

(i) *Permit* Renewals

Unless revoked pursuant to Section 14-11.4, an *owner* may renew a short-ter m rental *permit* annually. If not renewed by the expiration date of the existing *permit*, the owner may pay a late fee of fifty dollars ($50) to extend the time for filing to renew by thirty (30) days. After the thirty (30) days, if the *owner* has not renewed or requested an extension, the *permit* will become available to the next eligible *applicant*, and the *owner* may submit a new *application* for a short-term rental *permit* to the *land use director*, subject to the availability of *permits*.

(j) Inspections

The *city* shall perform random inspections to ensure compliance with subsection 14-6.2(A)(5) and all applicable fire, health, and safety requirements. The *city* may require an *applicant* to submit proof of inspections at the time of initial *application* and at such other times as requested by the *land use director*.

(k) Violations and Penalties

~~[(i) The land use director shall document all alleged violations of this paragraph and shall pursue enforcement through the municipal court as set forth in Article 1-3 SFCC 1987 or in another appropriate court of law. The city shall give the owner a written notice of violation, which shall be mailed either to the owner's local or business address or agent's address, informing the owner of the violation. If corrective action is not completed within fifteen~~ (15) days of the date of the letter, the city may file a criminal complaint in municipal court. Upon

← How will you track the one rental per 7-day period with this information?

What is "rent guests"?

← One time? No time limit to pay?

Add something like "the owner may, within 30 days of expiration, pay a one time late fee" ...

~~conviction of a first violation, the land use director shall revoke the permit and operation of the short-term rental shall cease within thirty days.~~

~~(ii) An owner who offers for rent as a short-term rental a dwelling unit that is not permitted for use as a short-term rental is in violation of this paragraph and is subject to penalties, property liens and/or prosecution pursuant to subsection 14-2(A)(5)(f).(iii)An agent who knowingly assists an owner in advertising or renting a dwelling unit as a short-term rental unit that is not permitted under this subsection 14-6.2(A)(5) is subject to penalties and~~ prosecution, and the agent's business license is subject to revocation.]

If an *owner* or *operator* fails to obtain the necessary *permit* before renting, offering to rent, or advertising a short-term rental unit; fails to pay or report applicable taxes; or otherwise fails to adhere to the provisions of subsection 14-6.2(A)(5), the *owner* or *operator* shall be subject to the enforcement provisions set forth in Sections 1.3 and 14-11 SFCC 1987 and all other legal remedies and enforcement actions available under the law. These may include civil or criminal penalties or revocation of a short-term rental *permit*.

← Shouldn't the penalties be listed within this ordinance so all will know what the fines are?

[~~(f) Penalties~~

~~(i) Any owner who fails to report all applicable taxes, including gross receipts tax and lodger's tax, shall be subject to any and all remedies under the short-term~~ rental ordinance and any other applicable city, county, state, or federal law or statute. Such owner ~~shall also be subject to revocation of their short-term rental permit pursuant to Subsection 14-~~ 6.2(A)(5)(e)(i).

~~(ii) If an owner is found guilty of operating a short-term rental without a valid permit, they shall be fined five hundred dollars ($500). The city may ask the municipal court to treat each day after the initial written notice of violation as a separate violation and assess two hundred fifty dollars ($250) for each day of such daily violations for a total cumulative fine amount. If the city is awarded money as part of a judgment following a court~~

~~hearing and defendant does not make timely payments to the city, the city may bring an action in~~ lien or equity for the collection of any amounts due.]

[(g)] (l) Restrictive Covenants

Private restrictive covenants, enforceable by those governed by the covenants, may prohibit *short-term rental units*.

[(h)](m) Real Estate Agent Disclosure

[Real]A real estate [brokers] agent [listing] who represents a prospective buyer of [residential] *residentially zoned property* in Santa Fe shall provide the prospective [~~buyers~~]buyer with a current copy of this ordinance.

(n) Host Platforms.

(i) A *host platform* shall include a valid business license number in all listing s or advertisements for a *short-term rental unit*.

(ii) A *host platform* shall provide a monthly report to the city that includes the following information about the *short-term rental units* advertised in the city, disaggregated by owner, describing the following information for that month :

(A) The number of *short-term rental unit* listings and owners in the city;

(B) The number of reservations and number of rental nights for each unit;

(C) The amount of revenue owners collected through the *host platform*, including rent and each type of taxes and fees.

[~~(i) The land use director shall establish administrative procedures necessary~~ to implement, manage and enforce this paragraph.]

(6) ~~[Short-term Rental of Dwelling Units Non-residentially Zoned Property]~~

← STR Permit # customarily used in advertising. Not Business License. Each STR has a permit # for tracking each unit unlike one business license could be used for multiple purposes, or multiple units.

Existing Short-Term Rental Permits and Registrations

[~~Short-term rental of dwelling units on non-residentially zoned property is permitted as set forth in Table 14-6.1-1, must be registered; are subject to a one-time one-hundred dollar ($100) application, inspection and processing fee; and must comply with submission~~ requirements and report all applicable taxes.]

(a) Valid short-term rental *permits* held at the time the ordinance amending subsection 14-6.2(A) SFCC 1987 (Ordinance No. 2020-__) is adopted are valid, even if multiple permits are held by one owner. The *owner* does not need to renew those *permits* until they expire. Upon expiration, the *owner* may be eligible to timely renew the *permits* pursuant to subsection 14-6.2(A)(5)(i), subject to payment of the annual business license and permit fees, as long as the *permits* are not revoked under Section 14-11.4.

(b) Valid short-term rental *permits* that do not comply with the proximity limitations set forth in subsection 14-6.2(A)(5)(e) held at the time that the ordinance amending subsection 14-6.2(5) (Ordinance No. 2020-__) is adopted are valid and owners of such permits are eligible to timely renew the *permit* pursuant to subsection 14-6.2(A)(5)(i), subject to payment of the annual business license and permit fees, as long as the land use department does not revoke the *permit* under Section 14-11.4.

(7) Dwelling Units in Specified Commercial Districts

In the C-2 and SC Districts, dwelling units do not include mobile homes or recreational vehicles and shall be [either] one of the following:

(a) accessory dwelling units for occupancy only by owners, employees, or tenants of nonresidential uses that are operated on the same premises;

(b) part of a planned development; [~~or~~]

(c) part of a use for which a development plan or special use *permit* is required; or

←This page says all current Short-term Rentals can continue forever with NO time limit.

Unlike most cities that reform their STR rules, it appears here that ALL current multiple permits held by speculators (as stated on page 4) have a free pass. There should be a time limit of one or two years to phase out STR units that don't meet primary residency into long-term rentals or available residential housing.

Are corporations and other entities that currently have STR permits deemed natural persons for yearly permit renewal — forever?

(d) part of a qualifying residential project within the Midtown LINC Overlay District.

[~~(8) Effective Date~~

~~The provisions of Subsection 14-6.2(A)(5) of the Land Development Code~~ shall go into effect immediately upon approval of the Governing Body. A ninety (90) day grace period shall be given for effected units to obtain a valid permit. Short-term rental unit owners who possess a valid short-term rental permit at the time this ordinance (Ordinance 2016-20) is adopted shall be considered to possess a valid permit under the new regulations and shall not need to renew their permit until the following year. Short- term rental unit owners who possess a valid short- term permit for a ~~contiguous property issued prior to this ordinance (Ordinance 2016-20) being adopted~~ shall be deemed as a "residential" permit holder upon the adoption of the ordinance and shall renew their permit as a "residential" permit in following years.]

Section 2. Section 14-12.1 of SFCC 1987 (being Ord. No. 2011-37, § 15 as amended) is amended to add and amend the following definitions :

14-12.1 DEFINITIONS

DEVELOPMENT CONTAINING RESORT FACILITIES, SHORT -TERM RENTAL

A development in which the *owners* own two (2) or more of the following facilities in common and have obtained a special use *permit* for operation of those facilities: swimming pools, spa facilities, golf courses, restaurants, or tennis facilities.

GUEST, SHORT-TERM RENTAL

Any person who rents a *short-term rental unit* or occupies a *short-term rental unit* during a rental period.

HOST PLATFORM, SHORT-TERM RENTAL

An internet website, a mobile application, or any other forum used to connect a short-term rental

owner or operator with guests and to facilitate the booking of a short-term rental unit.

NATURAL PERSON

An individual human being, as opposed to an organization of any form or a business entity.

OPERATOR, SHORT-TERM RENTAL

A person who, with or without a short-term rental *permit* or registration, rents or offers to rent a short-term rental unit to guests.

SHORT-TERM RENTAL UNIT

A *dwelling unit* or *accessory dwelling unit*, or any portion of a *dwelling unit* or *accessory dwelling unit*, that is offered for rent or rented for a period of less than thirty (30) days.

APPROVED AS TO FORM:

_____

ERIN K. McSHERRY, CITY ATTORNEY

SHORT-TERM RENTAL REFORM NEEDS TO INCLUDE A **PRIMARY RESIDENCE REQUIREMENT** IN ORDER TO MEET HOUSING CHALLENGES

Pretty much any major city that is experiencing affordable housing challenges have a primary residency requirement at this time. Below are 15 (with details attached.)

MIAMI BEACH, FL (pop 87,000)
SANTA MONICA, CA (pop 88,000)
BOULDER, CO (pop 107,000)
SUNNYVALE, CA (pop 153,000)
RICHMOND, VA (pop 229,000)
NEW ORLEANS, LA (pop 391,000)
MIAMI, FL (pop 471,000)
PORTLAND, OR (pop 657,000)
BOSTON, MA (pop 685,000)
WASHINGTON, DC (pop 712,000)
CHARLESTON, SC (pop 788,000)
SAN FRANCISCO (pop 889,000)
DENVER (pop 2,800,000)
LOS ANGELES (pop 4,000,000)
NEW YORK CITY (pop 8,500,000)
(Summaries and links are available for these 15 cities.)

A Primary Residence requirement has been successful in reducing the negative effect Short-term Rentals have on neighborhoods and communities.

>>>

For City Council consideration, below is a list of recommendations.

1. Initiate STR code changes that are simple, clear and easily enforced.
2. Allow one STR permit per primary residence, with proof of ownership or owner approved rental agreement. That resident, commonly called the Host, must occupy the home for at least 6 months. One permit per household can be for a main house or guesthouse. Consider a rental limit of 90 days per year.
3. Owner must annually renew a STR permit and must list the assigned permit number on all advertised listings, Internet and otherwise.
4. Owner must have a business license, required code inspections and a GRT number.
5. At the sale of a residential or commercial property, the seller cannot transfer a STR permit. The new owner must re-apply for approval.
6. Require, monitor and strictly enforce Lodgers' and GRT tax collections.
7. Complaints or information concerning enforcement of non-compliance shall be treated anonymously.
8. Provide tracking of unlicensed STRs and licensed permit compliance with strong and effective enforcement of all STR rules and regulations, including limits of the number of guests per stay.

PUTTING NEIGHBORS BACK INTO NEIGHBORHOODS

When the original Short-Term Rental (STR) ordinance was adopted into the City Code, Santa Fe, like all US cities, had little or no experience with this new concept of renting. Short-Term Rentals (STRs) were originally envisioned as an opportunity for local residents to rent out their homes or portions thereof for either profit or the necessity to cover living expenses. None of the original ordinance framers could have foreseen that these permits would become commercial business enterprises, or that one person would have multiple individual permits, or that STRs would have such a negative impact on neighborhoods, long-term rental housing availability and housing prices.

The suggestions for changes to Santa Fe's STR ordinance are briefly described below and are taken from the many different communities who have successfully modified their STR ordinances. These municipalities include Boulder, Charleston, Richmond, Santa Monica and Portland, OR. Input from various constituent groups were solicited, including neighborhood associations, the hospitality sectors, individual impacted neighborhood residents and affordable housing advocates concerned about both the spiraling price of housing and the community impact of the removal of long-term rentals from the market. Established neighborhoods lose many of their neighbors and therefore their traditional cohesiveness is impacted by STR strangers. These shifting dynamics raise property values driven by valuation based on the capitalization rate of potential STR income cash flow. Instead of purchasing a residential home as your primary residence to live in, prices are driven higher by housing valued as STR income — a capitalization method formerly reserved for traditional commercial property.

The Thornburg Foundation and Homewise recently funded a June 2019 report by Kelly O'Donnell PhD, of O'Donnell Economics and Strategy titled *Short Term Rentals and Access to Housing in Santa Fe*. This detailed work outlines the impact STRs have on housing under Santa Fe's existing ordinance. This study is a must read for anyone interested in understanding the mechanics of how STRs impact housing. The report can be downloaded from the City of Santa Fe AND Homewise websites. Drop these links into your browser:
https://www.santafenm.gov/document_center/document/10452 OR
https://www.homewise.org/reports-audits/ (Under Research Reports)

Key numbers, dollar amounts and percentages

From the June 2019 ***Short Term Rentals and Access to Housing in Santa Fe*** report by Kelly O'Donnell PhD:

- Santa Fe's **646 STR hosts earned $54 million** from their Santa Fe properties in 2018, an **average** of over $80,000 per host per year.
- Although 80 percent of hosts list only one STR property, over 100 Santa Fe hosts list two or more entire homes.
- The City's **top 15 hosts account for 381 active STRs, over one-quarter of the Santa Fe market.**
- The **top 15 hosts earn a total of $12,500,000** per year (25% of $54,000,000). (Divide that total evenly by the top 15 hosts and you get an **average of $833,333 per host a year.**)

Main reasons why our Short-term Rental ordinance needs reform

- Santa Fe "has the 12th-highest number of Airbnb units per capita among U.S. cities" https://www.abqjournal.com/1390750/santa-fe-has-12th-most-airbnb-units-per-capita-among-u-s-cities.html
- Santa Fe housing challenges require Long-term Rentals.
- Simplify code to make changes that will aid in enforcement and collections of fees and taxes.
- Return Neighbors to Neighborhoods by requiring Primary Residency.

Three diverse groups want Short-Term Rental reform

1. **Neighborhoods** — Established neighborhoods are losing neighbors, resulting in unpleasant consequences. STRs have become an industry, profitable for multiple homeowners and non-resident speculation that favors transients over residents — far from couch-surfing beginnings.
2. **Community Advocates interested in the adverse effects of Short-term Rentals on Housing**
   - Short-Term Rentals Exacerbate Santa Fe's Housing Shortage
   - Short-Term Rentals remove Long-term Rentals from the housing market.
   - STRs impact cost of housing and cost of living.
   - Santa Fe has few places for young adults, our workforce and those financially challenged. If Santa Fe wants to keep our young Santa Feans, attract a more diverse age group and provide workforce housing, STR reform is a key player.
3. **Hotel/B&B** — Local Hospitality commercial business

How Charleston is addressing housing challenges and affected neighborhoods

Primary Residence requirement: For example, the STR ordinance in Charleston for a Residential STR requires that only **one permit** is to be issued **per homeowner** and that homeowner must show proof that the home is their **Primary Residence**.

Owner generally needs to be available during the stay: Charleston requires the homeowner to spend the night on the property (house or guesthouse) during the rental.

Addresses Housing and Neighborhood Challenges: Ordinance change opens up long-term rentals so desperately needed among the young, the workforce and everyone.

Easier to Enforce New Regulations: Charleston believes the above requirements provide the best solution for effective enforcement and tax collection. The combination of a clear and simple regulation and Host Compliance STR tracking makes it easy to locate illegal rentals, eliminate the loopholes, and prevent wiggle room for excuses while helping a homeowner earn extra cash instead of encouraging speculation and multiple homeownership. Watch this video of Charleston STR enforcement team:
https://abcnews4.com/news/local/city-cracks-down-on-short-term-rental-with-a-crack-team

Many US cities experiencing affordable housing challenges have a Short-term Rental PRIMARY RESIDENCE requirement.

The following 15 cities (ordered by approximate population) require that a Short-term Rental must be the host's Primary Residence.

MIAMI BEACH, FL (pop 87,000)

Pursuant to the Miami Beach City Code (Sec 142-1111) and City Code (Sec 142-905 (b)), vacation/short-term rentals are prohibited in all single-family homes and in many multi-family housing buildings in certain zoning districts of Miami Beach.

For properties in designated Estate or Low Density Residential areas, the responsible party or host must reside in the short-term rental property for more than six months per calendar year.

https://www.miamibeachfl.gov/business/vacation-short-term-rentals/

https://blog.keycafe.com/understanding-miami-and-miami-beach-short-term-rental-regulations/

SANTA MONICA, CA (pop 88,000)

From ordinance: *f) HOME-SHARE means an activity whereby the resident(s) host visitors in their homes, for compensation, for periods of 30 consecutive days or less, while at least one of the dwelling unit's* ***primary residents*** *lives on-site, in the dwelling unit, throughout the visitors' stay*

https://www.smgov.net/uploadedFiles/Departments/PCD/Permits/Santa%20Monica%20HomeSharing%20Rules%20%20FINAL%20EFFECTIVE%20JUNE%2012%202015.pdf

BOULDER, CO (pop 107,000)

The City of Boulder permits short-term rentals (less than 30 days per stay) of **primary residences** and legal accessory dwelling units (ADUs) only. Short-term renting of a second home or investment property is not permissible. Primary residences are those occupied by the owner for a minimum of 6 months of the year. ADUs can be rented on a short-term basis for a maximum of 120 days per year.

https://sharingmyhome.com/airbnb-investors-colorado-short-term-rental-laws-city/boulder/

SUNNYVALE, CA (pop 153,000)

A short-term rental (or vacation rental) is the renting out of your residence, rooms in your residence or an accessory unit (granny flat). Short-term rentals are for a period of 30 consecutive calendar days or less. You are also legally required to:

- Reside on-site throughout your guests' (lodgers') stay
- Limit guests to a maximum of four adult guests per night
- Register as a host with the City

The host shall reside on-site throughout the lodgers' stay. To reside on-site means that the property being used for short-term rentals is the host's **primary residence** and the host uses the property for purposes of eating, sleeping and other activities of daily living during the time periods that lodgers are present.

https://sunnyvale.ca.gov/business/doingbusiness/shortterm.htm

http://losaltoshills.granicus.com/MetaViewer.php?view_id=2&clip_id=361&meta_id=56230

RICHMOND, VA (pop 229,000)

Who can operate a short-term rental: The short-term rental operator shall be the property owner. The short-term rental shall be on the lot of the operator's **primary residence** with the operator occupying the lot at least 185 days each year.

http://www.richmondgov.com/PlanningAndDevelopmentReview/ShortTermRentals.aspx

NEW ORLEANS, LA (pop 391,000)

The link listed below is from an article. It was easier to understand than reading their ordinance.
The new ordinance requires vacation rental owners in residential neighborhoods to have a "homestead exemption," meaning that they live there and claim the property as their **primary residence.**

https://www.avalara.com/mylodgetax/en/blog/2019/08/new-orleans-finalizes-restrictive-new-short-term-rental-law.html

MIAMI, FL (pop 471,000)

The Responsible Party must reside for more than six months per calendar year in the property being offered as a vacation rental. The rental of the property may occur at the same time that the Responsible Party is residing there. This applies to properties designated as Estate or Low Density Residential on the CDMP Land Use Plan Map only. There are no residency restrictions in the other land use categories.

https://www.miamidade.gov/building/standards/residential-short-term-vacation-rentals.asp#0

http://www.miamidade.gov/cob/library/Registry/Ordinances/Board-of-County-Commissioners/2017/17-78.pdf

https://www.miamidade.gov/building/standards/residential-short-term-vacation-rentals.asp

PORTLAND, OR (pop 657,000)

On July 30, 2014, the Portland City Council passed Ordinance No. 186736. This ordinance permits short-term rentals in residential zones when the rental is also the proprietor's primary residence.
Portland has since 2014 set rules for the short-term rental market, requiring hosts to acquire a permit, be the primary resident of the rental, live there at least nine months a year and keep guest stays to a maximum of 30 days. The regulations are intended to make sure homes are just that – where people live rather than hotel-style businesses within residential neighborhoods.

https://www.portlandoregon.gov/revenue/article/415180

https://www.oregonlive.com/portland/2018/08/80_percent_of_portland_airbnb-.html

BOSTON, MA (pop 685,000)

To be considered a **primary residence**, an owner needs to live in the property for at least nine months out of a 12-month **period**. When requested, you must be able to demonstrate: that you **lived** at the property for nine of the past 12 months, or that you plan to live in the property for nine of the next 12 months. —NOTE: Interesting update on Boston. 08/29/2019: Airbnb also agreed to share data about listings with the city, including the listing's URL, registration number, host ID, information, and zip code.

https://www.boston.gov/departments/inspectional-services/short-term-rentals

WASHINGTON, DC (pop 712,000)

... The Council had considered the potential impact of short-term rentals on housing supply and affordability in settling on a final balance that allowed short-term rentals only in the host's primary residence and not permitting investor-owned short-term rentals.

The Commission credits the Council's assertion that the STR Law limits the impact on the availability and affordability of housing by barring investor-owner short-term rentals, while also allowing property owners to operate short-term rentals in their primary residence, providing income that some property owners need to stay in their homes thereby supporting housing affordability and home ownership.

https://search.usa.gov/search?utf8=%E2%9C%93&affiliate=dc_dcgov&query=short-term+rental+primary+residence

CHARLESTON, SC (pop 788,000)

What do the new regulations say? These regulations legalize short-term renting throughout the City in a very limited form that protects existing neighborhoods. Most importantly, to qualify for legal short term renting, the property must be the owner's full time **primary residence**, as verified by receiving the County's 4% tax exemption for owner-occupied property. This means that investment properties are not eligible for short term renting. However, portions of existing dwellings or accessory dwellings on a property are eligible.

https://www.charleston-sc.gov/DocumentCenter/View/18317/FAQs-for-STR?bidId=
https://abcnews4.com/news/local/city-cracks-down-on-short-term-rental-with-a-crack-team

SAN FRANCISCO (pop 889,000)

Permanent **San Francisco** Residents Only.
Absentee owners who live in **San Francisco** less than 275 days per year are not eligible to engage in **short-term rentals**. Permanent residents are allowed to **rent** out their **primary residences**, but not locations in which they don't live, or second or **vacation** homes.

You must be the permanent resident of the unit you wish to rent.
To be considered the permanent resident, you must spend at least 275 nights a year in the unit where you host short-term rentals. If you own/rent a multi-unit building, you may only register the specific residential unit in which you reside.

https://www.nolo.com/legal-encyclopedia/overview-airbnb-law-san-francisco.html
https://shorttermrentals.sfgov.org/

DENVER (pop 2,800,000)

Primary Residence required for a STR license.
"If the property is not your **primary residence**, it is not eligible to be licensed as a short-term rental."

https://www.denvergov.org/content/denvergov/en/denver-business-licensing-center/business-licenses/short-term-rentals/short-term-rental-faq.html

LOS ANGELES (pop 4,000,000)

WHEREAS, short-term rentals in property other than a primary residence create unfavorable consequences, including negative impacts on the residential character of surrounding neighborhoods and increased nuisance activity;
WHEREAS, this ordinance will protect the City's affordable housing stock by allowing only an authorized host to share his or her registered **primary residence** with transient users;

http://clkrep.lacity.org/onlinedocs/2014/14-1635-S2_ORD_185931_07-01-19.pdf

NEW YORK CITY (pop 8,500,000)

You cannot rent out an entire apartment or home to visitors for less than 30 days, even if you own or live in the building. You must be present during your guests' stay if it is for less than 30 days.

https://www1.nyc.gov/site/specialenforcement/stay-in-the-know/information-for-hosts.page

> > > From Mashvisor: https://www.mashvisor.com/blog/5-cities-where-airbnb-is-illegal-2019/

Examples of Short-term Rental regulations that increase housing availability, affordability and Long-term Rentals.

Los Angeles

- City Council passed a law in December 2018.
- Restricts hosts to 120 days of STR.
- Must register with the city for $89 every year.
- Hosts can also only rent out one home—their primary residence where they spend at least six months a year.
- Nontraditional Airbnbs like RVs, trailers, and tents will no longer be permitted.

New York City

- Ban on short-term rentals on home-sharing sites
- Renting out an entire apartment for a stay of less than 30 days is illegal. Advertising such a rental is illegal, with fines up to $7,500
- Hosts can also only list one home, their home, at a time
- New York City is working to get hosts' data from Airbnb so that they'll know automatically who isn't playing by the rules
- One type of stay that's A-OK is a private room

Las Vegas

- Banned permits for those that are not owner-occupied, only allowed for primary residents.
- Las Vegas real estate investors are not allowed to rent out investment properties for less than 31 days
- Owners of short-term rentals in Las Vegas have to be present during the stay
- Must obtain a business license
- Must have liability insurance of $500,000
- Must renew their rental permit every 6 months to avoid fines.
- Short-term rentals can't have more than three bedrooms (those with more pay a whopping $1,000 registration fee)
- No new STR can be within 660 feet from any other existing listing
- The city limits overnight guests to 12 or fewer per home or apartment
- Hosts must register with tax authorities, collect taxes from guests, and remit them to the city and county

San Francisco, California

- Hosts have to register for both a Business Registration Certificate and a Short-Term Residential Rental Certificate from city government
- A seven-digit registration number that starts with STR must be listed in rental listing.
- You can rent out your entire apartment or home for up to 90 nights a year.
- Unlimited number of days if you're renting a private room but host must be present during the stay.
- Pay 14% tourist tax, equal to the city's hotel tax.

ABOVE CITIES REQUIRE:

A Short-term Rental must be the host's PRIMARY RESIDENCE (house or guesthouse).

GURULE, GERALDINE A.

Subject: FW: Stop the proposed changes to the STRO within the BCD
Attachments: PDF-Petition Results_1.0.pdf

From: David Mansure <dmansure@adobestarproperties.com>
Sent: Wednesday, June 17, 2020 5:13:46 PM
To: Land Use Public Comment <landusepubliccomment@santafenm.gov>
Cc: Mayors Office <mayor@santafenm.gov>; VILLARREAL, RENEE D. <rdvillarreal@santafenm.gov>; LINDELL, SIGNE I. <silindell@santafenm.gov>; migarcia@santafenm.gov <migarcia@santafenm.gov>; ROMERO-WIRTH , CAROL <cromero-wirth@santafenm.gov>; RIVERA, CHRISTOPHER M. <cmrivera@santafenm.gov>; ABEYTA, ROMAN R. <rrabeyta@santafenm.gov>; CASSUTT-SANCHEZ, JAMIE A. <jcsanchez@santafenm.gov>; COPPLER, JOANNE V. <jvcoppler@santafenm.gov>; Marcbert <marcbert@aol.com>; Andy Duettra <aduettra@gmail.com>
Subject: Stop the proposed changes to the STRO within the BCD

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Mayor, City Council Members, Planning Commission;

We request this message and the names attached to be added to the public record.

As a group of legal property owners, past guests that have stayed in downtown STRs, other BCD business owners and concerned citizens, we are opposed to the initiative being proposed by the City of Santa Fe to again revise the Short-Term Rental Ordinance "STRO" in a way that specifically and very negatively impacts the STRs located in the Business Capitol District "BCD."

Acting in everyone's best interest and as an attempt to make you aware of the far-reaching, negative impact your proposal is creating, we have put together an online petition stating the facts of the proposal. In less than one (1) weeks' time, we have garnered support from both in state and out of state visitors, businesses and property managers, many of which have stated that they would not return to Santa Fe if this proposed ordinance is passed, as-is, and goes into effect.

For your perusal, the online petition is here:

https://mailchi.mp/adobestarproperties/santa-fe-vacation-rental-stro-regulation-changes

Furthermore, attached as a pdf are the electronic signatures, IP addresses, and geographic locations of 704 individuals.

As a long time property manager, we keep statistics on average length of stay, repeat visits, average stay in dollar amounts and more. By our calculations, if these past guests do not return because of the ordinance, as many have stated, the economic impact will be harmful to us all.

Please consider the economic impact of all property managers, staff, owners and the ancillary BCD businesses that would be negatively impacted if this ordinance passes.

Sincerely,

David Mansure

AdobeStar Properties

505-469-9021

dmansure@gmail.com

Email	Name	City	Check box to agree	CONFIRM_IP	LAST_CHANGED	LEID
briggsdr0@yahoo.com	Brenda Riggs	Nacogdoches, Texas	Support Downtown Santa Fe Vacation Rentals	47.222.176.242	6/17/20 11:06	380034598
azizhankaoui@hotmail.com	Aziz Hankaoui	Flower Mound, Texas	Support Downtown Santa Fe Vacation Rentals	76.85.92.109	6/17/20 10:14	380033862
stillwater_flyfisher@hotmail.com	Stephen D Harris	NYE	Support Downtown Santa Fe Vacation Rentals	76.75.25.141	6/17/20 10:09	380033846
Brendan.kelley510@gmail.com	Brendan Kelley	Santa Fe	Support Downtown Santa Fe Vacation Rentals	96.92.72.201	6/17/20 9:51	380033778
Cbsantafe@aol.com	Catherine Bodelson Vargas	Santa Fe	Support Downtown Santa Fe Vacation Rentals	68.84.154.67	6/17/20 8:21	380030282
spenceterrell@hotmail.com	Spencer Terrell	Santa Fe	Support Downtown Santa Fe Vacation Rentals	12.48.83.126	6/16/20 21:59	380025930
storyleonard@gmail.com	Story Reed Leonard	Santa Fe	Support Downtown Santa Fe Vacation Rentals	174.28.12.127	6/16/20 21:12	380025618
little_jackie2012@hotmail.com	David McCoy	El Paso	Support Downtown Santa Fe Vacation Rentals	172.58.59.76	6/16/20 19:07	380025162
ryan.atanasoff@gmail.com	Ryan Richard Atanasoff	Madison	Support Downtown Santa Fe Vacation Rentals	75.9.163.103	6/16/20 19:06	380025154
kirsten.koschnick@gmail.com	Kirsten Koschnick	Oconomowoc, WI	Support Downtown Santa Fe Vacation Rentals	75.9.163.103	6/16/20 19:06	380025150
wwardle1225@gmail.com	William G. Wardle	Charlottesville	Support Downtown Santa Fe Vacation Rentals	73.12.49.157	6/16/20 17:18	380024786
knorskog21@gmail.com	Kate Norskog	Santa Fe	Support Downtown Santa Fe Vacation Rentals	174.195.1.87	6/16/20 16:53	380024646
PGQuinn1072@comcast.net	Patrick Quinn	Santa Fe	Support Downtown Santa Fe Vacation Rentals	174.56.50.84	6/16/20 15:09	380023974
lisasheridan3@aol.com	Lisa Sheridan	Santa Fe	Support Downtown Santa Fe Vacation Rentals	67.0.227.144	6/16/20 15:08	380023962
marcowhitesfnm@gmail.com	Marco J White	SANTA FE	Support Downtown Santa Fe Vacation Rentals	68.84.147.58	6/16/20 13:49	380023494
PBKOMIS@AOL.COM	PETER B KOMIS	Santa Fe	Support Downtown Santa Fe Vacation Rentals	76.18.79.139	6/16/20 13:41	380023434
cyndi@manitougalleries.com	Cyndi Hall	Santa Fe	Support Downtown Santa Fe Vacation Rentals	50.193.238.238	6/16/20 13:26	380023354
jjohnston346@me.com	James Johnston	Santa Fe	Support Downtown Santa Fe Vacation Rentals	75.161.234.64	6/16/20 12:54	380023194
Beau@ccranch.net	Robert theriot	Santa fe	Support Downtown Santa Fe Vacation Rentals	75.161.234.64	6/16/20 12:52	380023182
ansleyangel@gmail.com	Ansley	Santa Fe	Support Downtown Santa Fe Vacation Rentals	67.164.142.241	6/16/20 12:34	380023090
ryanklinkrodt@secunm.org	Ryan Klinkrodt	Santa Fe	Support Downtown Santa Fe Vacation Rentals	67.131.75.29	6/16/20 12:28	380023034
renee.edwards23@gmail.com	Renee Edwards	Santa Fe	Support Downtown Santa Fe Vacation Rentals	104.255.16.252	6/16/20 12:07	380022894
tgardner@tgardner.com	Tommy L Gardner	Santa Fe	Support Downtown Santa Fe Vacation Rentals	73.98.72.179	6/16/20 11:54	380022270
fishmiker@gmail.com	Mike Fisher	Denver	Support Downtown Santa Fe Vacation Rentals	24.9.16.218	6/16/20 11:10	380022030
r@rthicksconsult.com	Randall Hicks	Albuquerque	Support Downtown Santa Fe Vacation Rentals	67.0.216.90	6/16/20 11:04	380022002
stevew_2@hotmail.com	Steve Wulchin	Boulder	Support Downtown Santa Fe Vacation Rentals	24.8.103.198	6/16/20 10:53	380021934
kgs@Kinggalleries.com	Charles King	Santa Fe	Support Downtown Santa Fe Vacation Rentals	69.247.79.232	6/16/20 10:51	380021926
darchorse@msn.com	Ron Simon	Polson, MT. 59i60	Support Downtown Santa Fe Vacation Rentals	174.208.18.237	6/16/20 10:42	380021842
ahasted@rabyco.com	Angela Hasted	Santa fe	Support Downtown Santa Fe Vacation Rentals	50.243.28.1	6/16/20 10:29	380021774
info@virgilortiz.com	Tish Agoyo	Albuquerque	Support Downtown Santa Fe Vacation Rentals	172.251.167.76	6/16/20 10:28	380021770
will@willesq.com	Will Halm	Santa Fe	Support Downtown Santa Fe Vacation Rentals	76.18.79.4	6/16/20 10:28	380021762
aestrada@hotelparqcentral.com	Ann Estrada	Albuquerque	Support Downtown Santa Fe Vacation Rentals	63.230.102.218	6/16/20 10:15	380021698
willg@dpsdesign.org	Will Gleason	Albuquerque	Support Downtown Santa Fe Vacation Rentals	98.249.88.144	6/16/20 9:52	380021546
mroyb57@gmail.com	Michael Anthony Roybal	santa fe	Support Downtown Santa Fe Vacation Rentals	76.127.9.143	6/16/20 9:51	380021542
emily.1850@hotmail.com	Emily Mascarenas	Santa Fe	Support Downtown Santa Fe Vacation Rentals	165.225.57.38	6/16/20 9:25	380021422
Scottsimonmt@outlook.com	Scott Simon	LaurelMT	Support Downtown Santa Fe Vacation Rentals	174.208.24.112	6/16/20 8:58	380021194
cpa@feankwharton.com	Frank Wharton	sANTA fE, NM 87501	Support Downtown Santa Fe Vacation Rentals	174.28.32.111	6/16/20 8:48	380021126
chuckhiggins@live.com	Chuck Higgins	Santa Fe	Support Downtown Santa Fe Vacation Rentals	67.164.151.195	6/16/20 8:46	380021110
guy.mcelvain@mcelvain.com	guy mcelvain	santa fe	Support Downtown Santa Fe Vacation Rentals	204.134.54.52	6/16/20 8:36	380021034
hunter@archallinc.com	Hunter Redman	Santa Fe	Support Downtown Santa Fe Vacation Rentals	97.123.173.196	6/16/20 8:12	380020886
Christopher-wallace@live.com	Christopher Wallace	Albuquerque	Support Downtown Santa Fe Vacation Rentals	172.58.56.13	6/16/20 8:03	380020830
Noelle.wallace@live.com	Noelle Wallace	Albuquerque	Support Downtown Santa Fe Vacation Rentals	172.58.56.13	6/16/20 8:02	380020829
delectric_1@yahoo.com	Delvin Serrano	Santa Fe	Support Downtown Santa Fe Vacation Rentals	67.0.17.142	6/16/20 7:30	380013005
tclarke@nmapartment.com	Todd Clarke	Albuquerque	Support Downtown Santa Fe Vacation Rentals	98.249.79.161	6/16/20 6:48	380012745
Fossil@geologist.com	Scott Taylor	Amarillo, TX	Support Downtown Santa Fe Vacation Rentals	156.146.38.143	6/16/20 6:33	380012669
jhmac59@gmail.com	Jennifer MacDonald	Cape Elizabeth	Support Downtown Santa Fe Vacation Rentals	12.15.146.254	6/16/20 6:30	380012649
lakepeak@gmail.com	Robert Corroon	Taos	Support Downtown Santa Fe Vacation Rentals	174.209.2.250	6/16/20 6:14	380012585
PanamaLynda@outlook.com	Lynda Morrison	The Colony	Support Downtown Santa Fe Vacation Rentals	75.57.31.32	6/15/20 20:57	380008337
betsybaltzer@gmail.com	Betsy Baltzer	Thomasville, GA	Support Downtown Santa Fe Vacation Rentals	216.212.254.114	6/15/20 19:01	380007165
bunnyterry@kw.com	Buneesa Terry	Santa Fe	Support Downtown Santa Fe Vacation Rentals	174.28.130.243	6/15/20 18:41	380007081
sallyannkuhn@gmail.com	Sally Kuhn	Santa Fe	Support Downtown Santa Fe Vacation Rentals	73.98.122.79	6/15/20 18:22	380006981
dstreit@dstreit.com	Darlene Streit	Santa Fe	Support Downtown Santa Fe Vacation Rentals	174.237.135.78	6/15/20 18:16	380006965
patti.webster@sothebyshomes.com	Patti Webster	Santa Fe	Support Downtown Santa Fe Vacation Rentals	24.25.243.201	6/15/20 18:15	380006953
christopher@webster-enterprises.com	Christopher Webster III	Santa Fe	Support Downtown Santa Fe Vacation Rentals	24.25.243.201	6/15/20 18:14	380006945
chris@webster-enterprises.com	Chris Webster	Santa Fe	Support Downtown Santa Fe Vacation Rentals	24.25.243.201	6/15/20 18:13	380006933
pauldedomenico@gmail.com	PAUL P DEDOMENICO	Santa Fe	Support Downtown Santa Fe Vacation Rentals	73.26.162.246	6/15/20 17:43	380006737
paigeb@sftitleco.com	Paige Bradley	Santa Fe	Support Downtown Santa Fe Vacation Rentals	96.88.4.105	6/15/20 17:41	380006717
taibixby@gmail.com	Tai Bixby	Santa Fe	Support Downtown Santa Fe Vacation Rentals	76.127.40.132	6/15/20 17:37	380006689
chris.anderson@dvm.com	Chris Anderson	Santa Fe	Support Downtown Santa Fe Vacation Rentals	76.18.76.110	6/15/20 17:24	380006569
rebeccapanderson@gmail.com	Rebecca Pitts Anderson	SANTA FE	Support Downtown Santa Fe Vacation Rentals	76.18.76.110	6/15/20 17:24	380006561
Shatcher@hatcherlawgroupnm.com	Scott Hatcher	Santa Fe NM	Support Downtown Santa Fe Vacation Rentals	50.202.114.158	6/15/20 17:12	380006481
Nancville@gmail.com	Nancy Wardle	Charlottesville	Support Downtown Santa Fe Vacation Rentals	73.12.49.157	6/15/20 17:11	380006473
jimleonard505@gmail.com	jim leonard	santa fe	Support Downtown Santa Fe Vacation Rentals	40.134.253.170	6/15/20 17:09	380006461
Rich@richduranpluming.com	Richard Duran	Santa Fe	Support Downtown Santa Fe Vacation Rentals	173.18.83.69	6/15/20 17:06	380006453
darren@branchrealty.com	Darren	Santa Fe	Support Downtown Santa Fe Vacation Rentals	76.18.77.85	6/15/20 17:01	380006417
Jodelclarke54@gmail.com	Jody Clarke	Dallas	Support Downtown Santa Fe Vacation Rentals	70.122.172.72	6/15/20 16:16	380006073
hometotexas@att.net	Ruth Adams	Austin	Support Downtown Santa Fe Vacation Rentals	104.7.217.52	6/15/20 15:44	380005753
jnephross@gmail.com	Joel Ephross	Bellaire, texas	Support Downtown Santa Fe Vacation Rentals	12.144.20.254	6/15/20 15:08	380005157
Elmfush@msn.com	Anne fisher	Denver	Support Downtown Santa Fe Vacation Rentals	24.9.16.218	6/15/20 14:25	380004833
yvonne.boyer@vanderbilt.edu	Yvonne Boyer	Nashville	Support Downtown Santa Fe Vacation Rentals	107.133.81.57	6/15/20 14:06	380004717
bburch100@gmail.com	Robert Burchfield	Denver	Support Downtown Santa Fe Vacation Rentals	67.176.107.15	6/15/20 12:57	380004229
Ian.atanasoff@gmail.com	Ian Atanasoff	Philadelphia	Support Downtown Santa Fe Vacation Rentals	100.19.76.232	6/15/20 12:53	380004201
Ann@backattheranch.com	Ann Gremano	Santa Fe	Support Downtown Santa Fe Vacation Rentals	174.28.152.84	6/15/20 12:41	380004113
Wendy@backattheranch.com	Wendy Henry	Santa Fe	Support Downtown Santa Fe Vacation Rentals	174.28.152.84	6/15/20 12:39	380004081
Ladyvolibb@icloud.com	Becky Jackson	Knoxville	Support Downtown Santa Fe Vacation Rentals	73.19.233.232	6/15/20 12:22	380003917
art@rcgdfw.com	Arthur M. Atanasoff	The Colony	Support Downtown Santa Fe Vacation Rentals	97.77.97.106	6/15/20 12:05	380003845
denisepatla@gmail.com	Denise Patla	Austin, TX	Support Downtown Santa Fe Vacation Rentals	72.179.0.3	6/15/20 11:46	380003749
Crgnana@yahoo.com	Carol Grove	Moore	Support Downtown Santa Fe Vacation Rentals	104.63.223.4	6/15/20 11:40	380003689
olapjphnson@aol.com	Paulette Johnson	El Cerrito	Support Downtown Santa Fe Vacation Rentals	99.145.196.184	6/15/20 11:34	380003657
mindyg76@gmail.com	Mindy Geschwind	Moore	Support Downtown Santa Fe Vacation Rentals	172.56.7.54	6/15/20 11:25	380003605
kemlerconnie@yahoo.com	Connie Kemler	Manalapan NJ	Support Downtown Santa Fe Vacation Rentals	74.88.132.151	6/15/20 10:49	380003365
Annapuckett@yahoo.com	Anna puckett	Columbus	Support Downtown Santa Fe Vacation Rentals	50.86.59.2	6/15/20 10:40	380003313
jessicakern78@gmail.com	Jessica Kern	Laramie	Support Downtown Santa Fe Vacation Rentals	47.5.73.104	6/15/20 9:50	380003005
nyrugby@mac.com	Chris	Dallas	Support Downtown Santa Fe Vacation Rentals	23.127.220.219	6/15/20 9:50	380002993

bbyrne@wsipbg.com	Bernie Byrne	Aurora	Support Downtown Santa Fe Vacation Rentals	174.250.241.28	6/15/20 9:42	380002953
danlipford@gmail.com	Dan Lipford	Coconut Creek	Support Downtown Santa Fe Vacation Rentals	73.244.203.115	6/15/20 9:35	380002913
Ashermar@aol.com	Asher Richelli	Brooklyn	Support Downtown Santa Fe Vacation Rentals	24.193.116.57	6/15/20 9:18	380001225
lawrencembaldwin@outlook.com	Lawrence M Baldwin	Sherborn, MA	Support Downtown Santa Fe Vacation Rentals	173.48.208.133	6/15/20 9:11	380001169
ngrschwind@cox.net	Nina Grschwind	Oklahoma City	Support Downtown Santa Fe Vacation Rentals	174.66.235.149	6/15/20 9:11	380001157
scott.schafer@comcast.net	Scott Schafer	El Dorado Hills	Support Downtown Santa Fe Vacation Rentals	73.48.242.250	6/15/20 9:11	380001153
blackledgesd@hotmail.com	Steve Blackledge	Sarasota, FL	Support Downtown Santa Fe Vacation Rentals	73.91.49.138	6/15/20 9:09	380001141
lynnlbk@hotmail.com	Lynn Blackledge	Sarasota, FL	Support Downtown Santa Fe Vacation Rentals	73.91.49.138	6/15/20 9:09	380001137
steve@hireses.com	Steve Freeman	Albuquerque	Support Downtown Santa Fe Vacation Rentals	73.26.254.177	6/15/20 9:07	380001125
Priddynancy@gmail.com	Nancy Priddy	Alto, NM	Support Downtown Santa Fe Vacation Rentals	67.141.74.31	6/15/20 9:04	380001105
danielecrowe@hotmail.com	Daniel Crowe	Santa Fe	Support Downtown Santa Fe Vacation Rentals	162.129.250.15	6/15/20 9:04	380001089
Kkolbert5@hotmail.com	Karen Kolbert.	Santa Fe	Support Downtown Santa Fe Vacation Rentals	97.123.6.149	6/15/20 9:03	380001085
annadamson@sabinepipe.com	Ann	Longview	Support Downtown Santa Fe Vacation Rentals	107.77.198.111	6/15/20 8:56	380000637
andiesimmons77@gmail.com	Andie Simmons	Santa Fe	Support Downtown Santa Fe Vacation Rentals	73.229.86.195	6/15/20 8:54	380000597
Maryking50@gmail.com	Mary Kling	Skokie	Support Downtown Santa Fe Vacation Rentals	98.193.56.23	6/15/20 8:52	380000593
rs171@icloud.com	Robert	Shrum	Support Downtown Santa Fe Vacation Rentals	74.213.224.26	6/15/20 8:48	380000577
beverlywhite505@gmail.com	Beverly White	Alexandria	Support Downtown Santa Fe Vacation Rentals	69.250.9.222	6/15/20 8:47	380000569
jillklynn@gmail.com	Jill Snelson	Midland	Support Downtown Santa Fe Vacation Rentals	24.155.173.193	6/15/20 8:27	380000425
scarletblossom268@gmail.com	Scarlet	Santa Fe	Support Downtown Santa Fe Vacation Rentals	76.18.77.7	6/15/20 8:22	380000393
Mikecrivello@gmail.com	Michael Crivello	Ramona, CA	Support Downtown Santa Fe Vacation Rentals	72.199.242.137	6/14/20 22:57	379738733
lisella@hotmail.com	Guy Lisella	Santa Fe	Support Downtown Santa Fe Vacation Rentals	136.22.79.29	6/14/20 17:45	379737225
S.macleod@att.net	Susan MacLeod	Santa Fe	Support Downtown Santa Fe Vacation Rentals	67.143.161.56	6/14/20 17:23	379737109
moezamora@gmail.com	Moe Zamora	Santa Fe	Support Downtown Santa Fe Vacation Rentals	63.231.113.101	6/14/20 17:23	379737105
John@1tennessee.net	John warmath	Santa Fe	Support Downtown Santa Fe Vacation Rentals	68.52.53.25	6/14/20 17:02	379736957
Bighands59@aol.com	Mitchell Matsey	Los Angeles	Support Downtown Santa Fe Vacation Rentals	23.243.216.124	6/14/20 16:09	379736665
Robertwalden@mac.com	Robert Walden	Austin, TX	Support Downtown Santa Fe Vacation Rentals	72.177.94.22	6/14/20 14:23	379735801
Lenorealarid@gmail.com	Lenore alarid	Santa Fe	Support Downtown Santa Fe Vacation Rentals	73.26.159.93	6/14/20 13:32	379735421
cmwolfus@aol.com	Chris Wolfus	Oxnard	Support Downtown Santa Fe Vacation Rentals	104.33.232.197	6/14/20 13:05	379735257
GJKilpatrick@Comcast.net	Lynne Kilpatrick	Waco	Support Downtown Santa Fe Vacation Rentals	67.143.192.162	6/14/20 11:24	379734549
mduettra@me.com	Michael Duettra	Bend, OR	Support Downtown Santa Fe Vacation Rentals	174.209.21.34	6/14/20 11:05	379734433
flexa_fifield@yahoo.com	Alexa Fifield	West Memphis	Support Downtown Santa Fe Vacation Rentals	98.239.61.73	6/14/20 9:25	379733269
betafish60@hotmail.com	Jody Dulberg	Frisco	Support Downtown Santa Fe Vacation Rentals	76.187.67.150	6/14/20 8:34	379732957
marcia.lenihan@comcast.net	Marcia	Santa Fe	Support Downtown Santa Fe Vacation Rentals	107.77.198.84	6/14/20 8:29	379732929
teciasouthwood@gmail.com	TECIA G SOUTHWOOD	CRYSTAL LAKE	Support Downtown Santa Fe Vacation Rentals	73.111.129.27	6/14/20 7:35	379732497
msouthwood147@gmail.com	Michael Southwood	Crystal Lake	Support Downtown Santa Fe Vacation Rentals	73.111.129.27	6/14/20 7:34	379732493
becomelightnow@gmail.com	david wiles	Santa fe	Support Downtown Santa Fe Vacation Rentals	208.85.32.249	6/14/20 7:17	379732177
Jdsnelson@sbcglobal.net	James D Snelson	Midland, Tx	Support Downtown Santa Fe Vacation Rentals	216.82.205.49	6/14/20 7:01	379731989
cwhobrock@gmail.com	Chance Hobrock	Santa Fe	Support Downtown Santa Fe Vacation Rentals	209.42.67.244	6/14/20 4:26	379730885
Gbduettra@gmail.com	Bonnie Duettra	Santa Fe	Support Downtown Santa Fe Vacation Rentals	71.11.217.249	6/13/20 22:54	379726809
cviscione@gmail.com	Claire Viscione	Burlington MA	Support Downtown Santa Fe Vacation Rentals	72.66.7.246	6/13/20 22:05	379726641
j.faubion@tcu.edu	Jason faubion	Fort Worth	Support Downtown Santa Fe Vacation Rentals	107.77.196.130	6/13/20 21:30	379726537
kevin.c.porter@tcu.edu	Kevin Porter	Seymour	Support Downtown Santa Fe Vacation Rentals	174.244.16.27	6/13/20 21:12	379726449
Kend.hill@yahoo.com	Kendra	Austin	Support Downtown Santa Fe Vacation Rentals	68.203.96.110	6/13/20 21:09	379726437
Christarimmer@msn.com	Mary Christa Rimmer	Mesa	Support Downtown Santa Fe Vacation Rentals	70.174.211.183	6/13/20 20:21	379726197
russgib09@hotmail.com	Russ Gibson	Waycross, Ga	Support Downtown Santa Fe Vacation Rentals	174.227.142.137	6/13/20 20:05	379726049
Alvinlutz@yahoo.com	Alvin Lutz	Pittsburgh PA	Support Downtown Santa Fe Vacation Rentals	71.60.215.66	6/13/20 19:23	379725733
stamperrhonda2@gmail.com	Rhonda Merritt	Aurora	Support Downtown Santa Fe Vacation Rentals	184.96.165.122	6/13/20 16:33	379724925
sassycatll@gmail.com	Aly Jay	Dallas	Support Downtown Santa Fe Vacation Rentals	76.85.82.9	6/13/20 15:21	379723137
J.gelder@tcu.edu	Jeff Gelder	Ft. Worth	Support Downtown Santa Fe Vacation Rentals	76.85.28.167	6/13/20 14:55	379722973
michele1196@yahoo.com	michele barrow brookover	fort worth tx	Support Downtown Santa Fe Vacation Rentals	174.82.81.235	6/13/20 14:48	379722941
maryjdavila@gmail.com	Mary Janelle Davila	Fort Worth	Support Downtown Santa Fe Vacation Rentals	172.5.170.198	6/13/20 14:47	379722929
jennifferthomas0196@gmail.com	Gary W. or Jennifer K. Thomas	Pryor	Support Downtown Santa Fe Vacation Rentals	107.77.199.224	6/13/20 14:36	379722865
wohlerguy@gmail.com	Tom Jones	Santa Fe	Support Downtown Santa Fe Vacation Rentals	73.98.123.118	6/13/20 14:13	379722729
laurencfox15@gmail.com	Lauren	Santa Fe	Support Downtown Santa Fe Vacation Rentals	72.206.45.239	6/13/20 14:12	379722725
Lizzy63.smead@gmail.com	Lizz Moore	Texas	Support Downtown Santa Fe Vacation Rentals	174.197.5.9	6/13/20 13:51	379722545
kristy7345@att.net	Mark Shaw	Dallas	Support Downtown Santa Fe Vacation Rentals	71.128.240.197	6/13/20 13:23	379722281
Andrew.W.Stahl@Gmail.com	Andrew	Santa Fe	Support Downtown Santa Fe Vacation Rentals	97.122.180.25	6/13/20 13:15	379722241
laurabburandt@gmail.com	Laura Burandt	Perryton	Support Downtown Santa Fe Vacation Rentals	107.77.198.153	6/13/20 13:11	379722205
doug493@gmail.com	Douglas Anderson	Ann Arbor	Support Downtown Santa Fe Vacation Rentals	68.48.244.116	6/13/20 13:08	379722185
Sagfwag86@gmail.com	Sally Gavras	Fort Worth	Support Downtown Santa Fe Vacation Rentals	74.113.245.100	6/13/20 13:07	379722173
sagfwag@gmail.com	Sally Gavras	Fort Worth	Support Downtown Santa Fe Vacation Rentals	74.113.245.100	6/13/20 13:05	379722161
therooster44@live.com	Jon Cluck	Ozona, TX	Support Downtown Santa Fe Vacation Rentals	174.197.10.5	6/13/20 12:35	379721933
garrettmartinez94@yahoo.com	Garrett Martinez	Chilton	Support Downtown Santa Fe Vacation Rentals	107.77.199.136	6/13/20 12:31	379721901
Kailamenard@gmail.com	Kaila Menard	Mary Esther	Support Downtown Santa Fe Vacation Rentals	98.170.207.245	6/13/20 12:30	379721893
careywindler@sbcglobal.net	Carey Windler	Austin, Texas	Support Downtown Santa Fe Vacation Rentals	208.191.157.151	6/13/20 12:30	379721885
Boc1927@yahoo.com	Jennifer Boc	Santa Fe	Support Downtown Santa Fe Vacation Rentals	76.127.8.131	6/13/20 12:29	379721881
jwindler@sbcglobal.net	Joan Windler	Austin, Texas	Support Downtown Santa Fe Vacation Rentals	208.191.157.151	6/13/20 12:27	379721861
Ferrellmiriam@gmail.com	Miriam ferrell	Pittsburgh	Support Downtown Santa Fe Vacation Rentals	100.6.167.187	6/13/20 12:25	379721833
frburchett5@gmail.com	Foster Burchett	Refugio	Support Downtown Santa Fe Vacation Rentals	107.77.219.172	6/13/20 12:15	379721769
Pamjs@rtconnect.net	Pam Shults	Pine Bluffs	Support Downtown Santa Fe Vacation Rentals	67.218.64.141	6/13/20 12:13	379721761
Hilde.wiebe@gmail.com	Hilde Wiebe	Fort Worth	Support Downtown Santa Fe Vacation Rentals	209.115.233.37	6/13/20 12:08	379721741
Jm_blev@yahoo.com	Juliane Blevins	Dallas, TX	Support Downtown Santa Fe Vacation Rentals	67.164.87.186	6/13/20 12:05	379721721
amp_1999@yahoo.com	Anna	The Woodlands TX	Support Downtown Santa Fe Vacation Rentals	76.219.144.229	6/13/20 12:05	379721717
Sage1858@gmail.com	JD Shults	Pine Bluffs, WY	Support Downtown Santa Fe Vacation Rentals	67.218.64.141	6/13/20 12:03	379721701
andrewpolk93@gmail.com	Andrew C. Polk	Fort Worth	Support Downtown Santa Fe Vacation Rentals	107.77.220.19	6/13/20 12:02	379721693
smithmcl@poka.com	Smith	Austin	Support Downtown Santa Fe Vacation Rentals	174.197.8.113	6/13/20 12:01	379721689
Christian@lorettochapel.com	Christian Andersson	Santa Fe	Support Downtown Santa Fe Vacation Rentals	97.123.9.182	6/13/20 11:57	379721649
Maggie@lorettochapel.com	Maggie Andersson	Santa Fe	Support Downtown Santa Fe Vacation Rentals	97.123.9.182	6/13/20 11:56	379721645
custombychristy1@gmail.com	Christy	Dallas	Support Downtown Santa Fe Vacation Rentals	69.225.56.139	6/13/20 11:53	379721621
landersson@unm.edu	Ian Andersson	Santa Fe	Support Downtown Santa Fe Vacation Rentals	97.123.9.182	6/13/20 11:51	379721613
Maggiecorrigan22@yahoo.com	Maggie Corrigan	Dallas Texas	Support Downtown Santa Fe Vacation Rentals	166.230.101.34	6/13/20 11:51	379721609
Kristentiniel@gmail.com	Kristen	Santa Fe	Support Downtown Santa Fe Vacation Rentals	75.161.234.64	6/13/20 11:48	379721597
giobenitez@hotmail.com	Giovana Benitez	Edinburg	Support Downtown Santa Fe Vacation Rentals	174.197.10.143	6/13/20 11:48	379721593
Jackson.wesley1996@gmail.com	Wesley jackson	Channing Texas	Support Downtown Santa Fe Vacation Rentals	107.77.197.149	6/13/20 11:44	379721569
cbrice5@gmail.com	Carrie Sethi	Dallas	Support Downtown Santa Fe Vacation Rentals	107.77.200.212	6/13/20 11:40	379721557

michelecouch@hotmail.com	Michele Couch	Santa Fe	Support Downtown Santa Fe Vacation Rentals	174.237.136.34	6/13/20 11:39	379721549
Beccawolcott.ralphlauren@yahoo.com	Rebecca Alvarez	Dallas	Support Downtown Santa Fe Vacation Rentals	107.77.196.141	6/13/20 11:39	379721545
Cobleighp@msn.com	Patricia Cobleigh	Santa Fe,NM	Support Downtown Santa Fe Vacation Rentals	75.83.53.170	6/13/20 11:38	379721529
alanjamesmorse@gmail.com	Alan	Santa Fe	Support Downtown Santa Fe Vacation Rentals	107.77.197.125	6/13/20 11:38	379721521
Marthaesantos@outlook.com	Martha Santos	Laredo, TX	Support Downtown Santa Fe Vacation Rentals	72.179.115.40	6/13/20 11:35	379721509
rvzancan@gmail.com	Vicki Zancanella	Santa Fe	Support Downtown Santa Fe Vacation Rentals	96.92.67.102	6/13/20 11:34	379721501
Danielle.deffebach@gmail.com	Danielle	Dallas TX	Support Downtown Santa Fe Vacation Rentals	107.77.197.145	6/13/20 11:34	379721497
Nomad.lisa4148@gmail.com	Lisa Kohl	Santa Fe	Support Downtown Santa Fe Vacation Rentals	96.92.67.102	6/13/20 11:29	379721445
Pdduettra@gmail.com	Patrucia Duettra	Chandler	Support Downtown Santa Fe Vacation Rentals	174.74.147.61	6/13/20 11:27	379721429
tferris420@gmail.com	Tonya	Baytown	Support Downtown Santa Fe Vacation Rentals	174.235.132.202	6/13/20 11:27	379721425
Dickcrane@sbcglobal.net	Richard Crane	San Diego	Support Downtown Santa Fe Vacation Rentals	104.188.18.127	6/13/20 11:21	379721393
onefiftyfour@hotmail.com	Eric Lancaster	Santa Fe	Support Downtown Santa Fe Vacation Rentals	72.194.13.154	6/13/20 11:10	379721321
katerwit@gmail.com	Katie	Austin, TX	Support Downtown Santa Fe Vacation Rentals	99.129.128.137	6/13/20 11:05	379721285
Ljgbax@nitmail.com	Linda Bax	Libertyville	Support Downtown Santa Fe Vacation Rentals	76.16.66.45	6/13/20 11:03	379721265
lopezsanchezjl@gmail.com	Jose Luis Lopez	MESQUITE	Support Downtown Santa Fe Vacation Rentals	76.187.114.82	6/13/20 11:01	379721237
benjaminx21@comcast.net	Benjamin Adair	Albany, New York	Support Downtown Santa Fe Vacation Rentals	68.62.216.201	6/13/20 10:53	379721185
Hay_ronald@hotmail.com	Ron Hay	Colorado Springs	Support Downtown Santa Fe Vacation Rentals	73.181.126.107	6/13/20 10:52	379721181
hikeandboat@gmail.com	John G Slater	Little Rock	Support Downtown Santa Fe Vacation Rentals	71.238.195.212	6/13/20 10:44	379721129
mayarealty7@gmail.com	Janet Urian	Santa Fe	Support Downtown Santa Fe Vacation Rentals	65.100.26.242	6/13/20 10:15	379720929
kristin@drblakeburn.com	Kristin Blakeburn	Clinton, Oklahoma	Support Downtown Santa Fe Vacation Rentals	67.61.16.55	6/13/20 10:11	379720889
Saladonana@aol.com	Linda	Belton	Support Downtown Santa Fe Vacation Rentals	76.237.180.126	6/13/20 10:08	379720869
rreid.consult@gmail.com	Robert Reid	Palm Springs, CA	Support Downtown Santa Fe Vacation Rentals	72.132.28.138	6/13/20 10:05	379720837
Tfratt32@aol.com	Tracey Frattaroli	Dallas, TX	Support Downtown Santa Fe Vacation Rentals	45.29.43.62	6/13/20 10:03	379720821
Sbctxnfencer@yahoo.com	Amber Finnegan	Pearland, Texas	Support Downtown Santa Fe Vacation Rentals	70.138.67.160	6/13/20 9:33	379720609
gwyneth.oikawa@gmail.com	Gwyneth Oikawa	Washington, DC	Support Downtown Santa Fe Vacation Rentals	141.156.148.30	6/13/20 9:27	379720565
kbiolo11@gmail.com	Katie	DC	Support Downtown Santa Fe Vacation Rentals	174.192.197.227	6/13/20 9:27	379720561
tfess24@gmail.com	Tori	Washington DC	Support Downtown Santa Fe Vacation Rentals	141.156.148.30	6/13/20 9:26	379720557
Mackenzie.duffner@gmail.com	Mackenzie Duffner	Redwood City, CA	Support Downtown Santa Fe Vacation Rentals	107.77.202.72	6/13/20 9:26	379720549
apnthebit@gmail.com	Alyson Powers	Dallas	Support Downtown Santa Fe Vacation Rentals	107.77.196.183	6/13/20 9:24	379720537
manette.barlow@comcast.net	Manette Barlow	Pleasanton	Support Downtown Santa Fe Vacation Rentals	67.174.219.102	6/13/20 9:18	379720477
Santonson@charter.net	Sara Antonson	Chippewa Falls	Support Downtown Santa Fe Vacation Rentals	174.192.78.14	6/13/20 9:12	379720441
Suzi.ramsey@gmail.com	Suzanne Ramsey	Aliso Viejo	Support Downtown Santa Fe Vacation Rentals	68.109.77.123	6/13/20 9:04	379720397
Jaycocksatx@gmail.com	James	Aycock	Support Downtown Santa Fe Vacation Rentals	173.173.99.220	6/13/20 9:00	379720373
cabloule@hotmail.com	Ray	Kansas City	Support Downtown Santa Fe Vacation Rentals	65.26.53.93	6/13/20 8:56	379720317
emoryuniv@aol.com	Cynthia Oâ€™Neal	Woodstock, GA	Support Downtown Santa Fe Vacation Rentals	108.83.209.255	6/13/20 8:43	379720229
d2anderson@att.net	Dana Anderson	Dallas	Support Downtown Santa Fe Vacation Rentals	75.17.240.53	6/13/20 8:33	379720165
bprewitt@mac.com	Bruckner Prewitt	Dallas, TX	Support Downtown Santa Fe Vacation Rentals	172.58.111.212	6/13/20 8:29	379720129
devonmacleod16@gmail.com	Devon MacLeod	Denver	Support Downtown Santa Fe Vacation Rentals	73.243.210.71	6/13/20 8:22	379720073
cheryl.benard@gmail.com	Dr. Cheryl Benard	Santa Fe	Support Downtown Santa Fe Vacation Rentals	108.28.125.88	6/13/20 8:17	379720045
rankinhobbs1@gmail.com	Rankin Hobbs	Dallas TX	Support Downtown Santa Fe Vacation Rentals	107.128.225.98	6/13/20 8:04	379719961
c_angell58@yahoo.com	Carolyn Angell	St Petersburg	Support Downtown Santa Fe Vacation Rentals	35.139.93.35	6/13/20 8:02	379719941
Konradkikuchi@yahoo.com	Konrad Kikuchi	Dallas, TC	Support Downtown Santa Fe Vacation Rentals	76.187.138.238	6/13/20 7:59	379719909
peggymccracken@gmail.com	Peggy McCracken	Ann Arbor, MI	Support Downtown Santa Fe Vacation Rentals	68.48.244.116	6/13/20 7:58	379719893
dpayne@dpaynelaw.com	Dustin L. Payne	Fort Worth	Support Downtown Santa Fe Vacation Rentals	162.202.111.24	6/13/20 7:29	379719685
kwcoaches@hotmail.com	Deborah Lippi	Santa Fe	Support Downtown Santa Fe Vacation Rentals	67.143.161.119	6/13/20 7:26	379719657
canosabecker@gmail.com	Theresa Becker	Denver	Support Downtown Santa Fe Vacation Rentals	75.70.138.140	6/13/20 7:25	379719641
Kimberlympayne56@gmail.com	Kimberly Payne	Fort Worth	Support Downtown Santa Fe Vacation Rentals	162.202.111.24	6/13/20 7:25	379719637
Salliepg@gmail.com	Sallie page-goertz	Overland park	Support Downtown Santa Fe Vacation Rentals	174.234.15.144	6/13/20 7:13	379719593
ausconeva@gmail.com	Austin Evans	Santa Fe	Support Downtown Santa Fe Vacation Rentals	76.26.100.196	6/13/20 7:05	379719537
linseybthomas@yahoo.com	Linsey Thomas	TULSA	Support Downtown Santa Fe Vacation Rentals	166.137.115.56	6/13/20 6:46	379719377
Lindas@drumcpa.com	Linda duggs	Blanco	Support Downtown Santa Fe Vacation Rentals	174.246.192.69	6/13/20 6:44	379719373
echart_9@msn.com	John Echart	San Marcos, Texas	Support Downtown Santa Fe Vacation Rentals	71.221.189.93	6/13/20 6:22	379719253
r_robbie@sbcglobal.net	ROBBIE ROBISON	Oklahoma City	Support Downtown Santa Fe Vacation Rentals	107.202.171.17	6/13/20 5:57	379719121
ejoazle@msn.com	Evelynn	Azle	Support Downtown Santa Fe Vacation Rentals	74.113.245.133	6/13/20 5:32	379718997
sskalovsky@gmail.com	Stephen Skalovsky	Oklahoma City, OK	Support Downtown Santa Fe Vacation Rentals	104.177.195.14	6/13/20 5:06	379718845
HOKIEHAMM@GMAIL.COM	Jennie Hamm	BLACKSBURG	Support Downtown Santa Fe Vacation Rentals	73.152.126.220	6/13/20 4:59	379718797
cindy@pcinapa.com	Cynthia Anderson	Artesia, NM	Support Downtown Santa Fe Vacation Rentals	216.255.214.101	6/13/20 3:40	379718541
dulynn17@gmail.com	Diane Duran	Santa Fe	Support Downtown Santa Fe Vacation Rentals	75.161.101.83	6/13/20 1:06	379709837
claudinerehn@gmail.com	Claudine Rehn	Nehalem	Support Downtown Santa Fe Vacation Rentals	137.118.192.114	6/12/20 23:36	379709481
Georgeinsilver@yahoo.com	George	Silver City	Support Downtown Santa Fe Vacation Rentals	75.166.66.32	6/12/20 22:30	379709029
Karhy@donzis.com	Kathy Donzis	San Antonio	Support Downtown Santa Fe Vacation Rentals	70.120.21.102	6/12/20 22:11	379708881
sarasing@charter.net	Sara Singleton	Hollister, CA	Support Downtown Santa Fe Vacation Rentals	76.113.79.56	6/12/20 22:04	379708841
josh@justsqueezedjuice.com	Josh Lange	Los Ranchos	Support Downtown Santa Fe Vacation Rentals	73.228.4.25	6/12/20 22:04	379708837
Bethberg05@gmail.com	Elizabeth Bergandine	Pena Blanca	Support Downtown Santa Fe Vacation Rentals	97.73.244.58	6/12/20 21:58	379708805
Epreston@advmediation.com	Sissy Preston	New Braunfels	Support Downtown Santa Fe Vacation Rentals	75.1.39.218	6/13/20 11:41	379708577
Tom@intuitivewebsites.com	Tom Young	Colorado Springs	Support Downtown Santa Fe Vacation Rentals	107.2.230.66	6/12/20 21:22	379708557
wpmartin60@comcast.net	Bill Martin	Tigard	Support Downtown Santa Fe Vacation Rentals	73.164.244.75	6/12/20 21:16	379708521
Angelaeiva@aol.com	Angela hasted	Santa fe	Support Downtown Santa Fe Vacation Rentals	67.0.75.37	6/12/20 21:07	379708481
russ.schrader1@gmail.com	Russell Schrader	San Francisco	Support Downtown Santa Fe Vacation Rentals	76.103.178.54	6/12/20 21:04	379708461
stacie.hornell@xonix.us	Stacie Hornell	Pittsburgh	Support Downtown Santa Fe Vacation Rentals	71.199.105.66	6/12/20 21:00	379708433
Petesfnm@aol.com	Peter White	Santa Fe	Support Downtown Santa Fe Vacation Rentals	68.84.147.58	6/12/20 20:53	379707833
jbtuckermd@comcast.net	Jon B Tucker MD	Santa Fe	Support Downtown Santa Fe Vacation Rentals	71.199.123.184	6/12/20 20:53	379707829
analiarenner@gmail.com	Analia	Renner	Support Downtown Santa Fe Vacation Rentals	107.72.178.203	6/12/20 20:51	379707821
Santosa_m@yahoo.com	Margo	LOUISVILLE	Support Downtown Santa Fe Vacation Rentals	76.25.180.47	6/12/20 20:47	379707801
amberyoshida@me.com	Amber Yoshida	Basehor, KS	Support Downtown Santa Fe Vacation Rentals	24.111.226.237	6/12/20 20:42	379707753
schrager.marvin@gmail.com	marvin schrager	Santa Fe	Support Downtown Santa Fe Vacation Rentals	75.13.93.233	6/12/20 20:41	379707741
Maryhopeburns@gmail.com	Mary Hope Burns	Dallas	Support Downtown Santa Fe Vacation Rentals	107.77.196.113	6/12/20 20:39	379707733
Pattyndeasy@gmail.com	Patty Deasy	Napa	Support Downtown Santa Fe Vacation Rentals	76.231.28.56	6/12/20 20:31	379707701
derryburns03@gmail.com	Derry Burns	Dallas	Support Downtown Santa Fe Vacation Rentals	107.77.196.113	6/12/20 20:30	379707693
marinafratt@aol.com	Marina	Dallas	Support Downtown Santa Fe Vacation Rentals	172.58.109.88	6/12/20 20:28	379707649
nakedornithologist@yahoo.com	Kurt Miller	Santa Fe	Support Downtown Santa Fe Vacation Rentals	98.19.20.209	6/12/20 20:27	379707641
featheredfriends@cnsp.com	Darlene	Santa Fe	Support Downtown Santa Fe Vacation Rentals	98.19.20.209	6/12/20 20:26	379707629
susiegoins@gmail.com	Susan Goins	Carrollton, TX	Support Downtown Santa Fe Vacation Rentals	70.119.163.183	6/12/20 20:26	379707625
Tinaasfnm@aol.com	Tina Alarid	Santa Fe	Support Downtown Santa Fe Vacation Rentals	73.98.21.44	6/12/20 20:25	379707609
chrahrig@gmail.com	Carson Rahrig	Plano	Support Downtown Santa Fe Vacation Rentals	107.77.200.142	6/12/20 20:21	379707565

Samantha4642@gmail.com	Samantha	Santa Fe	Support Downtown Santa Fe Vacation Rentals	76.127.48.242	6/12/20 20:17	379707537
rhunt@barran.com	richard hunt	portland oregon	Support Downtown Santa Fe Vacation Rentals	72.35.146.32	6/12/20 20:17	379707533
Leighannburdett@gmail.com	Leigh Ann Burdett	Arlington, VA	Support Downtown Santa Fe Vacation Rentals	71.191.184.159	6/12/20 20:13	379707493
wnorskog@gmail.com	William Norskog	Santa Fe	Support Downtown Santa Fe Vacation Rentals	76.113.117.96	6/12/20 20:10	379707473
Sullivtl@hotmail.com	Terry Sullivan	Eau Claire, WI	Support Downtown Santa Fe Vacation Rentals	71.82.154.245	6/12/20 20:08	379707457
darrell_ley@yahoo.com	Darrell Ley	Decatur, TX	Support Downtown Santa Fe Vacation Rentals	71.221.127.125	6/12/20 20:07	379707453
twa511@yahoo.com	Tiffany Ley	Decatur, TX	Support Downtown Santa Fe Vacation Rentals	71.221.127.125	6/12/20 20:07	379707437
Elenafratt@gmail.com	Elena Frattaroli	Dallas	Support Downtown Santa Fe Vacation Rentals	172.58.107.238	6/12/20 20:03	379707417
Cfratt2@gmail.com	Christopher Frattaroli	Dallas	Support Downtown Santa Fe Vacation Rentals	172.58.107.211	6/12/20 20:02	379707409
Rchappel@nimcapital.com	Randy Chappel	Southlake, TX	Support Downtown Santa Fe Vacation Rentals	47.184.203.83	6/12/20 19:56	379707361
kwcoyote@gmail.com	Keith D. Wiley	Fort Dodge	Support Downtown Santa Fe Vacation Rentals	173.23.129.83	6/12/20 19:53	379707329
Nolefan77@comcast.net	Eric Faulkner	The Villages	Support Downtown Santa Fe Vacation Rentals	73.67.65.144	6/12/20 19:44	379707249
Joe@joemikos.com	Joe Mikos	Oak Bluffs	Support Downtown Santa Fe Vacation Rentals	76.24.199.114	6/12/20 19:44	379707245
cebodelson@gmail.com	Caitlin	Santa Fe	Support Downtown Santa Fe Vacation Rentals	67.0.67.59	6/12/20 19:39	379707197
lynn@phasepharma.com	Lynn Howard	Dallas	Support Downtown Santa Fe Vacation Rentals	107.77.199.64	6/12/20 19:37	379707173
btiffany@avixaero.com	Bill Tiffany	Dallas	Support Downtown Santa Fe Vacation Rentals	107.77.197.200	6/12/20 19:30	379707113
mmosty@me.com	Mark Mosty	Kerrville	Support Downtown Santa Fe Vacation Rentals	70.122.50.230	6/12/20 19:27	379707093
Baxtersmith1975@gmail.com	Baxter Smith	Los Angeles	Support Downtown Santa Fe Vacation Rentals	76.90.227.46	6/12/20 19:20	379707029
Hilarymosty@me.com	Hilary Mosty	Kerrville	Support Downtown Santa Fe Vacation Rentals	70.122.50.230	6/12/20 19:20	379707009
carolinefratt@aol.com	Caroline	Washington	Support Downtown Santa Fe Vacation Rentals	172.58.188.72	6/12/20 19:18	379706989
mikelandolt@aol.com	Michael Landolt	Kemah, Texas	Support Downtown Santa Fe Vacation Rentals	98.195.159.32	6/12/20 19:13	379706941
Brogan505@gmail.com	Brogan Andersson	Santa Fe	Support Downtown Santa Fe Vacation Rentals	97.123.9.182	6/12/20 19:13	379706937
abodel1426@gmail.com	Ansel Bodelson	Santa Fe	Support Downtown Santa Fe Vacation Rentals	68.84.152.220	6/12/20 19:06	379706873
rdean@ucsd.edu	Melanie Dean	Eau Claire	Support Downtown Santa Fe Vacation Rentals	24.183.143.145	6/12/20 19:06	379706869
Lynitab@gmail.com	Lynita Brown	Groom, Texas	Support Downtown Santa Fe Vacation Rentals	72.172.34.14	6/12/20 19:00	379706837
Leeshepka@yahoo.com	Lee Shepka	Windham, New Hampshire	Support Downtown Santa Fe Vacation Rentals	71.234.76.156	6/12/20 18:56	379706797
librettist@aol.com	Sally M Gall	La Jolla, CA	Support Downtown Santa Fe Vacation Rentals	66.75.59.21	6/12/20 18:54	379706777
Susan.spencer2305@yahoo.com	Susan Spencer	Plano	Support Downtown Santa Fe Vacation Rentals	72.180.85.92	6/12/20 18:54	379706773
lesliedrobbin@gmail.com	Leslie Drobbin	Santa Fe NM	Support Downtown Santa Fe Vacation Rentals	174.56.48.251	6/12/20 18:52	379706765
rsg34@austin.rr.com	Richard Golombeck	Austin, Texas and Cuchara, Colorado	Support Downtown Santa Fe Vacation Rentals	98.197.173.236	6/12/20 18:47	379706725
Ttripodo@gmail.com	Tony Tripodo	Houston	Support Downtown Santa Fe Vacation Rentals	73.232.92.248	6/12/20 18:44	379706693
babster1950@icloud.com	Barbara	Whitney	Support Downtown Santa Fe Vacation Rentals	72.172.61.110	6/12/20 18:44	379706689
polixenep@hotmail.com	Polixene Petrakopoulos	Fairfield	Support Downtown Santa Fe Vacation Rentals	68.192.81.185	6/12/20 18:43	379706681
charling1974@yahoo.com	Charlene Stehling	Santa Fe, NM	Support Downtown Santa Fe Vacation Rentals	172.58.63.188	6/12/20 18:40	379706649
Margaret.c.stone@gmail.com	Margaret Stone	Seattle	Support Downtown Santa Fe Vacation Rentals	97.126.70.96	6/12/20 18:40	379706645
Alillmackk@gmail.com	Ali Mackenzie	Santa Fe	Support Downtown Santa Fe Vacation Rentals	99.203.92.198	6/12/20 18:36	379706581
corrieten@gmail.com	Corrie	Shapiro	Support Downtown Santa Fe Vacation Rentals	67.164.154.89	6/12/20 18:34	379706549
Dvalentine99@hotmail.com	David Valentine	Huntington Beach	Support Downtown Santa Fe Vacation Rentals	107.77.228.22	6/12/20 18:31	379706533
adobecasitas@gmail.com	Richard Woodruff	Santa Fe	Support Downtown Santa Fe Vacation Rentals	23.81.234.21	6/12/20 18:31	379706529
Er1@atlanticbb.net	Ernesto Roederer	Lamy, NM	Support Downtown Santa Fe Vacation Rentals	73.175.148.220	6/12/20 18:29	379706493
nannotor@yahoo.com	Nan Notor	San Jose, CA	Support Downtown Santa Fe Vacation Rentals	24.130.193.196	6/12/20 18:27	379706481
nrhughes55@gmail.com	Neil Hughes	Athens, GA	Support Downtown Santa Fe Vacation Rentals	108.204.242.54	6/12/20 18:26	379706473
Juliabertram3@gmail.com	Julia Bertram	Santa Fe	Support Downtown Santa Fe Vacation Rentals	97.122.180.25	6/12/20 18:25	379706457
lwgnbush@msn.com	Gail Bush	Santa Fe	Support Downtown Santa Fe Vacation Rentals	98.249.97.156	6/12/20 18:21	379706429
chris.quinn.sa@gmail.com	Chris Quinn	San Antonio, TX	Support Downtown Santa Fe Vacation Rentals	23.127.174.30	6/12/20 18:15	379706389
dc_davidson@msn.com	Douglas Davidson	Woodside	Support Downtown Santa Fe Vacation Rentals	174.194.129.36	6/12/20 18:14	379706369
julwhite@q.com	Julia White-Hester	Santa Fe	Support Downtown Santa Fe Vacation Rentals	67.1.30.168	6/12/20 18:10	379706321
Amallab23@gmail.com	Amalia Bertram	Santa Fe	Support Downtown Santa Fe Vacation Rentals	76.113.71.37	6/12/20 17:46	379706041
Catmbert@aol.com	Cathryn Bertram	Santa Fe	Support Downtown Santa Fe Vacation Rentals	73.26.159.93	6/12/20 17:45	379706033
bertram664@gmail.com	Alicia	Santa Fe	Support Downtown Santa Fe Vacation Rentals	76.113.71.37	6/12/20 17:44	379706025
Torty13@gmail.com	Victoria Duran	Santa Fe	Support Downtown Santa Fe Vacation Rentals	99.36.110.71	6/12/20 17:43	379706013
hduettra@gmail.com	Hannah Duettra	Santa Fe	Support Downtown Santa Fe Vacation Rentals	76.18.69.28	6/12/20 17:42	379705989
Ugigolf@aol.com	Andrew Ugor	Dallas	Support Downtown Santa Fe Vacation Rentals	75.20.165.35	6/12/20 17:27	379705841
Lindaugor@aol.com	Linda Ugor	Dallas	Support Downtown Santa Fe Vacation Rentals	75.20.165.35	6/12/20 17:25	379705825
word3.dean@gmail.com	Dean Word	New Braunfels	Support Downtown Santa Fe Vacation Rentals	71.41.140.162	6/12/20 17:12	379704609
susan3835@icloud.com	Susan D Arnold	Wichita, KS	Support Downtown Santa Fe Vacation Rentals		6/15/20 10:21	4675807
lori@intuitivewebsites.com	Lori Mohr	Colorado Springs	Support Downtown Santa Fe Vacation Rentals		6/12/20 21:21	354446733
irtheory@aol.com	Crista Wood	Elgin Illinois	Support Downtown Santa Fe Vacation Rentals		6/13/20 9:08	354446697
awismer2337@aol.com	Ann Wismer	Kemah, Texas	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:58	354446677
WILLIS@INJURYOFFICES.COM	David Willis	Houston, Texas	Support Downtown Santa Fe Vacation Rentals		6/15/20 9:33	354446661
ceweberjr@gmail.com	charles e weber jr	Branford Ct 06405	Support Downtown Santa Fe Vacation Rentals		6/14/20 7:09	354446569
ksweeneyhammond@maret.org	Kathleen Hammond	Silver Spring,MD	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:59	354446401
reuben@caboclan.com	Reuben Sutter	Corrales	Support Downtown Santa Fe Vacation Rentals		6/13/20 7:44	354446393
timjstark@yahoo.com	Timothy Stark	Milwaukee	Support Downtown Santa Fe Vacation Rentals		6/13/20 6:52	354446341
beckystahl@cox.net	Becky	Scottsdale	Support Downtown Santa Fe Vacation Rentals		6/12/20 19:58	354446337
alibcsmith@gmail.com	Ali Smith	Dallas, TX	Support Downtown Santa Fe Vacation Rentals		6/15/20 21:27	354446301
smith0930@gmail.com	Monta Smith	Winston-Salem	Support Downtown Santa Fe Vacation Rentals		6/15/20 8:39	354446293
suzannecoughlinsmith@gmail.com	Suzanne CoughlinSmith	Fort Collins	Support Downtown Santa Fe Vacation Rentals		6/12/20 21:34	354446289
lesliesmith014@gmail.com	Leslie	Houston	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:30	354446281
2skattums@gmail.com	Mark & Laura Skattum	Colorado Springs	Support Downtown Santa Fe Vacation Rentals		6/12/20 19:40	354446269
don.slerakowski@gmail.com	Don slerakowski	Vernonâ€™s	Support Downtown Santa Fe Vacation Rentals		6/12/20 19:10	354446225
jschultz@humnet.ucla.edu	James A. Schultz	West Hollywood CA	Support Downtown Santa Fe Vacation Rentals		6/12/20 21:16	354446157
jschneiderdc@yahoo.com	Johanna Schneider	Washington D.C.	Support Downtown Santa Fe Vacation Rentals		6/13/20 12:30	354446145
caronscanlan12@gmail.com	Caron Scanlan	Englewood	Support Downtown Santa Fe Vacation Rentals		6/12/20 20:17	354446129
dinamryan@gmail.com	Dina Ryan	Salida	Support Downtown Santa Fe Vacation Rentals		6/13/20 15:19	354446069
chrissillandcharlierogers@gmail.com	Christine Sill-Rogers	Kansas City, Missouri	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:15	354446049
roesch.rebecca@gmail.com	Becky Roesch	Dallas Texas	Support Downtown Santa Fe Vacation Rentals		6/12/20 19:42	354446045
lesrobison9@gmail.com	Leslie Robison	Stillwater	Support Downtown Santa Fe Vacation Rentals		6/13/20 5:56	354446033
pdrisu@cox.net	Pat Roberts	Baton Rouge	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:26	354446021
catherineukestadriddle@gmail.com	Catherine Riddle	Richardson	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:10	354445997
mfraffer@gmail.com	Megan	Chicago	Support Downtown Santa Fe Vacation Rentals		6/12/20 19:33	354445877
sheridpruitt@yahoo.com	Sheri Pruitt	Ada, OK	Support Downtown Santa Fe Vacation Rentals		6/13/20 11:23	354445849
nbpland@gmail.com	Nancy Pohl	Midland texas	Support Downtown Santa Fe Vacation Rentals		6/12/20 19:09	354445821
desertsun105@gmail.com	Brian Pace	Surprise, Arizona	Support Downtown Santa Fe Vacation Rentals		6/13/20 8:31	354445757
mao101mao@gmail.com	MARK A OLGUIN	Burbank	Support Downtown Santa Fe Vacation Rentals		6/12/20 20:01	354445721

david.olesky@yahoo.com	David Olesky	Dallas	Support Downtown Santa Fe Vacation Rentals		6/17/20 9:50	354445717
maoneal1@msn.com	Michael Arthur O'Neal	Azle, TX	Support Downtown Santa Fe Vacation Rentals		6/12/20 20:14	354445693
dustylnel@gmail.com	Dusty Nelson	Denver	Support Downtown Santa Fe Vacation Rentals		6/12/20 20:25	354445661
wcnanney@att.net	Edward W Nanney	San Antonio, Tx	Support Downtown Santa Fe Vacation Rentals		6/12/20 20:04	354445645
myersr@austin.rr.com	Ronnie T Myers	Austin	Support Downtown Santa Fe Vacation Rentals		6/12/20 21:29	354445629
drsmurphy@yahoo.com	Dr. Sharon Murphy	Hinsdale IIL and Santa Fe NM	Support Downtown Santa Fe Vacation Rentals		6/12/20 23:45	354445609
mesl3105@gmail.com	Jay Mesl	Springfield	Support Downtown Santa Fe Vacation Rentals		6/15/20 12:55	354445493
bemex2050@gmail.com	Bruce Merritt	AURORA	Support Downtown Santa Fe Vacation Rentals		6/13/20 15:35	354445489
tcmeador@gvec.net	Tanya Meador	Cost, Texas	Support Downtown Santa Fe Vacation Rentals		6/15/20 8:36	354445477
jjmmcm@aol.com	Mary McKoskey	Woodbury, MN	Support Downtown Santa Fe Vacation Rentals		6/13/20 16:24	354445449
marciaborchersmc@hotmail.com	Marcia McGlothlin	New Braunfels, Texas	Support Downtown Santa Fe Vacation Rentals		6/12/20 17:21	354445445
szlip@sbcglobal.net	Sheila Lipkin	Houston	Support Downtown Santa Fe Vacation Rentals		6/15/20 9:53	354445301
Megeleoni@gmail.com	Megan	Austin	Support Downtown Santa Fe Vacation Rentals		6/12/20 20:12	354445269
sleedds@gmail.com	Charles Lee	Savannah, TN	Support Downtown Santa Fe Vacation Rentals		6/15/20 9:11	354445257
marckaiser@cox.net	Marc Kaiser	Rancho Palos Verdes, CA	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:12	354445117
jimenez.ildefonso@gmail.com	Ildefonso Jimenez	Dallas	Support Downtown Santa Fe Vacation Rentals		6/13/20 6:49	354445053
gailjp@att.net	Gail Jennings-Peterson	Moab, Utah	Support Downtown Santa Fe Vacation Rentals		6/15/20 11:59	354445049
fahunold@gmail.com	Frank Hunold	Odessa, Texas	Support Downtown Santa Fe Vacation Rentals		6/12/20 19:41	354444989
bahull@earthlink.net	Bill & Amy Hull	Blanchard, OK	Support Downtown Santa Fe Vacation Rentals		6/13/20 21:34	354444985
kkhfarms@gmail.com	Kendall	Scottsdale	Support Downtown Santa Fe Vacation Rentals		6/16/20 18:05	354444965
ahoard88@msn.com	Anna Hoard	Corrales	Support Downtown Santa Fe Vacation Rentals		6/12/20 19:10	354444925
jhills1969@gmail.com	Jennifer	Seattle	Support Downtown Santa Fe Vacation Rentals		6/15/20 21:42	354444913
marshallhickey11@gmail.com	Marshall Hickey	Fort Worth	Support Downtown Santa Fe Vacation Rentals		6/12/20 19:28	354444889
kherrera25@comcast.net	Pamela Kim Herrera	Albuquerque	Support Downtown Santa Fe Vacation Rentals		6/13/20 9:19	354444881
deborahheaton@icloud.com	Deborah Heaton	Parkville	Support Downtown Santa Fe Vacation Rentals		6/13/20 15:49	354444841
brynn.gutknecht@gmail.com	Brynn Gutknecht	Denver	Support Downtown Santa Fe Vacation Rentals		6/13/20 10:21	354444765
opgreen@att.net	Paula	San Antonio, TX	Support Downtown Santa Fe Vacation Rentals		6/15/20 9:17	354444721
susangoodman2000@yahoo.com	Susan Goodman	Dallas	Support Downtown Santa Fe Vacation Rentals		6/16/20 6:42	354444701
jgoad2@icloud.com	John Goad	Fairview, Texas	Support Downtown Santa Fe Vacation Rentals		6/12/20 21:06	354444677
lisageorn@gmail.com	Lisa George	Overland Park, Kansas	Support Downtown Santa Fe Vacation Rentals		6/13/20 13:56	354444657
tgiawtia@aol.com	amanda george	amarillo tx	Support Downtown Santa Fe Vacation Rentals		6/15/20 13:10	354444653
kfowler291@gmail.com	Katrina	Dallas	Support Downtown Santa Fe Vacation Rentals		6/13/20 13:56	354444581
jama1@kw.com	Jama Fontaine	Albuquerque	Support Downtown Santa Fe Vacation Rentals		6/13/20 8:36	354444577
kathy_flammer@yahoo.com	Kathy J Flammer	Southlake,Texas	Support Downtown Santa Fe Vacation Rentals		6/12/20 21:05	354444573
susanfillmore@me.com	Susa Fillmore	Ft Worth	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:36	354444553
marionlfalk@gmail.com	Marion Falk	Oakland	Support Downtown Santa Fe Vacation Rentals		6/15/20 9:38	354444505
repstein@plsmaterials.com	Richard Epstein	Solon, OH	Support Downtown Santa Fe Vacation Rentals		6/15/20 7:53	354444485
nmelam@gmail.com	Nicole Elam	Texarkana, TX	Support Downtown Santa Fe Vacation Rentals		6/14/20 6:23	354444449
vegbert@aol.com	Vivian Egbert	Tucson Arizona	Support Downtown Santa Fe Vacation Rentals		6/15/20 9:44	354444441
patrick@edingerarchitects.com	Patrick Edinger	Solana Beach	Support Downtown Santa Fe Vacation Rentals		6/13/20 9:24	354444429
pamela.echart@gmail.com	Pamela Echart	San Marcos, Texas	Support Downtown Santa Fe Vacation Rentals		6/13/20 6:21	354444421
MDEMING1@AOL.COM	Marilyn Deming	Escondido	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:31	354444353
djjdean@charter.net	DavidvDean	Chesterfield, MO	Support Downtown Santa Fe Vacation Rentals		6/12/20 21:10	354444341
ldansbury@gmail.com	Laura Dansbury	SAN MATEO	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:20	354444325
cullifercarol@gmail.com	Carol Cullifer	Wiley	Support Downtown Santa Fe Vacation Rentals		6/13/20 6:41	354444309
kelly.a.cromwell@gmail.com	Kelly Cromwell	Hoboken	Support Downtown Santa Fe Vacation Rentals		6/15/20 11:27	354444289
dcraig1025@gmail.com	Dana Craig	Lubbock TX	Support Downtown Santa Fe Vacation Rentals		6/13/20 9:37	354444277
craigconstruction@live.com	stanley D. Craig	Mena	Support Downtown Santa Fe Vacation Rentals		6/12/20 21:37	354444273
mscolvin@gmail.com	Steve Colvin	Houston	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:36	354444233
jjcollins44@yahoo.com	Julie Collins	Cedaredge CO	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:38	354444229
heatherclement21@gmail.com	Heather	Lawton	Support Downtown Santa Fe Vacation Rentals		6/15/20 9:37	354444205
carterclawson@gmail.com	Carter	Charleston	Support Downtown Santa Fe Vacation Rentals		6/13/20 7:37	354444201
jchappellreid@hopewestco.org	Jacquie Chappell-Reid	Grand Junction	Support Downtown Santa Fe Vacation Rentals		6/15/20 10:26	354444169
mg3687@aol.com	Mary Cardenas	Dallas	Support Downtown Santa Fe Vacation Rentals		6/13/20 5:49	354444113
marinc@aol.com	Marilyn	Austin, Texas	Support Downtown Santa Fe Vacation Rentals		6/13/20 6:49	354444093
scoslicer@gmail.com	Cheryl Bunnell	The Woodlands, TX	Support Downtown Santa Fe Vacation Rentals		6/13/20 6:29	354444061
golf308@aol.com	Scott Bristol	Denver, Colorado	Support Downtown Santa Fe Vacation Rentals		6/13/20 3:56	354444021
cyndeblock@gmail.com	C Block	Sarasota, FL	Support Downtown Santa Fe Vacation Rentals		6/13/20 13:34	354443953
LeRoy.Blanks@TexasBingo.com	Charles LeRoy Blanks	Coppell	Support Downtown Santa Fe Vacation Rentals		6/13/20 7:45	354443949
donnablakemore@sbcglobal.net	Donna Blakemore	San Francisco	Support Downtown Santa Fe Vacation Rentals		6/15/20 10:22	354443941
bertram@santafe.edu	Bruce Bertram	Santa Fe	Support Downtown Santa Fe Vacation Rentals		6/16/20 9:07	354443909
almabernal310@gmail.com	ALMA BERNAL	EL PASO	Support Downtown Santa Fe Vacation Rentals		6/15/20 9:27	354443905
hebecker433@gmail.com	Helen E. Becker	Moab, Ut	Support Downtown Santa Fe Vacation Rentals		6/12/20 21:02	354443869
jalex1821@msn.com	Candy	Farmington NM 87401	Support Downtown Santa Fe Vacation Rentals		6/15/20 21:36	354443733
samantha4642@aol.com	Samantha Drysdale	Santa Fe	Support Downtown Santa Fe Vacation Rentals	67.164.145.65	6/12/20 16:58	156288419
sduettra@gmail.com	Sydney Duettra	Santa Fe	Support Downtown Santa Fe Vacation Rentals	67.164.145.65	6/12/20 17:02	156287631
ruby.l.chaney@gmail.com	Ruby L Chaney	Edmond	Support Downtown Santa Fe Vacation Rentals	172.14.136.221	6/15/20 9:02	151581203
jameswcaudle@yahoo.com	James W. Caudle	Plano, Texas 75093	Support Downtown Santa Fe Vacation Rentals		6/15/20 9:04	354444145
robert@drblakeburn.com	Robert Blakeburn	Clinton, OKLAHOMA	Support Downtown Santa Fe Vacation Rentals		6/12/20 20:43	354443933
monihamer@sbcglobal.net	Monica Hamer	Dallas	Support Downtown Santa Fe Vacation Rentals	76.237.214.74	6/14/20 3:13	379728033
andreajones99@gmail.com	Andrea Jones	Davis	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:43	354445045
dsscott4@msn.com	Diana Scott	Pueblo	Support Downtown Santa Fe Vacation Rentals	174.209.9.50	6/12/20 19:10	132872191
wongadilla@gmail.com	Amy Doyle	Austin, Texas	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:36	4699143
plasticpromd@yahoo.com	Gary Horndeski	League city	Support Downtown Santa Fe Vacation Rentals		6/12/20 20:14	4699135
brh2907@iinet.net.au	Reg Holloway	Potts Point, NSW Australia	Support Downtown Santa Fe Vacation Rentals		6/12/20 22:05	4699091
perry@junetaylorjams.com	Perry Small	Oakland, CA	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:39	4698963
sjk49@comcast.net	Peggy Kelly	Denver, CO	Support Downtown Santa Fe Vacation Rentals		6/12/20 21:36	4698775
davef509@aol.com	David	Spokane	Support Downtown Santa Fe Vacation Rentals		6/12/20 20:39	4698751
willadamson@sabinepipe.com	Will Adamson	Longview	Support Downtown Santa Fe Vacation Rentals		6/15/20 8:54	4698723
waltparke@gmail.com	Walt P Jones	Fort Worth	Support Downtown Santa Fe Vacation Rentals		6/15/20 9:28	4698711
tgeorge@westtexasinsuranceagency.com	tommy george	amarillo tx	Support Downtown Santa Fe Vacation Rentals		6/15/20 13:09	4698623
judburch60@gmail.com	Judi Burchfield	Denver	Support Downtown Santa Fe Vacation Rentals		6/15/20 12:52	4698615
rustyhinds@aol.com	Hinds Rusty	Houston	Support Downtown Santa Fe Vacation Rentals		6/12/20 21:20	4698411
rarephotoltd@gmail.com	ND MacDonald	Toronto, Canada	Support Downtown Santa Fe Vacation Rentals		6/15/20 9:03	4698319
becky@travelnpair.com	Rebecca Blase	Lamy	Support Downtown Santa Fe Vacation Rentals		6/13/20 9:50	4698095

maestrasoy@yahoo.com	Rose	Austin	Support Downtown Santa Fe Vacation Rentals		6/15/20 11:16	4697975
lynn.blakeley@gmail.com	Lynn Blakeley	San Antonio	Support Downtown Santa Fe Vacation Rentals		6/12/20 21:07	4697947
ljkuenning@aol.com	Lynne Curtis	Owasso	Support Downtown Santa Fe Vacation Rentals		6/15/20 14:47	4697879
aloha.duffs@me.com	Lynn and Ron	Paradise Valley	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:44	4697823
dalockwood1@comcast.net	Don	Seattle	Support Downtown Santa Fe Vacation Rentals		6/12/20 19:00	4697819
pattimorrison@hotmail.com	Patricia A Morrison	St Clair Shores	Support Downtown Santa Fe Vacation Rentals		6/12/20 19:09	4697751
mjb10001@aol.com	Monica Robinson	Albuquerque	Support Downtown Santa Fe Vacation Rentals		6/12/20 21:24	4697587
jrae.je@gmail.com	Janet Edwards	Amarillo	Support Downtown Santa Fe Vacation Rentals		6/15/20 9:22	4697579
shepp04@msn.com	Cynthia Sheppard	Cuero tax	Support Downtown Santa Fe Vacation Rentals		6/15/20 9:18	4697539
jdbrazzeal9@gmail.com	Jeff Brazzeal	Bentonville	Support Downtown Santa Fe Vacation Rentals		6/15/20 11:54	4697527
ponetale@yahoo.com	Farley kemler	Manalapan NJ	Support Downtown Santa Fe Vacation Rentals		6/16/20 3:02	4697515
hilharms@hotmail.com	Hilary	Prairie Village	Support Downtown Santa Fe Vacation Rentals		6/15/20 10:52	4697447
htripodo@hotmail.com	H. Tripodo	Houston	Support Downtown Santa Fe Vacation Rentals		6/13/20 7:21	4697443
hillcountryhousegirl@gmail.com	Ann Williams	Fort Worth	Support Downtown Santa Fe Vacation Rentals		6/15/20 8:50	4697427
greygoose222@hotmail.com	Lisa	Kansas City	Support Downtown Santa Fe Vacation Rentals		6/13/20 8:43	4697411
poboy_51@yahoo.com	Gary Thomas	Pryor	Support Downtown Santa Fe Vacation Rentals		6/13/20 5:53	4697339
dillydallydibbles@yahoo.com	Amanda Winstead	Austin	Support Downtown Santa Fe Vacation Rentals		6/12/20 20:29	4697231
mbgramtxga@yahoo.com	Mary Beth Gramlich	Little Rock	Support Downtown Santa Fe Vacation Rentals		6/12/20 22:05	4697187
tesshb@gmail.com	Tess Hand-Bender	Denver, Co	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:21	4696995
sah4sah@aol.com	Shirley Heiman	St Louis	Support Downtown Santa Fe Vacation Rentals		6/14/20 11:15	4696895
bobbymacek@gmail.com	Bobby	Houston	Support Downtown Santa Fe Vacation Rentals		6/12/20 20:11	4696839
gymom10@aol.com	LaNae Taylor	Dallas, TX	Support Downtown Santa Fe Vacation Rentals		6/13/20 6:49	4696471
riekerpie@gmail.com	Sunny and Tom Rieker	Arcadia, CA	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:14	4696379
marynewman2@btinternet.com	Mary Newman	London	Support Downtown Santa Fe Vacation Rentals		6/15/20 10:17	4696315
genecohen@cox.net	Eugene D Cohen	Phoenix	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:47	4696279
darschilling@yahoo.com	Darlene Schilling	Corrales	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:38	4696247
kmg0228@gmail.com	Kevin Goins	Carrollton, TX	Support Downtown Santa Fe Vacation Rentals		6/12/20 20:25	4696191
tracyiherson@yahoo.com	Tracy Herson	Dallas, Texas	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:30	4696179
rec3@mac.com	Rob Clements	Dallas	Support Downtown Santa Fe Vacation Rentals		6/15/20 12:45	4695691
michaelhester@q.com	Michael Hester	Santa Fe	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:10	4695659
dlamson24@yahoo.com	Dawna Lamson	Gorham	Support Downtown Santa Fe Vacation Rentals		6/12/20 22:52	4695643
dladely@neb.rr.com	Danny Ladely	Lincoln	Support Downtown Santa Fe Vacation Rentals		6/13/20 10:01	4695535
tfebus2000@yahoo.com	Tricia Lorie	Honolulu	Support Downtown Santa Fe Vacation Rentals		6/16/20 17:58	4695491
suzanneclements@usa.net	Suzanne Clements	St. Petersburg	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:37	4695471
sandyclark01@hotmail.com	Sandy Clark	Spicewood	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:56	4695459
michael.mrochek@att.net	Michael Mrochek	El Paso, TX	Support Downtown Santa Fe Vacation Rentals		6/15/20 18:32	4695451
caccaloeb@gmail.com	SuAnne	Pittsburgh	Support Downtown Santa Fe Vacation Rentals		6/13/20 12:08	4695195
gailcolwick@gmail.com	Gail Colwick	Richardson (Dallas) TX. 75082	Support Downtown Santa Fe Vacation Rentals		6/13/20 16:00	4695151
freyalutz@yahoo.com	Leslie Lutz	Pittsburgh	Support Downtown Santa Fe Vacation Rentals		6/13/20 8:48	4694987
sandjar3@sbcglobal.net	Sandy	Carmel, IN	Support Downtown Santa Fe Vacation Rentals		6/15/20 20:57	4694983
doug.kopp@att.net	Douglas Kopp MD	Lubbock, TX	Support Downtown Santa Fe Vacation Rentals		6/15/20 13:14	4694835
meconrad@mac.com	Mary Conrad	Albuquerque NM	Support Downtown Santa Fe Vacation Rentals		6/13/20 7:24	4694671
khutch43@gmail.com	Kay Hutchison	Madison WI	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:43	4694555
mark.swearingen55@gmail.com	Mark Swearingen	Concord, CA	Support Downtown Santa Fe Vacation Rentals		6/13/20 11:52	4694411
jwc51@aol.com	James Carroll	Belton, Texas	Support Downtown Santa Fe Vacation Rentals		6/12/20 21:33	4694375
dmann8006@yahoo.com	Dave Mann	Tucson	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:27	4694275
ghnospam@comcast.net	Glenn Horton	Seattle, WA	Support Downtown Santa Fe Vacation Rentals		6/15/20 9:19	4694127
bmaples@consolidated.net	Carol Maples	Lufkin	Support Downtown Santa Fe Vacation Rentals		6/12/20 19:21	4694051
melissalarry@cox.net	Melissa Larry	Tulsa	Support Downtown Santa Fe Vacation Rentals		6/12/20 21:12	4694015
suzannewalsh@hotmail.com	Suzanne Walsh	Allen, TX	Support Downtown Santa Fe Vacation Rentals		6/15/20 11:37	4693939
robitut@yahoo.com	Robin Tuttle	Hillsboro, NMFS	Support Downtown Santa Fe Vacation Rentals		6/12/20 19:56	4693735
sagraug@gmail.com	S G	New Orleans	Support Downtown Santa Fe Vacation Rentals		6/13/20 11:01	4693671
js2saints@sbcglobal.net	Sharlene St.Clair	Sacramento	Support Downtown Santa Fe Vacation Rentals		6/15/20 17:24	4693487
gailstitt@ymail.com	Gail K Stitt	Salida, Colorado	Support Downtown Santa Fe Vacation Rentals		6/12/20 19:51	4693355
mdeynoodt@gmail.com	Mary Deynoodt	New Orleans	Support Downtown Santa Fe Vacation Rentals		6/15/20 9:36	4693203
gregory.a.kelinske@rrd.com	Gregory	Texas	Support Downtown Santa Fe Vacation Rentals		6/15/20 9:33	4693167
marandolphlaw@aol.com	Mary Ann Randolph	Mariemont	Support Downtown Santa Fe Vacation Rentals		6/12/20 19:07	4692795
surobert@nmsu.edu	Susan K Roberts	Las Cruces	Support Downtown Santa Fe Vacation Rentals		6/15/20 14:16	4692739
joyblum1@aol.com	Joy Blum	Tabernash, CO	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:34	4692731
jdubowe@aol.com	Jeff	Las Vegas	Support Downtown Santa Fe Vacation Rentals		6/13/20 10:19	4692671
peter.roessler@gmail.com	Peter Roessler	San Francisco, CA	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:41	4692619
maduettra@gmail.com	Amity Duettra	Bend, Oregon	Support Downtown Santa Fe Vacation Rentals	174.245.194.46	6/14/20 11:14	4692307
lkg1105@verizon.net	Lori Goldberg	Plano	Support Downtown Santa Fe Vacation Rentals		6/12/20 19:51	4692207
bgardner@planetcrossing.com	Barbara Gardner	Atascadero	Support Downtown Santa Fe Vacation Rentals		6/13/20 15:37	4692123
wilhardwick@verizon.net	WILLIS C HARDWICK	ALEXANDRIA	Support Downtown Santa Fe Vacation Rentals		6/13/20 10:17	4692111
becky@rebeccarice.net	Rebecca Rice	Little Rock	Support Downtown Santa Fe Vacation Rentals		6/12/20 23:33	4692099
bfarrell.faps@yahoo.com	Barbara	Arlington	Support Downtown Santa Fe Vacation Rentals		6/14/20 11:17	4692015
pduettra@yahoo.com	Peter Duettra	Chandler Arizona	Support Downtown Santa Fe Vacation Rentals		6/12/20 17:41	4691971
ljmarbella@aol.com	Joyce Malone	Denver	Support Downtown Santa Fe Vacation Rentals		6/14/20 15:04	4691903
amyret@comcast.net	Amy Retherford	Commerce City	Support Downtown Santa Fe Vacation Rentals		6/14/20 16:54	4691895
fair.april2@gmail.com	April	Santa Fe	Support Downtown Santa Fe Vacation Rentals		6/13/20 21:32	4691887
fowler1219@gmail.com	Alee	Oklahoma City	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:27	4691483
ejparsons@sbcglobal.net	Eric Parsons	Appleton, WI	Support Downtown Santa Fe Vacation Rentals		6/15/20 9:39	4691479
kathydevor@gmail.com	Kathleen Devor	Montrose	Support Downtown Santa Fe Vacation Rentals		6/13/20 6:02	4691387
jtphoenix@jtphoenix.com	Tim Phoenix	TULSA	Support Downtown Santa Fe Vacation Rentals		6/13/20 9:06	4691195
b_murphy@comcast.net	Bob Murphy	Louisville	Support Downtown Santa Fe Vacation Rentals		6/15/20 19:36	4691183
ehelmholz@comcast.net	Edith Helmholz	Tiburon	Support Downtown Santa Fe Vacation Rentals		6/12/20 22:19	4691171
b737drvr@gmail.com	Judy Holly	Houston	Support Downtown Santa Fe Vacation Rentals		6/15/20 13:37	4691079
pmccabe@sflaw.com	Patrick McCabe	San Francisco, CA	Support Downtown Santa Fe Vacation Rentals		6/14/20 17:00	4690843
cnease1493@cox.net	Carole Nease	mulvane ks	Support Downtown Santa Fe Vacation Rentals		6/12/20 19:18	4690743
dennis.sass@cox.net	V Dennis Sass	San Diego	Support Downtown Santa Fe Vacation Rentals		6/16/20 11:45	4690699
garyhornsby@msn.com	Gary Hornsby	Denver	Support Downtown Santa Fe Vacation Rentals		6/13/20 7:11	4690503
econlan@msn.com	Erica Conlan	Seattle	Support Downtown Santa Fe Vacation Rentals		6/15/20 0:13	4690303
mina1339@hotmail.com	Wilhemina DeShazo	Washington DC	Support Downtown Santa Fe Vacation Rentals		6/15/20 10:35	4690203
nancy2544@cox.net	Nancy Moore	Tulsa, Ok	Support Downtown Santa Fe Vacation Rentals		6/12/20 21:20	4690195

wkschmuck@gmail.com	Wallace Schmuck	Benbrook	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:08	4690171
lemrts@gmail.com	Robert Skinnet	San Francisco	Support Downtown Santa Fe Vacation Rentals	6/12/20 21:39	4690139
david.martinez1966@gmail.com	David R Martinez	Dracut, MA 01826	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:15	4690035
kbs.owen@gmail.com	Katie Owen	Austin, TX	Support Downtown Santa Fe Vacation Rentals	6/15/20 16:05	4689995
scottcarson1@me.com	Scott	Frisco	Support Downtown Santa Fe Vacation Rentals	6/12/20 20:06	4689851
bgshanker@msn.com	Beth Shanker	Denver	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:13	4689747
debwax@aol.com	Deborah Wax	Houston, Texas	Support Downtown Santa Fe Vacation Rentals	6/16/20 17:01	4689503
schoeppel@hotmail.com	Pamela Schoeppel	Jacksonville FL	Support Downtown Santa Fe Vacation Rentals	6/13/20 8:52	4689475
baxsmith@aol.com	Ken Smith	Fort Collins	Support Downtown Santa Fe Vacation Rentals	6/12/20 21:31	4689431
sramsey14@cox.net	Suzanne Ramsey	Aliso Viejo	Support Downtown Santa Fe Vacation Rentals	6/13/20 9:06	4689423
horseflyaa@yahoo.com	Temple	Illinois	Support Downtown Santa Fe Vacation Rentals	6/13/20 6:35	4689371
claybeveridge@verizon.net	Clay Beveridge	Richmond	Support Downtown Santa Fe Vacation Rentals	6/15/20 9:16	4689227
jenmanley@verizon.net	Jennifer manley	Baytown TX	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:16	4689083
deb@citadeltech.com	Deb Mich	Santa Cruz	Support Downtown Santa Fe Vacation Rentals	6/15/20 14:26	4689003
sandi.brakebush@gmail.com	Sandra Brakebush	Mission Viejo CA 92691	Support Downtown Santa Fe Vacation Rentals	6/12/20 20:01	4688959
lyndalawrence56@yahoo.com	Lynda Lawrence	Forney TX. 75126	Support Downtown Santa Fe Vacation Rentals	6/13/20 13:13	4688835
rbecht1@gmail.com	Robert Becht, Jr	Summerset	Support Downtown Santa Fe Vacation Rentals	6/12/20 20:29	4688751
amwarnke@suddenlink.net	Andrea Margaret Warnke	Andrews	Support Downtown Santa Fe Vacation Rentals	6/13/20 9:19	4688691
barbarastrand5@btinternet.com	Barbara	Galisteo	Support Downtown Santa Fe Vacation Rentals	6/13/20 1:33	4688555
emg2288@icloud.com	Edward m. Green	Monticello, florida	Support Downtown Santa Fe Vacation Rentals	6/13/20 5:55	4688511
june@northofpalms.com	June Ailin Sewell	Marina del Rey, CA	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:08	4688467
christycarpenter@me.com	Christy Carpenter	Austin	Support Downtown Santa Fe Vacation Rentals	6/12/20 21:30	4688327
bander4125@aol.com	Beth Anderson	Longmont	Support Downtown Santa Fe Vacation Rentals	6/14/20 19:23	4688239
jdworak@gmail.com	John L Dworak	Monument	Support Downtown Santa Fe Vacation Rentals	6/13/20 9:49	4688171
bbannatyne@aol.com	Elaine Veyna Bannatyne	Fillmore CA	Support Downtown Santa Fe Vacation Rentals	6/13/20 9:05	4688115
jslilly@me.com	Joyce Lilly	Washington, TX	Support Downtown Santa Fe Vacation Rentals	6/15/20 8:54	4687935
alliebeern@yahoo.com	Allison Northern	Amarillo	Support Downtown Santa Fe Vacation Rentals	6/13/20 10:14	4687883
bacbc@aol.com	Barton Alexander	Denver	Support Downtown Santa Fe Vacation Rentals	6/13/20 5:50	4687751
krenfro2000@gmail.com	Kathy Renfro	Albuquerque	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:43	4687743
cshain@heschandshain.com	Constance Shain	Kirkland	Support Downtown Santa Fe Vacation Rentals	6/14/20 13:00	4687691
nancyjleonard@mac.com	Nancy J. Leonard	Dana Point	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:22	4687651
raj.stma@gmail.com	Theresa Rajendran	Colorado Springs	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:28	4687327
edgardm1@msn.com	Marie Edgar	Denver	Support Downtown Santa Fe Vacation Rentals	6/12/20 21:00	4687203
raindancedesign@comcast.net	jann	Littleton	Support Downtown Santa Fe Vacation Rentals	6/15/20 10:01	4687155
dwbyrne@outlook.com	David	Byrne	Support Downtown Santa Fe Vacation Rentals	6/13/20 4:42	4687115
ladym_56@hotmail.com	Marylin	Marietta	Support Downtown Santa Fe Vacation Rentals	6/15/20 15:37	4687111
kannsage@gmail.com	Kathleen Sayers	Durango, CO	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:06	4687027
reiter@wtrt.net	ANNE REITER	Hereford	Support Downtown Santa Fe Vacation Rentals	6/13/20 10:26	4686847
mstreifer@sbcglobal.net	Maria Streifer	Benicia, CA	Support Downtown Santa Fe Vacation Rentals	6/13/20 0:10	4686767
qwqwqw@mail.com	Michael Diamond	Mullica Hill, NJ	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:14	4686671
ae04mtnear@optonline.net	Elyse Bauer	Bethpage, NY	Support Downtown Santa Fe Vacation Rentals	6/13/20 7:19	4686491
query10@juno.com	S. Yee	Gilbert	Support Downtown Santa Fe Vacation Rentals	6/12/20 23:14	4686439
bridgetecondon@gmail.com	Bridget Condon	Santa Fe	Support Downtown Santa Fe Vacation Rentals	6/14/20 17:13	4686399
droeca@droecalaw.com	Douglas Roeca	Placerville	Support Downtown Santa Fe Vacation Rentals	6/15/20 8:51	4686347
pope@sandiego.edu	Jack Pope	San Diego	Support Downtown Santa Fe Vacation Rentals	6/12/20 23:20	4686339
mcs@first-interstate.com	Mitchell Schneider	Cleveland ohio	Support Downtown Santa Fe Vacation Rentals	6/15/20 12:12	4686083
pammcafee@gmail.com	Pam McAfee	Driftwood	Support Downtown Santa Fe Vacation Rentals	6/13/20 5:10	4686003
lilly@curiouslybright.com	Lilly Bright	Los Angeles	Support Downtown Santa Fe Vacation Rentals	6/13/20 21:29	4685983
paint4real@comcast.net	Steven J Sweeney	STILLWATER, MN	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:41	4685547
tpjs1@verizon.net	Thomas Stoner	Catonsville MD 21228	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:57	4685535
rkixonia@gmail.com	Randy Koschnick	Oconomowoc	Support Downtown Santa Fe Vacation Rentals	6/15/20 13:51	4685311
kprado@aol.com	Kathleen Prado	La Quinta	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:04	4685199
apriestman@comcast.net	Ann priestman	Littleton	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:48	4685183
parrott.d@gmail.com	Dan Parrott	Saint Augustine	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:23	4684995
vickirye@yahoo.com	Vicki Rye	Houston TX	Support Downtown Santa Fe Vacation Rentals	6/12/20 22:47	4684903
maxvillejan@yahoo.com	Jan Thomas	Rathdrum, ID	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:36	4684863
diannekalb@gmail.com	Dianne Kalb	Santa Fe	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:58	4684803
rufus@flywild.net	Sherry Kandle	Boise	Support Downtown Santa Fe Vacation Rentals	6/14/20 22:38	4684751
mc@richduranplumbing.com	mark Couch	Santa Fe	Support Downtown Santa Fe Vacation Rentals	6/12/20 20:15	4684687
andi_mcdowell@yahoo.com	Andi	Ellicott City	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:19	4684647
mchavatel@aol.com	Marta Chavatel	Fenwick island de	Support Downtown Santa Fe Vacation Rentals	6/13/20 4:06	4684367
annalabenz@mac.com	Anna LaBenz	Flagstaff	Support Downtown Santa Fe Vacation Rentals	6/12/20 22:36	4684343
klmitch2004@yahoo.com	Kyle Mitchell	Centerville, Ohio	Support Downtown Santa Fe Vacation Rentals	6/12/20 21:04	4684299
amylevin01@gmail.com	Amy Levin	Tucson	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:26	4684287
maryvm96@aol.com	Mary Vandermast	Surprise, AZ	Support Downtown Santa Fe Vacation Rentals	6/13/20 5:13	4684139
clakin@infowest.com	Carol Lakin	St. George, UT	Support Downtown Santa Fe Vacation Rentals	6/12/20 21:51	4684123
nwd47@aol.com	Neil Dorsman	Green Valley, AZ	Support Downtown Santa Fe Vacation Rentals	6/12/20 20:28	4683983
billramsey53@gmail.com	William Ramsey, AICP	Aliso Viejo	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:07	4683571
terrymcm@comcast.net	Terrence McMahon	Monte Sereno	Support Downtown Santa Fe Vacation Rentals	6/12/20 23:21	4683411
triod@hotmail.com	Tri Vuong	Dallas	Support Downtown Santa Fe Vacation Rentals	6/12/20 21:33	4683407
hdilly@yahoo.com	Hal Dillemback	Corrales	Support Downtown Santa Fe Vacation Rentals	6/15/20 10:05	4683267
noble@usa.com	Judy Noble	Dallas	Support Downtown Santa Fe Vacation Rentals	6/12/20 21:15	4683259
denise@jecmiller.com	Denise Miller	Minneapolis	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:56	4683159
kimcallait@gmail.com	Kim	Frisco	Support Downtown Santa Fe Vacation Rentals	6/14/20 13:38	4683135
joannegustafson@msn.com	Joanne Gustafson	Wheat Ridge, CO	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:15	4683087
yj@taosnet.com	Wendy E Young	El Prado	Support Downtown Santa Fe Vacation Rentals	6/15/20 10:22	4683083
amyrschofield@hotmail.com	Amy Lemyre	Santa Rosa	Support Downtown Santa Fe Vacation Rentals	6/14/20 14:16	4682943
salinas.anna.c@gmail.com	Anna	Kerrville	Support Downtown Santa Fe Vacation Rentals	6/13/20 10:10	4682907
pdlainson@charter.net	Pamela Lainson	Hastings	Support Downtown Santa Fe Vacation Rentals	6/12/20 20:43	4682779
amy@dynamicpotential.com	Amy	Santa Fe	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:27	4682767
nriordon@cox.net	Nancy F Riordon	Green Valley, AZ	Support Downtown Santa Fe Vacation Rentals	6/13/20 18:18	4682671
adoris@sbcglobal.net	AL K. DORIS	Santa Fe	Support Downtown Santa Fe Vacation Rentals	6/15/20 9:47	4682539
joelynhiggins@cox.net	JOELYN DINNELLA HIGGINS	Sun City	Support Downtown Santa Fe Vacation Rentals	6/13/20 7:36	4682523
cwilson@zianet.com	Cheryl Wilson	Las Cruces NM	Support Downtown Santa Fe Vacation Rentals	6/15/20 9:48	4682511
mdague1@gmail.com	michael dague	MARANA	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:17	4682263

kferguson@austin.rr.com	Elaine	Austin	Support Downtown Santa Fe Vacation Rentals	6/13/20 9:21	4682199
s.lindsey85@gmail.com	Sara Knudson	Tampa, FL	Support Downtown Santa Fe Vacation Rentals	6/15/20 8:59	4682183
deb_kahrs@msn.com	Deborah Kahrs	OTIS	Support Downtown Santa Fe Vacation Rentals	6/16/20 4:33	4682155
betbooks@aol.com	Britton E Trice	New Orleans	Support Downtown Santa Fe Vacation Rentals	6/12/20 22:14	4682123
marshawilliams@islandnet.com	Marsha Williams	Victoria British Columbia	Support Downtown Santa Fe Vacation Rentals	6/15/20 9:32	4682103
rjjones4314@gmail.com	Roger Jones	Lakewood, CO	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:16	4681807
mchslater@gmail.com	Cathryn	Little Rock	Support Downtown Santa Fe Vacation Rentals	6/13/20 8:51	4681799
marshallgile@mac.com	Marshall Gile	Denver	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:05	4681763
jburndred@btinternet.com	John BURNDRED	Lincoln, UK	Support Downtown Santa Fe Vacation Rentals	6/13/20 1:13	4681747
mchatelle@gvtc.com	Mike Chatelle	Fair Oaks Ranch	Support Downtown Santa Fe Vacation Rentals	6/13/20 8:57	4681595
allinante@gmail.com	Allison Emge	Littleton	Support Downtown Santa Fe Vacation Rentals	6/13/20 5:45	4681547
btbagshaw@hotmail.com	Mary Teresa Bagshaw	FORT COLLINS, CO	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:27	4681483
cneastwood1@gmail.com	Clair Eastwood	Santa Fe	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:14	4681311
marisadiazarenas@gmail.com	Marisa Diaz	Bogota	Support Downtown Santa Fe Vacation Rentals	6/13/20 15:04	4681047
ruth@ruthmikos.com	Ruth Mikos	Rochester	Support Downtown Santa Fe Vacation Rentals	6/13/20 6:21	4681043
elisagnzlz@hotmail.com	Elisa Gonzalez	League city	Support Downtown Santa Fe Vacation Rentals	6/12/20 20:06	4680971
bonjifiber@gmail.com	Bonnie Black	Camdenton, Missouri	Support Downtown Santa Fe Vacation Rentals	6/15/20 9:06	4680827
stellarafalo@gmail.com	Anne Rafalo	Durango	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:10	4680727
maggieparr1@hotmail.com	Maggie Parr	SHEFFIELD	Support Downtown Santa Fe Vacation Rentals	6/12/20 23:27	4680339
efremjr@yahoo.com	Efrem Chavez	Albuquerque	Support Downtown Santa Fe Vacation Rentals	6/15/20 9:55	4680315
mauraselk@yahoo.com	Lisa Deeds	Sedalia, CO	Support Downtown Santa Fe Vacation Rentals	6/15/20 16:23	4680283
catanasoff@yahoo.com	Cynthia Atanasoff	The Colony	Support Downtown Santa Fe Vacation Rentals	6/15/20 11:46	4680099
jankennaugh@gmail.com	Jan Kennaugh	Denver	Support Downtown Santa Fe Vacation Rentals	6/13/20 7:38	4680095
kmigl82@gmail.com	Karen Migl	San Antonio	Support Downtown Santa Fe Vacation Rentals	6/13/20 14:44	4679959
srajmd@gmail.com	Sundar Rajendran	Colorado Springs	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:28	4679939
djohnson6531@yahoo.com	Donna Johnson	Gallup	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:52	4679843
knj44ws@gmail.com	Kate Johnston	Stuart, FL	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:40	4679763
mydogutah@aol.com	Lance Feray	Spring Texas	Support Downtown Santa Fe Vacation Rentals	6/13/20 4:53	4679459
robertcavin1@att.net	Dr. Robert Cavin	Rockwall, Texas	Support Downtown Santa Fe Vacation Rentals	6/12/20 22:18	4679327
kevinthomasflutes@hotmail.com	kevin thomas	bacchus marsh australia	Support Downtown Santa Fe Vacation Rentals	6/15/20 16:44	4679159
kerrymartin123@yahoo.com	Kerry Martin	Sahaurita	Support Downtown Santa Fe Vacation Rentals	6/15/20 8:58	4679051
ray@freemaninc.com	Raymond C. Freeman, Jr.	Santa Barbara, CA	Support Downtown Santa Fe Vacation Rentals	6/12/20 23:32	4678727
nisterling@aol.com	Nancy	Houston	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:41	4678199
chaille.hawkins@yahoo.com	Chaille Hawkins	Ingram	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:37	4678159
dovfd569@hotmail.com	David	Flower Mound	Support Downtown Santa Fe Vacation Rentals	6/13/20 5:48	4678127
mteske@som.umaryland.edu	Mark Teske	Baltimore	Support Downtown Santa Fe Vacation Rentals	6/15/20 9:15	4678075
dreehln@aol.com	D Reehling	Indianapolis	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:25	4678055
richardwoodruff@yahoo.com	Richard Woodruff	Santa Fe	Support Downtown Santa Fe Vacation Rentals	6/16/20 9:10	4677971
rleecock@gmail.com	Ryan Daniel Leecock	Dallas	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:50	4677943
rivese@castleman.net	Rives Castleman	Dallas	Support Downtown Santa Fe Vacation Rentals	6/15/20 12:27	4677915
jay.levinsohn@gmail.com	Jay Levinsohn	Chapel Hill	Support Downtown Santa Fe Vacation Rentals	6/15/20 11:41	4677791
annalamis@gmail.com	Anna Amis	Overland Park	Support Downtown Santa Fe Vacation Rentals	6/13/20 8:40	4677727
gschappell4@me.com	George Chappell	Santa fe	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:26	4677703
erickja@sonic.net	Judy Erickson	Santa rosa	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:27	4677615
rkiker@hotmail.com	Reita Kiker	Hondo NM	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:52	4677583
loudena@aol.com	Andrew F Louden	Indianapolis	Support Downtown Santa Fe Vacation Rentals	6/13/20 4:10	4677527
rich@richduranplumbing.com	Richard Duran	Santa Fe	Support Downtown Santa Fe Vacation Rentals	6/17/20 8:35	4677479
dougbtx@gmail.com	Doug Beck	Bedford, Tx	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:21	4677275
mleeser@gmail.com	Michael J. Leeser	Tallahassee, FL	Support Downtown Santa Fe Vacation Rentals	6/15/20 14:47	4676643
vnarnold@att.net	Vicki Arnold	Tucson, AZ	Support Downtown Santa Fe Vacation Rentals	6/15/20 10:08	4676631
suzdrum@cox.net	Suzanne Tractenberg	San Diego, CA 92103	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:54	4676595
jtuma@charter.net	John Tuma	Northfield, MN	Support Downtown Santa Fe Vacation Rentals	6/13/20 21:59	4676563
rhondajohns@pldi.net	Rhonda Johns	Tuttle	Support Downtown Santa Fe Vacation Rentals	6/15/20 13:11	4676543
bjdnwillis@gmail.com	Betsy J Willis	Dallas	Support Downtown Santa Fe Vacation Rentals	6/12/20 21:21	4676203
lillich.dallas@gmail.com	Dallas Lillich	Oshkosh	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:14	4676195
hughesbuilding1@gmail.com	Charles Hughes	Westland	Support Downtown Santa Fe Vacation Rentals	6/15/20 4:54	4676147
dmiller.invest@att.net	Darrell Miller	St Simons Island, GA	Support Downtown Santa Fe Vacation Rentals	6/15/20 10:31	4676051
susan@sckart.com	Susan crouse	Longmont	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:04	4675979
andrewdshapiro@gmail.com	Andrew Shapiro	Santa Fe	Support Downtown Santa Fe Vacation Rentals	6/15/20 11:49	4675927
kashep1@comcast.net	Karen	Castle Rock	Support Downtown Santa Fe Vacation Rentals	6/12/20 23:37	4675887
kawen407@gmail.com	Katie Wendel	Kansas City, MO	Support Downtown Santa Fe Vacation Rentals	6/13/20 5:47	4675855
bakeel7521@gmail.com	Beth Keel	Knoxville	Support Downtown Santa Fe Vacation Rentals	6/13/20 7:54	4675763
billh2121@att.net	Bill Humes	Edmond, OK	Support Downtown Santa Fe Vacation Rentals	6/16/20 5:50	4675727
reganlenehan@hotmail.com	Regan Lenehan	Austin	Support Downtown Santa Fe Vacation Rentals	6/15/20 9:08	4675699
karnish@ymail.com	Janice Karnish	Ponca City	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:47	4675651
dianneh46@att.net	Dianne Hughes	San Antonio, Texas	Support Downtown Santa Fe Vacation Rentals	6/13/20 7:42	4675503
redcloud1@tampabay.rr.com	Steve Rambeaux	St Petersburg	Support Downtown Santa Fe Vacation Rentals	6/13/20 6:34	4675403
cardenas711@aol.com	David Cardenas	Dallas Texas	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:31	4675315
srsavage@gmail.com	seneca savage	albuquerque	Support Downtown Santa Fe Vacation Rentals	6/15/20 9:26	4675311
lj1966lj@yahoo.com	Chris Davies	Lake Jackson	Support Downtown Santa Fe Vacation Rentals	6/12/20 21:32	4675307
jameshardin13@sbcglobal.net	James Hardin	Lubbock	Support Downtown Santa Fe Vacation Rentals	6/12/20 20:11	4675171
eric@wolffam.com	ERIC WOLF	Austin	Support Downtown Santa Fe Vacation Rentals	6/13/20 7:03	4675147
alice.lusk@tx.rr.com	Alice Lusk	Frisco, Texas	Support Downtown Santa Fe Vacation Rentals	6/13/20 8:10	4675131
andehargrove@gmail.com	Ann Hargrove	Evergreen, CO	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:09	4675095
carsonwomack9@gmail.com	Carson	San Angelo	Support Downtown Santa Fe Vacation Rentals	6/13/20 21:09	4675071
mkmkmeier@gmail.com	Mary Ann Kinsella Meier	Highland	Support Downtown Santa Fe Vacation Rentals	6/15/20 11:26	4674939
jeanfletcher@live.com	Jean Fletcher	Omaha	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:05	4674787
spheniscus@aol.com	Einar Gall	San Diego, CA	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:33	4674775
snagit@hughes.net	Sherrie Davis	Georgetown	Support Downtown Santa Fe Vacation Rentals	6/15/20 17:14	4674759
dfyoun@frontier.com	Don Young	Sammamish, WA	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:02	4674675
lindsay.speyrer777@gmail.com	Lindsay Speyrer	Tomball, TX	Support Downtown Santa Fe Vacation Rentals	6/12/20 19:46	4674667
ray@thelupos.com	Raphael Lupo	McLean VA	Support Downtown Santa Fe Vacation Rentals	6/13/20 9:21	4674579
lindaugor@gmail.com	Linda Gray	Dallas	Support Downtown Santa Fe Vacation Rentals	6/12/20 17:26	4674507
tvsportsman@gmail.com	Mike Garner	Tulsa	Support Downtown Santa Fe Vacation Rentals	6/12/20 18:54	4674411
j.psychandrus@gmail.com	John Andrus	Oklahoma City	Support Downtown Santa Fe Vacation Rentals	6/12/20 20:19	4674399

tongmilma@yahoo.com	Tony	St Charles	Support Downtown Santa Fe Vacation Rentals		6/15/20 19:28	4674367
bheimann13@gmail.com	Brenda Heimann	Kerrville	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:37	4674335
emfort@gmail.com	Emily Fort	Reston	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:09	4674299
dwzuehlke@sbcglobal.net	Debby & Dennis Zuehlke	Lubbock	Support Downtown Santa Fe Vacation Rentals		6/15/20 10:25	4674143
raquell.f7@icloud.com	Raquel Fernandez	Santa Fe	Support Downtown Santa Fe Vacation Rentals		6/14/20 18:17	4673955
adugas@lpc.com	Abbey Dugas	Frisco, TX	Support Downtown Santa Fe Vacation Rentals		6/12/20 19:30	4673935
rabaker1946@att.net	Robert Baker	Austin Tx	Support Downtown Santa Fe Vacation Rentals		6/13/20 7:55	4673575
jaym_scott@yahoo.com	Jay Scott	Santa Fe, NM	Support Downtown Santa Fe Vacation Rentals		6/14/20 17:50	4673467
bumpas@tarleton.edu	Jerilyn White Bumpas	Glen Rose	Support Downtown Santa Fe Vacation Rentals		6/15/20 8:48	4673415
michelleincolorado@gmail.com	Michelle Suckling	Colorado Sorings	Support Downtown Santa Fe Vacation Rentals		6/12/20 20:18	4673175
simonhin@comcast.net	Roberta Hindert	Parker, CO	Support Downtown Santa Fe Vacation Rentals		6/13/20 10:14	4673163
johnyochem@aol.com	John Yochem	Goliad	Support Downtown Santa Fe Vacation Rentals		6/15/20 10:45	4673075
gregduncan1961@yahoo.com	Gregory Duncan	Greenville	Support Downtown Santa Fe Vacation Rentals		6/12/20 22:36	4672979
alantucker290@hotmail.com	Alan	Havana il	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:58	4672883
snussdesigns@yahoo.com	Steve Nuss	Prairie Village Ks	Support Downtown Santa Fe Vacation Rentals		6/15/20 20:33	4672619
bryant@bcoffmancpa.com	Bryant J. Coffman, CPA	Tulsa, OK	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:44	4672611
sigsaz@msn.com	Frank Sigmund	Scottsdale	Support Downtown Santa Fe Vacation Rentals		6/13/20 21:16	4672555
vlonghi@hotmail.com	Vince Longhi	Laguna Niguel, CA	Support Downtown Santa Fe Vacation Rentals		6/12/20 20:30	4672539
hollycoats@kwcommercial.com	Holly Coats	Santa Fe	Support Downtown Santa Fe Vacation Rentals		6/13/20 8:05	4672499
travel@graham-graphics.com	Sarah Graham	Santa Fe	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:44	4672495
mgsnelson@aol.com	Monalee Snelson	Midland	Support Downtown Santa Fe Vacation Rentals		6/14/20 6:56	4672351
dmansure@gmail.com	Santa Fe	NM	Support Downtown Santa Fe Vacation Rentals	73.98.15.131	6/12/20 15:50	17040271
marcbert@aol.com	Marc Bertram	Santa Fe	Support Downtown Santa Fe Vacation Rentals	50.201.167.243	6/12/20 17:37	5024463
aduettra@gmail.com	ANDREW	Santa Fe	Support Downtown Santa Fe Vacation Rentals		6/12/20 20:47	4679315
dmansure@adobestarproperties.com	Dave Mansure	Santa Fe	Support Downtown Santa Fe Vacation Rentals		6/12/20 18:12	4675423

Stanford University

PAULA M. L. MOYA
Danily C. and Laura Louise Bell
Professor in the Humanities
Department of English

June 18, 2020

Dear Mayor Alan Webber, Councilor Signe I. Lindell, Councilor Carol Romero- Wirth, Councilor Renee Villarreal, and other Members of the City Council, Planning Commission Chair Jack Hiatt, Planning Manager Noah Berke, Land Use Department Director Isaacson, Vice Manager Mark Hogan, Secretary Pilar Faulkner, Commissioner Jesse Lawrence, Commissioner Dominic Sategna, Assistant City Attorney Paez,

I am a law-abiding, tax-paying property owner of a single family residential home located at 625 Garcia St. in Santa Fe, New Mexico. Part of my family has been in New Mexico since time immemorial, another part arrived over 500 years ago with the Spanish colonizers. I grew up in Santa Fe—attending elementary school, junior high and high school there. University and work took me away from the city after my high school graduation, but I plan to retire in Santa Fe with my husband Ramon Saldivar when we finish our careers as professors at Stanford University.

To facilitate our return, we purchased an older but refurbished home in the Garcia-Alire complex just off Garcia Street. We purchased at that location to be close to my high school friend who owns a couple of homes in that complex. Like me, she plans to retire in Santa Fe, and is keeping both homes to facilitate her children's ability to live nearby.

To make our home purchase financially feasible, my husband and I rent it as a short-term rental when we are not occupying it ourselves. My parents both live in Albuquerque, and before the COVID shut-down, we visited the state of New Mexico and the cities of Albuquerque and Santa Fe as often as every couple of months. We meet and socialize with our permanent-resident neighbors and we purchase goods and services from local Santa Fe businesses. Our short-term rental guests are good visitors to Santa Fe and help support the local economy. We keep our home in top condition both for ourselves and for the people who come in to rent from us; the revenue from the rentals allow us to do this.

Some of the changes you are considering with the proposed revisions could seriously negatively impact our ability to retain ownership of our home and might damage the short-term rental business generally. We take exception, in particular, to the requirement that all short-term rentals are required to have a local operator/manager who resides within the city limits. My husband and I work closely with many local Santa Fe residents to manage the house, including a local housecleaner, a local gardener, several local handypersons, and a local attorney. We have complied with all licensing requirements and are careful to pay all relevant property and short-term rental taxes. We are meticulous about informing our guests

Department of English
450 Serra Mall, Building 460, Stanford, CA 94305-2087 650-723-0034 pmoya@stanford.edu

about Santa Fe ordinances, and we have had no complaints or problems. We are able to do this without any difficulties even though we live in the San Francisco Bay Area.

Other proposed changes are unnecessarily punitive and seem designed to hurt the short-term rental business generally—in particular the requirement that short-term rental permits will be limited to "one per natural person." For financial reasons, my husband and I have our home in an LLC. I truly do understand the desire to keep out operators who own many units. But 1 per natural person is excessively limiting and would unnecessarily punish my friend who owns just two homes.

Killing the short-term rental business would not be good for the City of Santa Fe and would be punitive to current and compliant short-term rental operators. Much more important would adequately enforcing the rules in the current ordinance. Short-term rentals are an important part of the tourist ecology of Santa Fe. Visitors enjoy being able to stay in a home and walk out to the plaza where they can shop and dine in local restaurants. I realize that these enjoyable activities are on hiatus right now, but they will eventually return. Making large-scale changes to the short-term rental ordinance during the COVID pandemic is a terrible idea.

We ask you to be thoughtful about any changes you make so that you do not adversely affect owners like us who have a long and deep commitment to the City of Santa Fe. We are not a large business operation whose interest is purely profit. Instead, we work actively to help develop the vibrant community and economy of our beautiful City.

Thank you very much for your consideration.

Sincerely,

Paula M. L. Moya

PAEZ, SALLY A.

From: BERKE, NOAH L.
Sent: Thursday, June 18, 2020 11:47 AM
To: PAEZ, SALLY A.; ISAACSON, ELIAS S.
Subject: FW: Short Term Rental

Noah Berke, CFM
Planner Manager
City of Santa Fe Land Use Department
Office: (505) 955-6647
Cell or Text: (505) 490-5930
Email: nlberke@santafenm.gov

Click here for Zoning Code Information

Click here for Property Information

https://www.alltogethersantafe.org/

From: John M Nye <johnmnye@yahoo.com.au>
Sent: Thursday, June 18, 2020 11:43 AM
To: BERKE, NOAH L. <nlberke@santafenm.gov>; Land Use Public Comment <landusepubliccomment@santafenm.gov>
Cc: CASSUTT-SANCHEZ, JAMIE A. <jcsanchez@santafenm.gov>; Alan Webber <alanwebber@me.com>; Elias Isaacson <esiasaacson@santafenm.gov>
Subject: Short Term Rental

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

RE: 14-6.2 SFCC 1987 & 14-11.4

I realize this is late but am traveling and just received notification and if not acceptable will understand.

Comments & questions; 1) Are short term rentals considered a commercial business in a residential zone ?

2) Do they have a City Business License ?

3) Do they pay a lodgers tax ?

4) Do they pay GRT ?

5) Do they have a Federal Tax ID # ?

6) Limit one per family not per person.

7) Insurance - if claim I just take tort action against City ?

8) Costs of STR administration are a profit source or deficit ?

Thank you.

John M. Nye

P O Box 446
Tesuque, N M 87574

Cell (505) 699-3492
johnmnye@yahoo.com.au

July 17, 2020

Dear City of Santa Fe Planning Commissioners:

The Santa Fe Association of REALTORS® appreciates the City of Santa Fe Planning Commission's work to thoughtfully debate and improve the proposed Short Term Rental ordinance. The association is in alliance with many of the recommendations recorded by City Assistant Attorney, Sally A. Paez, at the commission's meeting in June. It is our understanding that the city is working on another iteration of the ordinance that will incorporate these recommendations. In light of this work, the association has taken a position on various changes in the proposal, most of which, align closely with the commission.

Please find attached a copy of the association's position on the Short Term Rental proposal. In reviewing the position, please note that commissioners did not make any recommendations regarding proposed changes to multi-family units in the proposal and; therefore, encourage commissioners to consider adopting the association's recommendation.

Additionally, the commission's discussion regarding the added 75-foot radius requirement for new permits was important and valuable as the association believes this further restriction on density is unworkable. For many homeowners, it would be difficult to make a such determination without significant support from the land use department. The association suggests the commission consider retaining the existing density requirement *"short-term rental permits will not be issued for more than two short-term rentals directly adjoining each other on a residentially zoned street. For the purposes of this subsection, "directly adjoining" means sharing a common boundary along a public street frontage, but does not include adjoining units in a condominium, townhouse development, in an apartment complex, or residential compound"*. Furthermore, a companion ordinance requiring new oversight by the city's land use director along with civil fees and penalties is advancing through city committees; and if adopted, will give significant discretion to the city's land use director to make such determinations along with a hearing appeal process to address any property owner's challenge to a decision.

The Santa Fe Association of REALTORS® appreciates efforts by city leaders to ensure this valuable, local green industry generating wealth for its citizens is supported and encouraged while significantly enhancing the city's tourism and coffers, through needed tax collections.

Sincerely yours,

Susan Orth
President 2020
510 N Guadalupe, Santa Fe, NM 87501

CC: Mayor Alan Webber, Councilor Signe Lindell, Councilor Renee Villarreal, Councilor Carol Romero-Wirth, Councilor Michael Garcia, Councilor Roman Abeyta, Councilor Chris Rivera, Councilor JoAnne Vigil Coppler, Councilor Jamie Cassutt-Sanchez, Eli Isaacson – City Land Use Director, and Sally A. Paez – City Assistant Attorney

Santa Fe
Association of REALTORS®

July 2020

The Santa Fe Association of REALTORS® respectfully requests the following amendments to the City of Santa Fe's proposed Short Term Rental ordinance:

- Eliminate the real estate notice requirement Chapter 14-6.2A(6)(g)(m) or retain the existing Short Term Rental ordinance language which uses the correct real estate industry terminology; and
- Eliminate the 25% limit on multi-family units and/or retain the ability to acquire a permit for Short Term Rentals in multi-family units where HOA and/or Condominium rules permit such rentals.

In alliance with the City of Santa Fe's Planning Commission members, the association concurs with the following recommended changes:

- Retain the Business Commercial District (BCD) and Resort Community exemptions and registration as provided in existing law;
- Clarify that a permit must be held in the name of a natural person; however, the subject property can be owned by a legal or business entity (i.e., revocable trust, LLC, or a corporation);
- Expand the non-transferability of a permit by adding "A transfer that does not result in new ownership of the property such as a transfer to owner's revocable trust for estate planning purposes or a transfer to an LLC or other transfer where there is *no change in the ownership interest in the property*, is not considered a transfer for the purposes of this subparagraph."
- Clarify that the 7-day rental period restriction does not apply in non-residential districts or areas;
- Eliminate the new 75-foot radius density restriction from the property line as unworkable and consider retaining the existing density requirements to advance the proposal; and
- Ensure that the grandfather provision removes existing language that allows the land use director to revoke the permit upon expiration.

July 10, 2020

Honorable Mayor and Members of the City Council
Santa Fe City Hall
200 Lincoln Avenue
Santa Fe, New Mexico 87504

Dear Mayor Webber and Honorable Councilmembers,

On behalf of Airbnb, thank you for allowing us to provide feedback on the draft short-term rental (STR) ordinance. We appreciate your willingness to hear our perspective and inputs, and look forward to supporting the City of Santa Fe's efforts to regulate STRs.

Airbnb is proud to partner with local governments across the world in support of fair and reasonable short-term rental regulations. Founded in 2008, our people-to-people platform benefits the communities in which we operate -- from generating additional tax revenue for cities and supporting local businesses, to helping families gain supplemental income. Since August 2016, we have collected and remitted approximately $3.2M of Lodgers' taxes to Santa Fe on behalf of our host community. In the past 12 months, Airbnb hosts in Santa Fe earned approximately $20.6 million and welcomed 115,000 visitors to support the local economy.

Enacting balanced regulations that protect neighborhoods while preserving the key benefits that STRs provide to the community is crucial. That is why we are writing to express concerns about the City of Santa Fe's proposed STR ordinance and to suggest revisions that we believe would improve the City's ability to implement fair and reasonable regulations.

***

STR Restrictions in Commercially Zoned Areas

The draft ordinance would remove the current code's distinction between STR units on residentially zoned property (which are subject to the permit limits) and those on non-residentially zoned property (which must be registered but are not subject to the permit limits). The operation of STRs is a legitimate business activity in commercially zoned districts, and should not be subject to either the proposed citywide permit caps or the one permit per person limit. Moreover, it makes sense to encourage visitors to stay in a city's commercial district, and setting caps on the amount of visitors runs counter to that goal. We urge you to maintain the current distinction between zones, and focus regulations on addressing impacts of STRs to residential neighborhoods.

Citywide Permit Cap

We understand the city wishes to protect neighborhood character and affordable housing supply, but are concerned that a citywide cap on STR permits would not achieve these policy goals and may have unintended consequences. First, limiting the number of permits creates a dynamic where one person who may only rent out their home for a couple weeks during the summer gets a permit, while someone who rents a portion of their house more frequently and is more dependent on the income may be locked out. Second, STRs provide flexible supply that is essential for accommodating demand during the city's seasonal peak periods and special events. Third, capping permits would decrease the potential for revenues from the city's Lodgers tax, a funding source that is essential to the City's plan to monitor and enforce regulatory code compliance. Finally, as the city's Affordable Housing Director noted at the June 18th Planning Commission hearing, STRs do not directly impact the long-term housing availability in Santa Fe. Our data reinforces this analysis: an overwhelming majority, or 88%, of entire home listings in the city were rented for fewer than 180 days through our platform.

In addition to the 825 operators currently registered with the city, we know that there are many more in operation -- whether they are occasional, part-time or full-time short-term rentals. We ask that you give these operators an opportunity to come into compliance, and then set the permit cap accordingly at the number of all existing rentals. This would be consistent with the intent of the ordinance's grandfathering provision, make the supply more sustainable over time, and ensure the ability of Santa Fe residents to maintain an important economic lifeline.

Permit Requirements

The draft ordinance states that permits can only be issued to natural persons. We echo the many concerns voiced at the June 18th Planning Commission meeting, and ask that this language be clarified to ensure that property that is held by a legal or business entity (i.e., revocable trusts and LLCs) can be used as STRs, as long as the STR permit is held by a natural person.

In addition, the draft ordinance states that new permits shall not be issued for an STR unit within a 75-foot radius of any existing permitted STR unit in residential areas. Given the significant differences in form and density across Santa Fe neighborhoods, we are concerned that the proposed proximity limit would unfairly disadvantage residents of multifamily buildings in denser neighborhoods, limiting income generating opportunities to single family neighborhoods. We ask that the city conduct further economic and social impact analysis of the proposed regulations in order to ensure equal opportunities for its residents. If that is not possible, we ask that the city lift this restriction in commercially zoned districts.

Hosting Platform Responsibilities

The City's proposed regulatory scheme for hosting platforms raises serious legal concerns with respect to the federal Communications Decency Act (CDA) by requiring that a hosting platform "include a valid business license number in all listings or advertisements for a short-term rental unit." The CDA provides broad publisher immunity for online hosting platforms based on the activities of third parties on its platform and federal courts have routinely invalidated laws that directly regulate a website's protected publisher function by forcing it to "alter," "edit," or "withdraw" third-party content.

As a result, hosting platforms cannot be held responsible for including a valid business license in third party short-term rental listings but we can provide a field for STR operators to input their City-issued permit number in a format designated by the City prior to publication of their short-term rental listing advertisement and deactivate noncompliant listings for short-term rental use upon City notice.

Data Sharing Requirements

We are also concerned that the draft ordinance's hosting platform data sharing provisions conflict with federal laws, impose significant administrative burdens, and require disclosure of information already subject to our Voluntary Collection Agreement with the City.

Federal courts have consistently opposed data sharing provisions that compromise business records and personal information by disregarding appropriate legal processes. In 2019, two different federal courts stopped enforcement of home sharing laws in Boston and New York City, with similar data sharing provisions to Santa Fe, finding that the Fourth Amendment of the U.S. Constitution, which protects against unreasonable searches and seizures by government officials, shields online platforms from disclosing business records, which includes listing specific transactional information, without a legal process. The Stored Communications Act, 18 U.S.C. §§ 2702, 2703, in addition, requires governments to follow a specified legal process, like a subpoena or court order, before requesting the disclosure of personal information from internet providers.

To resolve these concerns, Airbnb is open to providing anonymized and aggregated listing data in the form of total guest arrivals, average trip length, average nightly price and typical host income to help facilitate Santa Fe's understanding of Airbnb activity within its jurisdiction in a manner that is consistent with applicable privacy and data sharing laws. We propose that this data be provided on a quarterly basis in order to reduce the administrative burden on our platform. Finally, our Voluntary Collection Agreement with the City of Santa Fe, signed 2016, also includes audit provisions for handling any tax-related concerns.

***

Thank you for the opportunity to submit comments on the proposed STR ordinance. We look forward to continuing to work with the City of Santa Fe to foster economic opportunity for your residents through healthy and sustainable tourism.

Sincerely,

Matt Middlebrook
Head of Policy, US West

Cc: Sally Paez, Assistant City Attorney
Eli Isaacson, Land Use Director

888 Brannan Street
San Francisco, California 94103

GURULE, GERALDINE A.

Subject: FW: Short Term Rental Ordinance Amendments
Attachments: Proposed Amendment A-6_16_2020.pdf

From: Paul Plunket <pwplunket@gmail.com>
Sent: Monday, June 15, 2020 2:09 PM
To: esiasaacson@santafenm.gov; PAEZ, SALLY A. <sapaez@santafenm.gov>
Subject: Short Term Rental Ordinance Amendments

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon.

My wife and I have owned a second home in Santa Fe since 2008. On advice of our estate planners and tax preparers, we own a New Mexico LLC that has title to the property. We live there 60 to 90 days a year and rent it 60 to 90 days a year. We have always had a short-term rental permit and believe that we have complied with the spirit and letter of the short-term rental ordinance. We have paid all necessary fees and taxes.

I have reviewed the draft ordinance to be considered at the planning session tomorrow.

I am attaching to this email a couple of proposed amendments along with a brief explanation of the reasons for the amendments. We have some other concerns about the ordinance but want to see what the public meeting shows.

I hope I will be able to participate in the zoom portion of the meeting tomorrow.

We value our time in Santa Fe and want to make sure that the ordinance helps and does no harm to the City.

Warm regards,

Paul Plunket
214.796.1733

Proposed Amendment A—6_16_2020

Page 2--Amend the last sentence of (5)(b)(iii) to read as follows:

The land use director shall issue ~~permits to natural persons only, and each natural person may possess a maximum of one (1) permit~~ a maximum of two (2) permits per owner. An owner shall provide the land use director with a sworn affidavit that such person or entity holds or will hold a maximum of two (2) permits. The sworn affidavit shall be executed by an authorized representative of such legal entity.

So that it reads as follows:

The land use director shall issue a maximum of two (2) permits per owner. An owner shall provide the land use director with a sworn affidavit that such person or entity will hold a maximum of two (2) permits. The sworn affidavit shall be executed by an authorized representative of such legal entity.

Page 9—Amend Section 2 at 14-12.1 by adding a definition of owner, as follows:

OWNER
Either (A) a natural person, or (B) a legal entity, such as a partnership, corporation, or limited liability corporation, who owns a short-term rental unit or units.

Explanation of the Amendments.

These amendments do a couple of things.

First, they strike a balance between limiting permit holders to only one property and the concerns about speculators with multiple short term-rental units as expressed in (A)(5)(a)(ii) of the proposed Ordinance. In addition, the amendments would permit a property owner to add an accessory dwelling unit and be able to lawfully rent both units. Finally, it is likely currently that very few owners of short-term rental units own more than two properties, so this limits the adverse effects on most current owners, while generally protecting the other residents in the neighborhoods.

Second, the definition recognizes that property owners may want to structure their ownership to accommodate estate planning and tax planning requirements rather than owning the property directly. At the same time, if the land use director determines that the sworn affidavit is incorrect, the director can take that into account in connection with continuation of the short-term rental permit.

PAEZ, SALLY A.

From: GURULE, GERALDINE A.
Sent: Thursday, June 18, 2020 9:17 AM
To: ISAACSON, ELIAS S.; PAEZ, SALLY A.
Subject: Fw: Comment on Short Term Rental Ordinance Proposed Changes

Should I include this one in my email to the Commissioners as well?

From: Denise Ramonas <deniseramonas@comcast.net>
Sent: Thursday, June 18, 2020 7:11 AM
To: GURULE, GERALDINE A. <gagurule@santafenm.gov>
Subject: Comment on Short Term Rental Ordinance Proposed Changes

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am President of the Griffin Park Condominium Association and short-term rentals have changed our little 27 unit compound community and the change has not been for the better.
>
>
> Since 2018, we have written the City's short-term rental office asking the city not to issue short-term rental licenses for Griffin Park units. We have had numerous meetings with the staff. We do not have the parking as required by the existing ordinance.
>
> In addition, our Declaration of Condominium prohibits short-term rentals. We would like to recommend that the new ordinance provide that no licenses will be issued or renewed in any condominium compound where the governing documents prohibit short-term rentals, hotel or transient uses.
>
> Your proposed changes are a step in the right direction.
>
> Thank you for your service to our city and your work on this issue.

Regards,
Denise Greenlaw Ramonas, President
Griffin Park Condominium Association

Sent from my iPad

GURULE, GERALDINE A.

Subject: FW: Proposed New Short Term Rental Guidelines

From: Karen Kolbert <Kkolbert5@hotmail.com>
Sent: Tuesday, June 16, 2020 12:42 PM
To: LINDELL, SIGNE I. <silindell@santafenm.gov>
Subject: Proposed New Short Term Rental Guidelines

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Signe

I am an owner of a property that is zoned BCD downtown opposite the new Santa Fe County Administrative Complex, i.e. Griffin Street. On my street there are only myself and another person who rents her home; otherwise all other downtown properties on Griffin and Staab are businesses. On Staab there are rental properties but it is not a residential area per se like South Capitol.
I am also a realtor and find that including changes to the short term rental Downtown quite absurd and economically unsound for the city.
Thank you so much for your time.

Sincerely,
Karen Kolbert Richelli

Karen Kolbert
KKolbert Jewelry Designs.com

Karen Richelli-Kolbert
Qualifying Broker,
Santa Fe Seaside Realty
505-577-8392

June 15, 2020

To Those Concerned with the Proposed Amendment to the Short-Term Rental Ordinance:

I have read the proposed new Short-Term Rental Ordinance and am submitting detailed and much-considered suggestions. I appreciate your time reading input from a knowledgable, professional citizen well-versed and actively involved in the initial drafting of the City of Santa Fe's Short-Term Rental Ordinance(s) and the vacation rental business for more than a decade.

As the proposed STRO draft reads, there is a critical lack of distinction between regulations appropriate to a short-term rental business in a Residentially zoned area and a rental business in a Commercially-zoned district.

"Non-Residential" *is* and is best identified in the Ordinance as "Commercial" to be clear. City of Santa Fe Zoning of Permitted Uses (published Table 14-6.1 - attached) clearly distinguishes that Commercial zoning (such as C1, C2, C4 and BCD) PERMITS (allows) short-term rental usage.. That has been the guidance historically and was built into the initial and less-so into the currently operative STRO.

While changes are being proposed to improve regulations for Residentially-zoned short-term, please maintain and address more specifically and appropriately the current distinction separating regulations governing Residential and Commercial short-term rentals.

For RESIDENTIAL short-term rentals:

These rentals impact neighbors/neighborhoods and the quality/lifestyle/values of Residential areas. The new STRO reflects that understanding. Points:

- In strictly Residential zoning, what number of properties (ratio to non-short-term rental usage) is desirable?
- Is the fulfillment of 1,000 Permits workable for the goals (including effective oversight by the City), or is that too many (or too few) when spread out within the City Limits by the density required by the Ordinance?
- Also, since for legal purposes some properties are deeded to a Trust or Partnership or choose the protection of an LLC, a requirement could be made and satisfied with one individual Owner identified as the contact person and name in which the Permit is held.
- An Owner or reliable local contact or manager must be available 24-7 since this is a 24-7 business. Notification at the time of permit/renewal (if changed) to neighbors would provide that contact information.
- Application paperwork/online forms for Residential Short-Term Rentals should reflect the special requirements that pertain to Residential.

For COMMERCIAL short-term rentals:

Short-term rentals in business districts (C1,C2,C4,BCD, etc.) should enjoy the same privileges that other businesses and lodging accommodations purchased/operated/sold in this zoning receive, contributing to their success, in the following ways:

- Numbers of Commercial STR Permits issued should not be included in any total cap (only Residential Permits are counted) as limits are not placed on other businesses in business districts, generating healthy competition and offering a generous variety to consumers. (What would be the reason to limit a business in a business district that contributes numerous benefits to the Santa Fe economy in a basically "green" way?)
- A Commercial property Owner could own more than one property used as a vacation rental business. Density is determined by bedroom/off-street parking space availability, not by number of adjacent buildings - that should not apply to commercial property where the overriding concept is to promote free commerce.
- Commercial short-term rentals may operate without regard to number of stays/per time period the same as for other lodging in business districts (B&Bs, Inns, Hotels, Motels, Boarding facilities, etc.). As with any business, documentation can be made available to governing bodies when needed, but monthly reports other than for Lodger's and Gross Receipts Tax purposes would not apply.
- While Permits are non-transferable, new Owners of Commercial property used (or not previously used) as short-term rentals are guaranteed to be able to register in compliance with application requirements as regulated in the current STRO and allowable by zoning. Again, the same rules as any established business that is sold or purchased by zoning for optional commercial usage.
- Application paperwork/online forms for Commercial Short-Term Rentals should reflect the special requirements that pertain to Commercial.
- The name of one person from an Ownership entity, partnership, LLC, will be provided on the application as the Owner/Contact for the Commercial Short-Term Rental Permit (Registration and Permit).

(continued ... p2/3)

Some Important BENEFITS of short-term rentals:

- Commercially-zoned (as well as complying Residential) properties operating as vacation rentals generate a significant and presently much-needed contribution to the tax base through Lodger's and Gross Receipts taxes to the City and State.
- Variety of lodging options attracts a variety of clientele - not everyone wants to stay in a hotel or B&B or vacation rental. Each provides something special and enriches ways people can visit and experience Santa Fe and enjoy themselves. As a result, some then choose to relocate here and become valuable members of the community.
- Santa Fe is a city of hospitality, tourism is our life-blood to appreciate our many cultural offerings, contributing to and cultivating the local economy by bringing in tourist dollars that support restaurants, retail, State Parks, cultural events, and so on - all of which our community depends upon to grow and thrive.

Now is an ideal time to set a standard that is fair and create a sustainable, sound, manageable Short-Term Rental Ordinance that works for everyone - the City, State, locals and investors alike - in Santa Fe. A Short-Term Rental Ordinance that serves us long-term!

We need to think carefully about moderations to short-term rental policies in residential neighborhoods that are enforceable and protect quality-of-life for Santa Feans, while continuing to facilitate the availability of short-term rentals in the Commercial districts for those visitors who seek home-like accommodations for their stay in the midst of our dynamic city.

Thank you for the opportunity to participate in the conversation. I am available by phone for more dialogue anytime at your convenience, and anticipate a public community forum will provide valuable constructive input in creating, when timely and approved, the next version of the Short-Term Rental Ordinance.

Victoria Rogers, MA, retired RN, LMT and NM Real Estate Broker
Owner/Manager - Casita Ristra Vacation Rental, Santa Fe, NM
505.989.1088 cell/text

Table 14-6.1-1

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7-I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
RESIDENTIAL																						
Group Living																						
Continuing care community	S	S	S	S	S	S		S		P	S	P	P	P			S				P	(A)(1)
Group Residential Care Facility	S	S	S	S	S	S		S		P	S	P	P	P			S				P	
Group Residential Care Facility, Limited	P	P	P	P	P	P		P		P	S	P	P	P			S				P	
Group Residential Care Facility, Correctional			S		S	S		S		P*	P*	P*	P*	S			S				S	
Boarding, dormitory, monastery	S	S	S	S	S	P		P		P	S	P	S	P			S				S	
Household Living																						
Dwelling, multiple-family	P[1]	P	P		P	P	P	P		P	P[6]	P	P	P				P[6]	P[6]	P[6]	P	(A)(5), (A)(6)
Dwelling, single-family	P	P	P	P	P	P	P	P		P	P[6]	P	P	P							P	(A)(5)
Manufactured homes	P	P	P	P	P	P	P	P		P	P[6]	P	P	P							P	(A)(4)
Mobile home, permanent installation	S	S	S	S	S	S		S		S		S	S									(A)(2)
Mobile home park							P[9]															(A)(3); See 14-6.4(B)

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7-I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
Short Term Rental Unit	Prohibited except as set forth in Section 14-6.2(A)(5)(a)									P	P	P	P	P						P	P	(A)(5), (A)(6)
PUBLIC, INSTITUTIONAL AND CIVIC (Ord. No. 2014-31 § 11)																						
Emergency Services																						
Police and fire stations	S	S	S	S	S	S	S	S		P	P	P	P	P	P	P	P	P	P	P	P	
Police substations (6 or fewer staff)	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	
Preschool, Daycare for Infants or Children																						
Small (6 or fewer)	P	P	P	P	P	P	P	P		P	P	P	P	P	P		P	P	P	P	P	
Large (More than 6)	S	S	S	S	S	S	S	S		P	P	P	P	P	S		P	P	P	P	S	
Electrical Facilities (See 14-6.2(F) for Planning Commission Review Requirements)																						
Distribution facilities	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	(F), (G)
Substation	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	(F)
Switching station	P	P								P	P	P		P	P	P	P	P	P	P	P	(F)
Transmission lines	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	(F)
Educational																						
Elementary and secondary schools, public and private	S	S	S		S	S		S		P*	P*	P*	S	P*	S		P*	S	S	S	P*	
Colleges and universities, residential	S	S	S		S	S		S		S	S	S	S	P			S				S	(B)(2)
Colleges and universities, nonresidential										P	P	P	P	P	P		P	P	P	P	P	
Museums		S	S		S	S		P[10]		P	P	P		P	P		P	P	P	P	P	
Vocational or trade schools, nonindustrial								P[10]		P	P	P		P	P		P	P	P	P	P	
Vocational or trade schools, light industrial														P*	P	P	P*					

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7-I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
Community Centers and Institutions																						
Neighborhood and community centers,	S	S	S		S	S		S		P	P	P	P	P			P	P	P	P	P	

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7-I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
including youth and senior centers																						
Religious, educational and charitable institutions (does not include schools or assembly uses)						S		S	S	P*	P*	P*	P*	P*	P*		P*	P*	P*	P*	P*	
Hospitals and Extended Care Facilities																						
Extended care, convalescent, nursing, recovery care facilities	S	S	S	S	S	S		S		P	P	P	P	P			P				P	
Hospitals										S	S		P/S[6]	P			P					(B)(3)
Hospital heliport													P									(B)(3)(b)
Human Services																						
Adult day care	S	S	S	S	S	S		S		P	P	P	P	P			P	P	P	P	P	
Foster homes licensed by the appropriate state agencies	P	P	P			P		P		P		P	P	P							P	
Human service establishments											P*			P*	P*			P*	P*	P*	P*	(B)(4)
Sheltered care facilities	S	S	S		S	S		S		S	S	S	S	P							S	(B)(5)

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7-I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
Parks and Open Space																						
Cemeteries, mausoleums and columbariums	S	S	S							S	S		S	P								(B)(1)
Public parks, playgrounds, playfields	P	P	P		P	P		P		P	P	P	P	P	P	P	P	P	P	P	P	
Religious Assembly																						
All	S	S	S		S	S		S		P	P	P	P	P	P		P	P	P	P	P	
Utilities																						
All (includes natural gas regulator station, telephone exchange, water or sewage pumping station or water storage facility)	S	S	S		S	S		S		S	P	S	S	P	P	P					S	(B)(6)
COMMERCIAL (Ord. No. 2014-31 § 11)																						
Animal Sales and Service																						
Veterinary establishments, pet grooming	S									P*	P*	P*		P	P	P	P*		P*	P*	P*[2]	
Kennel	S									P*	P*	P*		P	P	P	P*					
Arts Activities																						
Arts and crafts studios, galleries and shops; gift shops for the sale of arts and crafts								P[10]	P	P	P	P		P	P			P	P	P	P[2]	

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7-I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
Arts and crafts schools								P[10]	P	P	P	P		P	P		P	P	P	P	P[2]	
Dance studios								P[10]	P	P	P			P	P		P	P	P	P	P[2]	
Photographers' studios								P[10]	P	P	P			P	P		P	P	P	P	P[2]	
Assembly																						
Private clubs and lodges	S	S	S		S	S		S	S	P*	P*	P*	P*	P*	P*		P*	P*	P*	P*	P*[2]	
Financial Services																						
Banks, credit unions (without drive-through)										P	P			P	P		P	P	P	P	P[2]	
Banks, credit unions (with drive-through)										P*	P*			P	P*		P*	P*	P*	P*	P[2]	

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7-I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
Food and Beverages																						
Bar, cocktail lounge, nightclub, no outdoor entertainment								S[3,10]	S[3]		P*			P	P	P		P*	P*	P*	P[2]	
Bar, cocktail lounge, nightclub, with outdoor entertainment								S[3,10]	S[3]		P*			P*	P*	P*		P*	P*	P*	P*[2]	
Restaurant - full service, with or without incidental alcohol service								S[3,10]	S[3]		P			P	P	P	S	P	P	P	P	
Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area.								S[3,10]	S*[3]		P*			P*	P	P		P*	P*	P*	P*[2]	
Restaurant - Fast service/take-out, no drive-through/drive-up								S[3,10]		P[4]	P	P[4]		P	P	P	S	P	P	P	P	
Restaurant - with drive-through/drive-up											P*			P*	P*	P*	S	P*	P*	P*	P*[2]	
Medical																						
Apothecary shops or pharmacies										P	P		P	P	P			P	P	P	P[2]	
Medical and dental offices or clinics								S[10]	S	P	P	P	P	P	P		P	P	P	P	P[2]	
Offices, Business and Professional																						
Business and professional offices excluding medical and dental and financial services								S[10]	S	P	P	P	P	P	P	P	P	P	P	P	P[2]	
Public Accommodation																						
Bed and breakfast houses and inns											P			P	P		P			P		
Conference and extended stay lodging facilities											P			P	P		P					
Hotels, motels, residential suite hotels											P			P	P					P		
Vacation time share projects											P			P	P							(C)(7)
Public Transportation																						
Transit transfer facilities											S		S	P	P	P	S	S	P	P	S	
Recreation and Entertainment																						
Commercial recreational uses and structures; theaters, bowling alleys, pool-rooms, driving ranges, etc.											P			P	P	P		P	P	P	S[2]	
Exercise, spas or gym facilities											P			P	P	P		P	P	P	P[2]	
Nonprofit theaters for production of live shows								P*[10]	S		P			P	P	P	P	P	P	P	P[2]	
Retail Sales and Services																						
Antique stores								P[10]	P		P			P	P			P	P	P	P[2]	
Art supply stores								P[10]	P		P			P	P			P	P	P	P[2]	
Bookshops								P[10]	P		P			P	P			P	P	P	P[2]	
Cabinet shops, custom								P[10]	P		P	P		P	P	P	P					
Department and discount stores											P			P	P				P	P	P[2]	
Flea markets											P			P	P							(C)(3)

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7-I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7-I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
Florist shops								P[10]	P		P		P	P	P			P	P	P	P[2]	
Funeral homes or mortuaries										P	P			P	P							
Furniture stores											P			P	P	P			P	P	P[2]	
Neighborhood grocery stores and laundromats	S	S	S		S	S		S		S	P	S	S								P[2]	(C)(4)
Office equipment sales and service; retail sale of office supplies											P			P	P	P			P	P	P[2]	
Retail establishments not listed elsewhere											P			P	P	P		P	P	P	P[2]	
Retail and service uses that are intended to serve the primary uses and that do not exceed 5,000 square feet														P	P	P	P				P[2]	

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7-I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
Retail sales accessory to any permitted use, provided that such commercial uses shall not occupy more than ten percent of the total floor area of all buildings occupied by the principal use																	A				S[2]	
Sign shops											P	P		P	P	P					P[2]	
Service Establishments																						
Barber shops and beauty salons										P	P	P		P	P			P	P	P	P[2]	
Personal care facilities for the elderly						S		S		P	P	P	P	P	P		P	P	P	P	P[2]	(C)(7)
Personal service establishments including cleaning and laundry, appliance repair and similar services											P			P	P			P	P		P[2]	
Tailoring and dressmaking shops								P	P	P	P	P		P	P		P	P	P	P	P[2]	
Sexually Oriented Businesses																						
All															P	P						(C)(1)

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7 -I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
Storage																						
Individual storage areas within a completely enclosed building											S			P	P	P	P	P	P	P		(D)(2)
Mini-storage units											S			P	P	P		P	P	P		(D)(3)
Telecommunication																						
Telecommunications Facilities	Permitted as set forth in Section 14-6.2(E) (for facilities in public rights of way see Article 27-2 SFCC 1987)																					
Vehicles and equipment																						
Commercial parking lots and garages											P		P	P	P	P	A	P	P	P		See 14-8.6(B)(6)

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7 -I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I -1	I -2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
Service and repair establishments including filling stations and repair garages											P			P	P	P			S	S		
Tire recapping and retreading											P			P	P	P						

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7 -I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I -1	I -2	BIP	SC-1	SC-2	SC-3
Industrial																				
Automobile salvage and wrecking yards, junkyards or yards used in whole or in part for scrap or salvage operations or for processing, storage, display or sales of any scrap, salvage or secondhand building materials, junk automobiles or second hand automobile parts																P				
Research, experimental and testing laboratories											P			P	P	P	P			
Manufacturing and Production																				
Light assembly and manufacturing											P			P	P	P	P			

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7 -I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I -1	I -2	BIP	SC-1	SC-2	SC-3	MI **
Outdoor Storage																					
Outdoor storage lots and yards, except wrecking yards, junkyards or yards used in whole or in part for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage or second-hand building materials, junk automobiles or second-hand automobile parts															P	P	A				
Warehouse and Freight Movement																					
Wholesaling and distribution operations - 3,000 square feet or less of storage											P			P	P	P					
Wholesaling and distribution operations - over 3,000 square feet of storage															P	P					

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7 - I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I -1	I -2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
AGRICULTURAL USES (Ord. No. 2016-41 § 3)																						
Animal production																						(H)
Commercial stable	S																					(H)
Urban Farm Ground Level, less than 10,000 sq ft.	A	A	A	A	A	A				P	P	P			P	P		P	P	P		(I)
Urban Farm Ground Level, 10,000 sq ft. - 1 acre	S	S	S	S	S	S				P	P	P			P	P		P	P	P		(I)

Urban Farm Ground Level, greater than 1 acre	S	S	S	S	S	S				S	S	S			P	P		S	S	S		(I)
Urban Farm Roof Level, Open Air, 1000 sq ft. or less	S	S	S	S	S	S				S	S	S			S	S		S	S	S		(I)
Urban Farm Roof Level, Open Air, greater than 1000 sq ft., less than 5000 sq ft.										S	S	S			S	S		S	S	S		(I)
Aquaculture, less than 750 sq ft.										S	S	S			S	S		S	S	S		(I)
Aquaponics, less than 750 sq ft.										S	S	S			S	S		S	S	S		(I)
Aquaponics, greater than 750 sq. ft										S	S	S			S	S		S	S	S		(I)
Hydroponics, any size										S	S	S			S	S		S	S	S		(I)
Composting															S	S						

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7-I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
ACCESSORY USES																						
Accessory structures of a permanent, temporary or portable nature such as coverings not constructed of solid building materials, including inflatable covers over swimming pools and tennis courts and such other accessory structures which exceed 30 inches in height from the average ground elevation.	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Children's play areas and play equipment	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A	A	
Accessory dwelling units	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A				A	14-6.3 (C)(1)
Greenhouses, noncommercial	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A				A	
Home occupations	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	14-6.3 (C)(2)
Hospital heliport													A8									

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7-I	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
Other uses and structures customarily accessory and clearly incidental and subordinate to permitted permissible uses and structures	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A				A	
Private barbecue pits, private swimming pools	A	A	A	A	A	A	A	A		A	A	A	A	A	A		A				A	
Private daycare for infants and children	A	A	A	A	A	A	A	A		A	A	A	A	A	A		A	A	A	A	A	
Private garages	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A	A	
Residential use ancillary to an approved use		A	A	A	A	A	A	A		A	A	A	A	A	A		A	A	A	A	A	14-6.3(B)(5), (B)(6) and (B)(7)
Utility sheds, located within the rear yard only	A	A	A	A	A	A		A		A		A	A								A	

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7-1	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-Specific Regs 14-6.2
* Special use permit required if located within 200 feet of *residentially-zoned property* unless a *qualifying project* located within the Midtown LINC Overlay District; otherwise permitted. (Ord. No. 2013-16 § 29; Ord. No. 2016-39 § 3)																						
**Uses listed are in addition to those permitted in the underlying district. No more than 3,000 square feet of *gross floor area* may be devoted to *nonresidential* uses.																						
***See Section 14-7.3(B)(1) for additional MU district regulations including minimum percentage of residential use. (Ord. No. 2013-16 § 22)																						
1. In the RR district, multiple-*family* dwellings are limited to four per *lot*.																						
2. Hours of operation limited to 7 a.m. to 10 p.m.																						
3. Amplified live entertainment or amplified music for dancing prohibited after 10 p.m.																						
4. Not to exceed 1,000 square feet *gross floor area*; sales of alcohol prohibited.																						
5. Hospital is a permitted use in the Las Soleras Hospital District; requires special use *permit* in the Christus St. Vincent Hospital District.																						
6. See Section 14-6.2(A)(7) for additional regulations for *principal dwelling units* in the C-2, BIP and SC districts.																						
7. See Section 14-6.3 for additional *accessory* use regulations; see Section 14-6.4 (Temporary Uses or Structures).																						
8. In the Las Soleras Hospital District a heliport serving a hospital is a permitted use.																						
9. See Section 14-7.2(I) for standards for pre-existing mobile home parks and Section 14-6.2(A)(3)(a) for prohibition of new mobile home parks in MHP districts.																						
10. See Section 14-7.2(H) 3,000 square foot limit applies to specified uses in RAC district. (Ord. No. 2014-31 § 11)																						

GURULE, GERALDINE A.

From: ISAACSON, ELIAS S.
Sent: Tuesday, June 16, 2020 8:23 AM
To: GURULE, GERALDINE A.
Subject: FW: Proposed Amendment to Short-Term Rental Ordinance
Attachments: Table 14-6.1-1 Zoning Permitted Uses Santa Fe NM.htm

From: LINDELL, SIGNE I. <silindell@santafenm.gov>
Sent: Tuesday, June 16, 2020 7:38 AM
To: ISAACSON, ELIAS S. <esisaacson@santafenm.gov>; PAEZ, SALLY A. <sapaez@santafenm.gov>; ROMERO-WIRTH , CAROL <cromero-wirth@santafenm.gov>; VILLARREAL, RENEE D. <rdvillarreal@santafenm.gov>
Subject: Fwd: Proposed Amendment to Short-Term Rental Ordinance

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From: Victoria Rogers <victoria.rogers8@comcast.net>
Sent: Tuesday, June 16, 2020 7:22:10 AM
To: LINDELL, SIGNE I. <silindell@santafenm.gov>
Subject: Proposed Amendment to Short-Term Rental Ordinance

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Signe,

You and I have communicated in the past on this subject. I have read the proposed new Short-Term Rental Ordinance and am submitting detailed and much-considered suggestions. I appreciate your time reading input from a knowledgable, professional citizen well-versed and actively involved in the initial drafting of the City of Santa Fe's Short-Term Rental Ordinance(s) and the vacation rental business for more than a decade.

As the proposed STRO draft reads, there is a critical lack of distinction between regulations appropriate to a short-term rental business in a Residentially zoned area and a rental business in a Commercially-zoned district.

"Non-Residential" *is* and is best identified in the Ordinance as "Commercial" to be clear. City of Santa Fe Zoning of Permitted Uses (published Table 14-6.1 - attached) clearly distinguishes that Commercial zoning (such as C1, C2, C4 and BCD) PERMITS (allows) short-term rental usage.. That has been the guidance historically and was built into the initial and less-so into the currently operative STRO.

While changes are being proposed to improve regulations for Residentially-zoned short-term rentals, please maintain and address more specifically and appropriately the current distinction separating regulations governing Residential and Commercial short-term rentals.

For RESIDENTIAL short-term rentals:

These rentals impact neighbors/neighborhoods and the quality/lifestyle/values of Residential areas. The new STRO reflects that understanding. Points:

- In strictly Residential zoning, what number of properties (ratio to non-short-term rental usage) is desirable?
- Is the fulfillment of 1,000 Permits workable for the goals (including effective oversight by the City), or is that too many (or too few) when spread out within the City Limits by the density required by the Ordinance?
- Also, since for legal purposes some properties are deeded to a Trust or Partnership or choose the protection of an LLC, a requirement could be made and satisfied with one individual Owner identified as the contact person and name in which the Permit is held.
- An Owner or reliable local contact or manager must be available 24-7.
- Application paperwork/online forms for Residential Short-Term Rentals should reflect the special requirements that pertain to Residential.

For COMMERCIAL short-term rentals:

Short-term rentals in business districts (C1,C2,C4,BCD, etc.) should enjoy the same privileges that other businesses and lodging accommodation purchased/operated/sold in this zoning receive, contributing to their success, in the following ways:

- Numbers of Commercial STR Permits issued should not be included in any total cap (only Residential Permits are counted) as limits are not placed on other businesses in business districts, generating healthy competition and offering a generous variety to consumers. (What would be the reason to limit a business in a business district that contributes numerous benefits to the Santa Fe economy in a basically "green" way?)
- A Commercial property Owner could own more than one property used as a vacation rental business. Density is determined by bedroom/off-street parking space availability, not by number of adjacent buildings - that should not apply to commercial property where the overriding concept is to promote free commerce.
- Commercial short-term rentals may operate without regard to number of stays/per time period the same as for other lodging in business districts (B&Bs, Inns, Hotels, Motels, Boarding facilities, etc.). As with any business, documentation can be made available to governing bodies when needed, but monthly reports other than for Lodger's and Gross Receipts Tax purposes would not apply.
- While Permits are non-transferable, new Owners of Commercial property used (or not previously used) as short-term rentals are guaranteed to be able to register in compliance with application requirements as regulated in the current STRO and allowable by zoning. Again, the same rules as any established business that is sold or purchased by zoning for optional commercial usage.
- Application paperwork/online forms for Commercial Short-Term Rentals should reflect the special requirements that pertain to Commercial.
- An Owner or reliable local contact or manager must be available 24-7, since this is a 24-7 business. Notification at the time of permit/renewal (if changed) to neighbors would provide that contact information.
- The name of one person from an Ownership entity, partnership, LLC, will be provided on the application as the Owner/Contact for the Commercial Short-Term Rental Permit (Registration and Permit).

Some Important BENEFITS of short-term rentals:

- Commercially-zoned (as well as complying Residential) properties operating as vacation rentals generate a significant and presently much-needed contribution to the tax base through Lodger's and Gross Receipts taxes to the City and State.
- Variety of lodging options attracts a variety of clientele - not everyone wants to stay in a hotel or B&B or vacation rental. Each provides something special and enriches ways people can visit and experience Santa Fe and enjoy themselves. As a result, some then choose to relocate here and become valuable members of the community.
- Santa Fe is a city of hospitality, tourism is our life-blood to appreciate our many cultural offerings, contributing to and cultivating the local economy by bringing in tourist dollars that support restaurants, retail, State Parks, cultural events, and so on - all of which our community depends upon to grow and thrive.

Now is an ideal time to set a standard that is fair and create a sustainable, sound, manageable Short-Term Rental Ordinance that works for everyone - the City, State, locals and investors alike - in Santa Fe. A Short-Term Rental Ordinance that serves us long-term!

We need to think carefully about moderations to short-term rental policies in residential neighborhoods that are enforceable and protect quality-of-life for Santa Feans, while continuing to facilitate the availability of short-term rentals in the Commercial districts for those visitors who seek home-like accommodations for their stay in the midst of our dynamic city.

Thank you for the opportunity to participate in the conversation. I am available by phone for more dialogue anytime at your convenience, and anticipate a public community forum will provide valuable constructive input in creating, when timely and approved, the next version of the Short-Term Rental Ordinance.

Victoria Rogers, MA, retired RN, LMT and NM Real Estate Broker

Owner/Manager - Casita Ristra Vacation Rental, Santa Fe, NM

505.989.1088 cell/text

A printable Word document copy of this emailed letter is attached.

PAEZ, SALLY A.

From: BERKE, NOAH L.
Sent: Wednesday, August 19, 2020 12:20 PM
To: PAEZ, SALLY A.
Subject: Fwd: Important Detail for New STR Ordinance - Local Laws
Attachments: Vrbo Local Laws 1.jpg; Vrbo Local Laws 2.jpg

Thanks!

Noah Berke
Planner Manager
Land Use Department
(505) 955-6647
(505) 490-5930

From: Victoria Rogers <victoria.rogers8@comcast.net>
Sent: Wednesday, August 19, 2020 11:02:37 AM
To: Mayors Office <mayor@santafenm.gov>; BERKE, NOAH L. <nlberke@santafenm.gov>
Subject: Important Detail for New STR Ordinance - Local Laws

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Webber,

As we refine the STR Ordinance and the City of Santa Fe works closely with such marketing engines as Vrbo, I wanted to call your attention to an important detail.

All are aware that a distinction in Ordinance requirements between Residential and Commercial zoned STRs should be addressed effectively, however, another detail exists that is critical for successful translation of new laws into the marketing arena.

Please create a separate numbering or lettering system that will indicate whether a registered STR property is licensed as Residential or Commercial. (Example: R367890 vs C367890)

The reason this is critical is because on the Owner Vrbo site Dashboard (you need to be an Owner to sign in, so you would not see this - see attached screen shots), there is an index called "Local Laws".

In this section, Vrbo has blanks that are designed to uphold those laws.

One blank is: minimum night stay

In the Residential areas, the new Ordinance is possibly going to pass with a 7-night minimum.

The Commercial areas would not have that minimum, same as other lodging in Commercial areas, all of which have non-restricted minimum night for rental.

If a distinction can not be easily identified and communicated with the Vrbo system, then the limitation of 7 nights indicated for Residential STRs would be placed on Commercial STRs, too.

That would defeat one of the important distinctions between the two zoning areas, which reflect very different needs and neighborhoods, as well as income potential (certainly from the Commercial STRs not just for the Owner who is running a legitimate and zoning-approved business, but for City Lodger's Tax and State GRTs).

Commercial STRs are in areas meant for flourishing business and tourist traffic and turn-over, per zoning. It is right that there is no minimum night stay and the Vrbo site, and others coordinating with local and state laws, must be able to identify that, both for those wishing to visit and stay in a vacation rental and for the owners in this hospitality industry.

Thank you for acknowledging and addressing this issue along with new STR Ordinance legislation that is passed.

Feel free to contact me with any questions. I am copying Noah Berke; please circulate to other concerned decision-makers.

Victoria Rogers
STR Owner

2 attachments

PAEZ, SALLY A.

From: BERKE, NOAH L.
Sent: Thursday, June 18, 2020 2:36 PM
To: PAEZ, SALLY A.; ISAACSON, ELIAS S.
Subject: Fwd: Please vote NO on the proposed changes to the short term rental ordinance

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From: Tim Ryan <timaryan7@gmail.com>
Sent: Thursday, June 18, 2020 1:24:24 PM
To: Land Use Public Comment <landusepubliccomment@santafenm.gov>
Subject: Please vote NO on the proposed changes to the short term rental ordinance

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

As a tax paying, licensed homeowner/operator of a short term rental (STR) in the BCD, I am writing to express my absolute and complete opposition to the new regulations being considered regarding STR's in BCD districts in Santa Fe. The following are the reasons that the city of Santa Fe should NOT adopt these new regulations.

1. The clear distinction, in Section 14-6.2 (A) 6 of the STRO between BCD-zoned STRs and residentially zoned STRs must be preserved, or the city's zoning structure becomes non-sensical by essentially treating STRs as fundamentally different from other lodging options, such as inns and hotels.
2. The new STRO restrictions upon BCD-zoned properties include a limit of one reservation per seven-day period, which would lead to a significant reduction in revenue. Logically, hotels, inns and B&Bs should face the same requirement, as all are simply varying, legitimate lodging options in a business district. This action is potentially a taking of property without compensation.
3. The new STRO allows STR permits only for natural persons, not to legal entities, like LLCs, partnerships, trusts, etc. Property ownership by a legally formed entity has been a staple of our legal system.
4. Other revisions would make it impossible to start any new STR in the BCD, which is odd, since we could easily open a new gallery, restaurant or hotel (e. new 70 room Lensic development) tomorrow with no limitation on how many of these types of businesses can operate in the BCD.
5. The regulations would create new, onerous paperwork requirements that are arbitrary and unfair when compared to other lodging businesses in the same BCD commercial zone.
6. It is unwise to assume that STR guests will choose a hotel if no STRs are available. It is not the same experience and many visitors will simply go elsewhere and Santa Fe will lose revenue at a time when the City can scarcely afford to.

We purchased our home specifically in the BCD. Within a block of our home are three restaurants, a UPS store, a doggy day care, a strip mall, a gas station, a hat shop and numerous other commercial

businesses. We are NOT in a purely residential neighborhood and should not be treated as such. Short term rentals in commercial zoning should have the same privileges as other commercial businesses and lodging establishments. The bottom line is that no significant changes should be made at this time and the city should retain the BCD/residential distinction and enforce the existing STRO regulations instead of creating new ones and punishing those of us that follow the rules.

I respectfully ask you to vote NO on the proposed changes.

Thank you for your consideration,

Tim Ryan
303 Staab Street
Santa Fe, NM
87501

PAEZ, SALLY A.

From: LAPAN HILL, JAREL
Sent: Wednesday, January 29, 2020 7:42 PM
To: MCSHERRY, ERIN K.; ISAACSON, ELIAS S.; PAEZ, SALLY A.
Cc: Mayors Office
Subject: FW: Santa Fe Lodgers Association Follow Up on Short Term Rentals
Attachments: addendum STRs.pdf

Sharing this correspondence for awareness

From: dph.sfe.162.gm.Keith.Kirk <Keith.Kirk@druryhotels.com>
Sent: Wednesday, January 29, 2020 10:46 AM
To: Mayors Office <mayor@santafenm.gov>
Subject: Santa Fe Lodgers Association Follow Up on Short Term Rentals

Dear Mayor Webber,

I wanted to reach out on behalf of the Santa Fe Lodgers Association and see if we can help in any way to move the Short-Term Rental ordinances and regulations forward? As you know we submitted a letter to you and all the Council Members back on October 17th with the hopes that action might be taken by January 1st. I know that you and the Councilors are working on many items which include the fine and penalty steps which is important to avoid actually court cases. In addition, Carol Johnson left her position creating a vacancy that oversaw this area. However, we want this issue to remain a focus and we are willing to help and support in any way we can to move this process along. It is vital to the lodging industry in Santa Fe as well as the impact it has on affordable housing to have the regulations that are in place enforced. From our conversations, I know you are in agreement with most all the items listed below and we are more than willing to help and support this process.

Can you give any kind of update I can share at my next Lodgers Meeting which is February 12th?

Thank you for your time and consideration and look forward to a response.

Sincerely,

Keith Kirk
President of the Santa Fe Lodgers Association

Below is our original letter and attached information:

Santa Fe Lodgers Association
PO Box
Santa Fe, NM 87501

October 17, 2019

Dear Mayor Webber, and Councilors:

Santa Fe Lodgers Association (SFLA) requests that the city council work to develop enforceable policy and regulation to ensure that Short Term Rentals (STRS) do not erode the intent of residential zoning and do not disrupt the equity of fair competition in the lodging industry.

The SFLA is not opposed to STRS. We are concerned regarding the lack of enforcement and lack of progressive changes to policy and regulation that protect housing for workers, the integrity of community, and fair competition in the marketplace.

As council works towards this end, we ask that the following be considered.

- Establish a firm date for the enforcement of the current STR Ordinances and enforce current laws. We suggest January 1, 2020 as the start date.
- Increase current fee structure to provide the dollars for the needed enforcement arm and allocate those funds directly to the Land Use department for this purpose.
- Retain current cap of 1000 STR permits in residential areas with a commitment to not increase this amount without the implementation of enforcement and further study of the issues related to the growth of STRS.
- Establish guidelines for STR in the Business Districts treating them the same as existing hotels, inns and bed and breakfast operations.
- One permit – one resident or homeowner – multiple permits now allowed.
- A lottery system could be used when all 1000 permits are taken. There is no guarantee you will get a permit each year.
- Permit preference given to local Santa Fe residents and owner occupied STR units over out of state owners.
- Take immediate action to bring the over 800 illegal STR that the Host Compliance software has already identified.
- Enact regulation to prevent STR's in multifamily units, unless occupied by a host resident.
- Immediately enforce the current regulation that no permits be issued to more than 2 contiguous units.
- Form a task force to provide advisory assistance to Land Use in its efforts to implement the desired level of enforcement.
- Require that STR permits be used as demonstrated by the collection and remittance of Lodger's Tax. Any permit not used for a period of 12 months would not be renewed and would be made available to others.

We support the original intent of STRS, as an opportunity for homeowners to augment their income, and the intent of one home one permit. We are opposed to investors creating non-conforming hotels in multi-family units as well as eroding the residential quality of neighborhoods, and the disregard of hotel licensing in commercial zoning. We wish to be of assistance in developing policy that is consistent with those values and request that the following be considered as you re-write policy.

Addendum attached: Q&A between us and Carol Johnson, Land Use director, from meeting with the board of the SF Lodgers Association, on September 11, 2019.

Respectfully,

Keith Kirk- President
Drury Plaza Hotel

Tom McCann – Vice President
Heritage Hotels

Christina Genuario-Gill – Secretary/Treasurer
Inn on the Alameda

Rik Blyth – Board Member
La Fonda on the Plaza

Sam Gerberding – Board Member
Inn of the Governors

John Rickey – Board Member
Historic Hilton

Corey Fidler – Board Member
Hotel Santa Fe

Rob Ettenson – Board Member
Inside Santa Fe Magazine

Bruce Adams – Board Member
Santa Fean, Now and Su Casa Magazine

Jeff Mahan – Board Member
Truhostpiltality

Charlie Gray – Executive Director

Keith Kirk
General Manager
Drury Plaza Hotel *in* Santa Fe
828 Paseo de Peralta
Santa Fe, NM 87501

P 505.424.2175 (ext: 7070)
F 573.651.9487
www.druryplazasantafe.com

PAEZ, SALLY A.

From: LAPAN HILL, JAREL
Sent: Wednesday, January 29, 2020 8:23 PM
To: ISAACSON, ELIAS S.; PAEZ, SALLY A.; MCSHERRY, ERIN K.
Cc: Mayors Office
Subject: FW: THIS ONE!!!
Attachments: Short Term Rental Recommendations.docx

More resident input on short term rentals

From: Joe Schepps <yoder560@gmail.com>
Sent: Wednesday, January 29, 2020 1:05 PM
To: Mayors Office <mayor@santafenm.gov>; FREITAS, MARY M. <mmfreitas@santafenm.gov>
Subject: THIS ONE!!!

PUTTING NEIGHBORS BACK INTO NEIGHBORHOODS

Overview:

When the original Short-Term Rental (STR) ordinance was adopted into the City Code, Santa Fe, like all US cities, had little or no experience with this new concept of renting. Short-Term Rentals (STRs) were originally envisioned as an opportunity for local residents to rent out their homes or portions thereof for either profit or the necessity to cover living expenses. None of the original ordinance framers could have foreseen that these permits would become commercial business enterprises, or that one person would have multiple individual permits, or that STRs would have such a negative impact on neighborhoods, long-term rental housing availability and housing prices.

The suggestions for changes to Santa Fe's STR ordinance are briefly described below and are taken from the many different communities who have successfully modified their STR ordinances. These municipalities include Charleston, SC, Santa Monica, CA and Pacific Grove, CA. Input from various constituent groups were solicited, including the hospitality sectors, neighborhood associations, individual impacted neighborhood residents and affordable housing advocates concerned about both the spiraling price of housing and the community impact of the removal of long-term rentals from the market. Established neighborhoods lose many of their neighbors and therefore their traditional cohesiveness is impacted by STR strangers. These shifting dynamics raise property values driven by valuation based on the capitalization rate of potential STR income cash flow. Instead of purchasing a residential home as your primary residence to live in, prices are driven higher by housing valued as STR income — a capitalization method formerly reserved for traditional commercial property.

The Thornburg Foundation and Homewise recently funded a June 2019 report by Kelly O'Donnell PhD, of O'Donnell Economics and Strategy titled *Short Term Rentals and Access to Housing in Santa Fe*. This detailed work outlines the impact STRs have on housing under Santa Fe's existing ordinance. This study is a must read for anyone interested in understanding the mechanics of how STRs impact housing. The report can be downloaded from the City of Santa Fe AND Homewise websites. Drop these links into your browser: https://www.santafenm.gov/document_center/document/10452 OR https://www.homewise.org/reports-audits/

For City Council consideration, below is a list of recommended actions to take and amendments to be included in an amended Short-Term Rental ordinance.

1. Initiate an immediate Moratorium on STR permit applicants from investors or homeowners, commercial and residential, unless the property is the primary residence of that applicant.
2. Initiate STR code changes that are simple, clear and easily enforced.
3. Allow one STR permit per primary resident, with proof of ownership. That resident, or host, must occupy the home for at least 6 months a year and must reside on property during STR stays.
4. Owner must annually renew a STR permit and must list the assigned permit number on all advertised listings, Internet and otherwise.
5. Owner must have a business license, required code inspections and a GRT number.
6. At the sale of a residential or commercial property, the seller cannot transfer a STR permit. The new owner must re-apply for approval.
7. Require, monitor and strictly enforce Lodgers and GRT tax collections.
8. Complaints or information concerning enforcement of non-compliance are treated anonymously.
9. Provide tracking of unlicensed STRs and licensed permit compliance with strong and effective enforcement of all STR rules and regulations, including limits of the number of guests per stay.

Subject: STR
Date: Saturday, June 13, 2020 at 13:34:08 Mountain Daylight Time
From: marvin schrager
To: mayor@santafenm.gov
CC: Richard Woodruff
Category: Adobe Casitas

Dear Mr. Mayor: I have received your response to which I vigorously disagree.

People like myself have made significant investments in your community. We spend considerable
amounts of time visiting and supporting SF industry. We also provide opportunity for others to visit
SF and support SF industry. If you read all of the reviews for mine and other's properties, you will
find the preponderance of extremely favorable reviews. The fact is, STr are a favored way to travel, especially
for families.

If there is a problem, consider not issuing any new permits and capping it at the present limit.

However, to arbitrarily cut the number of permits is to severely damage the investment of many people.

Such action will most likely cause at least a 25% drop in the value of STR properties. I have 2 for sale due to health reasons
and most of the potential buyers are "investors" What am I to do if you won't give them my permit? I invested in SF with the understanding
I could rent my property. Now you want to change the agreement. Where is the "fairness" in that?

We bought a 2nd home w/in the last 1.5 years. There was no mention of your intent and we received a permit. Why were we not warned of your thoughts to change?
Seems to me a bit of deception on the part of the city.

To take away my permits if I sell seems to me to be a form of eminent domain without paying fair market value.

I hope you will reconsider your position.

Thank you
Marvin Schrager 512 944 7059

GURULE, GERALDINE A.

From: Ron and Myrna Simon <darchorse@msn.com>
Sent: Sunday, June 14, 2020 11:42 PM
To: COPPLER, JOANNE V.; Land Use Public Comment
Cc: kkomoll@newmexicohospitality.org;; gholcomb@vrma.org; aduettra@gmail.com
Subject: Short Term Rental Ordinance

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Having just learned of Santa Fe City Council's impending action regarding Short Term Rentals, we feel you are unfairly penalizing the owners of these STRs, are seriously impacting the investment they have made in their properties and limiting their future revenues. And to what avail?

What precipitated this action? You are only jeopardizing the visitors and tourists who would be coming to your beautiful community. We love the STRs! We can do our own cooking or walk to a number of restaurants, stay together as a family (instead of in separate rooms), have no need for a car since we are walking distance to The Plaza and found a whole new world of pleasure in Santa Fe, like being in our own home.
Your Council should be encouraging the use of such favorable accommodations, not discouraging them.

And what is the purpose of the 75' restriction between properties? That only adds to the expense and cost that the property owner has to assume. These STR's are tributes to the history and economy of Santa Fe. The owners have worked hard and gone to a good deal of expense to preserve their charm and quaintness.

Please reconsider such a severe change in policy of these very desirable STRs. For our sake and for Santa Fe's tourism.

Thank you,
Ron and Myrna Simon
Advocates for STRs in Santa Fe

Sent from my iPad

To the Honorable Mayor Alan Weber:

I appreciate your concern to make sure all parties are heard on this very important Short-Term Rental (STR) Ordinance. I am a property owner in the City of Santa Fe, and I have worked in public administration for over 20 years. I have the following observations and suggestions:

1. **The stakeholder outreach on this issue has been insufficient to date.** Better solutions come when all the stakeholders have input into the process. A draft ordinance is premature before having a public workshop where all of the problems and objectives can be identified. What are the problems we are trying to solve? What problems has the City of Santa Fe experienced under the current ordinance? What are all the possible solutions? The City of Santa Fe has the name and address of every STR property owner and local property manager through the licensing process, and yet they were not notified of this meeting, or any prior meeting in which their input might help form revisions to the ordinance that might best serves all the stakeholders. Before you proceed further with your process, please back up a step and make sure your stakeholder outreach is comprehensive. **Hold a public workshop where all stakeholders have been notified and had an opportunity to review the material.** This makes for good governance and greater acceptance of the final outcome.
2. The revenues for cities and counties nationwide are hard hit by COVID-19. The City of Santa Fe will be no exception. **Is it responsible to be considering these changes without a thorough review of the economic impact?** It will be very difficult for the City Council to make informed decisions if all the potential financial impacts and ripple effects have not been considered.
3. Currently it is very difficult for a robust public process to take place. Many of your constituents are not able to participate in virtual meetings. Is this ordinance such an urgent item that it cannot wait until some face-to-face public workshops and hearings can take place? Please use the time for more outreach to understand the issues for all parties and to understand the economic impact of any proposed solutions.

Santa Fe is a beautiful city and all who live or visit here want to maintain its specialness. I think a more robust public process will produce an outcome that better serves the community.

Sara and Dave Singleton

Michael W. Tankersley
1130 Camino Delora
Santa Fe NM 87505

June 17, 2020

Mr. Elias Isaacson
Planning and Land Use Director
City of Santa Fe
200 Lincoln Ave.
Santa Fe NM 87504

Re: Proposed Amendments to Sections 14-6.2(A)(5)-(8) SFCC 1987 and 14-11.4 SFCC 1987 of the Land Use Code intended to improve administration and enforcement of the Santa Fe Short-Term Rental (STR) program (the "STR Amendments")

Dear Mr. Isaacson,

I am writing to communicate my general support for the proposed STR Amendments, but also to point out several provisions that will, if included in the finally adopted version, create adverse consequences that appear to be unintended and unnecessary to the policy objectives and practical application of the STR Amendments.

My wife and I own a two bedroom residential property located at 1130 Camino Delora that we have used as our second home since 2010. In 2013 we purchased the attached two bedroom guest house at 1130A Camino Delora. 1130A is located on the street; 1130 is located up a private driveway just south of 1130A. The two houses are attached and are part of a two unit condominium arrangement created by a prior owner in 1986 in which the land and structures are owned by R&J Condominium Owners Association, Inc., a New Mexico not-for-profit corporation. The condominium units are owned by New Mexico limited liability companies that are owned jointly (50/50) by my wife and I.

1130 Camino Delora has been operated as an appropriately registered and permitted short-term rental managed by Two Casitas Santa Fe Vacations since 2011 and 1130A Camino Delora has been similarly operated since 2013. We, our family and friends stay in the houses 50-60 nights per year. We have adequate off-street parking and are not aware of any other aspects of the property and its STR activity that will conflict with the STR Amendments except as noted below. Without the financial support from STR activity we could not have afforded to purchase, make improvements to and keep up this property.

As I understand the policy objectives of the STR Amendments, the ownership and usage arrangements for 1130 and 1130A Camino Delora described above do not present any of the problems that the STR Amendments are seeking to address. At the same time, I am concerned that the portions of the STR Amendments discussed below could result in the potential loss of our STR permits if enacted as written.

A. <u>The STR Amendments Requirement That STR Permits Must Be Issued Only to "Natural Persons" Needs to be Revised to Allow Use of Legal Entities by Owners Who Are Natural Persons</u>

The relevant portions of the STR Amendments include the following provisions [page numbers in brackets refer to the pages of the marked-up draft ordinance]:

> [P.5.] (b) Short-Term Rental ~~[Units]~~ Permit Required
> . . . .
> (iii) The land use director shall issue permits to natural [P.6.] persons only, and each natural person may possess a maximum of one (1) permit.
> . . . .
> [p.18.] 14-12.1 DEFINITIONS
>
> [P.19] NATURAL PERSON - An individual human being, as opposed to an organization of any form or a business entity.

The STR Amendments are seeking to limit the possibility that larger scale, professional property investors and management companies, referred to as "speculators," will end up owning a significant number of Santa Fe residential properties. This policy objective is to be accomplished by limiting STR permit issuance to (a) only natural persons and (b) one permit per natural person.

My wife and I own two Santa Fe properties, with two STR permits. So the basic facts of our situation do not conflict with the policy objectives of the STR Amendments. However, I am concerned that applying the language of the STR Amendments set forth above to our legal ownership arrangement as described above could result in the land use director declining to reissue our STR permits in the future because our properties are owned by legal entities that we own, not by us directly. The STR Amendments grandfather some aspects of current STR permit holders not allowed after adoption of the STR Amendments, such as owning multiple permits or violations of the proximity limitations (see provisions quoted below). The STR Amendments do not grandfather STR permits held by legal entities that are not "natural persons." Section D of this letter proposes that the STR Amendments include a provision providing such grandfathering rights to current holders of STR permits that are not natural persons.

The problem presented by the STR Amendment language above is that natural persons frequently have good reasons to use legal entities to own real estate, without any connection to speculators or the desire to own a lot of residential properties operating as STRs. A quick informal online survey of the owners of homes near our properties on Camino Delora showed a number of trusts and limited liability companies, most of whom I do not believe are currently operating STR units. A broader look would likely turn up some partnerships and corporations as well. More broadly, anyone owning a condominium or a unit in another form of multi-family property who seeks a STR permit will inevitably include a legal entity as part of the "ownership" of the property and, to that extent, risks running afoul of the natural person requirement.

The STR Amendment language copied above may also produce unintended consequences to the extent that it does not consider the possibility that a residential property may be owned jointly by two or more otherwise qualifying natural persons. My informal online survey of the owners of residential properties near Camino Delora mentioned above indicated that a majority of them were held in the name of two natural persons, many appearing to be husband and wife. The policy objective of the STR Amendments would appear to be consistent with allowing a husband and wife (or really any two people) to jointly own two properties subject to STR permits, but the language used in the STR Amendments quoted above is not clear on that point and could be read to produce a contrary result.

I ask that the STR Amendments be revised to address the issues outlined above. One approach to consider is to base the operation of the ordinance on the identities of the natural persons who are the ultimate beneficial owner(s) of a property, not on the legal entity that they may use, and to recognize

joint ownership of a STR unit as effectively resulting in possession of a fraction of an STR permit, as follows:

> [P.5.] (b) Short-Term Rental Permit Required
> . . . .
> (iii) The land use director shall issue permits to or for the benefit of natural [P.6.] persons only, and each such natural person may possess, directly or indirectly, in the aggregate, a maximum of one (1) permit. A permit is issued "for the benefit" of a natural person if that natural person is the direct or indirect owner of at least 50 percent of the ultimate beneficial economic interest in an organization or a legal or business entity that owns a short-term rental unit subject to the permit and the existence and nature of the relevant legal and beneficial ownership is disclosed to the land use director. For the avoidance of doubt, the determination of whether a natural person possesses a maximum of one (1) permit will include fractional ownership of permits issued for the benefit of that natural person as provided herein.
> . . . .
> [p.18.] 14-12.1 DEFINITIONS
>
> [P.19] NATURAL PERSON - An individual human being, as opposed to an organization of any form or a legal or business entity.

The suggested language looks through the use of a legal entity to the underlying economic ownership by specific natural persons, recognizing the high frequency with which married couples and domestic partners purchase residential real estate, in their own names or using a trust or limited liability company. The revised language allows individuals in those circumstances, who in the vast majority of cases will own real property on a 50/50 basis, to own two properties that will qualify for STR permits, directly or through a legal entity. The large-scale professional property investment or management operations disfavored by the policy of the STR Amendments would not be able to qualify for a STR permit under the suggested wording.

B. Changes in the Form of Ownership of a Property Benefiting From a STR Permit That Do Not Impact Ultimate Beneficial Ownership Should Not Terminate the STR Permit.

The STR Amendments seek to limit the transferability of a STR Permit:

> [P.5.] (b) Short-Term Rental ~~[Units]~~ Permit Required
> . . . .
> (v) A permit is not transferable to another person or property. Upon the transfer of ownership of a short-term rental unit, the short-term rental permit shall terminate and revert to the land use department. If the new owner wishes to use the property as a short-term rental unit, the owner shall submit a new application to the land use department.

Under this rule, if my wife and I decided to get rid of our very complex two unit condominium structure at 1130 Camino Delora by transferring title from the three New Mexico legal entities that own the properties to our names directly, we would lose our STR permits. There is nothing in the policy objectives of the STR Amendments that requires this result, suggesting that this is another unintended consequence. That result is also inconsistent with the change to the STR Amendments proposed above at A., which reflects a policy perspective that the use of legal entities by individuals to manage their

ownership of an otherwise qualifying STR unit should not trigger unintended negative results, such as loss of their STR permit. To address this issue, it is suggested that the above provision be modified to read as follows:

> (v) A permit is not transferable to another person or property. Upon the transfer of ownership of a short-term rental unit, the short-term rental permit shall terminate and revert to the land use department. If the new owner wishes to use the property as a short-term rental unit, the owner shall submit a new application to the land use department. A transfer of ownership of a property subject to a short-term rental permit to an organization or a legal or business entity having the same ultimate beneficial ownership as disclosed to the land use director pursuant to Section 14-6.2(A)(5)(b)(iii), or which results in one or more of such disclosed beneficial owners owning, directly or indirectly, 100 percent of the ultimate beneficial economic interest in the property, will not be effective to terminate the short-term rental permit, which shall be transferred to the successor owner or owners upon application to the land use director.

Transfers of title to a STR unit by gift or inheritance from one generation to the next should also be considered for exclusion from the "no transfers" rule.

C. The Language Used to Grandfather Holders of Multiple STR Permits Should Be Revised To Be Consistent With Other Grandfathering Language

Subparagraphs (a) and (b) of Section 6 the STR Amendments address the impact of the prohibition of multiple STR permits and the STR proximity limitations on holders of existing STR permits with the apparent intention of grandfathering STR permits in place at the time of adoption of the STR Amendments:

> [P.16] (6) [Short-term Rental of Dwelling Units – Non-residentially Zoned Property] Existing Short-Term Rental Permits and Registrations
>
> . . . .
>
> [P.17] (a) Short-term rental permits held at the time the ordinance amending subsection 14-6.2(A) SFCC 1987 (Ordinance No. 2020-) is adopted are valid, even if multiple permits are held by one owner. The owner does not need to renew those permits until they expire. Upon expiration, the owner may be eligible to timely renew the permits pursuant to subsection 14-6.2(A)(5)(i), subject to payment of the annual business license and permit fees, as long as the land use department does not revoke the permit pursuant to Section 14-11.4.
>
> (b) Short-term rental permits that do not comply with the proximity limitations set forth in subsection 14-6.2(A)(5)(e) held at the time that the ordinance amending subsection 14-6.2(5) (Ordinance No. 2020-) is adopted are valid and owners of such permits are eligible to timely renew the permits pursuant to subsection 14-6.2(A)(5)(i), subject to payment of the annual business license and permit fees, as long as the land use department does not revoke the permit pursuant to Section 14-11.4.

Despite the apparent intention to provide similar grandfathering rights in each provision, subparagraphs (a) and (b) use differing language to achieve that effect, which raises a question as to whether they are in fact intended to have the same effect. Subparagraph (a) states as to a holder of multiple STR permits, "Upon expiration, the owner may be eligible to timely renew the permits pursuant to subsection 14-

6.2(A)(5)(i) . . .." Subparagraph (b) states as to a holder of a STR permit that might violate the proximity limitations in the STR Amendments "owners of such permits are eligible to timely renew the permits pursuant to subsection 14-6.2(A)(5)(i), ..."

It is not clear why in the first instance, the owner "may" be eligible to timely renew (suggesting that it is possible that, for instance, by action of the land use director, the owner may not be eligible to renew), and in the second instance, the owners of such permits "are" eligible to timely renew, indicating no possibility that they are not eligible to renew except for the existence of an issue under Section 14-11.4. The language of subparagraph (a) also raises a question as to whether the right of a grandfathered holder of multiple permits is entitled to renew only one time, in the first year after the STR Amendments are adopted, or the right is perpetual.

It is suggested that subparagraph (a) be revised to address these issues as follows:

> (a) Multiple short-term rental permits held by one owner at the time the ordinance amending subsection 14-6.2{A) SFCC 1987 (Ordinance No. 2020-) is adopted are valid~~, even if multiple permits are held by one owner~~. The owner does not need to renew those permits until they expire. Upon expiration, and in subsequent years, the owner [~~may be~~] is eligible to timely renew the permits pursuant to subsection 14-6.2(A)(5)(i), subject to payment of the annual business license and permit fees, as long as the land use department does not revoke the permit pursuant to Section 14-11.4.

D. To The Extent That the STR Amendments Are Not Revised To Allow STR Permits To Be Issued To Legal Entities As Recommended At A. Above, Permits Currently Issued To Legal Entities Should Be Grandfathered

Section A of this letter points out that the STR Amendments as drafted effectively prohibit the issuance of a STR permit to a legal entity that currently holds a STR permit. Even if the STR Amendments are revised as suggested in Section A, it is possible that some currently compliant STR permits issued to legal entities will be denied renewal, and if something like the proposed revisions are not made, all existing STR permits issued to legal entities are likely to be denied renewal. The STR Amendments in Section 6 (a) and (b) discussed in Section C above recognize the unfairness of a sudden, across the board denial of STR permits to currently compliant Santa Fe property owners by providing that current STR permit holders will be grandfathered if they currently hold multiple permits or if their properties otherwise violate new proximity limitations.

The STR Amendments should be revised to grandfather STR permits held by legal entities at this time and their renewal in future periods. To accomplish this it is requested that the STR Amendments be revised to include the following new Section 6 subparagraph (c):

> (c) Short-term rental permits held by a property owner that is not a natural person at the time the ordinance amending subsection 14-6.2{A) SFCC 1987 (Ordinance No. 2020-) is adopted are valid. The owner does not need to renew those permits until they expire. Upon expiration, and in subsequent years, the owner is eligible to timely renew the permits pursuant to subsection 14-6.2(A)(5)(i), subject to payment of the annual business license and permit fees, as long as the land use department does not revoke the permit pursuant to Section 14-11.4.

One last minor point to note is that Section 5(c)(i) requires that a qualifying local operator of a STR unit must have offices within the Santa Fe city limits. It is not clear why a property manager in one of the cities or unincorporated areas surrounding Santa Fe, who might be closer to a STR unit than a property manager within the city limits at the other end of town, is disqualified under the STR Amendments. It is suggested that the STR Amendments require that qualifying property managers be located within something like a 10 or 20 mile radius of the city limits.

Thank you for your consideration of these points. Communications regarding the above matters are best directed to me as follows:

By email: mtankersley1614@gmail.com
By mail: 6246 Northwood Rd, Dallas TX 75225
By telephone: 214-679-2369

Very truly yours,

Mike Tankersley

Two Casitas, Santa Fe Vacation Rentals has been operating vacation homes in Santa Fe since 1998 and has grown to manage sixty-seven independently owned properties, employ eight people, and provide consistent work for many local contractors. Before the Pandemic, we were actively expanding our inventory and our workforce, and we intend to continue that expansion as our business recovers. Two Casitas contributed over $300,000 in Lodger's Tax to the City of Santa Fe in 2019. The thousands of guests that we host provide an incalculable economic and fiscal benefit to our city and its government. As a locally owned and operated small business, we have strong personal and financial interests in maintaining the character and charm of our city, and the neighborhoods in which our homes are located. The proposed legislation will not immediately threaten our business, but it is designed to slowly decrease the profitability, and thus the significant economic benefit, that Two Casitas and companies like it bring to our city. While that is our primary concern with this legislation, we would also like to address some of the topics that came up in the City Council meeting, and the general spirit behind all short-term rental legislation adopted by the City. We believe that the negative externalities associated with our industry are largely exaggerated by its detractors, and that many of them can be solved with the tax revenue that the City brings in from permitted rentals.

It appears that the ultimate goal of the legislation is to gradually reduce the number of permittable rentals in the city. Short-term rental management companies operate with significant turnover in our inventory. Many of our homeowners end up selling their homes, and a significant portion of them end up retiring in them. The rental income that we provide to them before this occurs makes this financially feasible, and ultimately provides further economic benefit to the neighborhoods in which these homes are located. The long-term reduction of permittable rentals could result in us not being able to replace homes that we no longer manage, as management companies depend on a consistent flow of new inventory for their growth and profitability.

We would like to stress that while many, but not all, of our owners currently reside out-of-state, their investments in short-term rentals bring significant benefit to our city. The homes that they purchase are often renovated, restored, and improved in order to become rentals. This raises property values in the neighborhood and employs local contractors. This benefit is sustained while the homes exist as short-term rentals, as property managers take extra care to maintain and improve their inventory on the owners' behalves. As we mentioned earlier, many of our owners eventually move into their rental homes and become members of our local community. They have no interest in destroying the fabric of our neighborhoods or reducing the quality of life for their future neighbors. They invest in Santa Fe in the first place because they love and respect our city's culture and unique heritage. Their investments are meant to improve and preserve that—not destroy it.

During the city council meeting, residents expressed concern regarding some of the externalities associated with our industry. Several people expressed their

belief that vacation rentals create additional traffic in Downtown Santa Fe compared to long-term renters or permanent residents. In fact, short-term renters make fewer and shorter trips per day, and have fewer vehicles per person than residents. They also do not contribute to traffic while the homes are not being rented.

Concerns regarding affordable housing in Santa Fe are often unfairly blamed upon the short-term rental industry. Housing affordability has been an issue in Santa Fe for much longer than the short-term rental industry has existed, and the neighborhoods in which our rentals exist have little chance of becoming affordable even if all short-term rentals are eliminated. However, we do believe that the income that the city makes from rental activity could be allocated towards building affordable housing in other parts of the city.

Several residents mentioned that noise complaints were a concern. Complaints of this kind are exceedingly rare and are not eliminated by replacing short-term renters with permanent residents. Permanent residents can result in chronic disturbances that require the involvement of law enforcement. The occasional guests who do cause a disturbance are swiftly dealt with by management companies without the need to involve law enforcement. Furthermore, troublesome guests are inevitably followed by benign guests or the home being silently unoccupied.

Two Casitas is concerned about the prevalence of unpermitted rentals as well, as it creates an uneven playing field that disadvantages the business that provide the city with tax revenue, abide by local regulations, and care about the integrity of our communities. The proposed legislation is solely focused upon further restricting the good actors in our industry, while diverting enforcement resources away from people who have no regard for working within the system. We strongly recommend that the city focus its limited resources on getting permits for unpermitted rentals rather than making permitted rentals more difficult to operate.

We appreciate your time, and hope that you will consider our perspective in your legislative agenda.

Sincerely,

Wendy Kapp, Will Risbourg, Rachel Zell, and Brittany Bruaw

Two Casitas, Santa Fe Vacation Rentals

GURULE, GERALDINE A.

From: Jon Tucker <jtucker@tuckerime.com>
Sent: Sunday, June 14, 2020 1:37 PM
To: Richard A Woodruff; LINDELL, SIGNE I.; Mayors Office; VILLARREAL, RENEE D.; GARCIA, MICHAEL J.; ROMERO-WIRTH , CAROL; RIVERA, CHRISTOPHER M.; ABEYTA, ROMAN R.; CASSUTT-SANCHEZ, JAMIE A.; COPPLER, JOANNE V.; Land Use Public Comment
Cc: Kathy Komoll; Teya Vitu; Paco Arguello; Donna Reynolds; gholcomb@vrma.org; aduettra@gmail.com
Subject: Re: Proposed Changes to STR Ordinance - Impact of 75' Radius on Future STR Permits

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The proposed ordinance is simply a pretext to kill the STR business as it exists in Santa Fe without regard to any rational analysis of its fallout or long term repercussions. A 2018 study done with poor design is simply stale and as Richard mentions, fails to factor important future looking elements.

Variations of draconian limits on STR's have been tried in other locations with legal challenges brought in most cases resulting in rollbacks. However, the negative impact upon the real estate markets and property values remained.

The rental market will migrate outside the city limits and irreparable damage will have been done if this measure is enacted.

Especially now, when people are searching for some economic security both at the personal and governmental levels, I'm flabbergasted that such an economically injurious measure finds traction.

Every one of the property owners who factor their ability to get some rental income will appeal their property tax valuation if this passes, as they should. And a decline of at least 25% in value would be expected! Not to mention the loss of tax revenue and economic activity from renters.

Just some additional thoughts on the matter. Thanks for reading!

Jon B. Tucker, MD

Chief Medical Officer
Interim CEO
MedicoLegal, Inc.

5990 University Blvd.
Suite #12, Box 248
Moon Township, PA 15108
Phone: 412-276-6241
Cell: 412-310-6177
Fax: 412-265-6530
www.medicolegalgroup.com
jtucker@medicolegalgroup.com

www.medicolegalgroup.com

Subject: Re: Santa Fe, NM - Short Term Rental Ordinance Changes: Due Process & Business Impact

Date: Saturday, June 13, 2020 at 10:57:04 Mountain Daylight Time

From: Jon Tucker

To: Richard A Woodruff, LINDELL, SIGNE I., aduettra@gmail.com, Mayors Office, VILLARREAL, RENEE D., GARCIA, MICHAEL J., ROMERO-WIRTH , CAROL, RIVERA, CHRISTOPHER M., ABEYTA, ROMAN R., CASSUTT-SANCHEZ, JAMIE A., COPPLER, JOANNE V.

CC: Kathy Komoll, Teya Vitu, Paco Arguello, Donna Reynolds, gholcomb@vrma.org

Category: Adobe Casitas

All,

A couple weeks ago I received a solicitation from Marriott to convert my home on Palace Ave into a weekly timeshare unit managed by them as a subsidiary of their vacation club.

Oddly and maybe not coincidentally, that corporate structure would comply with the new ordinance.

One should ask and share for all to know if that is the kind of manager and the kind of place we want Santa Fe to become. Hotel operators would invade this space and subsequently mold the ordinances to their liking, while distressed hotel properties, freed of competition from better and less expensive short term rental homes, and managed by these same entities, would convert debt laden distressed properties into timeshares. And trust me just about all the hotels are laden with non recourse CMBS paper that is being taken over by the vultures who will liquidate the assets any way they can.

In my humble opinion, that is where the focus of City Council ought to be!!!

How about the spectre of timeshare salespeople hawking interval ownership on the Plaza? That's what's coming if competition is not preserved. Guaranteed.

This proposed ordinance will ruin Santa Fe.

In order to preserve the unique nature of Santa Fe the government needs to embrace and nurture the small businesses that constitute the short term rental market. We are the people who have personally invested in and care about preserving Santa Fe. Don't wreck it by regulating us out of business and opening the door for the timeshare creatures.

Jon B. Tucker, MD

Chief Medical Officer
Interim CEO
MedicoLegal, Inc.

5990 University Blvd.
Suite #12, Box 248
Moon Township, PA 15108
Phone: 412-276-6241
Cell: 412-310-6177
Fax: 412-265-6530

GURULE, GERALDINE A.

From:	Elizabeth West <ewest@cybermesa.com>
Sent:	Sunday, June 14, 2020 11:21 PM
To:	esiasaacson@santafenm.gov; Land Use Public Comment
Cc:	WEBBER, ALAN M.; Signe Lindell; VILLARREAL, RENEE D.; ROMERO-WIRTH , CAROL
Subject:	attention Planning Commission, regular Committee Thursday, June 18, 2020: Amending Section 14.6.3 SFCC 1987 / Short Term Rental Ordinance / amending the Amendment
Attachments:	Short_Term_Rentals_fillable3_14.pdf

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Please forward or deliver this email to the entire Planning Commission for me — thank you! (The deadline is tomorrow (Monday), June 15 at noon. This is being emailed Sunday evening at about 11:30 p.m.)

From the Agenda for the Planning Commission, Thursday, June 18, 2020:

7.B. An Ordinance Amending Section 14-6.2 SFCC 1987 to Adopt by Ordinance a Maximum of one thousand (1000) Short-Term Rental Permits in the City; to Prospectively Limit the Number of Short-Term Rental Permits to One Per Natural Person; to Prospectively Limit the Proximity of Short-Term Rental Units on Residentially Zoned Property; to Require a Local Operator for Short-Term Rental Units; to Adopt Record-Keeping and Reporting Requirements for Short-Term Rental Unit Owners and Host Platforms; and to Clarify Other Provisions of the Short-Term Rental Ordinance. (Mayor Webber and Councilors Lindell, Romero-Wirth, and Villarreal) (Elias Isaacson, Land Use Director, esiasaacson@santafenm.gov, 955-6730) (Sally Paez, Assistant City Attorney, sapaez@santafenm.gov, 955-6501)

I think there are two most important items that need to be addressed before moving forward with this: a Primary Residence requirement, and understandable regulations which better facilitate enforcement.

1) Primary Residency requirement needs to be part of this amendment. This requirement would help solve a lot of problems. (The Charleston, SC model is probably the most congruent with Santa Fe's needs.) Compliance from the existing businesses should be required, but perhaps generously give the businesses a year to adjust?

2) It is important to keep the regulations, guidelines and requirements as clear and simple as possible in order to facilitate reasonably easy accountability and enforcement. This will help the City as well as help the STR businesses. The enforcement penalties and policies need to be easily understood and readily available. The City of Santa Fe should be able to receive the money that is owed to it, as part of the arrangement for what the City provides the people who are in the business of short term rentals. Santa Fe is not primarily aiming to provide a place for the STR industry — that is not our job.

Note:

Section (5) (ii) page 4 — this seems a bit pie in the sky (which is not a good place for any kind of pie), and if one of the aims of this ordinance is to try to control speculation that ultimately gets in the way of long-term housing, the Primary Residency requirement would be a better deterrent. If you add the Primary Residency requirement, then delete this (5) (ii).

Curious about the Charleston, SC, short term rental application? They had to act decisively in order to help support long-term housing. Here is a link: <https://www.charleston-sc.gov/DocumentCenter/View/18611/Residential-STR-Application?bidId=>

Compare with Santa Fe:

I hope my comments help, and thank you for your attention — and for helping me to get my comments to the entire Planning Commission on time — *¡muchas gracias!*

Elizabeth West
318 Sena Street
Santa Fe, NM 87505
984-1047

***

GURULE, GERALDINE A.

From: Janet Williams <janetwilliamspottery@gmail.com>
Sent: Friday, June 12, 2020 1:23 PM
To: BERKE, NOAH L.
Subject: STRs

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To Whom It May Concern

I believe all short term rentals should be owned by locals. This would prevent speculation which drives up the market for locals.
We also need to limit the number of STRs, as they are destroying neighborhoods, limiting the number of long term rentals and driving up the prices for first time home buyers.
STRs are out of control and must be limited.

Sincerely,
Janet Williams
1200 Don Gaspar Ave
Santa Fe, NM 87505

Sent from my iPhone

GURULE, GERALDINE A.

From: Richard A Woodruff <richardwoodruff@yahoo.com>
Sent: Sunday, June 14, 2020 1:19 PM
To: LINDELL, SIGNE I.; Mayors Office; VILLARREAL, RENEE D.; GARCIA, MICHAEL J.; ROMERO-WIRTH , CAROL; RIVERA, CHRISTOPHER M.; ABEYTA, ROMAN R.; CASSUTT-SANCHEZ, JAMIE A.; COPPLER, JOANNE V.; Land Use Public Comment
Cc: Kathy Komoll; Teya Vitu; Paco Arguello; Donna Reynolds; gholcomb@vrma.org; aduettra@gmail.com
Subject: Proposed Changes to STR Ordinance - Impact of 75' Radius on Future STR Permits
Attachments: Impact of 75' Radius on Future STR Permits.pdf; Impact of 75' Radius on Future STRs.pdf; STRO Changes - Cheryl Bernard Letter to Mayor.pdf; STRO Changes - Jon Tucker Response to Mayor and Council.pdf; STRO Changes - Marvin Schrager Letter to Mayor.pdf; STRO Changes - Singleton Letter to Mayor.pdf; STRO Changes - Woodruff Response to Councilwoman Lindell.pdf; STRO Changes - Woodruff Response to Councilwoman Villarreal.pdf

Importance: High

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Hi All,
As you have seen from my initial writings on STRs, I have been calling for a **forward-looking economic study** regarding the impact of the 75' Radius on Future STRs **as well as** the other changes being proposed. I am attaching just one example. As requested, the Land Use office is also in copy to log these opinions.

In this example (Guadalupe District), there are currently four STRs located at:

- 114 Quintana Street
- 117 Quintana Street
- 124 Elena Street
- 126 Candelario Street

The slide below delineates the 75' radius impact on the future potential of a **new** buyer obtaining an STR permit. As can be seen, if **any** of the homes above were to sell, the new buyer would NOT be able to obtain a STR permit under the new ordinance. This will have a dramatic impact on the **selling price** for any of the homes above as the new buyer will **not** have the flexibility in the rental use of the home. Actually, in this particular case, all of the homes would not be eligible for a permit. **Therefore, an existing owner, whether grandfathered or not, will lose future value in their home.**

Also, having a **cap** on STR permits really is **immaterial**. Over time, the number of potential **STR permits will decrease** as homes sold with existing STR permits are no longer eligible for a permit. The new owner **cannot** obtain one due to the new restrictions. In my rough analysis, derived from my knowledge and management of short-term rentals in the City of Santa Fe, it is likely that STR permits will fall by a minimum of 50% over a ten-year period as homes change ownership. To validate this, one must examine the average turnover of homes in the City of Santa Fe. This analysis should be paramount in the economic impact study. Another fact, the number of STR permits has not risen since 2018 remaining quite consistent at approximately 850 permits under the current ordinance.

The City of Santa Fe will experience an ever-decreasing source of revenue from Lodger's Tax, due to less STRs, and from property taxes due to the decrease in real home market values. Real home values will decrease as the homes will no longer retain the option to be rented short term for any new buyer. Thus, depriving the new buyer of a significant revenue source which will be taken into account when assessing the purchase value of a home. This is further highlighted in the attached documents from a few concerned owners. I am always asked the question, 'Can I obtain a short-term rental permit if I'd like one?' How will this question be answered by any Realtor going forward?

As a point of fact, Lodger's Tax and GRT are both collected and directly remitted (bypassing property managers and owners) to the City and State by Airbnb, HomeAway, VRBO and Expedia. The delinquency rate on tax collection has dropped significantly (in 2020) as these listing engines represent approximately 90% of all bookings. This can be confirmed by AirDNA. The O'Donnell study was based on 2018 data which is not longer germane.

In the slide below, I have assumed the center of each property as the radius start point. Should the radius start point be at the property boundaries, the impact would even be more onerous basically removing the ability for most of the homes in the neighborhood to obtain a permit.

Impact of 75' Restriction on Future STR Permit

75 Feet

I look forward to hearing the rationale for such an ordinance in addition to the rationales for all the other recommended changes. I have also attached the current writing of a few constituents.

All the best,
Richard

Adobe Casitas Vacation Rentals, Inc.
Real Estate Qualifying Broker

License #19824
+1 848 466 9586
www.adobecasitas.com

From: Richard A Woodruff <adobecasitas@gmail.com>
Date: Saturday, June 13, 2020 at 10:32

Subject: Re: Santa Fe, NM - Short Term Rental Ordinance Changes: Due Process & Business Impact

Dear Signe and all,

Thanks, so much for your response but I'm sorry to say your stipulations are not true. The regulations will affect guest occupancy for all rentals. Also, should an existing permit holder want to sell their property, it cannot be stated, by the realtor or seller, that the same home will be granted a permit for the new owner. Thus, reducing property values and potential buyers. Not finally, but one more point, there has been no economic impact study reflecting the results of the changes over the years forward. I suggest you take a look. The changes are dramatic and far reaching that will ultimately cut the number of vacation rentals in half due to the 75' radius requirements and decrease tourism for Santa Fe. Just take a stab at modelling what a 75' radius does to existing short term rentals. On East Palace Avenue alone, it will have the effect of eliminating more than half of the vacation rentals over time. Given the proximity of the houses to one another and the 5' setbacks of property lines. This is also true in the Guadalupe District. With change of ownership, the number of vacation rentals will dwindle, the choices of rentals for consumers will be less, rental rates may increase due to more demand for a shrinking supply and the whole business for property managers will become unprofitable or marginally profitable. Also, requiring an owner of a property to use a property manager, is inappropriate as it changes the profit dynamics for the owner – forcing them to pay a commission. Is that fair?

The proposed changes create an uneven playing field that will be even more difficult to regulate, and I am certain that the reporting requirements will apply to all properties. They are onerous at best. Regarding the O'Donnell study, it was based on old data and the situation has actually improved. Airbnb, HomeAway, VRBO and Expedia (the vast majority of bookings are through these engines) all pay the GRT and Santa Fe Lodger's Tax directly to the appropriate government bodies. So, the regulation and enforcement of tax collection has been largely automated.

I am at a loss to understand why a proper impact study would not be commissioned evaluating all the effects of the changes going into the future (10 years out). I have been at executive level in major corporations for 40 years, we would not be so cavalier with our P & L as to make significant decisions in a vacuum. I can only surmise that we don't want to expose the results. It is so much easier to say, all is fine, and nothing will change for the existing permit holders. We should at the very least consider getting advice from VRMA.

It is remarkable that we promote Santa Fe as 'the' place to visit, along with significant marketing efforts, while at the same time we attempt to restrict choice that ultimately hurts consumers by limiting choice in lodging and thus raising pricing. Less people will come to Santa Fe and there will be less business for our auxiliary businesses. Tourism is the largest industry we have in Santa Fe, let's not go backward!

Ask yourself, why are we doing this?

All the best,
Richard

From: "LINDELL, SIGNE I." <silindell@santafenm.gov>
Date: Saturday, June 13, 2020 at 09:50
Subject: Re: Santa Fe, NM - Short Term Rental Ordinance Changes: Due Process & Business Impact

Thank you. Current license holders are grandfathered and if they renew properly and stay in compliance. Nothing changes.
We have worked hard on this to strike a balance for all.
Signe

Get Outlook for iOS

Richard,

It appears that I'd be grandfathered even though Hagajo is the owner.

After reading the proposed ordinance I totally agree that it should be opposed with regard to the economic limitations. There are some givebacks that would hopefully satisfy the proponents most notably the noise, occupancy, parking, record-keeping, and auditing.

Jon

Jon B. Tucker, MD

Chief Medical Officer
Interim CEO
MedicoLegal, Inc.

From: Richard A Woodruff <adobecasitas@gmail.com>
Sent: Friday, June 12, 2020 2:01 PM
Subject: Santa Fe, NM - Short Term Rental Ordinance Changes: Due Process & Business Impact

Dear All,

It has only recently come to my attention (actually June 10th) that there is a proposal being considered to change/amend the current short-term rental ordinance for the City of Santa Fe. Are you all aware of the ramifications of the proposed changes for the short-term rental industry of our City; including the impact on our tourist industry, the impact on existing and future City of Santa Fe property owners and the impact to the revenue to our City and the businesses that operate in our City?

To my knowledge, there has not been an Economic Impact Study performed to understand the financial impacts to the City of Santa Fe regarding the proposed changes to the Short-Term Rental Ordinance encompassing the points I mentioned above. Also, I did not see, nor am I aware, of any budget allocated for such a study in the 2020 Santa Fe City budget. An Economic Impact Study will have an important relevance to any changes proposed. When the current ordinance was adopted, there was an independent economic impact study performed, and it is only prudent to require another study to understand the financial impacts of any decision. I remain surprised that the mayor is not taking ownership of such an important change to the tourist industry for the City of Santa Fe. **I am also seeking clarification as to why this significant change is proceeding under the radar of concerned parties.**

Secondly, I do not believe that due process has not been followed as all constituents, including current short-term rental permit holders, have not been properly notified regarding the changes under consideration to provide them with ample time to respond to the proposal. Actually, the City of Santa Fe has not even notified existing rental permit holders. That being said, I have been directly in touch with a few of my owners and I am waiting their response with suggestions on actions to take as a collective. There are clearly going to be legal remedies sought should the current proposal proceed in its current form and process. I am also attaching a short, non-exhaustive, list of concerns.

Finally, holding a meeting via Zoom is not inclusive enough to gather a quorum of concern. Some constituents to this ordinance, may not even be technically inclined to use Zoom.

These suggested short-term rental ordinance changes will impact the entire nature of our tourist industry in the City of Santa Fe, as well as dramatically and negatively impact businesses and property owners. Unjustified over-regulation will have a detrimental impact on consumers and local and state economies.

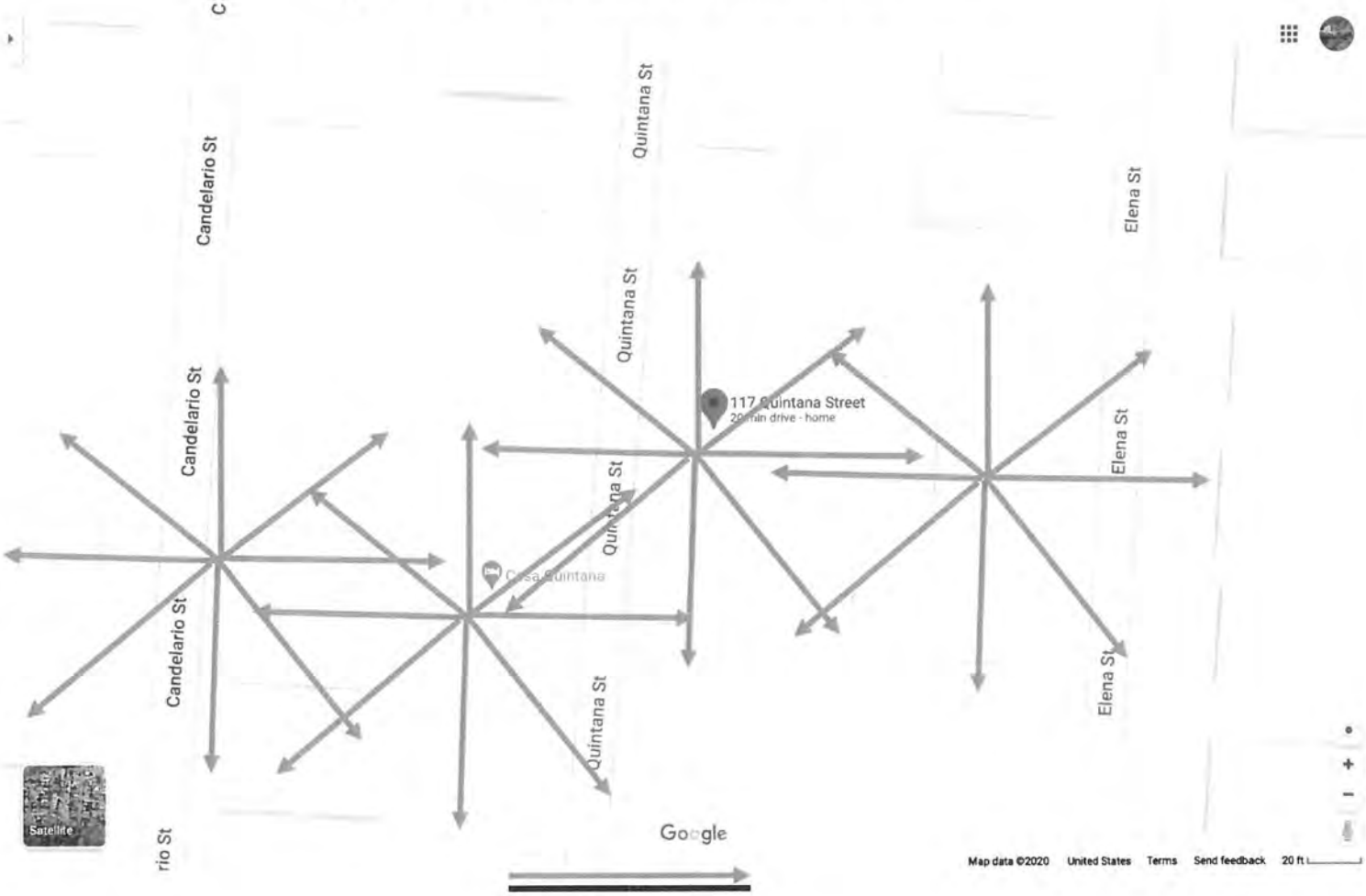
It is my suggestion that the City of Santa Fe should also consider consulting with the Vacation Rental Management Association (VRMA), in copy. VRMA assists communities in developing professional and traditional vacation rentals as a safe and reliable option for consumers. They are committed to working with policymakers to develop fair and balanced regulations that benefit both communities and the vacation rental market. https://www.vrmaadvocacy.org

I look forward to hearing from you soonest!
All the best and stay well,
Richard

Impact of 75' Restriction on Future STR Permits

75 Feet

Impact of 75' Restriction on Future STR Permits



75 Feet

Dear Signe and all,

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I am at a loss to understand why a proper impact study would not be commissioned evaluating all the effects of the changes going into the future (10 years out). I have been at executive level in major corporations for 40 years, we would not be so cavalier with our P & L as to make significant decisions in a vacuum. I can only surmise that we don't want to expose the results. It is so much easier to say, all is fine, and nothing will change for the existing permit holders. We should at the very least consider getting advice from VRMA.

It is remarkable that we promote Santa Fe as 'the' place to visit, along with significant marketing efforts, while at the same time we attempt to restrict choice that ultimately hurts consumers by limiting choice in lodging and thus raising pricing. Less people will come to Santa Fe and there will be less business for our auxiliary businesses. Tourism is the largest industry we have in Santa Fe, let's not go backward!

Ask yourself, why are we doing this?

All the best,
Richard

I have also attached another letter for an existing property owner. Perhaps take the time to read it!

From: "LINDELL, SIGNE I." <silindell@santafenm.gov>
Date: Saturday, June 13, 2020 at 09:50
To: Jon Tucker <jtucker@tuckerime.com>, Richard A Woodruff <adobecasitas@gmail.com>, Andy Duettra <aduettra@gmail.com>, Mayors Office <mayor@santafenm.gov>, "VILLARREAL, RENEE D." <rdvillarreal@santafenm.gov>, "GARCIA, MICHAEL J." <mjgarcia@santafenm.gov>, "ROMERO-WIRTH , CAROL" <cromero-wirth@santafenm.gov>, "RIVERA, CHRISTOPHER M." <cmrivera@santafenm.gov>, "ABEYTA, ROMAN R." <rrabeyta@santafenm.gov>, "CASSUTT-SANCHEZ, JAMIE A." <jcsanchez@santafenm.gov>, "COPPLER, JOANNE V." <jvcoppler@santafenm.gov>
Cc: Kathy Komoll <kkomoll@newmexicohospitality.org>, Teya Vitu <tvitu@sfnewmexican.com>, Governor Lujan Grisham <nmiggovima@state.nm.us>, Paco Arguello <paco@sfar.com>, Donna Reynolds <donna@sfar.com>, "gholcomb@vrma.org" <gholcomb@vrma.org>
Subject: Re: Santa Fe, NM - Short Term Rental Ordinance Changes: Due Process & Business Impact

Thank you. Current license holders are grandfathered and if they renew properly and stay in compliance. Nothing changes.
We have worked hard on this to strike a balance for all.
Signe

Hi Renee,
Thanks so much for your response but I'm sorry to say your stipulations are not true. The regulations will affect guest occupancy for all rentals. Also, should an existing permit holder want to sell their property, it cannot be stated that the same home will be granted a permit for the new owner. Thus, reducing property values and potential buyers. Not finally, but one more point, there has been no economic impact study reflecting the results of the changes over the years forward. I suggest you take a look. The changes are dramatic and far reaching that will ultimately cut the number of vacation rentals in half due to the 75' radius requirements and decrease tourism for Santa Fe.
All the best,
Richard

PS: I read the proposed changes completely as well as Karen's study. Perhaps you should take another look with the future impact delineated in an impact study.

On Fri, Jun 12, 2020 at 20:04 VILLARREAL, RENEE D. <rdvillarreal@santafenm.gov> wrote:

Hold your horses folks!

Before you get ahead of yourself, you must know that all the existing short term rental properties that are currently in compliance, have their permits, and are following the rules, will not be affected by these proposed new rules and regs. The proposed ordinance will only apply to future applicants for short term rentals.

I hope that clears up the misconceptions. And there will be plenty of time to have community members weigh in as we have many future committee meetings and opportunities to take the time and read and learn about the proposed changes.

Be well,

Renee

Renee Villarreal

Councilwoman, District 1

City of Santa Fe

(505) 629-2388

rdvillarreal@santafenm.gov

Planning Commission Meeting

October 15, 2020

Short-Term Rental Bill

Written Comments

The following written comments were submitted on time and were considered by the Planning Commission on October 15, 2020:

- Susan Orth, Santa Fe Association of REALTORS

The following written comments were submitted late and were **not** a part of the record considered by the Planning Commission on October 15, 2020 (but are provided for consideration at subsequent committee meetings):

- Natalie Bovis
- Marc Choyt
- Teri Hackler
- Kitty Moss
- Elise Noble
- Sandra Noe
- Leroy Pacheco
- Toral Patel, Airbnb
- Amy Rose
- Kim Schilling
- Bonnie Smith
- Richard Woodruff

October 12, 2020

Dear City of Santa Fe Planning Commissioners:

The Santa Fe Association of REALTORS® appreciates the City of Santa Fe Planning Commission and city leaders ongoing work to improve the proposed short-term rental ordinance. In response to public input and commissioners' concerns, a revision has been introduced for the planning commission's consideration at its upcoming October 15, 2020 meeting.

The association is pleased with a number of key changes proposed by the planning commission that have been adopted in the revision. Specifically, the association supports the changes related to retaining exemptions and registrations for non-residential properties; clarifying the role of a natural person in the permitting process; expand the non-transferability of a permit in certain circumstances; and clarifying the "grandfather" clauses that would have allowed the land use director to revoke a permit upon expiration.

There remain several issues that the association would encourage planning commission members to review and consider taking action.

The revision has amended the originally proposed 75-foot radius density requirement for new permits to a 50-foot radius from the boundary of the property. The planning commission had a thoughtful discussion regarding any new density requirement which our members believed was important and valuable given the highly dense nature of the downtown area. The new density requirement will likely result in preventing any new short-term rental permits to be issued in these areas while grandfathering in existing operators-some with several units. Due to this concern, the association believes this restriction on density remains unworkable, may invite litigation, and will negatively impact property rights. For many homeowners, it would be difficult to make such a determination without significant support from the land use department as property owners will not know the proximity of permitted units. The association strongly suggests the commission consider retaining the existing density requirement *"short-term rental permits will not be issued for more than two short-term rentals directly adjoining each other on a residentially zoned street. For the purposes of this subsection, "directly adjoining" means sharing a common boundary along a public street frontage, but does not include adjoining units in a condominium, townhouse development, in an apartment complex, or residential compound"*.

The revision continues to place a permit limit of 25% of units on a multi-family complex even when the owners, home owner association or condominium rules permit short-term rentals. The association would encourage the planning commission to consider eliminating this restriction, if short-term rentals are permitted by multi-family complexes.

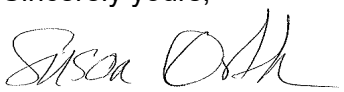
The revision adds two new requirements to non-residential properties:

- A permit limit of 25% of units on a multi-family complex located within 200-feet of a residential district, and
- A limit of 12 permits per building in a multi-family development.

The association looks forward to the discussions regarding these new restrictions on non-residential properties and is encouraging its members along with commercial property owners to provide their keen insights as the public legislative process moves forward.

The Santa Fe Association of REALTORS® appreciates efforts by city leaders to ensure this valuable, local green industry generating wealth for its citizens continues to be supported and encouraged while significantly enhancing the city's tourism and coffers, through much-needed tax collections.

Sincerely yours,



Susan Orth
President 2020
510 N Guadalupe, Santa Fe, NM 87501

CC: Mayor Alan Webber, Councilor Signe Lindell, Councilor Renee Villarreal, Councilor Carol Romero-Wirth, Councilor Michael Garcia, Councilor Roman Abeyta, Councilor Chris Rivera, Councilor JoAnne Vigil Coppler, Councilor Jamie Cassutt-Sanchez, Eli Isaacson – City Land Use Director, and Sally A. Paez – City Assistant Attorney

From: BERKE, NOAH L.
To: ISAACSON, ELIAS S.; PAEZ, SALLY A.
Subject: Fwd: Air BnB
Date: Wednesday, October 14, 2020 3:38:28 PM

Thanks!

Noah Berke, AICP, CFM
Planner Manager
Land Use Department
(505) 955-6647
(505) 490-5930

From: Natalie Bovis <natalie@theliquidmuse.com>
Sent: Wednesday, October 14, 2020 3:03:39 PM
To: Land Use Public Comment <landusepubliccomment@santafenm.gov>
Cc: getinvolved@airbnb.com <getinvolved@airbnb.com>
Subject: Air BnB

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Santa Fe governance,

I grew up in this town, and I'm a local business owner. I also make extra money (pre pandemic) renting out my guest room to tourists via Air bnB.

I have a SuperHost rating, which means that visitors to Santa Fe have a wonderful experience "living like a local" in my home. I am a great ambassador for Santa Fe because I have lots of recommendations for activities, restaurants, etc. I help to build Santa Fe's tourism economy by providing an affordable option for people who otherwise might not be able to afford a hotel, and would take their tourism dollars elsewhere.

I am sharing my desire to maintain the ability to host people in my own home, as should be my right. I do not think there should be limits as to how many times per 7 days it is rented. Some people only stay a day or two, and during the summerI have multiple visitors who are passing through town.

Santa Fe already is not terribly business-friendly… to the point that I have considered moving my small business to Albuquerque. It is really important that Santa Fe considers small business owners - including side cash from Air BnB - in its planning… or you will lose more homegrown locals, like myself, to more progressive cities which flow with the times… and having the option of home stays through Air BnB, or similar platforms, is the way of the future.

Respectfully,

Natalie Bovis
Founder, The Liquid Muse LLC
Co-Founder, OM Liqueurs
Founder, TACO WARS / NM Cocktail & Culinary Festival

Sent from my device, please excuse random typos and bizarre autocorrect

October 14, 2020

Dear Planning Commission:

Let me outline my concerns globally and then in detail, about this whole process.

1. Stakeholder engagement: There has been extremely poor citizen engagement related to this initiative. I am a stakeholder as a 34 year resident deeply committed to our neighborhoods and culture. I am also a small business owner and an owner of 3 Airbnb's in a commercial building which I put in in order to pay off my debt and hopefully have a retirement one day. I was NEVER notified by the City that the code that affects me and the long term value of my Airbnb business was being changed. Why?

2. Enforcement and revenue: Instead of focusing on a new regulation, why hasn't the City focused on enforcement and closing the loop on the illegal short term rentals? Allowing illegal Airbnbs has cost the City over ten millions dollars, as well as leaving potential safety and neighborhood equity issues. I believe that the City had engaged a contractor to assess this problem and then did nothing to address it. Why is that?

THIS ISSUE IS FAR MORE IMMEDIATE AND URGENT then all the man hours spent on a new code, especially given the fact the Airbnb has been greatly depressed during this pandemic. This is a major betrayal of public trust and fiduciary responsibility. Why is there such a profound disconnection between economy and policy priorities? How could the governing body have let the above happened? Why take all the effort to create new regulations that the huge number of illegal short-term rentals will just ignore? Literally millions of dollars have been lost and continue to be lost because of a lack of follow up.

3. What is the goal of the changes to the short-term rental code and <u>where is the data</u> to show that these changes could result in the desired outcomes? Can anyone assure the public that, given that the code has no economic analysis based upon actual Airbnbs, that illegal short-term rentals have skewed the formation of the current code?

In order to ensure that policy results in desired outcomes, we need to state the goals, understand the data and assumptions and have clear forecasts. It seems that there are incorrect assumptions being made and then policy developed around these incorrect assumptions. This is a waste of valuable City resources and poor governing. For example, at a previous planning meeting**, the Land Use Director, in addition to admitting that there has been no economic analysis, said at a previous planning meeting that Airbnb's were impacting affordable long-term rentals**. **At that meeting, the Director of Affordable Housing, Alexandra Ladd said that the impact of Airbnbs on affordable rentals is negligible.** So, Land Use is driving policy based upon no false assumptions and no economic data.

Shouldn't City staff have clear understanding of our current zeitgeist and on that basis make presentations of goals, assumptions and presentation of data to support changes to the City code?

Data that seems critical to appropriately design and support code changes include: How many Airbnb's are owned by property management companies? How many are individual citizens are using Airbnb to pay for their homes vs or possibly save for retirement? What is the economic impact of Airbnb small businesses on the grassroots of our local economy, verses downtown hotels which exports all their profits outside of our community? Where are Airbnb's located in the city? Wouldn't a visual map of illegal and legal Airbnb's be helpful to the Counsel when considering policy?

Given that Airbnb numbers have not climbed much in the last two years, it's valid to ask that, if there were no short-term illegal rentals, would the current code even need to be modified?

I think we need to have a map to understand where Airbnbs are impacting neighborhoods and then we should show the map with an estimate of the impact of the new regulations. We should drill down and see where in these neighborhoods the complaints have been. Are there just a few people making a lot of noise or is there a systemic problem. We don't know. No. Economic. Data. We must understand the goals and have data to evaluate the likely outcomes.

4. Other questions: The new plan calls for a 75-foot space between locations. Commissioner Faulkner raised this issue particularly and it was skirted by the Land Use Director. He said it would be too difficult. Why should down town, where the vast majority of Airbnb's are rented, be treated the same as Tierra Contenta where someone is obviously trying to make a bit more money to survive our high housing market? Why can't land use have different rules for different zones that might help a few people make a bit of extra money and have the tax advantages of running a small business?

Also, the 7-day rule is completely anti-small business. It seems to be written by our hotel lobby, which has tens of thousands of rooms, vs Airbnb which currently has about 800 permits. Why does the permit favor these hotels and large corps instead of the small grass roots businesses?

It is poor governance for the City to add regulations when they are not enforcing existing regulations, to change City code without engaging stakeholders and without clearly stated goals and data to support the projection that the code changes will meet code. I implore the City to first tackle the problem of illegal short term rentals, gather and publish data and make sound decisions about policy that would meet City goals.

Sincerely,

Marc Choyt

From: BERKE, NOAH L.
To: Teri Hackler; PAEZ, SALLY A.
Subject: RE: Vacation Rentals
Date: Thursday, October 15, 2020 12:25:58 PM

The public comment had closed on Monday. You can speak at tonights Zoom meeting by looking at the City of Santa Fe's website and clicking on the link to Weekly Meetings then Planning Commission.

Noah Berke, AICP, CFM
Planner Manager
City of Santa Fe Land Use Department
Office: (505) 955-6647
Cell or Text: (505) 490-5930
Email: nlberke@santafenm.gov

Click here for Zoning Code Information

Click here for Property Information

https://www.alltogethersantafe.org/

From: Teri Hackler <terihackler@gmail.com>
Sent: Thursday, October 15, 2020 10:30 AM
To: Land Use Public Comment <landusepubliccomment@santafenm.gov>
Subject: Vacation Rentals

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing to say that if you limit vacation rentals to 1 per week that would greatly affect my income. Most of the people who stay with me stay 3 days, so I often have more than 1 in a week.

I appreciate your considering this.
Thank you very much,
Teri Hackler

From: BERKE, NOAH L.
To: PAEZ, SALLY A.; ISAACSON, ELIAS S.
Subject: FW: Short term rentals
Date: Wednesday, October 14, 2020 11:01:26 AM

Noah Berke, AICP, CFM
Planner Manager
City of Santa Fe Land Use Department
Office: (505) 955-6647
Cell or Text: (505) 490-5930
Email: nlberke@santafenm.gov

Click here for Zoning Code Information

Click here for Property Information

https://www.alltogethersantafe.org/

From: kitty moss <moss.kitty@gmail.com>
Sent: Wednesday, October 14, 2020 10:59 AM
To: Land Use Public Comment <landusepubliccomment@santafenm.gov>
Subject: Short term rentals

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing to you as an Airbnb host who rents 8 miles from the Plaza in a rural area. If Hosts are limited to one rental in a seven day period it will effectively destroy the market for short term rentals. This is because short term renters rely on seasonal rentals which are typically 1-3 days at a time. Airbnb has gone to great lengths to assure that properties are sanitized properly between rentals. This is not a time to discourage what are essentially small business owners in favor of large institutional hotel owners. Thank you for your consideration. Katherine Moss

From: BERKE, NOAH L.
To: PAEZ, SALLY A.; ISAACSON, ELIAS S.
Subject: FW: October 15 Planning Commission Meeting
Date: Tuesday, October 13, 2020 2:38:07 PM

Noah Berke, AICP, CFM
Planner Manager
City of Santa Fe Land Use Department
Office: (505) 955-6647
Cell or Text: (505) 490-5930
Email: nlberke@santafenm.gov

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Click here for Property Information

https://www.alltogethersantafe.org/

From: elisenoble@post.harvard.edu <elisenoble@post.harvard.edu>
Sent: Tuesday, October 13, 2020 2:35 PM
To: Mayors Office <mayor@santafenm.gov>; VILLARREAL, RENEE D. <rdvillarreal@santafenm.gov>; LINDELL, SIGNE I. <silindell@santafenm.gov>; ROMERO-WIRTH , CAROL <cromero-wirth@santafenm.gov>; Land Use Public Comment <landusepubliccomment@santafenm.gov>
Cc: GARCIA, MICHAEL J. <mjgarcia@santafenm.gov>; RIVERA, CHRISTOPHER M. <cmrivera@santafenm.gov>; ABEYTA, ROMAN R. <rrabeyta@santafenm.gov>; CASSUTT-SANCHEZ, JAMIE A. <jcsanchez@santafenm.gov>; COPPLER, JOANNE V. <jvcoppler@santafenm.gov>
Subject: October 15 Planning Commission Meeting

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Dear Mayor Webber and City Councilors:

Below are my comments for the upcoming meeting about short-term rentals. I wanted you to have a chance to consider them before the meeting and unfortunately missed the deadline for submission via Noah Berke. Please let me know if you have any questions.

Thank you.

Sincerely,
Elise Noble
2255 Old Arroyo Chamisa Road
505-699-7801
~~~~~~
~~~~~~

The draft **Short-term Rental Ordinance** raises some concerns.

In our 42 plus years in our home, we have experienced a marked decrease in the water we can draw from our well. Despite taking great care not to use too much at any one time, we have often run out of water. (We are not connected to City or to any other water supply source, and have added water storage tanks to help our supply problems.)

The Ordinance's **Purpose and Intent** makes clear that it intends (page 5)

> **to ensure that the operation of *short-term rental units* does not disrupt the character of the *city*'s residential neighborhoods or affect the quality of life of neighboring residents**.

However, nothing in the Ordinance addresses the issue of water quantity or water quality.

1. Water Quantity: Short term rentals add to use of water from our common water table, not only increasing showers and toilet flushes, but also adding loads of laundry for guests' sheets and towels. A neighbor's short-term rental significantly adversely affects our quality of life by decreasing our already diminished water supply.

2. Water Quality: A rise in water use increases the volume of toilet, shower, and laundry water that goes into a septic field. A septic installer next door to us began installing a leach field too close to our well. The installer grudgingly moved the leach field a few feet, barely outside the 100 foot legally required setback from our well.

The Ordinance needs to address issues of water quantity and water quality in areas served by wells and septics, issues that greatly affect quality of life.

3. Occupancy: Another matter of concern is on page 10 of the proposed Ordinance:

> **The total number of [persons]*guests* that may occupy [the]a *short-term rental unit* is twice the number of bedrooms[;].**

If an owner with four bedrooms lives in the house with a significant other, eight guests are allowed, bringing the occupancy to ten. With three children also at home, the permitted occupancy rises to thirteen.

Restoring the word <u>persons</u> where *<u>guests</u>* is now proposed would correct this problem.

4. Notice. Last, the **Required Notice for Short-term**

Rental *Permits* *(*page 15) includes no provision for those who receive Notice to raise concerns or objections.

I hope this omission will be corrected.

From: BERKE, NOAH L.
To: ISAACSON, ELIAS S.; PAEZ, SALLY A.
Subject: FW: Short-Term Rental Restrictions
Date: Wednesday, October 14, 2020 11:06:57 AM

Noah Berke, AICP, CFM
Planner Manager
City of Santa Fe Land Use Department
Office: (505) 955-6647
Cell or Text: (505) 490-5930
Email: nlberke@santafenm.gov

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From: Sandra Noe <sandmnoe@gmail.com>
Sent: Wednesday, October 14, 2020 10:42 AM
To: Land Use Public Comment <landusepubliccomment@santafenm.gov>
Subject: Short-Term Rental Restrictions

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Submitted for consideration at the Thursday, October 15, 2020 Santa Fe Planning Commission meeting regarding regulations on short-term rentals.

Dear Commissioners,

Though I understand the desire to reduce traffic and unforeseen problems by limiting short-term rentals to one rental per 7-day period, I think it would behoove the Commission to consider that stipulation dependent on the location of the short-term rental.

My husband and I own a condominium at Fort Marcy condominiums, otherwise known as Fort Marcy Hotel Suites. The property is run as a hotel, renting individual condominiums short-term. There are a number of large parking lots on the property which reduce street parking.

We could have Fort Marcy Hotel Suites manage our property and have it booked as much as possible; however, it is not cost-effective for us to do so—Fort Marcy takes a 50% cut of proceeds. We pay our State taxes and Lodgers' Tax, contributing to a healthy local economy as do hotels and motels, so why restrict our ability to have a viable business?

Related to the desire to have a viable business, why can hotels have multiple properties but not

individual short-term owners? The guests hosted in short-term rentals just as readily spend money locally, visiting restaurants, shops, museums, etc., and contribute to the welfare of our economy. Restricting short-term rental ownership shows a limited understanding of the benefits of these properties in Santa Fe.

From our experience and communication with our guests, we know that our short-term rental will not reduce hotel and motel business. We have had guests who travel with family or friends. Many of their travel companions prefer hotels to short-term rentals, so I believe the thought that hotels will suffer is not accurate.

To summarize, please reconsider rental restrictions in a 7-day period based on location. And, please do not limit the number of short-term rentals an individual can operate.

Sincerely,
Sandra Noe
24 Timberwick Rd
Santa Fe, NM 87508
505-920-3055

From: Leroy Pacheco
To: PAEZ, SALLY A.
Subject: Fwd: Consideration of Bill No. 2020-__: An Ordinance Amending Section 14-6.2 SFCC 1987
Date: Thursday, October 15, 2020 9:39:46 AM

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Hi Sally,

I meant to copy you on this email.

Thank you,

Leroy N. Pacheco

Sent from my iPad

Begin forwarded message:

> **From:** Leroy Pacheco <leroypacheco@me.com>
> **Date:** October 15, 2020 at 9:36:48 AM MDT
> **To:** "BERKE, NOAH L." <nlberke@santafenm.gov>
> **Subject: Re: Consideration of Bill No. 2020-__: An Ordinance Amending Section 14-6.2 SFCC 1987**
>
> Hi Noah,
>
> Thanks for your email. Unfortunately I am unable to attend tonight's meeting. Will there be a public hearing component at tonight's meeting? If so, I noticed that on page 8 of the June 18, 2020 Planning Commission meeting, the city attorney (copied here) submitted written comments she had received after that meeting's deadline, into the public record. Is that a possibility with respect to my email below?
>
> Thank you,
> Leroy
>
> Sent from my iPad
>
> > On Oct 15, 2020, at 6:55 AM, BERKE, NOAH L. <nlberke@santafenm.gov> wrote:
> >
> > Hi Leroy,

Public comment closed on Monday so we cannot forward this to commissioners. I would encourage you to attend the public meeting tonight (the link is on the City's website) and speak. Thanks

Noah Berke, AICP, CFM
Planner Manager
City of Santa Fe Land Use Department
Office: (505) 955-6647
Cell or Text: (505) 490-5930
Email: nlberke@santafenm.gov

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From: Leroy Pacheco <leroypacheco@me.com>
Sent: Wednesday, October 14, 2020 10:20 PM
To: Land Use Public Comment <landusepubliccomment@santafenm.gov>
Subject: Consideration of Bill No. 2020-__: An Ordinance Amending Section 14-6.2 SFCC 1987

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Dear Commissioners:

I recently became aware of the city's consideration of this proposed ordinance amendment regarding short term rentals. I understand and support the city's desire to protect the quality of its residential neighborhoods, which I believe is a shared value by those who visit our beautiful city and choose to stay in a private residence rather than a hotel. I am rather new to hosting visitors and do enjoy providing a more unique experience to those who prefer to visit Santa Fe in this way. As a licensed host, I have had about 6 months experience as a host pre-pandemic, and about as much time acting as a host through the current pandemic.

In this short time, the natural market forces have dramatically changed the character of who currently visits Santa Fe. It is unclear what a post pandemic world will look like with respect to tourism. The rich touristic opportunities (Folk Art, Spanish and Indian Markets, Santa Fe Opera, Balloon Fiesta) of the past, were dramatically halted in 2020 by the pandemic and disrupted the state and city's tourist economies. The current political division and

recent vandalism of the historic Civil War Monument on the plaza have added to a climate of angst in the city and further raised uncertainty for the future.

I question whether some elements of this proposed ordinance will further impinge on our city and state's ability to economically recover. Specifically the intrusion of the ordinance on the length of stay per 7 day period, and the proximity rule of no new permits within 50-feet of existing permits should be more fully and perhaps separately vetted with a thorough analysis of its compliance with federal private property law. I suggest these articles be excised from the current language in the interest of prudence as that analysis is done and the other more perfunctory articles move forward.

I also call into question the number of new permits being limited to 1,000. I have not seen the market data that would support this number, which in my uninformed opinion seems high and something that would better be left to market forces. The same goes for length of stay limitations previously cited, and which the current market forces are moving toward anyway, with rentals now going in the direction of longer stays for remote workers.

I also highlight that the Financial Impact Report (FIR) indicates negligible economic impact to the city, which suggests to me that observation for compliance and enforcement by city forces will not exceed the city's current efforts. It would be interesting to understand this proposed law in light of the most recently available short term tax collections, so that the council and others may better understand what market forces have done to the STR market in the short term and comparing results for both pre-pandemic, and in the current situation.

Thank you for consideration of these thoughts.

Leroy N. Pacheco

Sent from my iPad

October 14, 2020

Santa Fe Planning Commission
200 Lincoln Avenue
Santa Fe, New Mexico 87504

Dear Members of the Planning Commission,

On behalf of Airbnb, thank you for the opportunity to provide input on the City of Santa Fe's draft amendments to its Short-Term Rental (STR) Ordinance. We know that enacting balanced regulations that protect neighborhoods while preserving the benefits that STRs provide to the city and community is crucial.

We appreciate the city's recent changes to its draft amendments which clarify permit eligibility and host platform requirements. However, we remain concerned by a few provisions that would introduce new obstacles to hosting, with adverse impacts on the local tourism economy. We write to suggest revisions that we believe would improve the City's ability to implement balanced and effective STR regulations.

One Rental Per Seven-Day Period

We appreciate that the City allows STRs in a range of building types across residential and non-residential zones to help maximize their economic benefits. However, we are concerned that the intention of the "one rental per seven-day period" limitation is unclear, and may have negative consequences. Not only would this limit the overall amount of Lodgers' tax revenues generated for the city, but it would also harm local residents. The COVID-19 pandemic has had a disproportionate impact on the travel industry, including STR hosts and small businesses who rely on economic activity generated by tourism in their communities. Restricting rentals to one-per-week would reduce their flexibility to host during peak seasons. It particularly hurts more intermittent hosts who travel for one month, for example; this restriction will severely limit their ability to have multiple guests while they are out of town, limiting their ability to generate extra revenue for themselves. Moreover, the one day rental per seven day period is also incredibly complex to enforce given the likelihood that hosts may just jump back and forth between platforms and creates a system inherently designed to fail. We urge the City to remove this provision from the draft amendments, thereby allowing significant more flexibility to operators and creating less administrative burden for compliance staff.

One Permit Per Person

We encourage the City against limiting the number of permits per person. Taken alongside other provisions in the draft amendments - including the 1000 citywide permit cap, 50-foot separation requirement, and one rental per seven day period - this cap is overly restrictive and redundant. Santa Fe's economy relies on tourism, and vacation rentals have long been part of the lodging landscape. We ask the City to consider removing this provision, which could have negative future impacts on the hospitality industry, particularly as permits expire and operators retire. This would be consistent with the intent of the ordinance's grandfathering provision, make the supply more sustainable over time, and ensure the ability of Santa Fe residents to maintain an important economic lifeline.

* * *

Thank you for the consideration of all of the issues that we have raised regarding the proposed amendments. We would like to reiterate our willingness to collaborate with the City in developing a fair, balanced STR regulatory framework, and our comments here are offered in that spirit. We are happy to address any questions you may have.

Sincerely,

Toral Patel
Public Policy, Airbnb

From: BERKE, NOAH L.
To: PAEZ, SALLY A.; ISAACSON, ELIAS S.
Subject: Fwd:
Date: Tuesday, October 13, 2020 8:43:47 PM

Thanks!

Noah Berke, AICP, CFM
Planner Manager
Land Use Department
(505) 955-6647
(505) 490-5930

From: Amy Rose <amybeerose@gmail.com>
Sent: Tuesday, October 13, 2020 8:26:09 PM
To: Land Use Public Comment <landusepubliccomment@santafenm.gov>
Subject:

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Limiting one rental per 7 day period, is basically cutting my business income by 2 thirds.
What is the logic of this proposed ordinance?

Limiting 1 permit per person, destroys the basic business of vacation rentals.
Are these ordinances aimed at Gutting individuals/property owners using short term rental platforms?

I am totally bewildered.

From: BERKE, NOAH L.
To: ISAACSON, ELIAS S.; PAEZ, SALLY A.
Subject: Fwd: short term rental permit
Date: Tuesday, October 13, 2020 5:44:57 PM

Thanks!

Noah Berke, AICP, CFM
Planner Manager
Land Use Department
(505) 955-6647
(505) 490-5930

From: kim schilling <tthferry@yahoo.com>
Sent: Tuesday, October 13, 2020 5:12:39 PM
To: Land Use Public Comment <landusepubliccomment@santafenm.gov>
Subject: short term rental permit

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A couple of pointers:
Many of us do this in order to maintain, improve and afford our house.
I assume the reason you are doing this is because you have accepted too many permits.
One a week? What would the purpose of that be. Many people prefer shorter rentals... Airbnb is good for Santa Fe... most of the people that I get are looking for a place that they are able to be out in the garden, perhaps make their own breakfast in a quiet area cleaned by conscientious cleaners. If they could not stay in an affordable house they would not come, they would chose another area. Not everyone wants to stay in a hotel especially during covid times.

From: BERKE, NOAH L.
To: PAEZ, SALLY A.; ISAACSON, ELIAS S.
Subject: FW: Changes to City Short Term Rental Ordinance
Date: Thursday, October 15, 2020 8:09:30 AM

Noah Berke, AICP, CFM
Planner Manager
City of Santa Fe Land Use Department
Office: (505) 955-6647
Cell or Text: (505) 490-5930
Email: nlberke@santafenm.gov

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From: BONNIE SMITH <bonnie.b.smith@comcast.net>
Sent: Wednesday, October 14, 2020 7:19 PM
To: Land Use Public Comment <landusepubliccomment@santafenm.gov>
Subject: Changes to City Short Term Rental Ordinance

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To: Santa Fe City Planning Commission Date:10/14/20

Subject: City Short Term Rental Ordinance

We are concerned that proposed changes to short term rental ordinances seek to eliminate or severely cripple short term rentals.

My wife and I own one house in the city currently licensed by the city as a short term rental under my wife's name. We bought the house 28 years ago anticipated occupying it as our retirement home. We rented it as a long term rental (greater than one year lease) for 26 years. We changed our retirement plans and eventually retired in Colorado and retained the house as an investment (under an LLC) and occasionally as a second home.

At the outset, we wish to inform you that our families have been legal New Mexico residents for three and four generations. In one case, prior to New Mexico becoming a state.

Our experience has been that our property has occasionally been significantly damaged by long term renters. Our short term renters have been much more considerate of us and our neighbors. We think this is generally the case.

We have the following comments regarding your current considerations:

A seven day minimum rental will significantly eliminate a segment of our market when normal travel resumes. Perhaps as much as 30% to 60% less.

The current pandemic has significantly distorted the market toward longer term rentals as some people escape high density cities. When travel increases the market will naturally move to shorter term.

We wish to operate with 3 day minimum (we like longer rentals but believe a significant part of the market is 3 day). From a practical standpoint, a motel or hotel can operate with a 2 to 4 hour room turn around. A short term house rental can operate with a 4 to 8 hour turn around due to its complexity and size.

Two short rentals on one property (house and casita) is practical and workable in our opinion. Although not our situation, we can foresee problems with restrictions on developments with condos where owners wish to occasionally use the property and short term rent otherwise.

We think the current city ordinances regarding short term rentals are appropriate. Few if any changes are needed.

HOA and neighborhood associations will take care of regulations beyond city ordinance for short term rentals.

We have found that Airbnb management strategy is very effective at helping to manage use of short term rentals.

Thank you for your attention.

Another Issue: Repair of damage done by violence, intimidation and lawless actions by recent violent groups in plaza area.

How is the Planning Commission going to address the damage done to the plaza and Indian restaurant by the violence in the recent weeks? We demand **restoration**, not replacement of historical monuments and structures.

What legislation did not accomplish, violence and lawlessness accomplished while city government, city management and law enforcement willfully looked away!

Bonieta Smith and Marvin Smith

From: BERKE, NOAH L.
To: PAEZ, SALLY A.; ISAACSON, ELIAS S.
Subject: FW: Comment on Consideration of Bill No. 2020-__ re: Short-Term Rental Permits
Date: Thursday, October 15, 2020 5:34:12 PM

Noah Berke, AICP, CFM
Planner Manager
City of Santa Fe Land Use Department
Office: (505) 955-6647
Cell or Text: (505) 490-5930
Email: nlberke@santafenm.gov

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https://www.alltogethersantafe.org/

From: Israel Sushman <isushman@isushman.com>
Sent: Thursday, October 15, 2020 3:21 PM
To: Land Use Public Comment <landusepubliccomment@santafenm.gov>
Subject: Comment on Consideration of Bill No. 2020-__ re: Short-Term Rental Permits

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Using city ordinances to throttle a powerful and natural market shift to integrating short term stays into the travel industry and offered by individual families is akin to supporting the horse-shoeing industry by banning auto repair shops! The market has already moved on and organizations such as Booking.com offer a blended approach, offering a choice of kinds of experience: individual homes, hotels, or other experiences. What should and could happen is that the housing markets should be protected by not allowing wholesale conversion of real estate to Airbnb and VRBO properties. In Los Angeles, Airbnb has been limited to units that are the primary residence of the owners. This reflects the true original vision of Airbnb. Limiting the number of stays a week a host can offer seems unenforceable to me.

Additionally, in an era in which retired people no longer benefit from pensions, AirBnB is a solution for seniors who have never been able to save enough for retirement due to market crashes, the volatility of the job market, real estate losses, and the COVID-19 pandemic. In my case, I was diagnosed with Parkinsons ten years ago and had to leave a lucrative corporate job early. Income from Airbnb for us is under $2,000, and is essential income for my husband and me, without which we would need to turn to state resources to help us survive. Since we live on the property and monitor all activity of our guests, we don't believe having people stay in our home is a detriment

to our Santa Fe community. It is also something we really enjoy, meeting all sorts of interesting people. We believe what we offer is a service that is valuable to the community.

Israel Sushman
Nancy J. Murray
Santa Fe, NM
505.780.8839
isushman@gmail.com
nancyjanemurray@gmail.com

From: BERKE, NOAH L.
To: ISAACSON, ELIAS S.; PAEZ, SALLY A.
Subject: Fwd: Proposed Changes to STR Ordinance - Public Comment for Meeting of October 15th
Date: Wednesday, October 14, 2020 8:37:21 AM

Thanks!

Noah Berke, AICP, CFM
Planner Manager
Land Use Department
(505) 955-6647
(505) 490-5930

From: Richard A Woodruff <richardwoodruff@yahoo.com>
Sent: Wednesday, October 14, 2020 8:31:09 AM
To: LINDELL, SIGNE I. <silindell@santafenm.gov>; VILLARREAL, RENEE D. <rdvillarreal@santafenm.gov>; GARCIA, MICHAEL J. <mjgarcia@santafenm.gov>; ROMERO-WIRTH , CAROL <cromero-wirth@santafenm.gov>; RIVERA, CHRISTOPHER M. <cmrivera@santafenm.gov>; ABEYTA, ROMAN R. <rrabeyta@santafenm.gov>; CASSUTT-SANCHEZ, JAMIE A. <jcsanchez@santafenm.gov>; COPPLER, JOANNE V. <jvcoppler@santafenm.gov>; Land Use Public Comment <landusepubliccomment@santafenm.gov>
Cc: Kathy Komoll <kkomoll@newmexicohospitality.org>; Paco Arguello <paco@sfar.com>; Fran Maier <franvacationrental@gmail.com>; Dana Lubner <dana@rentresponsibly.org>; David Krauss <david@rentresponsibly.org>; Alexa Nota <alexa@rentresponsibly.org>
Subject: Proposed Changes to STR Ordinance - Public Comment for Meeting of October 15th

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning All,

I am taking this opportunity to provide further comment to the Land Use Office regarding the proposed changes to the STR Ordinance to be discussed at the meeting of October 15th.

To Follow:
It is assumed by the council (reference article below) that the 1600 (a few less as I believe it is around 1450) rentals listed on Airbnb and VRBO demonstrate that there are scofflaws to the existing ordinance. Although that is likely true to a limited extent, the council fails to take the following into consideration:

1. Not all rentals listed on Airbnb and VRBO require a permit; for two reasons:
    a. Some are longer term rentals exclusively (more than 30 days), and therefore do not require permits
    b. Some of the listing are not within the City limits, rather in Santa Fe County, and therefore do not require a City permit
2. Taxes, for all listings, are automatically collected and remitted to the State and

the City directly by VRBO. Taxes do not pass through the listing. This has been the case since mid-2019. Also, taxes are withheld for the longer-term rentals although taxes should not be applied. VRBO and Airbnb does not give a listing permission to exclude the taxes.

3. Some listings are duplicates both on the various listing engines as well as on each listing engine. Some have listed homes twice for marketing purposes.

Our conclusion should be: An impact study should be performed of the listings on VRBO/Airbnb to determine the actual compliance taking into account the points above. I am certain they will determine that the size of the problem is rather small. Once the problem is isolated, the City can pursue the violators.

All the best,
Richard

Santa Fe city councilor says many short-term rentals operating illegally

by: Stephanie Chavez

Posted: Oct 12, 2020 / 05:41 AM MDT / Updated: Oct 12, 2020 / 05:43 AM MDT

SANTA FE, N.M. (KRQE) – The City of Santa Fe is cracking down on short-term rentals, saying hundreds of them are not permitted and could face fines. There are also still a couple hundred permits up for grabs.

Santa Fe is losing $3.8 million annually to short term rentals, according to a survey done in 2019. "They're just not paying it when people come and rent, they're just not paying it," says City Councilor Carol Romero-Wirth.

Romero-Wirth says that's why the city recently capped the number of short-term rental permits at 1,000. Still, she says, there are about 1,600 of these rentals, through websites like Airbnb, operating across the city.

She says about half of them are not following the city's ordinance, requiring them to register the rental and get a permit. "There's something like 800 that are permitted," she says.

Romero-Wirth is supportive of these rentals but wants them to come into compliance, saying the lost revenue isn't the only problem they're causing. "That's had a negative impact on the neighborhoods, the neighbors are feeling like the character of the neighborhood doesn't feel the same," Romero-Wirth says.

The city planning commission this week will hear a proposed amendment to the current ordinance that would have code enforcement officers cracking down on people who aren't permitted and inform them about the remaining 200 permits that are available.

"And then once we hit that 1,000 level cap, those houses that can't get

permits maybe will become longterm rentals [that] help with our housing shortage," Romero-Wirth says. According to the councilor, because of the budget deficit, they will not be hiring any more enforcement officers for this extra enforcement, if this amendment passes.

City of Santa Fe, New Mexico

memo

Date: October 22, 2020

To: Members of the Quality of Life Committee, Public Works and Utilities Committee, Finance Committee, and Governing Body

From: Members of the Planning Commission

Via: Sally A. Paez, Assistant City Attorney

Subject: Commission's Comments on 2nd Draft of Proposed Amendments to Short-term Rental Ordinance

---

On Thursday, October 15, 2020, the Planning Commission held a public hearing to consider the second draft of proposed amendments to the Short-term Rental (STR) Ordinance, Santa Fe City Code (SFCC) Section 14-6.2(A)(5)-(6), (8). The Commission voted unanimously to recommend that the Governing Body adopt the proposed legislation. In this memorandum, the Commission provides additional comments for consideration by the Governing Body and other committees prior to adoption.

Under the SFCC, proposed amendments to the text of Chapter 14 must be submitted to the Commission for review and recommendation at a public hearing, and the Governing Body must review the Commission's recommendations and any public comments received prior to taking final action on the legislation. SFCC § 14-3.3(A)(4).

Twenty-one people provided live public comment at the October 15, 2020 hearing. The Commission also received timely written comments from the Santa Fe Association of Realtors. We understand that City staff received additional written comments after the comment deadline. Although late comments were not submitted to the Commission for consideration on October 15, staff volunteered to compile late written comments and submit them for consideration at subsequent committee meetings and hearings.

The Commission offers the following comments for consideration by the members of the Governing Body.

1. **Permit Not Transferrable [page 7, lines 9-16]:**

Subparagraph 14-6.2(A)(5)(c)(iv) of the draft legislation would retain the existing limitation on permit transfers and states that "a permit is not transferrable to another person or property." This limitation would apply only to short-term rental units located on residentially zoned property. The second draft of the legislation clarifies that a transfer that does not result in new ownership of the property, such as the transfer to a trust or LLC, does not constitute a transfer for purposes of this subparagraph.

The Commission suggests consideration of further amendments to this provision, based on the following concerns: (1) this provision could have a negative impact on families and communities because it would prevent transfers to spouses and immediate family members, including in situations where there is a death in the family; and (2) if a property owner invests in restoring and maintaining a house or historic property, a subsequent buyer should be able to realize the benefit of the rental income.

2. Frequency of Rental [page 7, lines 17-18]:

Subparagraph 14-6.2(A)(5)(c)(v) of the draft legislation would retain the following limitation, which currently exists in the ordinance: "A permitted short-term rental unit shall not be rented more than once within a seven (7)-day period." The limitation would apply only to short-term rental units located on residentially zoned property.

The Commission notes that more than half of the public commenters objected to the inclusion of this provision within the ordinance. Commenters noted that this limitation is difficult to understand, enforce, and apply; that this limitation poses an unnecessary restriction on short-term rental owners and operators who are trying to generate income; and that this limitation reduces employment opportunities, economic activity, and tax revenue in the City.

A majority of the Commissioners concluded that the one rental within a seven day period provision is more restrictive than necessary and warrants further consideration, based on the following concerns: (1) allowing owners and operators to manage rentals in a more flexible manner permits them to maintain and improve their properties and to stimulate the economy; and (2) this provision has not been enforced in the past, and given enforcement capabilities, this provision will be difficult to enforce in the future.

3. <u>Proximity to Residentially Zoned Property [page 8, lines 12-15]:</u>

Subparagraph 14-6.2(A)(5)(d)(2)(A) would limit the density of short-term rental units on non-residentially zoned properties that are within close proximity to residentially zoned property as follows: “If a multiple-family dwelling development located within two-hundred (200) feet of residentially zoned property contains four (4) or more dwelling units, the land use director shall not issue short-term rental registrations for more than twenty-five (25%) of such dwelling units, rounded down to the nearest whole number.”

Several commenters objected to this provision at the October 15, 2020 hearing. The Commission recommends further consideration of this provision because it would treat short-term rental, which is a permitted use in the Business Capitol District, differently than other commercial uses, including hotels and motels, which may have greater negative impacts on neighboring residential areas. If this provision is retained, the Commission suggests revising it, because the way it is currently drafted, a three-plex located within the 200’ buffer zone could have three registered short-term rental units, whereas a four-plex located within the 200’ buffer zone could have only one registered short-term rental unit (25%).

Short Term Rentals and Access to Housing in Santa Fe

Kelly O'Donnell PhD
O'Donnell Economics & Strategy

June 2019

homewise®

Thornburg Foundation

This study is sponsored by Homewise, Inc.
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Funding for this report provided by the Thornburg Foundation
505.467.7853 | 2300 N. Ridgetop Rd., Santa Fe, NM 87506
www.thornburgfoundation.org

FINDINGS:

The number of STRs in Santa Fe has increased markedly since 2014.

STR growth is slowing, suggesting that Santa Fe's STR market is nearing saturation.

About 60 percent of Santa Fe's 1,444 active whole-unit STRs are registered with the City.

Santa Fe's 646 STR hosts earned $54 million from their Santa Fe properties in 2018, an average of over $80,000 per host per year.

Although 80 percent of hosts list only one STR property, over 100 Santa Fe hosts list two or more entire homes. The city's top 15 hosts account for 381 active STRs, over one-quarter of the Santa Fe market.

Non-compliance with the Lodgers and Gross Receipts taxes by STR hosts is costing the City of Santa Fe $3.8 million annually.

Non-compliance with the gross receipts tax, which appears to be almost universal among STR hosts, is costing the City $1.6 million each year.

Fifteen percent of single family homes listed on Santa Fe County's tax rolls have owners who reside outside New Mexico. In central Santa Fe the percentage of absentee owners exceeds 20 percent. The city's current STR registry does not include registrants' primary address, thus it is difficult to determine how many STRs are 'hosted' by out-of-state entities.

Incentives to construct new Accessory Dwelling Units (ADUs) or use ADUs as long term rentals can help to increase Santa Fe's housing supply, but such policies, even if very successful, can make only a small dent in Santa Fe's profound shortage of affordable housing and must therefore be part of a larger package of housing reforms and investments.

RECOMMENDATIONS:

Enforce registration requirements. Ensure that all active STRs are registered with the City by actively seeking out unregistered properties and punishing non-compliance.

Educate STR hosts about their obligation to pay both the Lodgers Tax and the Gross Receipts Tax, even if the platform(s) on which they list their properties cannot, or will not, automatically collect and remit one or both taxes. The City can improve GRT compliance by requiring STR hosts to supply a CRS number at registration and advising hosts of the correct NAICS code under which to report their STR gross receipts. At the state level, rescinding property tax breaks for second homes can make taxes more equitable and generate additional revenue for affordable housing.

Invest in affordable housing. All additional revenue attributable to enforcement of the GRT and Lodgers tax should be dedicated to the City's Affordable Housing Trust Fund. The City can take advantage of recent legislation de-earmarking certain local option gross receipts taxes to direct more gross receipts tax revenue to housing.

Reduce barriers to construction of affordable housing by:

- Reducing costs associated with permitting, impact fees and water rights for affordable housing developers.
- Revising zoning standards to eliminate conflicting requirements and encourage development of mixed-used affordable housing projects.
- Streamlining the development approval process to expedite affordable housing approvals while ensuring adequate community input.
- Reducing regulatory barriers to ADU construction.

Support state legislative proposals that fund affordable housing and promote tax fairness:

- Limit the 3 percent cap on annual valuation increases to owner-occupied homes so that the property tax on vacation homes and STRs is based upon true market value and tax burden is distributed more equitably.
- Authorize local governments to impose an occupancy surtax on STRs to fund affordable housing.

Lack of affordable housing is one of the greatest challenges facing Santa Fe in 2019. Recent proliferation of short term rentals (STRs) marketed on platforms like Airbnb has contributed to the rapid escalation of home prices and rents. Although additional regulation of STRs may be called for at some point, enforcement of existing regulations and taxes is a critical first step toward minimizing the impact of STRs on access to affordable housing. More vigorous enforcement of STR registration requirements and increased Gross Receipts and Lodger's Tax compliance by STR hosts could generate as much as $3.8 million in annual revenue that the City could *and should* put toward affordable housing.

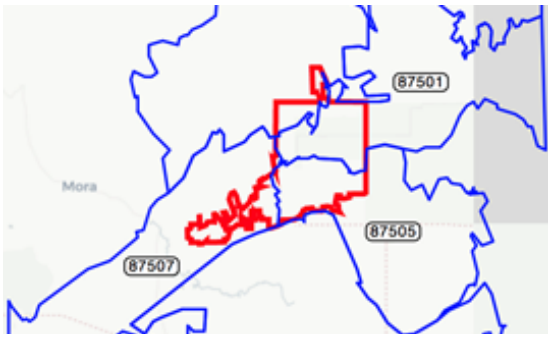
Short Term Rentals in Santa Fe

There are over 1,600 active short term rentals (STRs) in the City of Santa Fe. Ninety percent of the city's STRs (1,444 units) are entire houses or apartments. Over half of Santa Fe's whole-unit STRs are available all year, indicating that they serve solely as short-term rentals.

Table 1: 2018 revenue whole-unit STRs by zip code

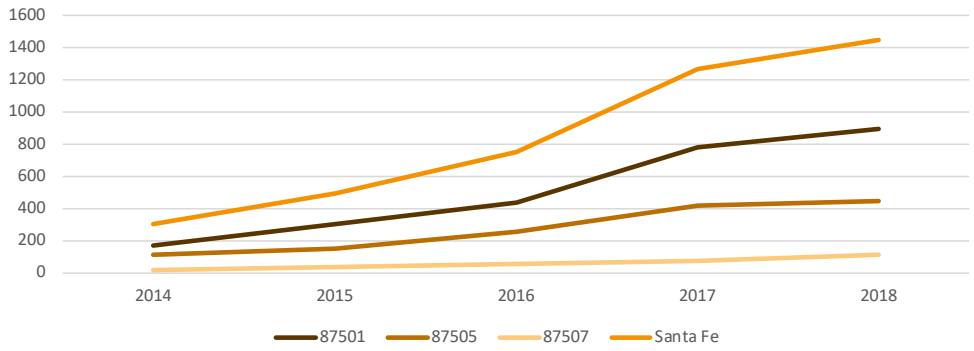
Zip Code	2018 Revenue
87501	$33.8 MM
87505	$17.3 MM
87507	$2.9 MM
Grand Total	$54.0 MM

Figure 1: Santa Fe city limits and zip code boundaries



Between December 2014 and December 2018 the number of whole-unit STRs increased 380 percent, climbing from roughly 300 to 1,444 (Figure 2).

Figure 2: Whole house/apartment STRs, Santa Fe 2014-18



Source: AirDNA (See: "Data Used in this Analysis" at the end of this report)

As of March 2019, the STR registry maintained by the City of Santa Fe listed 871 STRs, or about 60 percent of active whole-unit properties.

STR Hosts and Market Concentration

The 1,444 whole-unit STRs currently active in Santa Fe are operated by approximately 646 individual hosts. Although 80 percent of hosts list only one STR property, over 100 Santa Fe hosts list two or more entire homes. The city's top 15 hosts account for 381 active STRs, over one-quarter of the Santa Fe market.

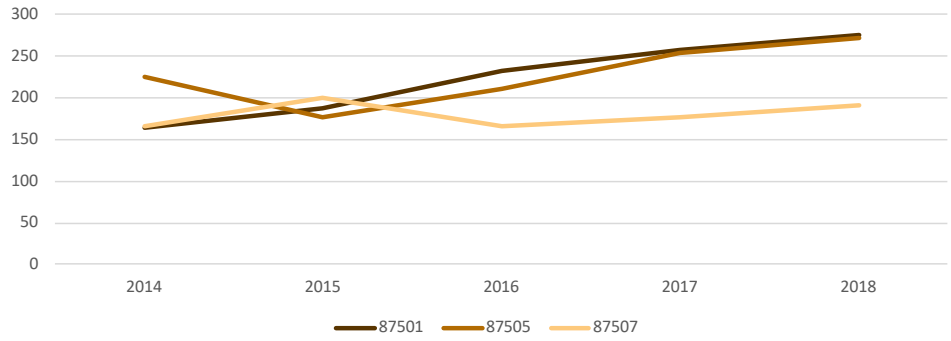
STR Revenue and Market Saturation

Santa Fe's STR market generated over $54 million in revenue in 2018, an average of $83,591 per host.

STR rates are determined by supply and demand. When demand for a particular type of property exceeds supply, hosts can charge more. As the supply of STRs increases, competition among hosts drives prices down. Average daily revenue is thus one indicator of STR market saturation.

Despite recent dramatic increases in the number of STRs active in Santa Fe, average daily revenue continues to increase faster than inflation, indicating that Santa Fe's STR market is maturing but has yet to reach saturation (Figure 3).

Figure 3: STR average daily revenue by zip code



Source: AirDNA

Tax Collections

Non-compliance with the Lodgers and Gross Receipts taxes by STR hosts is costing the City of Santa Fe $3.8 million annually. Although Lodgers tax compliance has improved recently, the City is still collecting less than half of the revenue it appears to be entitled to. Non-compliance with the gross receipts tax, which appears to be almost universal among STR hosts, is costing the City $1.6 million annually.

Short term rentals are subject to Santa Fe's 7 percent Lodgers Tax and the New Mexico Gross Receipts Tax, which currently totals 8.44 percent within the city limits.

Lodger's tax is voluntarily collected and remitted to the city by some, but not all, short term rental platforms. In 2018 the City collected $1.6 million in lodgers tax from STRs, or about 42 percent of the tax due on $54 million in receipts.

Revenue from the gross receipts tax is shared by city, county and state governments. City local option tax increments account for 1.81 percentage points of the GRT and the state returns an additional 1.225 percentage points of GRT collections to the City in the form of a municipal credit, bringing the City's share of the GRT collected within city limits to 3.04 percentage points, or 36 percent of total collections.

Although Airbnb voluntarily collects and remits Santa Fe's Lodger's Tax, none of the STR platforms currently collect New Mexico's GRT. ***The lack of automated collections does not exempt STR hosts from GRT, but very few Santa Fe hosts appear to be paying the tax.*** In fact, review of data from the New Mexico Taxation and Revenue Department (TRD) indicates that Santa Fe STRs paid $95,225 in GRT in fiscal year 2018, about 2 percent of the $4.6 million in GRT due on $54 million in receipts.

Figure 4 shows the gross receipts tax due on $54 million in STR receipts by taxing jurisdiction. Full compliance with the GRT by STR hosts would generate $1.6 million for the City, over $800,000 for Santa Fe County and over $2 million for the State of New Mexico.

Figure 4: Gross receipts taxes due on 2018 Santa Fe STR revenue

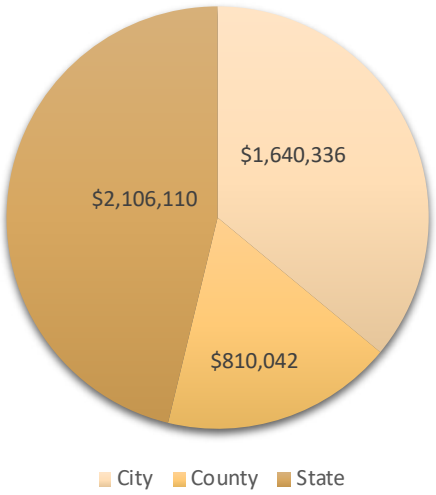


Table 2 shows the full fiscal impact on the City of Santa Fe of non-compliance with existing taxes by STR hosts.[1]

Table 2: Fiscal impact of STR tax non-compliance

	GRT	Lodgers	Total
Total Due	$1,640,336	$3,780,197	$5,420,533
Collections	-$34,281*	-$1,600,000	-$1,634,281
Net Fiscal Impact	$1,606,055	$2,180,197	$3,786,252

*Source: New Mexico Taxation and Revenue rp80 FY 2018
City of Santa Fe NAICS code 72119 and 721199

The estimate of foregone GRT is based on analysis of TRD's Quarterly RP-80 reports, which provide data on taxable gross receipts by local government jurisdiction and industrial sector. TRD classifies businesses using six-digit North American Industry Classification System (NAICS) codes. Short term rentals fall under NAICS code 721199 which comprises "establishments primarily engaged in providing short-term lodging (except hotels, motels, casino hotels, and bed-and-breakfast inns)."

Sometimes taxpayers inadvertently report gross receipts under the wrong NAICS code. This is particularly true for taxpayers who engage in multiple types of taxable business activity. It is possible that some of the GRT revenue not showing up under 721199 is being reported under a different NAICS code.

Lodgers Surtax

State law earmarks all Lodgers Tax revenue for promotion of tourism.[2] Legislation considered by the 2019 New Mexico State Legislature[3] would have authorized the imposition of an occupancy surtax of up to 2 1⁄2 percent of the gross taxable rent on STRs. The new surtax would be added onto the lodgers taxes STR hosts are already required to pay, but the additional revenue would be dedicated to affordable housing.

Impact on Affordable Housing

The conversion of houses and apartments into short-term rentals reduces the supply of housing, putting upward pressure on rents and home prices citywide. Since December 2014, the number of STRs in Santa Fe has increased by an average of 50 percent per year. During that same period, rents increased by an annual average of 4.9 percent and median home prices rose by an annual average of 10 percent.

The extent to which STRs have contributed to the rapid escalation of Santa Fe's housing costs is not known with certainty; but, based on results of a national study, it appears that about 20 percent of the city's housing cost growth since 2014 can be attributed to the proliferation of STRs.

[1] Note that collections of GRT in Table 3 reflect only the City's 36 percent share of GRT revenue generated within city limits.

[2] 3-28-21 NMSA 1978

[3] S.B. 7, 54th Legislature, 2019 Reg. Sess. (NM)
Bill text and analysis available at: https://www.nmlegis.gov/Legislation/Legislation?Chamber=S&LegType=B&LegNo=7&year=19

Table 3: Santa Fe housing stock by zip code

	87501	87505	87507
Total Housing Units	10,374	17,382	20,019
Owner Occupied	5,125	8,830	12,697
Renter Occupied	2,878	6,171	5,914
Vacant homes	2,371	2,381	1,408
Entire house/apt STRs (12/18)	889	447	108
STRs as a percent of housing stock	8.6%	2.6%	0.5%

*Includes vacation homes

The immediate impact of STRs is concentrated in the areas of town most popular with tourists. Table 3 shows the supply of housing and the number of whole house/apartment STRs by zip code. Not surprisingly, Santa Fe's STRs are clustered in the downtown area. Over 60 percent of STRs are located in zip code 87501. STRs also consume a far larger share of the total housing stock in 87501 than they do in either 87505 or 87507.

Also noteworthy are the large number of homes in 87501 and 87505 classified as 'vacant.' These houses are primarily second homes.[4] According to the Santa Fe County Assessor's Office, 15 percent of single family homes listed on the County's tax rolls have owners who reside outside New Mexico. In central Santa Fe the percentage of absentee owners exceeds 20 percent. The city's current STR registry does not include registrants' primary address, thus it is difficult to determine how many STRs are 'hosted' by out-of-state entities.

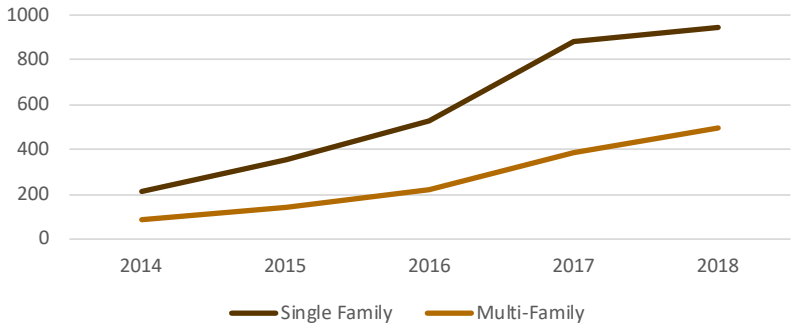
Property Tax Subsidies for Vacation Homes & STRs

Provisions of New Mexico's property tax code originally intended to help low and moderate income homeowners stay in their homes now subsidize the purchase of second homes and STRs by out-of-state residents. In 2001, the State enacted a law prohibiting assessors from raising the valuation of residential property by more than 3 percent annually, provided that the property did not change owners. The law was intended to prevent long-time resident homeowners from being forced from their homes by high property taxes, however its provisions also apply to residential property that is not the owner's principal place of residence (e.g. vacation homes and STRs.) Limiting the 3 percent cap to primary residences has been suggested as a way to both decrease the property tax burden on state residents and raise additional funds that could be put toward affordable housing.

[4] The Census Bureau classifies homes that are not a primary residence as vacant.

Figure 5 shows the growth in number of whole-unit STRs by housing type. Growth in the number of single family homes being used as STRs appears to be leveling off while the number of STRs in multi-family developments continues to increase rapidly.

Figure 5: *Santa Fe whole-unit STRs by type*



Source: AirDNA

The City of Santa Fe permitted the construction of 587 new residential units in between March 2018 and 2019 (Table 5). During the same period, about 170 whole houses/apartments were added to the city's inventory of STRs, diminishing net growth in the housing stock by about 29 percent.

Table 5: Residential Building Permits, City of Santa Fe
3/2018 – 3/2019

Type	Units
Guesthouse (Accessory Dwelling Unit)	19
New Single Family housing	248
Units in Multifamily developments	320
Total housing stock additions	587

Source: City of Santa Fe

Downtown and eastside property values and rents are already quite high and thus few low- or moderate-income Santa Fe residents are directly displaced by STR conversions. However, the loss of long term housing in affluent neighborhoods increases the demand for housing in other parts of the city, creating a domino effect that ultimately results in higher housing costs citywide.

The size of this impact is hard to pinpoint and likely varies by location. A recent national study found that every 1 percent increase in the number of STRs produces a .024 percent increase in rents and a .037 percent increase in housing prices.[5] Since December 2014, the number of STRs in Santa Fe has increased by an average of 50 percent per year. During that same period, rent for a single family home increased by an annual average of 4.9 percent and median home prices rose by an annual average of 10 percent. If Santa Fe follows the trend observed nationally, this level of STR growth would translate into a 1.2 percent annual increase in rents and a 1.8 percent annual increase in home prices over the four-year period.

Home prices and long-term rents both rose substantially between December 2014 and December 2018. Table 6 shows the percent growth in purchase price and monthly rents for single family homes in Santa Fe.

Table 6: Santa Fe Single Family Homes, Percent Change in Housing Costs by Zip Code 12/2014 - 12/2018

Zip code	Purchase Price	Median Rent
87501	28%	19%
87505	48%	22%
87507	41%	15%

Data acquired from Zillow.com/data on April 1, 2019.

[5] Barron, K., Kung, E. and Proserpio, D., The Sharing Economy and Housing Affordability: Evidence from Airbnb (March 29, 2018). Available at SSRN: http://dx.doi.org/10.2139/ssrn.3006832

Accessory Dwelling Units

An accessory dwelling unit (ADU) is a second dwelling unit on the same property as the main house. The ADU is owned by the owner of the main house and the two houses cannot be bought or sold separately. When ADUs are used as long-term rentals (LTRs) they are additions to the housing stock that provide low density housing and alternatives to large scale apartment complexes.

ADUs constituted about 3 percent of new residential units permitted by the City of Santa Fe between March 2018 and March 2019 (Table 5). Increasing the number of ADUs used as long-term housing could help to increase the supply of housing available to Santa Fe residents. In a 2018 report, the Santa Fe Housing Action Coalition, a group of business interests and non-profits that includes many Santa Fe affordable housing providers, recommended that the City remove regulatory barriers to ADU construction by minimizing parking requirements when adequate on-street parking is available, allowing second story ADUs where permitted by zoning, permitting flexible setbacks and reducing lot coverage requirements, and eliminating owner-occupancy requirements for long-term rental units.[6]

While incentives to construct new ADUs or/and utilize ADUs as long-term rentals can help to increase Santa Fe's housing supply, such policies, even if very successful, can make only a small dent in Santa Fe's profound shortage of affordable housing and must therefore be part of a larger, more ambitious package of affordable housing reforms and investments.

RECOMMENDATIONS:

The results of this analysis have important policy implications for the City of Santa Fe. Although more stringent regulation of STRs may be called for at some point, rigorous enforcement of current law is an essential first step toward minimizing the negative impact of STRs and generating revenue with which to offset those effects.

Enforce registration requirements. Ensure that all active STRs are registered with the City by actively seeking out unregistered properties and levying fines for non-compliance.

Educate STR hosts about their obligation to pay both the Lodgers Tax and the Gross Receipts Tax, even if the platform(s) on which they list their properties cannot, or will not, automatically collect and remit one or both taxes. The City can improve GRT compliance by requiring STR hosts to supply a CRS number at registration and advising hosts of the correct NAICS code under which to report their STR gross receipts.

Invest in affordable housing. Additional revenue attributable to enforcement of the GRT and Lodgers tax should be dedicated to the City's Affordable Housing Trust Fund. State law enacted in 2019 de-earmarked a number of municipal and county local option taxes, allowing local governments greater discretion in allocating GRT revenue. The City of Santa Fe can take advantage of this new flexibility to

[6] Santa Fe Housing Action Coalition (2018) Casitas Build Community Accessory Dwelling Unit Regulatory Recommendations. Retrieved from: https://santafehousingaction.org

direct additional GRT revenue from STRs to affordable housing.[7] At the state level, rescinding property tax breaks for second homes can make taxes more equitable and generate additional revenue for affordable housing.

Reduce barriers to construction of affordable housing by:

- Reducing compliance costs associated with permitting, impact fees and water rights.
- Revising zoning standards to eliminate conflicting requirements and encourage development of mixed-used affordable housing projects.
- Streamlining the development approval process to expedite affordable housing approvals while ensuring adequate community input.
- Reducing barriers to ADU construction by amending the City's ADU ordinance to:
  - Allow parking requirements to be met with on-street parking, when available.
  - Replace the current requirement that ADUs be "of the same architectural style as the main house" with the requirement that ADUs follow existing neighborhood design guidelines.
  - Allow for two-story casitas if already permissible in the neighborhood.
  - Discourage the use of ADUs for STRs by requiring that the homeowner live on the property.
  - Encourage the use of ADUs for long term rentals by eliminating owner-occupancy requirements for long-term rental units.

Support state legislative proposals that fund affordable housing and promote tax fairness:

- Limit the 3 percent cap on annual valuation increases to owner-occupied homes so that the property tax on vacation homes and STRs is based upon true market value and tax burden is distributed more equitably.
- Authorize local governments to impose an occupancy surtax on STRs to fund affordable housing.

Data Used in This Analysis

This analysis utilizes a property performance dataset purchased from AirDNA in March 2019.[8] AirDNA is a data analytics company that aggregates data from STR platforms using a process known as web scraping and uses algorithms to sort through the data and identify unique properties and STR hosts. The resulting data present a generally accurate picture of the STR market but can be somewhat imprecise at the individual property level. To enhance accuracy, estimates derived from the AirDNA data were cross-checked against aggregate results for the City of Santa Fe produced by Host Compliance, another major purveyor of STR data.

Additional data sources utilized in this report include the US Census American Community Survey (ACS), Zillow, New Mexico Taxation and Revenue Department, the Santa Fe County Assessor's Office, and the

[7] 2019 N.M. Laws, ch. 274.

[8] https://www.airdna.co/custom-vacation-rental-reports

City of Santa Fe Land Use Department. ACS data were used to estimate baseline housing supply. Data acquired from Zillow.com were used to track property values and rents over time. The Assessor's Office provided data on all properties listed on the Santa Fe County tax rolls from 2015 through 2019. The City's Land Use Department provided access to the STR registry and provided a listing of residential building permits issued since 2014.

City of Santa Fe, New Mexico

memo

Date: October 7, 2020

To: Public Utilities/Public Works Committee, Finance Committee and City Council

Via: Shannon Jones, Public Utilities Director SJ
Mike Dozier, Wastewater Management Division Director MD

From: John Del Mar, Engineer JDM
Brian Snyder, Engineer Supervisor BKS

RE: Amendment #1 to Professional Services Agreement (PSA) with Carollo Engineers Inc. (Carollo) for a term extension of two years.

ITEM AND ISSUE

The City of Santa Fe's (City) Wastewater Management Division (WWMD) is working on a project making improvements to the aeration system at the Paseo Real Water Reclamation Facility (PRWRF). The WWMD is requesting a term extension of two years to our PSA for *Wastewater Treatment Plant Aeration System Improvements* contract with Carollo Engineers. The extension is needed to maintain professional services through the construction phase of the project that is currently underway. Additional funding is not requested.

BACKGROUND AND SUMMARY

The City's WWMD began improvements to the aeration system at the PRWRF in 2018. Carollo was contracted to provide professional services to the WMD starting at the design phase of the project with annual contract extensions planned for three years to bring the project through the construction phase and to completion. Due to initial delays during the design phase, and then additional supply chain and personnel delays caused by the COVID pandemic, it has become necessary to extend this contract beyond the originally planned four years. The requested two year term extension is needed to provide engineering and technical support services during construction and is aligned with the term of the construction contract awarded to RMCI Inc.

The current contract term with Carollo ends on December 31, 2020. The construction schedule extends into spring of 2022. In order to ensure coverage of professional services throughout the project, and to avoid unnecessary requests for an extension beyond Dec 2021, this request is for an extension to December 31, 2022. This request does not impact the scope of work for the project, and no additional funding is requested.

ACTION REQUESTED

Staff requests approval of Amendment #1 to PSA with Carollo Engineers Inc. for *Wastewater Treatment Plant Aeration System Improvements* for a term extension of two years, ending on December 31, 2022.

Munis # 3201012

CITY OF SANTA FE
AMENDMENT No. 1 TO
PROFESSIONAL SERVICES AGREEMENT
#18-1065

AMENDMENT No.1 (the "Amendment") to the CITY OF SANTA FE PROFESSIONAL SERVICES AGREEMENT, dated September 26, 2018 (the "Agreement"), between the City of Santa Fe (the "City") and Carollo Engineers, Inc. (the "Contractor"). The date of this Amendment shall be the date when it is executed by the City and the Contractor, whichever occurs last.

RECITALS

A. Under the terms of the Agreement, Contractor has agreed to provide engineering services as outlined in the original Agreement for the City.

B. Pursuant to Article 18 of the Agreement, and for good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, the City and the Contractor agree as follows:

1. TERM.

Article 5 of the Agreement is amended to extend the term of the Agreement, so that Article 5 reads in its entirety as follows:

This Agreement shall terminate on December 31, 2022, unless terminated pursuant to Paragraph 6, infra.

2. AGREEMENT IN FULL FORCE.

Except as specifically provided in this Amendment, the Agreement remains and shall remain in full force and effect, in accordance with its terms.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 1 to the

City of Santa Fe Professional Services Agreement as of the dates set forth below.

CITY OF SANTA FE:

By:_____
ALAN WEBBER, MAYOR

Date: _____

CONTRACTOR:
Carollo Engineers, Inc.

_____
Name John Rehring
Vice President
Title

Date: 10/14/2020

NM Taxation & Revenue
CRS # 03-162628-00-9
City of Santa Fe Business
Registration # 117760

ATTEST:

_____
YOLANDA Y. VIGIL, CITY CLERK

CITY ATTORNEY'S OFFICE:

Marcos Martinez
Marcos Martinez (Oct 13, 2020 13:37 MDT)
_____
SENIOR ASSISTANT CITY ATTORNEY

APPROVED FOR FINANCES:

_____
MARY MCCOY, FINANCE DIRECTOR

5000375.572960
Business Unit/Line Item AL
AL

PL # WWM2050001

2020 10 13 Amendment#1 Carollo WWMD Aeration

Final Audit Report 2020-10-13

Created:	2020-10-13
By:	Irene Romero (ikromero@ci.santa-fe.nm.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAA7IPKjHEEDYoJzSBn13wQ4ZRvD8dvNWMG

"2020 10 13 Amendment#1 Carollo WWMD Aeration" History

Document created by Irene Romero (ikromero@ci.santa-fe.nm.us)
2020-10-13 - 7:30:59 PM GMT- IP address: 63.232.20.2

Document emailed to Marcos Martinez (mdmartinez@santafenm.gov) for signature
2020-10-13 - 7:31:11 PM GMT

Email viewed by Marcos Martinez (mdmartinez@santafenm.gov)
2020-10-13 - 7:37:08 PM GMT- IP address: 174.56.49.116

Document e-signed by Marcos Martinez (mdmartinez@santafenm.gov)
Signature Date: 2020-10-13 - 7:37:20 PM GMT - Time Source: server- IP address: 174.56.49.116

Agreement completed.
2020-10-13 - 7:37:20 PM GMT

City of Santa Fe
Summary of Contracts, Agreements, & Amendments

Section to be completed by department for each contract or contract amendment

1 **FOR:** ORIGINAL CONTRACT ☐ or CONTRACT AMENDMENT ☑

2 Name of Contractor Carollo Engineers, Inc

3 Complete information requested ☑ Plus GRT ☐ Inclusive of GRT

Original Contract Amount: $654,097.00

Termination Date: December 31, 2020

☐ Approved by Council Date:

☑ or by City Manager Date: September 26, 2018

Contract is for: consulting services

Amendment # 1 to the Original Contract# 18-1065

Increase/(Decrease) Amount $ $0.00

Extend Termination Date to: December 31, 2022

☑ Approved by Council pending

☐ or by City Manager Date:

Amendment is for: Extend term

---

4 **History of Contract & Amendments:** (option: attach spreadsheet if multiple amendments) ☑ Plus GRT ☐ Inclusive of GRT

Amount $ 654,097.00 of original Contract# pending Termination Date: 12/31/2020

Reason: Original Contract

Amount $ 0.00 amendment # 1 Termination Date: 12/31/2022

Reason: extend term

Amount $ amendment # Termination Date:

Reason:

Amount $ amendment # Termination Date:

Reason:

Total of Original Contract plus all amendments: $ $654,097.00

City of Santa Fe
Summary of Contracts, Agreements, & Amendments

5 **Procurement Method of Original Contract:** (complete one of the lines)

RFP# 18/44/P Date: June 11, 2018

RFQ ☐ _____ Date: _____

Sole Source ☐ _____ Date: _____

Other _____

6 **Procurement History:** 4year
example: (First year of 4 year contract)

Fran Dunaway (Oct 19, 2020 09:57 MDT)

Purchasing Officer Review

Comments or Exceptions: Amendment #1 to extend only no increase to compensation. for a total of 4 years. 2022

7 **Funding Source:** WWMD **BU/Line Item:** 5000375.572960
PL # WWM2050001

Alexis Lotero
Alexis Lotero (Oct 19, 2020 09:20 MDT)

Budget Officer Approval

Comments or Exceptions: _____

8 **Any out-of-the ordinary or unusual issues or concerns:**
N/A
(Memo may be attached to explain detail.)

9 **Staff Contact who completed this form:** Maya Martinez

Phone # #

10 **Certificate of Insurance attached.** (if original Contract) ☑

Submit to City Attorney for review/signature
Forward to Finance Director for review/signature
Return to originating Department for Committee(s) review or forward to City Manager for review and approval (depending on dollar level).

To be recorded by City Clerk:

Contract # _____

Date of contract Executed (i.e., signed by all parties): _____

Note: If further information needs to be included, attach a separate memo.

Comments:

CITY OF SANTA FE RFP PROCUREMENT CHECKLIST

Contractor Name: Carollo Engineering

Procurement Title: WWMD Aeration System Improvements

Solicitation RFP#: 18/44/P

Department Requesting/Staff Member PUD John Del Mar

Procurement Requirements:
A procurement file shall be maintained for all contracts, regardless of the method of procurement. The procurement file shall contain the basis on which the award is made, all submitted bids, all evaluation materials, score sheets, quotations and all other documentation related to or prepared in conjunction with evaluation, negotiation, and the award process. The procurement shall contain a written determination from the Requesting Department, signed by the purchasing officer, setting forth the reasoning for the contract award decision before submitting to the Committees. .

REQUIRED DOCUMENTS FOR APPROVAL BY PURCHASING*

YES	N/A	
☒	☐	Approved Procurement Checklist (by Purchasing)
☒	☐	Departments Recommendation of Award Memo addressed to Finance
☒	☐	Tabulation Evaluation score sheet
☐	☒	BAR
☐	☒	FIR
☒	☐	Contract, Agreement or Amendment
☒	☐	Current Business Registration and CRS numbers on contract or agreement
☒	☐	Summary of Contracts and Agreements form
☒	☐	Certificate of Insurance
☐	☐	Other: _____

Department Rep Printed Name and Title

John Del Mar
John Del Mar (Oct 15, 2020 07:46 MDT)

Department Rep Signature attesting that all information included

Fran Dunaway (Oct 19, 2020 09:57 MDT)

Purchasing Officer attesting that all information is reviewed

*

City of Santa Fe

Treasury Department
200 Lincoln Ave.
Santa Fe, New Mexico 87504-0909
505-955-6551

BUSINESS REGISTRATION

Business Name: CAROLLO ENGINEERS INC
DBA: CAROLLO ENGINEERS INC

Business Location: SF COUNTY
NM

Owner:

License Number: 117760

Issued Date: March 04, 2020

Expiration Date: December 31, 2020

License Type: Business License - Renewable

Classification: Business Registration - Standard

Fees Paid: $10.00

CAROLLO ENGINEERS INC
4600 E WASHINGTON STE 500
PHOENIZ, AZ 85034

THIS IS NOT A CONSTRUCTION PERMIT OR SIGN PERMIT. APPROPRIATE PERMITS MUST BE OBTAINED FROM THE CITY OF SANTA FE BUILDING PERMIT DIVISION PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION OR THE INSTALLATION OF ANY EXTERIOR SIGN.

THIS REGISTRATION/LICENSE IS NOT TRANSFERRABLE TO OTHER BUSINESSES OR PREMISES.

TO BE POSTED IN A CONSPICUOUS PLACE

CERTIFICATE OF LIABILITY INSURANCE

7/4/2021

DATE (MM/DD/YYYY): 10/13/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Lockton Companies 444 W. 47th Street, Suite 900 Kansas City MO 64112-1906 (816) 960-9000	**CONTACT NAME:** **PHONE (A/C, No, Ext):** **FAX (A/C, No):** **E-MAIL ADDRESS:**
	INSURER(S) AFFORDING COVERAGE — **NAIC #**
	INSURER A : Zurich American Insurance Company — 16535
INSURED 1472613 CAROLLO ENGINEERS, INC. 2795 MITCHELL DR. WALNUT CREEK CA 94598-1601	**INSURER B :** American Guarantee and Liab. Ins. Co. — 26247
	INSURER C : Continental Casualty Company — 20443
	INSURER D :
	INSURER E :
	INSURER F :

COVERAGES **CERTIFICATE NUMBER:** 16520868 **REVISION NUMBER:** XXXXXXX

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY X PRO-JECT LOC OTHER:	Y	N	GLO 9730569	7/4/2020	7/4/2021	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG 	$ 1,000,000 $ 1,000,000 $ 25,000 $ 1,000,000 $ 2,000,000 $ 2,000,000 $
B	AUTOMOBILE LIABILITY X ANY AUTO OWNED AUTOS ONLY X HIRED AUTOS ONLY SCHEDULED AUTOS X NON-OWNED AUTOS ONLY	N	N	BAP 9730571	7/4/2020	7/4/2021	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident) DED: COMP/COLL	$ 2,000,000 $ XXXXXXX $ XXXXXXX $ XXXXXXX $ 1,000
	UMBRELLA LIAB OCCUR EXCESS LIAB CLAIMS-MADE DED RETENTION $			NOT APPLICABLE			EACH OCCURRENCE AGGREGATE 	$ XXXXXXX $ XXXXXXX $ XXXXXXX
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y / N: N If yes, describe under DESCRIPTION OF OPERATIONS below	N / A	N	WC 9730570	7/4/2020	7/4/2021	X PER STATUTE OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ 1,000,000 $ 1,000,000 $ 1,000,000
C	PROFESSIONAL LIABILITY UNLIMITED PRIOR ACTS	N	N	AEH 288354410	7/4/2020	7/4/2021	EACH CLAIM: $1,000,000; AGGREGATE: $1,000,000	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

THIS CERTIFICATE SUPERSEDES ALL PREVIOUSLY ISSUED CERTIFICATES FOR THIS HOLDER, APPLICABLE TO THE CARRIERS LISTED AND THE POLICY TERM(S) REFERENCED.

PASEO REAL WASTEWATER TREATMENT PLANT AERATION SYSTEM IMPROVEMENTS - Item # 18-065. CITY OF SANTA FE IS AN ADDITIONAL INSURED AS RESPECTS GENERAL LIABILITY, AS REQUIRED BY WRITTEN CONTRACT. CAROLLO PROJECT #11283A.10

CERTIFICATE HOLDER

16520868
CITY OF SANTA FE
2651 SIRINGO ROAD, BUILDING H
SANTA FE NM 87505

CANCELLATION See Attachments

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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INSURED: Carollo Engineers, Inc.

PROFESSIONAL LIABILITY AND POLLUTION
INCIDENT LIABILITY INSURANCE POLICY

POLICY: AEH 288354410

EFFECTIVE: 7/4/2020

NOTICE ENDORSEMENT -
CANCELLATION OR NON-RENEWAL

We agree with you that your Policy is amended to include the following additional provisions.

1. Your Policy will not be:

Canceled by us until we provide at least:

10 days prior written notice if we cancel your Policy for Non-payment of Premiums;

30 days prior written notice if we cancel your Policy for the following reasons:

any reason other than non-payment of premiums

----- Non-renewed by us until at least _____ days prior written notice is given to the person or entity named in 2 below.

2. Person or Entity:

All other terms and conditions of the Policy remain unchanged.

This endorsement, which forms a part of and is for attachment to the Policy issued by the designated insurers, takes effect on the effective date of said Policy at the hour stated in said Policy and expires concurrently with said Policy unless another effective date is shown above.

Notification to Others of Cancellation, Nonrenewal or Reduction of Insurance

Policy No.	Eff. Date of Pol.	Exp. Date of Pol.	Eff. Date of End.	Producer No.	Add'l. Prem	Return Prem.
BAP 9730571	7/4/2020	7/4/2021				

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

This endorsement modifies insurance provided under the:

Commercial Automobile Coverage Part

A. If we cancel or non-renew this Coverage Part by written notice to the first Named Insured for any reason other than nonpayment of premium, we will mail or deliver a copy of such written notice of cancellation or non-renewal:

1. To the name and address corresponding to each person or organization shown in the Schedule below; and

2. At least 10 days prior to the effective date of the cancellation or non-renewal, as advised in our notice to the first Named Insured, or the longer number of days notice if indicated in the Schedule below.

B. If we cancel this Coverage Part by written notice to the first Named Insured for nonpayment of premium, we will mail or deliver a copy of such written notice of cancellation to the name and address corresponding to each person or organization shown in the Schedule below at least 10 days prior to the effective date of such cancellation.

C. If coverage afforded by this Coverage Part is reduced or restricted, except for any reduction of Limits of Insurance due to payment of claims, we will mail or deliver notice of such reduction or restriction:

1. To the name and address corresponding to each person or organization shown in the Schedule below; and

2. At least 10 days prior to the effective date of the reduction or restriction, or the longer number of days notice if indicated in the Schedule below.

D. If notice as described in Paragraphs **A.**, **B.** or **C.** of this endorsement is mailed, proof of mailing will be sufficient proof of such notice.

SCHEDULE	
Name and Address of Other Person(s) / Organization(s):	**Number of Days Notice:**
All certificate holders where notice of cancellation is required by written contract with the Named Insured	**60**

All other terms and conditions of this policy remain unchanged.

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Notification to Others of Cancellation, Nonrenewal or Reduction of Insurance

Policy No.	Eff. Date of Pol.	Exp. Date of Pol.	Eff. Date of End.	Producer No.	Add'l. Prem	Return Prem.
GLO 9730569	7/4/2020	7/4/2021				

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

This endorsement modifies insurance provided under the:

Commercial General Liability Coverage Part
Liquor Liability Coverage Part
Products/Completed Operations Liability Coverage Part

A. If we cancel or non-renew this Coverage Part(s) by written notice to the first Named Insured for any reason other than nonpayment of premium, we will mail or deliver a copy of such written notice of cancellation or non-renewal:

1. To the name and address corresponding to each person or organization shown in the Schedule below; and

2. At least 10 days prior to the effective date of the cancellation or non-renewal, as advised in our notice to the first Named Insured, or the longer number of days notice if indicated in the Schedule below.

B. If we cancel this Coverage Part(s) by written notice to the first Named Insured for nonpayment of premium, we will mail or deliver a copy of such written notice of cancellation to the name and address corresponding to each person or organization shown in the Schedule below at least 10 days prior to the effective date of such cancellation.

C. If coverage afforded by this Coverage Part(s) is reduced or restricted, except for any reduction of Limits of Insurance due to payment of claims, we will mail or deliver notice of such reduction or restriction:

1. To the name and address corresponding to each person or organization shown in the Schedule below; and

2. At least 10 days prior to the effective date of the reduction or restriction, or the longer number of days notice if indicated in the Schedule below.

D. If notice as described in Paragraphs **A.**, **B.** or **C.** of this endorsement is mailed, proof of mailing will be sufficient proof of such notice.

SCHEDULE

Name and Address of Other Person(s) / Organization(s):	Number of Days Notice:
All certificate holders where notice of cancellation is required by written contract with the Named Insured	**60**

All other terms and conditions of this policy remain unchanged.

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NOTIFICATION TO OTHERS OF CANCELLATION, NONRENEWAL OR REDUCTION OF INSURANCE ENDORSEMENT

This endorsement is used to add the following to Part Six of the policy.

PART SIX
CONDITIONS

A. If we cancel or non-renew this policy by written notice to you for any reason other than nonpayment of premium, we will mail or deliver a copy of such written notice of cancellation or non-renewal to the name and address corresponding to each person or organization shown in the Schedule below. Notification to such person or organization will be provided at least 10 days prior to the effective date of the cancellation or non-renewal, as advised in our notice to you, or the longer number of days notice if indicated in the Schedule below.

B. If we cancel this policy by written notice to you for nonpayment of premium, we will mail or deliver a copy of such written notice of cancellation to the name and address corresponding to each person or organization shown in the Schedule below at least 10 days prior to the effective date of such cancellation.

C. If coverage afforded by this policy is reduced or restricted, except for any reduction of Limits of Liability due to payment of claims, we will mail or deliver notice of such reduction or restriction to the name and address corresponding to each person or organization shown in the Schedule below. Notification to such person or organization will be provided at least 10 days prior to the effective date of the reduction or restriction, or the longer number of days notice if indicated in the Schedule below.

D. If notice as described in Paragraphs **A.**, **B.** or **C.** of this endorsement is mailed, proof of mailing will be sufficient proof of such notice.

SCHEDULE	
Name and Address of Other Person(s) / Organization(s):	**Number of Days Notice:**
All certificate holders where notice of cancellation is required by written contract with the Named Insured	**60**

All other terms and conditions of this policy remain unchanged.

This endorsement changes the policy to which it is attached and is effective on the date issued unless otherwise stated.

(The information below is required only when this endorsement is issued subsequent to preparation of the policy.)

Endorsement Effective Policy No. WC 9730570 Endorsement No.
Insured CAROLLO ENGINEERS, INC. Premium $

Insurance Company Zurich American Insurance Company

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POLICY NUMBER: GLO 9730569

COMMERCIAL GENERAL LIABILITY
CG 20 37 04 13

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS – COMPLETED OPERATIONS

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)	Location And Description Of Completed Operations
Any person or organization, other than an architect, engineer or surveyor, whom you are required to add as an additional insured under this policy under a written contract mark or written agreement executed prior to loss.	Any Location or project, other than a wrap-up or other consolidated insurance program location or project for which insurance is otherwise separately provided to you by a wrap-up or other consolidated insurance program
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

A. Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury" or "property damage" caused, in whole or in part, by "your work" at the location designated and described in the Schedule of this endorsement performed for that additional insured and included in the "products-completed operations hazard".

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and

2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

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B. With respect to the insurance afforded to these additional insureds, the following is added to **Section III – Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
2. Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

© ISO Properties, Inc., 2004

POLICY NUMBER: GLO 9730569

COMMERCIAL GENERAL LIABILITY
CG 20 10 04 13

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS – SCHEDULED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)	Location(s) Of Covered Operations
Any person or organization, other than an architect, engineer or surveyor, whom you are required to add as an additional insured under this policy under a written contract or written agreement executed prior to loss.	Any Location or project, other than a wrap-up or other consolidated insurance program location or project for which insurance is otherwise separately provided to you by a wrap-up or other consolidated insurance program
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

A. **Section II – Who Is An Insured** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by:

1. Your acts or omissions; or
2. The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured(s) at the location(s) designated above.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to "bodily injury" or "property damage" occurring after:

1. All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or
2. That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

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Wolters Kluwer Financial Services | Uniform FormsTM

C. With respect to the insurance afforded to these additional insureds, the following is added to **Section III – Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or

2. Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

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ZURICH

Other Insurance Amendment – Primary And Non-Contributory

Policy No.	Eff. Date of Pol.	Exp. Date of Pol.	Eff. Date of End.	Producer No.	Add'l. Prem	Return Prem.
GLO 9730569	7/4/2020	7/4/2021				

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

This endorsement modifies insurance provided under the:

Commercial General Liability Coverage Part

1. The following paragraph is added to the Other Insurance Condition of Section **IV – Commercial General Liability Conditions**:

   This insurance is primary insurance to and will not seek contribution from any other insurance available to an additional insured under this policy provided that:

   a. The additional insured is a Named Insured under such other insurance; and

   b. You are required by a written contract or written agreement that this insurance would be primary and would not seek contribution from any other insurance available to the additional insured.

2. The following paragraph is added to Paragraph **4.b.** of the Other Insurance Condition of Section **IV – Commercial General Liability Conditions**:

   This insurance is excess over:

   Any of the other insurance, whether primary, excess, contingent or on any other basis, available to an additional insured, in which the additional insured on our policy is also covered as an additional insured on another policy providing coverage for the same "occurrence", offense, claim or "suit". This provision does not apply to any policy in which the additional insured is a Named Insured on such other policy and where our policy is required by written contract or written agreement to provide coverage to the additional insured on a primary and non-contributory basis.

All other terms and conditions of this policy remain unchanged.

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

ITEM # 18-1065

CITY OF SANTA FE

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is made and entered into by and between the City of Santa Fe (the "City") and Carollo Engineers, Inc. (the "Contractor"). The date of this Agreement shall be the date when it is executed by the City and the Contractor, whichever occurs last.

1. SCOPE OF SERVICES

The Contractor shall provide engineering design and consulting services, project management and construction oversight for the City as described in Exhibit "A" and "B" attached hereto.

2. STANDARD OF PERFORMANCE; LICENSES

A. The Contractor represents that it possesses the experience and knowledge necessary to perform the services described under this Agreement.

B. The Contractor agrees to obtain and maintain throughout the term of this Agreement, all applicable professional and business licenses required by law, for itself, its employees, agents, representatives and subcontractors.

C. The Contractor shall perform the services required hereunder in accordance with the prevailing engineering standard of care by exercising the skill and ability ordinarily required of engineers performing the same or similar services, under the same or similar circumstances, in the State of New Mexico.

3. COMPENSATION

A. The City shall pay to the Contractor in full payment for services

rendered, a sum not to exceed six hundred fifty four thousand ninety seven dollars and 00/100 ($654,097.00), plus applicable gross receipts taxes as described in Exhibit "C" attached hereto

B. The Contractor shall be responsible for payment of gross receipts taxes levied by the State of New Mexico on the sums paid under this Agreement.

C. Payment shall be made upon receipt and approval by the City of detailed statements containing a report of services completed. Compensation shall be paid only for services actually performed and accepted by the City.

4. APPROPRIATIONS

The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the City for the performance of this Agreement. If sufficient appropriations and authorization are not made by the City, this Agreement shall terminate upon written notice being given by the City to the Contractor. The City's decision as to whether sufficient appropriations are available shall be accepted by the Contractor and shall be final.

5. TERM AND EFFECTIVE DATE

This Agreement shall be effective when signed by the City and terminate on December 31, 2020, unless sooner pursuant to Article 6 below. Contract term may be extended for three (3) additional twelve (12) month terms.

6. TERMINATION

A. This Agreement may be terminated by the City upon 30 days written notice to the Contractor.

(1) The Contractor shall render a final report of the services

performed up to the date of termination and shall turn over to the City original copies of all work product, research or papers prepared under this Agreement.

(2) If compensation is not based upon hourly rates for services rendered, the City shall pay the Contractor for the reasonable value of services satisfactorily performed through the date Contractor receives notice of such termination, and for which compensation has not already been paid.

(3) If compensation is based upon hourly rates and expenses, the Contractor shall be paid for services rendered and expenses incurred through the date Contractor receives notice of such termination.

7. STATUS OF CONTRACTOR; RESPONSIBILITY FOR PAYMENT OF EMPLOYEES AND SUBCONTRACTORS

A. The Contractor and its agents and employees are independent contractors performing professional services for the City and are not employees of the City. The Contractor, and its agents and employees, shall not accrue leave, retirement, insurance, bonding, use of City vehicles, or any other benefits afforded to employees of the City as a result of this Agreement.

B. Contractor shall be solely responsible for payment of wages, salaries and benefits to any and all employees or subcontractors retained by Contractor in the performance of the services under this Agreement.

C. The Contractor shall comply with City of Santa Fe Minimum Wage, Article 28-1-SFCC 1987, as well as any subsequent changes to such article throughout the term of this Agreement.

8. CONFIDENTIALITY

Any confidential information provided to or developed by the Contractor in the performance of this Agreement shall be kept confidential and shall not be made available to any individual or organization by the Contractor without the prior written approval of the City.

9. CONFLICT OF INTEREST

The Contractor warrants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required under this Agreement. Contractor further agrees that in the performance of this Agreement no persons having any such interests shall be employed.

10. ASSIGNMENT; SUBCONTRACTING

The Contractor shall not assign or transfer any rights, privileges, obligations or other interest under this Agreement, including any claims for money due, without the prior written consent of the City. The Contractor shall not subcontract any portion of the services to be performed under this Agreement without the prior written approval of the City.

11. RELEASE

The Contractor, upon acceptance of final payment of the amount due under this Agreement, releases the City, its officers and employees, from all liabilities, claims and obligations whatsoever arising from or under this Agreement. The Contractor agrees not to purport to bind the City to any obligation not assumed herein by the City unless the Contractor has express written authority to do so, and then only within the strict limits of

that authority.

12. INSURANCE

A. The Contractor, at its own cost and expense, shall carry and maintain in full force and effect during the term of this Agreement, comprehensive general liability insurance covering bodily injury and property damage liability, in a form and with an insurance company acceptable to the City, with limits of coverage in the maximum amount which the City could be held liable under the New Mexico Tort Claims Act for each person injured and for each accident resulting in damage to property. Such insurance shall provide that the City is named as an additional insured and that the City is notified no less than 30 days in advance of cancellation for any reason. The Contractor shall furnish the City with a copy of a Certificate of Insurance as a condition prior to performing services under this Agreement.

B. Contractor shall also obtain and maintain Workers' Compensation insurance, required by law, to provide coverage for Contractor's employees throughout the term of this Agreement. Contractor shall provide the City with evidence of its compliance with such requirement.

C. Contractor shall maintain professional liability insurance throughout the term of this Agreement providing a minimum coverage in the amount required under the New Mexico Tort Claims Act. The Contractor shall furnish the City with proof of insurance of Contractor's compliance with the provisions of this section as a condition prior to performing services under this Agreement.

13. INDEMNIFICATION

The Contractor shall indemnify, hold harmless and defend the City from all

losses, damages, claims or judgments, including payments of all attorneys' fees and costs on account of any suit, judgment, execution, claim, action or demand whatsoever to the extent caused by Contractor's negligent performance under this Agreement as well as the performance of Contractor's employees, agents, representatives and subcontractors. The Contractor shall not be responsible for warranties, guarantees, fitness for a particular purpose, breach of fiduciary duty, loss of anticipated profits or for economic, incidental or consequential damages to the City or any third party arising out of breach of contract, termination, or for any other reason whatsoever. Additionally, Contractor shall not be responsible for acts and decisions of third parties, including governmental agencies, other than Contractor's subconsultants, that impact project completion and/or success.

14. NEW MEXICO TORT CLAIMS ACT

Any liability incurred by the City of Santa Fe in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, Section 41-4-1, et. seq. NMSA 1978, as amended. The 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 Agreement modifies or waives any provision of the New Mexico Tort Claims Act.

15. THIRD PARTY BENEFICIARIES

By entering into this Agreement, the parties do not intend to create any right, title or interest in or for the benefit of any person other than the City and the Contractor. No person shall claim any right, title or interest under this Agreement or seek to enforce this Agreement as a third party beneficiary of this Agreement.

16. RECORDS AND AUDIT

The Contractor shall maintain, throughout the term of this Agreement and for a period of three years thereafter, detailed records that indicate the date, time and nature of services rendered. These records shall be subject to inspection by the City, the Department of Finance and Administration, and the State Auditor. The City shall have the right to audit the billing both before and after payment. Payment under this Agreement shall not foreclose the right of the City to recover excessive or illegal payments.

17. APPLICABLE LAW; CHOICE OF LAW; VENUE

Contractor shall abide by all applicable federal and state laws and regulations, and all ordinances, rules and regulations of the City of Santa Fe. In any action, suit or legal dispute arising from this Agreement, the Contractor agrees that the laws of the State of New Mexico shall govern. The parties agree that any action or suit arising from this Agreement shall be commenced in a federal or state court of competent jurisdiction in New Mexico. Any action or suit commenced in the courts of the State of New Mexico shall be brought in the First Judicial District Court.

18. AMENDMENT

This Agreement shall not be altered, changed or modified except by an amendment in writing executed by the parties hereto.

19. SCOPE OF AGREEMENT

This Agreement incorporates all the agreements, covenants, and understandings between the parties hereto concerning the services to be performed hereunder, and all such agreements, covenants and understandings have been merged into this Agreement. This Agreement expresses the entire Agreement and understanding

between the parties with respect to said services. No prior agreement or understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

20. NON-DISCRIMINATION

During the term of this Agreement, Contractor shall not discriminate against any employee or applicant for an employment position to be used in the performance of services by Contractor hereunder, on the basis of ethnicity, race, age, religion, creed, color, national origin, ancestry, sex, gender, sexual orientation, physical or mental disability, medical condition, or citizenship status.

21. SEVERABILITY

In case any one or more of the provisions contained in this Agreement or any application thereof shall be invalid, illegal or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions contained herein and any other application thereof shall not in any way be affected or impaired thereby.

22. CITY-PROVIDED INFORMATION AND SERVICES

The City shall furnish Contractor available studies, reports and other data pertinent to Contractor's services; obtain or authorize Contractor to obtain or provide additional reports and data as required; furnish to Contractor services of others required for the performance of Contractor's services hereunder, and Contractor shall be entitled to use and rely upon all such information and services provided by the City or others in performing Contractor's services under this Agreement.

23. DOCUMENT USE AND REUSE

Documents, including drawings and specifications, prepared by Contractor

pursuant to this Agreement are not intended or represented to be suitable for reuse by the City or others for this Project or on any other project. Any reuse of completed documents or use of partially completed documents without written verification or concurrence by Contractor for the specific purpose intended will be at the City's sole risk and without liability or legal exposure to Contractor.

24. ESTIMATES AND PROJECTIONS

In providing opinions of cost, financial analyses, economic feasibility projections, and schedules for potential projects, Contractor has no control over cost or price of labor and material; unknown or latent conditions of existing equipment or structures that may affect operation and maintenance costs; competitive bidding procedures and market conditions; time or quality of performance of third parties; quality, type, management, or direction of operating personnel; and other economic and operational factors that may materially affect the ultimate project cost or schedule. Therefore, Contractor makes no warranty that the City's actual project costs, financial aspects, economic feasibility, or schedules will not vary from Contractor's opinions, analyses, projections, or estimates.

25. SERVICES DURING CONSTRUCTION

A. Contractor shall not be responsible for the means, methods, techniques, sequences, or procedures of construction selected by construction contractors or the safety precautions and programs incident to the work of construction contractors and will not be responsible for construction contractors' failure to carry out work in accordance with the construction documents.

26. NOTICES

Any notices required to be given under this Agreement shall be in writing and served by personal delivery or by mail, postage prepaid, to the parties at the following addresses:

City of Santa Fe:
Wastewater Management Division
73 Paseo Real
Santa Fe, NM 87507

Carollo Engineers, Inc:
6200 Uptown Blvd. NE, Suite 120
Albuquerque, NM 87110

IN WITNESS WHEREOF, the parties have executed this Agreement on the date set forth below.

CITY OF SANTA FE:

ALAN WEBBER, MAYOR

DATE: 10/5/18

CAROLLO ENGINEERS, INC.:

Vice President
NAME & TITLE

DATE: 10-11-18

VICE PRESIDENT
NAME & TITLE
DATE: 10.11.18

CRS #: 03-162628-00-9
Business Registration #: 18-00117760

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK
CC mtg. 9/26/18

APPROVED AS TO FORM:

8/21
ERIN K. MCSHERRY, CITY ATTORNEY

APPROVED:

10/3
MARY MCCOY, FINANCE DIRECTOR

52468.572960
Business Unit Line Item

EXHIBIT "A"

CITY OF SANTA FE (CITY)

WASTEWATER TREATMENT PLANT AERATION SYSTEM IMPROVEMENTS

SCOPE OF WORK FOR CAROLLO ENGINEERS, INC. (CONTRACTOR)

Task 0 - Project Management

0.1 Project Management Plan

Prepare the Project Management Plan (PMP) Manual tabbed with the following information: Scope of Work, Schedule, Project Team and Contact List, Project Work Order Numbers and Budget Allocation, Document Templates, Calculations and Documentation Procedures, Quality Management Plan, Drawing List, Specifications List, Checklists for the City and Contractor, Equipment Lists, and Decision Log.

Setup, maintain, and use a SharePoint site for coordination and communication.

0.2 Project Management, Invoicing, Action Item Log, Decision Log

Prepare and submit a written monthly progress report to the City's Project Manager that will show the percentage of work completed and the percentage of contract billed, summarize the work completed during the month, and the work to be completed during the following month. Schedule or budget challenges will be discussed if necessary and corrective actions identified.

Maintain a decision log throughout the project to record the decisions made by the project team during site visits, workshops, and project meetings, as well as during telephone conversations or by email.

0.3 Not Used

0.4 Kick-off Meeting

Conduct a kick-off meeting with City staff in Santa Fe to review the scope of work and schedule for this Project, as well as discuss the roles and responsibilities of all participating stakeholders. A draft copy of the PMP will be submitted to the City's Project Manager in advance of the meeting. During the kick-off meeting, discuss the direction of the project and roles and responsibilities.

Deliverables: Monthly invoice and progress report and an updated decision log (presented with meeting notes).

Phase 1 Pre-Design and 30% Drawings

Phase 1 consists of the following tasks and subtasks:

Task 1 Basis of Design Definition

Definition of Design Criteria, Filtrate EQ Tank Sizing and Siting

These tasks involve developing the alternative evaluation and conceptual design for process modifications. A brief description for each area follows.

Aeration System Design For the aeration system conceptual design, undertake the following tasks:

1. Justify design influent flows and loads.

2. Quantify minimum, average, and maximum design air requirements.
3. Evaluate diffuser layout and improvement alternatives through process modeling.
4. Define the blower sizing criteria and solicit preliminary blower design and budget quotes.

Since the City is undertaking significant aeration system revisions in this project, replacing the remaining diffusers with new disc membranes will save energy. In this analysis, evaluate the following:

1. Is the number of diffusers in each zone adequate, or how many diffusers should be capped off in each zone to satisfy near-term air demand lows?
2. Confirm diffuser grids appropriate spacing. For example, would SNDN process control be better in the second half of the basin with only one active grid in the C pass, but one additional small grid in the D pass?

The final diffuser modifications will impact the minimum and maximum air demand in the near-term and in the future. Therefore, this analysis will be conducted first, before the future blower system is sized and designed.

Blower Design Discuss acceptable blower alternatives with the City during the kick off meeting. As a preliminary selection, include the following high-efficiency blower alternatives in this evaluation:

Sulzer
Neuros
Turblex

Evaluate the following alternatives for their technical and economic benefit, listed here in order of increasing capital costs:

- **Hoffman Solution:** Equip the Hoffmans with VFDs and use them as lead blowers for the aeration basins.
- **Hybrid Solution:** Equip one or two of the Hoffmans with VFDs and take credit for these units to cover a portion of your air demand.
- **Turbo Solution:** Continue to use the Hoffmans as a backup system while investing into replacing the existing Turblex units with likely two new units and one future blower.

Aeration Control Valves and Aeration Control Automation

In addition to assessing the aeration diffusers and blower system, the system will be modeled in SIMBA, a software that focuses on aeration system and control process modeling. This model builds onto the Biowin model that was calibrated for your process in the 2018 nutrient planning study. SIMBA will allow verification of the adequate control valve sizing to each grid zone, and testing of the process benefits of alternative aeration control logics.

Scum and Foam Control

Evaluate the various options for better managing scum and foam in the selectors and aeration basins, along with the preliminary cost estimates for associated modifications. It is anticipated that the following alternatives will be considered, listed here in order of increasing capital investments:

1. Assessing (and possibly testing) operational strategies with plant staff for removing scum in the aeration basins, thereby "outselecting" filaments continuously.
2. Repairing the existing surface wasting and pumping system in the selectors and aeration basins.
3. Installing a dedicated surface wasting system in the aeration basins to best protect the secondary clarifiers, tertiary filters, UV system, and effluent quality.

Filtrate Equalization (EQ) Tank

For the conceptual design of the filtrate EQ tank, the foremost five aspects should be refined:

. 1. Sizing of the tank: Assess current filtrate flows, and consider future filtration operation strategy and schedule. Redundancy: Design the filtrate tank as two chambers to simplify periodic cleaning and maintenance of the mixing system.
. 2. Site location of the tank: Accommodate possible future expansion.
. 3. Location of filtrate return to mainstream treatment: Evaluate the pros and cons of routing the filtrate back to the primary clarifiers or directly to the aeration basins.
. 4. Filtrate recycle control: Consider options of flow based, load based, inverse to influent flow. Control for recycle from the EQ tank to the main stream process.
. 5. Evaluate the benefits of load based recycle control. Regardless of phosphorus and ammonia concentration in the filtrate, this will allow the City to recycle steady nutrient loads to the aeration basins.

Site Utilities and EI&C

Develop conceptual design solutions to integrate the secondary treatment improvements into the SCADA overall architecture. EI&C needs supporting the design improvements will be identified. This task will be led by Contractor's EI&C group.

Drain Pumping

Review the existing drain pumps and aeration drain valves and make recommendations that will be included into the Final design.

Deliverables:

TM 1: Diffuser System and Aeration Control
TM 2: Blower Alternative Evaluation
TM 3: Scum Management
TM 4: Site, Civil, and Survey
TM 5: Filtrate EQ Tank and Pumping Sizing
TM 6: Plant Drain
TM 7: EI&C Evaluation

Task 2 (Not Used)

Task 3 Permitting (SUPPLEMENTAL SERVICES Tasks 3.1 – Permitting Coordination and 3.2 – NMED Coordination)

It is not anticipated that permitting will require significant time resources for this project. The State of New Mexico does not require approval of wastewater modifications unless the project is co-funded with state funds. Funds are reserved in this task if the City needs support for any outreach communication during or following the construction project related to regulators, other approval agencies, the City Council, or the general public.

Task 4 Technical Workshops

In the workshops, Contractor will spend time with City staff to summarize and discuss the essentials of each TM developed in Task 1, and review the respective drawing sets to solicit feedback from City staff.

Provide materials for each workshop no less than one week before each workshop to City participants. Discuss agenda and informational highlights with the City project manager in advance.

Provide O&M staff with a suggested checklist to guide their review and feedback.
Any feedback and review comments provided by the City will be incorporated into the Preliminary Design Report and drawing sets within two weeks following the meetings. Consolidate the project design elements into the following three workshops:

4.1 Aeration System & Controls and Scum Management Workshop (Workshop 1)

Workshop 1 will determine the design criteria of the blowers, aeration, control description, and scum removal alternatives. Decisions made through this workshop include blower selection, blower electrical demands, aeration control and scum removal strategies.

4.2 Filtrate EQ Tank Siting/Facility layout Workshop (Workshop 2)

Workshop 2 will provide the necessary engineering and cost analysis to help City participants make a decision on sizing, site location, mixing, and pump system for the filtrate EQ tank. The process modeling completed to date will save time to quantify projected filtrate flows and drain back control alternatives.

The final location of the Filtrate EQ Tank and Pumping System will be determined by the existing survey data provided by the City and existing record drawings that show the utilities (electrical, yard piping, etc)

Also prepare a preliminary site plan of where future side stream treatment facilities for phosphorus and nitrogen removal may be placed to reserve sufficient flexibility.

4.3 Site Utilities/Electrical/Instrumentation Workshop (Workshop 3)

In workshop 3, facilitate City decisions on necessary upgrades for the plant drain system and any other ancillary improvements that may be identified. Also discuss the Site Utilities/Electrical/ Instrumentation and determine the location and sizing of any new required utilities (electrical, yard piping) to accommodate the new design elements. This will include an evaluation of the ability to supply electrical service from the existing blower building switchgear. The workshop will also determine the site layout for all utilities.

At each workshop, the findings from the recommended layouts, design criteria, and preliminary control philosophies will be presented and discussed. All review comments and decisions made (in either verbal or written form) will be documented and incorporated into the Preliminary Design Report (PDR) summarized in Task 5.

Deliverables: Pre-meeting review materials, decision logs, meeting notes.

Task 5 Pre-Design Documentation

5.1 Preliminary Design Report (PDR) and 30% Design Drawings

In this task, consolidate the design definition from the TMs and drawings as the basis for Design Development Phase and Contract Document Phase. Selected layouts, design criteria, and preliminary control philosophies will be summarized and included in the PDR. Where necessary, additional engineering evaluations will be conducted based on input received from the City during the workshops in Task 4. This may include alternative layouts, costs analysis, site visits, and refined design criteria. The information presented at the workshops and the workshop meeting notes will be combined into one PDR containing information and recommendations that will serve as the basis for final design.

The PDR will consist of an executive summary and a collection of TMs as described above. A draft and final draft PDR will be provided to the City. City staff shall review a draft report and comments will be incorporated into the final PDR. The PDR will include 30 percent drawings and outline specifications as appendices.

Deliverables: Preliminary List of Drawings and Specifications; 30% Drawing Package (including Preliminary PI&D, Structural, Mechanical, Architectural Drawings); Summary Design Report

5.2 Preliminary Construction Sequencing Plan

It is assumed that the ongoing solids treatment and SCADA improvements will be installed and operable by the end of the design of this project. A Maintenance of Plant Operations (MOPOs) schedule will be included in the contract documents for this project detailing the blower shutdown and start-up procedures, and allowable construction sequences for the construction contractor, based on City inputs. The MOPO will address procedural steps, time and scheduling constraints, and plant interface issues that will aid the construction contractor in developing the sequence of work in order to minimize interferences and maintain continuous operation of the plant.

Deliverables: Preliminary Construction Sequencing Plan

5.3 Budgetary Cost Estimate and Probable Annual O&M Costs

Provide preliminary basis of cost, as well as construction and project cost estimates. The updated basis of cost will be used in all cost estimates prepared during the preliminary design phase.

Deliverables: Cost estimate (Class 3, Budgetary Cost Estimate, Probable Annual O&M Costs)

Phase 2 Design Development

Phase 2 consists of the following tasks and subtasks:

Task 6 Design Development and Workshops

6.1 SUPPLEMENTAL SERVICE TASK - Progress Meetings

Host three progress meetings during design development. Along with City staff, focus on the detailed plans and specifications prepared with emphasis on the facilities' layout, design details, and EI&C. Submit and discuss detailed plans and specifications at least one week ahead of the meetings. This will provide the Contractor initial feedback prior to the meeting to make any necessary adjustments, give the City the opportunity to decide who is essential to have in the meeting from the City, and to facilitate likely comments or concerns of City staff during the meeting. The three meetings are:

1. Filtrate EQ Tank Siting/Facility Layout Meeting
2. Aeration System & Controls and Scum Control Meeting

3. Site Utilities/Electrical/Instrumentation Meeting

Deliverables: (Minimum) 60% draft drawings

6.2 Design Development Review Workshop

Hold one workshop to present the 60 % level drawings and specifications.

Conduct a final internal Quality Control review of the drawings and specs prior to submitting any deliverables to the City.

Task 7 Design Development Documentation

7.1 Drawings and Specifications

The PDR developed in Task 5 will be the basis for the design development documents. The design development documents will include preliminary facility layouts, equipment configurations, major equipment technology selection, major process piping, process schematics, draft P&IDs, preliminary electrical load lists, electrical single-line diagrams, location/dimensions of major structures, and a complete specification list.

Plans will be prepared using the City's standards and title block. All drawings will be prepared using AutoCAD or MicroStation, and Contractor will prepare the General Conditions and Special Conditions using the City's standard documents.

Prepare the technical specifications using Contractor's standard detailed specifications. Contractor's construction drawings will include general, architectural, mechanical, structural, civil, electrical, and instrumentation drawings. Coordinate drawing organization closely with City staff to provide that this deliverable reflects City preferences and remains user friendly during the construction.

Deliverables: 60% design drawings and specifications.

7.2 Design Development Cost Estimate

Provide an updated basis of cost, as well as construction and project cost estimates. The updated basis of cost will be used in all cost estimates prepared during the design (Design Development Phase) portion of this work.

Deliverables: Cost Estimate (Class 2)

7.3 Refine Construction Sequencing Plan

The MOPO schedule established in Task 5.2 will be updated based on the 60% design drawings and specifications.

Deliverables: Refined Construction Sequencing Plan

Phase 3 Contract Documents

Phase 3 consists of the following tasks and subtasks:

Task 8 Final Design Workshops

8.1 Progress Meetings

Contractor will participate in two final design progress meetings with the City to be scheduled at a mutually-agreeable time. Brief meeting minutes will be provided to the City's project manager.

8.2 Final Design Review Workshop

Contractor will conduct a final design review workshop with the City to review final design features and receive City input. Contractor will provide a meeting agenda and minutes for the workshop.

Deliverables: Final design progress meeting minutes for two meetings; final design workshop agenda and minutes.

Task 9 Final Design Documentation

9.1 Construction Document Drawings and Specifications

Prepare the technical drawings and specifications to the 90% design level. Receive City comments on the 90% design package and prepare bid-ready (100%) design documents.

9.2 Construction Document Cost Estimate (Class 1)

Provide an updated cost construction cost estimate consistent with an AACE Class 1 estimate.

Deliverables: 90/100 % design drawings and specifications; final schedule of quantities and construction cost review.

Phase 4 Bidding Phase

Phase 4 consists of the following tasks and subtasks:

Task 10 Bid Support

10.1 Pre-Bid Conference

Prepare and help the City conduct the pre-bid conference.

10.2 Addenda Preparation Provide written responses to bidders' inquiries and assist the City in the preparation of addenda.

10.3 Bid Opening, Bid Evaluation, Recommendation Review the bid results and provide recommendations on the award of the construction contract.

10.4 Conformed Drawings and Specifications

Following bidding, provide conformed drawings, including all comments and changes made by Addenda.

Deliverables: Addenda; Recommendation on award; Conformed design drawings.

Phase 5 Construction Management

Phase 5 consists of the following tasks and subtasks:

Task 11 Construction Administration and Inspection

11.1 Pre-Construction Conference

Schedule, coordinate, and conduct a pre-construction conference. This will include preparing an agenda in advance to notify attendee of key items of discussion and preparation of meeting minutes.

11.2 Construction Inspection, Special Inspections, Progress Payments

Site visits will consist of on-site construction inspection for an average of 2 days per week for up to an 18-month construction period, or an equivalent amount of onsite time. Review and monitor the construction contractor's work against the contract documents to ensure compliance. During the course of the work, arrange and coordinate special inspections for structural, mechanical, and electrical work. Review progress payment submitted from the construction contractor and provide the City comments on the construction contractor progress.

11.3 Shop Drawings, Request for Information, Design and City Related Change Orders

Review submitted items (e.g., shop drawings, requests for information, and completion of construction) for conformance to the intent of the plans and specifications. Level of effort based on 80 submittals. Review and respond to design-related requests for clarifications, information, and proposals. Level of effort based on 100 construction contractor-initiated design-related requests.

11.4 Construction Progress Meetings

Participate in weekly on-site construction progress meetings. Meetings to occur during one of the days designated for on-site construction inspection.

11.5 Final Inspection

Schedule and conduct a final inspection of the completed work and issue punch lists of uncompleted items, where necessary. Assist the City in negotiation of unsettled changes or disputes associated with these inspections. Once the final punch list items have been completed, recommend acceptance to the City.

11.6 Start-Up Services

Oversee facilities acceptance testing and startup in cooperation with the construction contractor and the City. Startup and testing service will include assistance with comprehensive testing of functional equipment and the secondary treatment process.

11.7 Training

Provide system training on the design and operation of equipment related to this work. Training material will address the design intent, and operations and maintenance associated with the equipment for this work.

11.8 One year Warranty Inspection

Provide services after completion of the construction phase, to include inspection 1 year from substantial completion. The services include reporting discrepancies under guarantees in the construction contract documents.

Deliverables: Construction documents and documentation

Task 12 Construction Documentation

12.1 Field Observations

Prepare daily reports prepared for each day of on-site inspection.

12.2 Progress Meetings

Prepare meeting minutes for the weekly construction progress meetings.

12.3 Monthly Progress Report

Prepare a monthly progress report detailing the status of the project relative activities performed during the month, anticipated activities during the coming month, and actual budget expenditures versus as - planned expenditures.

12.4 Training, Start up and Testing Plan
Provide two (2) classroom and on-site training sessions to assist City personnel in fine-tuning the new processes of the new facilities.

12.5 O&M Manual Prepare an electronic O&M manual for all new facilities designed under the project.

12.6 Contract Record Drawings Prepare record drawings will be in electronic format ("pdf" and "dwg") produced from the AutoCAD or MicroStation file updated with as-built information provided by the construction contractor, assuming 80 drawings.

12.7 One-year Inspection Closeout Report

Prepare report on finding and observations during one-year project inspection.

Deliverables:

Progress meeting minutes
Monthly progress reports
Training Materials
Start-up testing Plan
Electronic O&M manual.
AutoCAD or MicroStation files of Contract Record Drawings
One-year inspection closeout report

EXHIBIT B – SCHEDULE
City of Santa Fe Wastewater Treatment Facility Aeration System Improvements

The scope of services described in Exhibit A will be completed based on the following anticipated schedule after receiving Notice to Proceed from the City.

PHASE	SCHEDULE (working days)	*ESTIMATED COMPLETION DATE
1. Pre-Design and 30%	60	2/1/19
2. Design Development (60%)	60	5/1/19
3. Contract Documents (90 and 100%)	40	7/1/19
4. Bid Support	60	10/1/19
5. Construction Management	200	9/1/20

*Estimated completion dates are based on assumed Notice to Proceed dates of **11/1/18** for design and **10/1/19** for construction. Estimated completion dates will be adjusted based on actual Notice to Proceed dates. The total duration of the project is anticipated to be 21 months including design and construction.

EXHIBIT C – Fee Schedule
City of Santa Fe Wastewater Treatment Facility
Aeration System Improvements

The scope of services described in Exhibit A will be completed for a fixed price fee as summarized in the following table.

Task Number	Task Description	Cost
Task 0	Project Management	$10,893
Phase 1	**Pre-Design and 30% Drawings**	
Task 1	Basis of Design Definition	13,683
Task 3	Permitting	6,296
Task 4	Technical Workshops	11.186
Task 5	Pre-Design Documentation	133,894
Phase 2	**Design Development**	
Task 6	Design Development Workshops	22,139
Task 7	Design Development Documentation	102,585
Phase 3	**Contract Documents**	
Task 8	Final Design Workshops	12,693
Task 9	Final Design Documentation	34,421
Phase 4	**Bidding Support**	
Task 10	Bid Support	18,168
Phase 5	**Construction Management**	
Task 11	Construction Administration and Inspection	244,621
Task 12	Construction Related Documentation	43,528
	Total Excluding NMGRT	**$654,097**

DRAFT-Rev 0

Signature:

Email: bksnyder@santafenm.gov

Signature:

Email: mldozier@santafenm.gov

Signature:

Email: swjones@santafenm.gov

Signature: Brian K Snyder
Brian K Snyder (Oct 15, 2020 12:19 MDT)

Email: bksnyder@santafenm.gov

Signature:
Michael Dozier (Oct 15, 2020 12:21 MDT)

Email: mldozier@santafenm.gov

Signature:
Shannon Jones (Oct 15, 2020 13:55 MDT)

Email: swjones@santafenm.gov

Carollo #1 signed packet

Final Audit Report 2020-10-15

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By:	Maya Martinez (mfmartinez@ci.santa-fe.nm.us)
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GB PUD CAROLLO AMENDMENT 1

Final Audit Report 2020-10-19

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2020-10-19 - 3:57:37 PM GMT

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2020-__

INTRODUCED BY:

Mayor Alan Webber

Councilor Michael J. Garcia	Councilor JoAnne Vigil Coppler
Councilor Renee Villarreal	Councilor Carol Romero-Wirth
Councilor Jamie Cassutt-Sanchez	Councilor Signe I. Lindell

A RESOLUTION

HOSTING COMMUNITY CONVERSATIONS AND ESTABLISHING A SPECIAL COMMITTEE ON SANTA FE'S CULTURES, HISTORIES, ART, RECONCILIATION, AND TRUTH.

WHEREAS, the City of Santa Fe ("City") recognizes the political and cultural divisions in the United States at this time and has observed the destruction of the Soldier's Monument (the Obelisk) on the Plaza; and

WHEREAS, the City understands there is an urgent call to action to discuss the City's cultural histories and current viewpoints to seek solutions for a future of peace, justice, and reconciliation; and

WHEREAS, the City's leadership recognizes the need for community engagement to encourage people to speak and to be heard.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that the City shall convene listening sessions, for all members of the community, facilitated by a professional trained in cultural competency. The listening sessions will

be compiled into an oral history drawn from all sectors of the population of Santa Fe to aid the community in understanding differing viewpoints of cultures, histories, and art in this uniquely diverse City.

BE IT FURTHER RESOLVED that a special committee is hereby created.

Section 1. NAME: the committee shall be known as the Culture, History, Art, Reconciliation and Truth Committee or "CHART Committee".

Section 2. PURPOSE: the purpose of the CHART Committee is to understand the complete and complex history of Santa Fe, the role of monuments and other remembrances, and the reasons a reckoning of shared history is important to the overall wellbeing of our community; and to use these understandings to inform and advise the community and Governing Body regarding these topics.

Section 3. DUTIES AND RESPONSIBILITIES:

A. Convene, compile, and review initial community listening sessions, facilitated by one or more professionals trained in cultural competency to inform the CHART Committee's discussions and recommendations of ways the City of Santa Fe and the greater Santa Fe community can join together for a culture of equality, equity, and common understanding;

B. Gather options and draft guidelines for existing statues, remembrances, and monuments;

C. Examine existing statues, remembrances, and monuments to develop a shared history and provide historical context;

D. Propose guidelines and make recommendations for monuments, remembrances, or works of art for the Santa Fe Plaza;

E. Identify opportunities for possible new monuments, remembrances, and works of public art;

~~F.~~ Recommend an inclusive historical narrative that reflects the diverse experiences of the community;

G. Articulate ways in which the people of the City of Santa Fe, past and present, can find common ground about shared histories and, most importantly, look forward to a more humane and compassionate community with full participation by and from all;

H. Steward the storytelling of the City's residents' histories that will be documented, stored, and available to future generations, and that will reflect the experiences and multiplicity of the shared history;

I. Recognize that the work in healing our community will not be complete with the conclusion of the duties of the CHART Committee; therefore, the Committee is urged to identify and recommend ongoing opportunities for institutional and policy reforms, new celebrations, social practice and partnerships;

J. Provide regular, monthly written updates to the Governing Body regarding the Committee's progress towards completion of its duties and responsibilities, including, but not limited to, the availability of histories the Committee compiles and the recommendations the Committee makes;

K. Provide a final written report, including a compilation of collected histories and the CHART Committee's interim recommendations and findings.

Section 4. MEMBERSHIP; OFFICERS; TERMS:

A. *Membership.* CHART Committee membership shall include twenty-one members. The members are not required to be residents of the City of Santa Fe. The members shall be nominated by Governing Body members, concerned community groups, and the public at-large. Nominations shall be submitted to the City Clerk within two weeks of the adoption of this Resolution. The Mayor shall recommend a final

list of nominees to the Governing Body for approval no later than a month from the close of nominations. The Mayor shall appoint the chair or co-chairs; the full membership of the CHART Committee shall elect a vice-chair. The CHART Committee shall be comprised of the following members:

1. Three representatives from Hispanic cultural and civic groups that are active in New Mexico;
2. Three representatives from Native American/Pueblos/cultural groups that are present in New Mexico;
3. Two individuals with historical/cultural expertise and credentials, and/or higher education credentials, in New Mexico's history and culture;
4. Two individuals with spiritual/religious leadership roles in Santa Fe;
5. Two individuals from the Santa Fe Arts Commission or the Santa Fe arts and culture community;
6. One individual with national museum or other professional historical interpretation experience;
7. Two former elected City of Santa Fe officials;
8. One representative of the State of New Mexico government involved in art, history, and culture;
9. One individual with a legal background with regard to the City's laws and policies;
10. One individual with mediator/dispute resolution training and experience; and
11. Three at-large members of the Santa Fe community, selected with a particular focus on adding to the diversity of the Committee.

B. *Terms.* Members shall serve until they complete their duties and responsibilities as set above.

C. *Compensation.* Members shall not receive compensation for their service on the Culture and Reconciliation Committee.

D. *Subcommittees.* The CHART Committee may establish subcommittees to address the duties and responsibilities as delineated in Section 3 above, such as community outreach listening and engagement; review of statues, remembrances, and monuments; development of and communication of inclusive narratives, and identification of institutional and policy reforms.

Section 5. VACANCIES: Vacancies on the CHART Committee shall be filled in the same manner as initial appointments.

Section 6. MEETINGS; DURATION: The CHART Committee is urged to complete its duties by the end of December, 2022. The Committee shall conduct all meetings in accordance with adopted City policies and procedures, including the use of *Robert's Rules of Order* in conducting its meetings when no other convention has been adopted. The Committee shall set its own meetings, but shall meet not less than once per month.

Section 6. STAFF LIAISON: The City Manager shall direct staff resources to support the special committee.

Section 7. FACILITATION RESOURCES: The Governing Body shall appropriate the funds for the facilitation of the committee's work.

PASSED, APPROVED, and ADOPTED this _____day of _____, 2020.

_____

ALAN WEBBER, MAYOR

ATTEST:

_____

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

ERIN K. McSHERRY, CITY ATTORNEY

Legislation/2020/Resolutions/Culture, History, Art, Reconciliation and Truth Committee

Culture History Art Reconciliation and Truth Committee (For Review)

Final Audit Report 2020-10-21

Created:	2020-10-21
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"Culture History Art Reconciliation and Truth Committee (For Review)" History

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FIR No. 3287

FISCAL IMPACT REPORT

General Information:

(Check) Bill: _____ Resolution: X

Short Title(s): Hosting Community Conversations and Establishing the Culture, History, Art, Reconciliation, and Truth (CHART) Committee

Sponsor(s): Mayor Webber, Councilors Garcia, Vigil Coppler, Villarreal, Cassutt-Sanchez, Romero-Wirth, and Lindell.

Reviewing Department(s): Office of Community Engagement, City Attorney's Office, Arts and Culture Department

Staff Completing FIR: Kristine Mihelcic Date: 10/16/20 Phone: 505-955-6846

Reviewed by City Attorney: _____ Date: Oct 26, 2020

Reviewed by Finance Director: Mary McCoy Date: Oct 26, 2020

Summary:
The proposed Resolution calls for Community Conversations and creates a Special Committee on Cultures, History, Art, Reconciliation, and Truth to identify ways Santa Fe can join together in a shared understanding to enhance community commons.

Departments Affected:
Office of Community Engagement; Arts and Culture Department

Consequences of Not Enacting Legislation:
There is an urgent call to action to discuss our cultural histories and current viewpoints to seek solutions for a future of peace, justice, and reconciliation. City leadership recognizes the need for community engagement to encourage people to speak and be heard. By failing to create this committee as a way for people to be heard and to address our cultural histories, the City would invite more conflict and contention to take root, which could result in additional violence and destruction of property.

Conflict, Duplication, Companionship, or Relationship to Other Legislation:
None.

Performance and Administrative Implications:
We are currently reviewing to determine the staffing needs, whether it be internal or a contract to manage.

Fiscal Implications:
Some staff time will be required to staff the committee, but we are reviewing to determine if this can be considered absorbed costs and within the current purview of either the Office of Community Engagement or Arts and Culture Department.

Based on previous projects and the investment in our community, approximately $300,000 is required to have a culturally competent facilitator on contract to conduct community listening sessions and compile an oral history report, including design, publication, and outreach.

Fiscal Impact

_____ Check here if no fiscal impact

Expenditures

Expenditure Type	FYE 2021	FYE 2022	FYE __	Require BAR (Y/N)	Recurring (R) or Non-recurring (NR)	Fund	3-Year Total Cost
Personnel and Benefits*	$	$	$				
Capital Outlay	$	$	$				
Contractual/ Professional Services	$ 150,000	$ 150,000	$ 0	Y	NR	TBD	
Operating	$	$	$				$
Total:	$ 150,000	$ 150,000	$				$ 300,000

* This includes all staff time associated with executing the job functions of the proposed legislation.

Expenditure Narrative:

Some staff time will be required to staff the committee, but we are reviewing to determine if this can be considered absorbed costs and within the current purview of either the Office of Community Engagement or Arts and Culture Department.

Based on previous projects, the investment in our community of approximately $300,000 is required to have a culturally competent facilitator on contract to conduct community listening sessions and compile oral history report, including design and publication. This will ensure the project will truly reach most segments of the population in partnership with the neighborhoods. The listening sessions will be conducted virtually due to the pandemic and also in person with limited contact per the Public Health Order in place. The funding sources are still being reviewed and we are looking for potential funding sources internally and externally.

Revenue

Revenue Type	FYE __	FYE __	FYE __	Recurring (R) or Non-recurring (NR)	Fund
General Fund	$	$	$		
Special Revenue	$	$	$		
CIP	$	$	$		
Enterprise	$	$	$		
Internal Service	$	$	$		
Trust and Agency	$	$	$		
Federal	$	$	$		
Other	$	$	$		
Total	$	$	$		

Revenue Narrative:

No revenue.

Culture and Reconciliation Committee (FIR)(For Signature)

Final Audit Report 2020-10-26

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