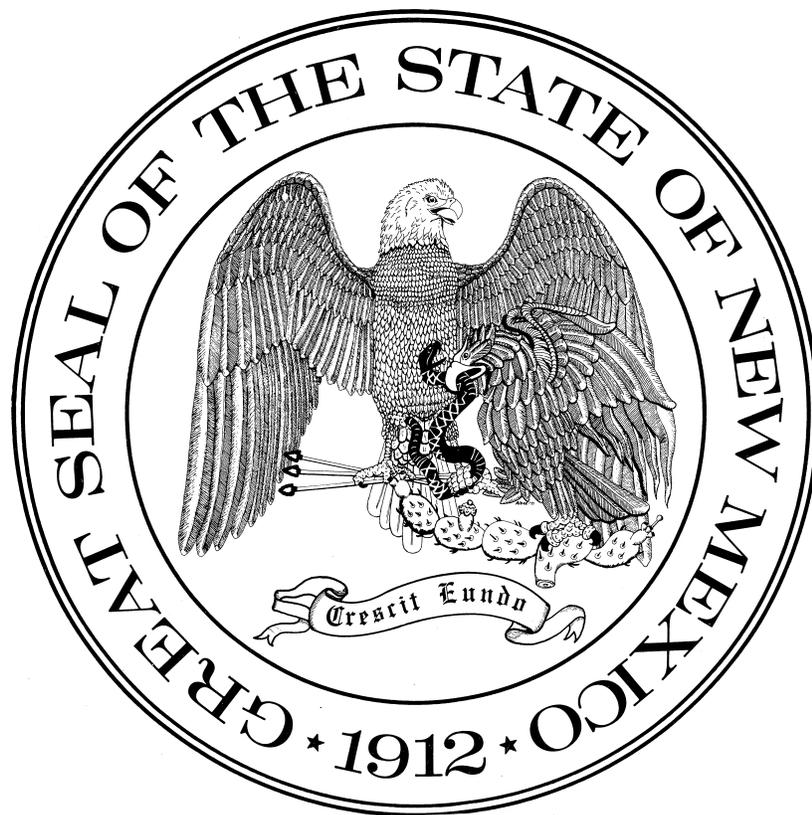


CAPITOL BUILDINGS PLANNING COMMISSION

2014 INTERIM FINAL REPORT



**New Mexico Legislative Council Service
Santa Fe, New Mexico
December 2014**

CAPITOL BUILDINGS PLANNING COMMISSION

2014 Interim

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MEMBERSHIP

Membership

The Capitol Buildings Planning Commission (CBPC) is an intergovernmental agency created in 1997 to conduct long-range facilities master planning for all state agencies in Santa Fe. Over the years, its master planning jurisdiction has been expanded to include the major metropolitan areas of New Mexico and an inventory of all state facilities for the development of a statewide master plan (Section 15-10-1 NMSA 1978). Since its inception, the commission has developed metropolitan area master plans and endorsed legislation to study and finance the construction of state government facilities in New Mexico. The CBPC developed guidance materials for the review process of lease-purchase financing agreements for the construction of state facilities. Recently, the CBPC has encouraged the completion of the state inventory of state buildings and land as well as leased buildings.

Additionally, the CBPC works with the General Services Department (GSD) and other state agencies in developing recommendations for addressing deferred maintenance on state facilities and disposal strategies for aging facilities that are no longer able to serve their mission. Using life-cycle costing, the CBPC works with the GSD in developing recommendations regarding whether the state should lease, lease-purchase or purchase needed additional facilities.

The commission is composed of 11 members:

- four members of the legislature, two from each house appointed by the New Mexico Legislative Council;
- the secretary of general services;
- the state treasurer;
- the secretary of transportation;
- the secretary of cultural affairs;
- the secretary of finance and administration;
- the chair of the Supreme Court Building Commission; and
- the commissioner of public lands.

Each of the nonlegislative members may name a designee to serve in the member's place. Representative Ken Martinez, speaker of the house of representatives, and Edwynn L. Burckle, secretary of general services, co-chaired the commission during the 2014 interim.

The CBPC does not have a budget; however, the Legislative Council Service (LCS) provides staff for the commission in coordination with the Facilities Management Division staff. Contract master planners, coordinated by the staff and directed by the commission, provide primary master planning services. The commission meets primarily during the interim months, convening after the close of the legislative session.

SUMMARY

Capitol Buildings Planning Commission Summary

The Capitol Buildings Planning Commission (commission) met four times during the 2014 legislative interim: April 9, June 23, August 4 and October 22. All meetings were held at the State Capitol. In addition to hearing updates on several state-owned properties and the status of updates to the state inventory and New Mexico's space standards, the commission sought to clarify and strengthen its role in relationship to the disposition of state property, largely due to the passage of House Joint Resolution (HJR) 8 during the 2014 legislative session and subsequent sale of that state-owned property with questions related to the manner of that sale.

Updates on State-Owned Buildings and Property

The commission heard an update from the Facilities Management Division (FMD) of the General Services Department (GSD) on projects at state-owned buildings, which places two major projects near completion: the Manuel Lujan Building and the Meadows Project at the New Mexico Behavioral Health Institute at Las Vegas. The FMD also indicated that it wants to be able to post project progress details on its web site by year's end. The commission also reviewed the costs of operating the Los Luceros property and entertained other options for the property, including the possibility of selling the property with its deed restrictions or entering into a public-private partnership.

The commission also reviewed a notebook of data on the Executive Office Building (EOB) and encouraged that a firm time line be established and adhered to on the EOB project, which has languished for many years now.

Among other issues discussed was the implementation strategy for the Main Capitol Complex master plan, which includes relocating agencies that have been approved both within and outside the Main Capitol campus, relieving overcrowding and renewing facilities across that campus.

Inventory of State-Owned Buildings

Architectural Research Consultants, Inc. (ARC), reported on its ongoing inventory of state buildings, which is near completion after much work with agencies to update state-owned buildings and land, to identify buildings that were never included on the inventory before but need to be and to update a comprehensive web site for use by all agencies as an informative tool. Having a comprehensive inventory of all state-owned and leased properties is essential for successful asset management, and the state has not ever had such a comprehensive inventory. ARC described meeting with state agencies to both introduce and explain the inventory; distributing inventory information to all agencies for their review and validation; collecting information on the number of full-time employees (FTEs) at all sites; assisting agencies in completing their inventory information; and integrating information from the Santa Fe space-use assessment study. Both the information on leases and on FTEs are new additions from the 2012 inventory to the 2014 update.

New Mexico Space Standards

The commission heard testimony from the FMD and ARC regarding space. The FMD conducted a space-use assessment study of selected large state-owned buildings in Santa Fe to analyze space allocations and compare these to the state's space standards, with the goal being for buildings to be at least 80 percent efficient. Specific recommendations were given for the chosen buildings and included the Bataan, Runnels, Apodaca, Montoya, old PERA, Anaya and Chino buildings.

ARC's other major effort has been developing space-use standards, which has included comparing the State of Washington's recent space-use study for government buildings to space-use practices in New Mexico. The existing space standards, which were completed in 2000 and based on Utah's space standards, need updating since many space categories do not align with current state personnel classifications. The existing standards also do not align with the current state personnel classifications and do not reflect the current trend, which is to use "open offices" where possible to improve the flexibility and efficiency of employees. Commission members supported the updating of New Mexico's space standards, especially in regard to using the standards when planning the relocation of state agencies.

HJR 8 and the Disposition of State Property

Much discussion of the commission centered around the passage of HJR 8 and subsequent action taken by the Energy, Minerals and Natural Resources Department (EMNRD) in the sale of one of its buildings near the State Capitol, which was under lease by the Galisteo Corporation for a term of 25 years. The commission received and reviewed a good deal of documentation regarding this property, which included an appraisal, an engagement letter between Galisteo Corporation and the appraisal firm, a letter from the Taxation and Revenue Department approving the appraiser, a warranty deed, a flood map, a lease agreement between the EMNRD and Galisteo Street, Inc., a discounted cash flow analysis and a summary of the appraiser's qualifications. The EMNRD also provided the commission with a history of its decision to vacate and sell this property.

Among the issues of concern to the commission was the appraisal amount of \$500,000, which many members felt was low, and the commission requested the EMNRD to list the property on the open market for a month to determine if there would be higher offers. The commission also requested to review a signed sales agreement. HJR 8 required that "the property shall not be sold until the sale has been reviewed by the capitol buildings planning commission", and there was much discussion by the commission about this language, which does not require that the commission approve the sale. The commission decided to give a formal recommendation on the sale. Members of the commission also expressed concern over the lease containing a first right of purchase provision rather than a first right of refusal. Concern was also stated regarding the EMNRD building's location within the boundaries of the State Capitol campus and the shortage of space in that campus, which should have been a consideration. As well, the title of HJR 8 indicated that the sale was for "surplus land", which the commission said was misleading. The EMNRD building was actually never listed on the inventory of state-owned buildings because it was not under the purview of the GSD and because it was under

lease, which surprised many commission members. The issues with the EMNRD building further underscored the need for a comprehensive and updated inventory of state buildings.

In the end, the commission reviewed the sale of the EMNRD building, showing concerns and objections to that sale. The sale, however, spurred the commission on to much discussion around how to clarify and possibly strengthen its role regarding the disposition of state property.

Review of Proposed Legislation

The commission discussed and reviewed statutory language related to the commission's duties and to the disposition of state property, with the intent of clarifying and possibly strengthening the role of the commission. Some suggestions raised included: requiring special review for historic properties, devising steps to take to avoid the sale of state property without proper review, highlighting any issues related to the sale of state property in the fiscal impact report written for legislation authorizing such sales, ensuring that, prior to any sale, proposed dispositions of property should be determined to be in the best interests of the state and establishing a general clearinghouse in the GSD for all agencies desiring to sell real property.

After much discussion, several versions of legislation were crafted for the commission's review, all of which authorized the commission to review proposed dispositions of state property and make findings of fact to the legislature, which would then receive the report from the commission and ratify and approve the proposed disposition. Two versions of the proposed legislation amended sections of law — Sections 13-6-2 and 13-6-3 NMSA 1978 — to accomplish these changes. Other proposed amendments to existing law would prohibit the disposal of real property to a person in one version and in another would allow the disposition to a person at a competitive price or to advance a substantial state interest. The proposed legislation presented to the commission also cleaned up language in these sections of law for the sake of clarity and organization.

The commission discussed the proposed legislation at length and concluded that it wanted more time to review the options presented in the legislation. What the commission made clear is its desire to have a pre-approval process in place and a more defined role, which could be followed by a post-review process after legislative ratification.

Capital Improvement Needs at State-Owned Buildings

The commission ended its work by hearing testimony from state agencies on their capital outlay needs. Agencies that participated included: the Children, Youth and Families Department; the Corrections Department; the State Commission of Public Records; the Workforce Solutions Department; the Cultural Affairs Department; the FMD of the GSD; and the Department of Health.

AGENDAS

**TENTATIVE AGENDA
for the
FIRST MEETING
of the
CAPITOL BUILDINGS PLANNING COMMISSION**

**April 9, 2014
Room 309, State Capitol
Santa Fe**

Wednesday, April 9

1:30 p.m.

**Call to Order; Approval of Agenda
Commission Business
Adoption of November 12, 2013 Minutes**

- (1) **[House Joint Resolution 8](#)**
—Brett F. Woods, Deputy Secretary, Energy, Minerals and Natural Resources Department
- (2) **[General Services Department Update](#)**
—George D. Morgan, Director, Facilities Management Division (FMD), General Services Department (GSD)
—Pam Nicosin, Acting Deputy Director, FMD, GSD
- (3) **[ARC Update](#)**
—John Petronis, Commission Facilities Planner, Architectural Research Consultants, Inc. (ARC)
—Andy L. Aguilar, Commission Facilities Planner, ARC

Adjourn

Revised: June 19, 2014

**TENTATIVE AGENDA
for the
SECOND MEETING
of the
CAPITOL BUILDINGS PLANNING COMMISSION**

**June 23, 2014
Room 311, State Capitol
Santa Fe**

Monday, June 23

- 2:30 p.m. **Call to Order**
 Approval of Agenda
 Commission Business
 Adoption of April 9, 2014 Minutes
- 2:45 p.m. (1) **[HJR 8](#)**
 —Bill Brancard, General Counsel, Energy, Minerals and Natural
 Resources Department
- 3:45 p.m. (2) **[Recommendations from the Space-Use Assessment Study](#)**
 —Pamela Nicosin, Acting Deputy Director, Facilities Management
 Division, General Services Department

Adjourn

Revised: July 31, 2014

**TENTATIVE AGENDA
for the
THIRD MEETING
of the
CAPITOL BUILDINGS PLANNING COMMISSION**

**August 4, 2014
Room 311, State Capitol
Santa Fe**

Monday, August 4

- 1:30 p.m. **Call to Order**
Approval of Agenda
Commission Business
Adoption of June 23, 2014 Minutes
- 1:45 p.m. (1) [Review and Update of Santa Fe Master Plan/Main Capitol Complex](#)
—John Petronis, Principal, Architectural Research Consultants, Inc. (ARC)
—Andy Aguilar, ARC
- 2:30 p.m. (2) [Status of Inventory of State Buildings](#)
—John Petronis, Principal, ARC
—Andy Aguilar, ARC
- 3:15 p.m. (3) [Update of New Mexico's Space Standards](#)
—John Petronis, Principal, ARC
—Andy Aguilar, ARC
- 3:30 p.m. (4) [Update on the Executive Office Building](#)
—Pamela Nicosin, Deputy Director, Facilities Management Division,
General Services Department
- 4:00 p.m. (5) [Los Luceros Property Update](#)
—Veronica Gonzales, Secretary, Cultural Affairs Department (CAD)
—Richard Sims, Director of Historic Sites, CAD
—Jim Peach, Regents Professor, New Mexico State University
- 4:30 p.m. (6) [Review of Statutory Language Regarding Commission Duties and
Disposition of State Property](#)
—Raúl E. Burciaga, Director, Legislative Council Service (LCS)
—Lisa Sullivan, Staff Attorney, LCS
- 5:00 p.m. **Adjourn**

Revised: October 17, 2014

**TENTATIVE AGENDA
for the
FOURTH MEETING
of the
CAPITOL BUILDINGS PLANNING COMMISSION**

**October 22, 2014
Room 311, State Capitol
Santa Fe**

Wednesday, October 22

- 9:00 a.m. **Call to Order**
 Approval of Agenda
 Commission Business
 Adoption of August 4, 2014 Minutes
- 9:15 a.m. (1) **Oñate Complex Update**
 —Brigadier General Andrew E. Salas, Adjutant General, New Mexico
 National Guard
- 10:00 a.m. (2) **New Mexico School for the Arts Property Acquisition**
 —Suzanne Barker Kalangis, Director of Special Projects, Thornburg
 Foundation, and Special Advisor to New Mexico School for the Arts
 —Riis Gonzales, Director, New Mexico School for the Arts
- 10:30 a.m. (3) **Proposed Legislation Requested by the Capitol Buildings Planning
Commission**
 —Lisa Sullivan, Staff Attorney, Legislative Council Service
- 11:00 a.m. (4) **Executive Agency Capital Outlay**
 Children, Youth and Families Department
 —Anthony Pacheco
 Corrections Department
 —Janet Lacy, AIA, DBIA, Facility Manager
 —Dominic Vigil, Assistant Facilities Manager
- 12:00 noon **Lunch**
- 1:00 p.m. (5) **Executive Agency Capital Outlay (continued)**
 New Mexico Commission of Public Records
 —Linda M. Trujillo, State Records Administrator

Department of Public Safety

—Greg Fouratt, Secretary of Public Safety

Workforce Solutions Department

—Kevin Quinn, General Services Supervisor

—Gerrie Becker, Chief Procurement Officer and IT Business Relationship
Manager

Cultural Affairs Department

—Veronica Gonzales, Secretary of Cultural Affairs

General Services Department, Facilities Management Division

—Pam Nicosin, Deputy Director

Department of Health

—Jeremy Averella, Chief Facilities Officer

4:30 p.m.

Public Comment

5:00 p.m.

Adjourn

MINUTES

**MINUTES
of the
FIRST MEETING
of the
CAPITOL BUILDINGS PLANNING COMMISSION**

**April 9, 2014
Room 309, State Capitol
Santa Fe**

The first meeting of the Capitol Buildings Planning Commission (CBPC) was called to order by Edwynn L. Burckle, secretary of general services, on April 9, 2014 at 1:43 p.m. in Room 309 of the State Capitol.

Present

Edwynn L. Burckle, Secretary of General Services, Co-Chair
Rep. W. Ken Martinez, Speaker of the House of Representatives, Co-Chair
Tom Clifford, Secretary of Finance and Administration
Veronica Gonzales, Secretary of Cultural Affairs
Loren Hatch, Designee for Tom Church, Secretary of Transportation
Sen. Stuart Ingle, Minority Floor Leader
Elaine Olah, Designee for Ray Powell, Commissioner of Public Lands
Sen. Mary Kay Papen, President Pro Tempore
Clarence Smith, Designee for James B. Lewis, State Treasurer
Rep. Thomas C. Taylor

Absent

Barbara J. Vigil, Chief Justice of the New Mexico Supreme Court

Staff

Raúl E. Burciaga, Director, Legislative Council Service (LCS)
Lisa Sullivan, Staff Attorney, LCS
Caela Baker, Staff Attorney, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file.

Wednesday, April 9

Approval of Agenda

Members of the CBPC voted unanimously in favor of adopting the agenda.

Open Meetings Resolution

Members of the CBPC discussed a proposed open meetings resolution. The resolution sets forth the procedures that the CBPC would follow in order to comply with the Open Meetings Act.

One member of the CBPC inquired about exceptions to the Open Meetings Act, particularly in the case of meetings concerning issues of public safety. Mr. Burciaga responded that the Open Meetings Act contains a number of exceptions. The member suggested legislation amending the Open Meetings Act to allow for closed meetings for discussions of sensitive security issues.

Members of the CBPC voted unanimously in favor of adopting the open meetings resolution.

Adoption of Minutes

Members of the CBPC voted unanimously in favor of adopting the minutes of the November 12, 2013 CBPC meeting.

House Joint Resolution 8

Brett F. Woods, deputy secretary, Energy, Minerals and Natural Resources Department (EMNRD), informed the CBPC about the EMNRD's efforts to sell the property described in House Joint Resolution 8 to Galisteo Corporation. CBPC members were provided a copy of a letter from the General Services Department (GSD) to the EMNRD, dated April 7, 2014, indicating that the property, which was purchased from the State Land Office by the State Parks Commission in 1960 for use as administrative offices, is not state trust land.

Deputy Secretary Woods indicated that the building has structural issues and is in need of significant repair work; the position of the EMNRD is that the property should be sold due to the expense of repair and maintenance and because the building is unsuitable for the needs of the EMNRD. The building is currently being leased by Galisteo Corporation for a term of 25 years, with an additional 25-year renewal option.

Deputy Secretary Woods provided to CBPC members a spiral-bound handout consisting of: (1) an appraisal of the property in question, dated March 21, 2014, prepared for the Galisteo Corporation by Hippauf and Associates Real Estate Appraisals, Inc.; (2) an engagement letter between Galisteo Corporation and Hippauf and Associates Real Estate Appraisals, Inc.; (3) a letter from the Taxation and Revenue Department approving the appraiser; (4) a warranty deed; (5) a flood map; (6) a lease agreement between the EMNRD and Galisteo Street, Inc. (the same entity as Galisteo Corporation); (7) a discounted cash flow analysis; and (8) a summary of the appraiser's qualifications.

Deputy Secretary Woods told the CBPC that Galisteo Corporation has the right of first refusal pursuant to the lease agreement, and Hippauf and Associates appraised the property at \$500,000. Deputy Secretary Woods indicated that House Joint Resolution 8 prohibits the property from being sold at a value less than the appraisal amount.

Section 13-6-3 NMSA 1978 requires ratification and approval by the legislature of any sale, trade or lease of real property belonging to a state agency that involves a consideration of \$100,000 or more. House Joint Resolution 8 requires that "the property shall not be sold until the sale has been reviewed by the capitol buildings planning commission". CBPC members were provided a copy of House Joint Resolution 8.

Deputy Secretary Woods informed CBPC members that there was no purchase agreement, and members discussed the possible meaning of the term "sale" in the present context and in the absence of a purchase agreement. While House Joint Resolution 8 calls for the CBPC to "review", rather than to "approve", the sale, a formal CBPC recommendation on the sale was recommended as a course of action.

Regarding the \$500,000 appraisal amount, members of the CBPC posited that there may be potential buyers willing to purchase the property for more than \$500,000. Accordingly, the CBPC requested the EMNRD to list the property on the open market for a month and determine whether there are any higher offers for the property. The CBPC requested that the subject be brought before the CBPC at its meeting for it to review a signed sales agreement.

General Services Department Update

Pamela Nicosin, acting deputy director, Facilities Management Division (FMD), GSD, provided the CBPC with an update on several projects.

Renovation of the Manuel Lujan Building is nearing completion. The budget for this project is \$19 million, and the project is expected to be completed within budget. Construction time for this project was about 19 months. There was a slight slip in schedule because asbestos was discovered in the building and had to be addressed.

Construction of Phase II of the Meadows Project at the New Mexico Behavioral Health Institute (NMBHI) at Las Vegas is also nearing completion. This facility will house patients and will increase the capacity of the NMBHI by 72 beds. The budget for this project is \$21 million, and the project is expected to be completed within budget. Substantial completion of the project is expected next month.

One member of the CBPC asked whether additional days are built into a project budget to allow for completion delays sometimes colloquially referred to as "slippage". Ms. Nicosin responded that a contractor may be required to pay liquidated damages if the contractor does not meet deadlines; however, the FMD may waive liquidated damages if the delay is due to unforeseen circumstances encountered during a project.

Another member of the CBPC asked what the cost per square foot is on the Manuel Lujan Building renovation project. The member recalled that the cost per square foot might be above average. Ms. Nicosin indicated that she did not know the exact cost per square foot but that the renovation required a lot of specialized equipment, which can skew the cost per square foot.

George D. Morgan, director, FMD, GSD, indicated that he believes the cost per square foot on the project is between \$260 and \$265 per square foot.

Mr. Morgan explained that the FMD measures projects in terms of scope, schedule and budget. He indicated that, typically, the FMD will "baseline" construction projects; however, slippage can be authorized for unforeseen circumstances, such as the discovery of asbestos in the Manuel Lujan Building. He described the tracking system that the FMD uses for projects and explained that the system can break down a project into task-level detail. Additionally, reports can be generated that include information such as whether there was slippage on a project, what the original time frame for the project was and whether the project is behind schedule. The FMD hopes to be able to publish project progress details on its web site by the end of the year.

Mr. Morgan told the CBPC that all projects have a one-year warranty period. One member of the CBPC inquired as to whether the warranty covers both materials and workmanship. Mr. Morgan responded in the affirmative and indicated that the warranty period commences on the date that the FMD accepts the project at "substantial completion".

Architectural Research Consultants, Inc., Update

John Petronis, commission facilities planner, Architectural Research Consultants, Inc. (ARC), indicated that ARC has been updating the inventory of state buildings. When ARC compiled the initial building inventory, the inventory was sent back to every agency for review, and the agencies were asked to provide information on the number of full-time employees in each building. About 80% of the agencies responded to this request. ARC is recommending that the inventory data be made available "as-is", recognizing that the data may always be a work in progress.

Mr. Petronis indicated that ARC is working on developing space-use standards. The standards would include recommendations on how existing space can be better used. Additionally, the State of Washington recently conducted a space-use study for government buildings, and the data from that study may be compared to the space-use practices in New Mexico.

Finally, Mr. Petronis indicated that building numbers are currently assigned in an ad hoc manner. ARC believes that this process should be more formal and that a procedure should be developed for assigning building numbers.

Questions and Comments

Anne Greene-Romig, director of legislative affairs for the Cultural Affairs Department (CAD), told members of the CBPC that the CAD manages a large number of historic properties; however, the CAD is not entitled to obtain capital outlay funding for planning related to these properties, which limits the CAD's ability to adequately manage these properties.

One member of the CBPC requested an update on the office and facility needs of the Human Services Department at the next meeting.

Another member requested that the CBPC focus on maintenance issues concerning state-owned properties because there is a significant deferred maintenance backlog.

Members of the CBPC determined that the next meeting date will be set after the New Mexico Legislative Council meets on May 5, 2014 to reappoint interim committees.

Adjournment

There being no further business before the commission, the first meeting of the CBPC adjourned at 2:42 p.m.

**MINUTES
of the
SECOND MEETING
of the
CAPITOL BUILDINGS PLANNING COMMISSION**

**June 23, 2014
Room 311, State Capitol**

The second meeting of the Capitol Buildings Planning Commission (CBPC) was called to order by Edwynn L. Burckle, secretary of general services, on June 23, 2014 at 2:43 p.m. in Room 311 of the State Capitol.

Present

Edwynn L. Burckle, Secretary of General Services, Co-Chair
Rep. W. Ken Martinez, Speaker of the House of Representatives, Co-Chair
Tom Clifford, Secretary of Finance and Administration
Anne Green-Romig, Designee for Veronica N. Gonzales, Secretary of Cultural Affairs
Loren Hatch, Designee for Tom Church, Secretary, Department of Transportation
Sen. Stuart Ingle
James B. Lewis, State Treasurer
Sen. Mary Kay Papen, Senate President Pro Tempore
Patrick Simpson, Designee for Barbara J. Vigil, Chief Justice of the New Mexico Supreme Court
Rep. Thomas C. Taylor

Absent

Ray Powell, Commissioner of Public Lands

Staff

Raúl E. Burciaga, Director, Legislative Council Service (LCS)
Renée Gregorio, LCS
Caela Baker, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file.

Monday, June 23

Approval of Agenda

Members of the commission voted unanimously in favor of adopting the agenda.

Adoption of Minutes

Members of the commission voted unanimously in favor of adopting the minutes of the April 9, 2014 CBPC meeting.

HJR 8

Bill Brancard, general counsel, Energy, Minerals and Natural Resources Department (EMNRD), explained that House Joint Resolution (HJR) 8 from the 2014 regular session authorizes the sale of property on De Vargas Street in Santa Fe, which is owned by the State Parks Division of the EMNRD. Mr. Brancard indicated that the property was formerly used as office space for the EMNRD, but that the property is no longer needed.

Mr. Brancard provided a history of the steps taken by the EMNRD upon its decision to vacate the property. First, the EMNRD issued a public notice and requested offers to lease the property. The terms of any proposed lease were left open to negotiation. The EMNRD received only one offer to lease the property, from Galisteo Street, Inc. In its offer, Galisteo Street, Inc. indicated that substantial upgrades were needed to make the property suitable for commercial use and that the lease offer was contingent on a first right of purchase provision in the lease. Further, Galisteo Street, Inc.'s lease offer indicated that the sale price of the property, in the event that the EMNRD chose to sell it, should be based on the appraised value of the property, less 50 percent of the cost of improvements made by the lessee. Through the negotiation process, the parties agreed that Galisteo Street, Inc. would have a first right to purchase the property at fair market value based on an up-to-date appraisal; however, the lease agreement did not provide for any reduction in purchase price based on the cost of improvements. Mr. Brancard emphasized that a first right of purchase is different from a right of first refusal.

Mr. Brancard then turned to the proposed sale before the commission. He explained that the last time the commission met to review the proposed sale, the parties had negotiated, but they had not yet entered into, a purchase agreement. Mr. Brancard stated that the parties now have a signed purchase agreement. Galisteo Street, Inc. has paid all expenses related to the purchase. Mr. Brancard explained that the appraiser — who was approved by the Taxation and Revenue Department — initially appraised the property at \$500,000. This appraisal was presented to the commission at the April 9, 2014 meeting. Since that meeting, however, the EMNRD reviewed the appraisal and realized that the appraiser had made adjustments that would apply to a third-party purchaser, rather than the existing lessee. The appraiser had adjusted down the value of the property by approximately \$67,000. Additionally, the lease was no longer at market rent. Accordingly, the EMNRD and Galisteo Street, Inc. renegotiated the sale and agreed upon a purchase price of \$570,000.

Mr. Simpson asked whether the appraiser has verified that \$70,000 is the correct amount that should be added to the appraised value to account for these factors. Mr. Brancard indicated that the calculations were contained in the appraisal.

Senator Papen expressed concern that the appraiser had been chosen by Galisteo Street, Inc. She also indicated that a first right of refusal provision, rather than a first right of purchase

provision, would have been more prudent. She expressed doubts that selling the property for \$570,000 would achieve the best result for the state and the taxpayers of New Mexico.

Representative Martinez indicated that the phrase in HJR 8 stating that "the property shall not be sold until the sale has been reviewed by the capitol buildings planning commission" is ambiguous. Mr. Brancard responded that he was involved in the drafting of HJR 8. Mr. Brancard stated that joint memorials from previous legislative sessions were consulted during the drafting process and that many of the joint memorials in the past contained similar language requiring the CBPC to "review" a property sale. Mr. Brancard told the commission that his understanding of the term "review" was that the commission would review the proposed sale in the context of the commission's purpose, which is related to master planning for state-owned property.

Representative Martinez expressed concern that:

- ▶ the appraiser was chosen by Galisteo Street, Inc.;
- ▶ even with the additional \$70,000, a sale at the price of \$570,000 is not in the best interests of the state;
- ▶ the lease should have contained a first right of refusal provision, rather than a first right of purchase provision;
- ▶ the building is within the boundaries of the capitol campus and there is already a shortage of space in the capitol campus; and
- ▶ the title of HJR 8 was misleading because it stated that the resolution was "authorizing the disposal of surplus land"; however, the subject property cannot fairly be characterized as "surplus land".

Members of the commission asked Mr. Brancard what improvements had been completed by the lessee pursuant to the lease agreement, which requires at least \$250,000 in improvements. Sharif Seret, representing Galisteo Street, Inc., told the commission that approximately \$200,000 had been expended on improving the building. Mr. Seret produced no supporting documentation.

Mr. Lewis pressed for further details about which improvements were made to the property pursuant to the lease requirement. Mr. Seret responded that the improvements were mostly "finish improvements", although there were repairs and improvements made to the sidewalk, parking lot, stucco and plaster. Mr. Seret indicated that additional work is needed on the heating, cooling and electrical systems and that changes are needed to comply with the federal Americans with Disabilities Act. Secretary Burckle questioned whether many of the items listed by Mr. Seret were actually "repairs" rather than "improvements". Mr. Seret believed that the work should be considered "improvement" to the property.

Secretary Clifford asked Mr. Brancard to clarify whether the property had been offered for sale in the past. Mr. Brancard responded that when the EMNRD decided to vacate the premises, the property was twice offered for lease, but was not offered for sale. Only one offer was received proposing to lease the property. Secretary Clifford asked whether the existence

and potential uses of the property had been considered in the context of the needs of the capitol campus. Andy Aguilar, Architectural Research Consultants (ARC), responded that although the building is within the boundaries of the capitol campus, the building was not listed on the inventory of owned buildings because it was not under the purview of the General Services Department (GSD) and because it was under lease. Secretary Clifford questioned whether the rent is truly below market value and indicated that there appear to be many terms that are favorable to the state. He expressed support for the property sale.

Secretary Clifford stated that, due to the historical designation of the property, it cannot be demolished, and that maintenance on the property could be very costly. On the point of cost, Mr. Brancard added that Galisteo Street, Inc. would have to comply with all zoning requirements and would have to work with the Historic Preservation Division of the Cultural Affairs Department (CAD) before proceeding with the intended renovations to make external modifications to the building.

Representative Taylor stated that since the purpose of the commission is planning, the property sale should be reviewed from that point of view. He expressed concern that the property is so close to the capitol, but yet it was not included in the inventory. He further stated that it is surprising that a building appraised at \$500,000 would need \$200,000 in improvements. He questioned why the appraiser determined that the rent was below market value if the property needed so many improvements. Finally, Representative Taylor stated that the only relevant consideration before the commission is whether the building is integral to the capitol campus, but that the decision carries no weight because the commission can merely "review" the sale and cannot block the sale.

Senator Ingle suggested that the commission find out if there are any other buildings that are not included in the inventory. Mr. Aguilar indicated that there are known to be other buildings that are not part of the inventory and that ARC is diligently working to update the inventory. Several other members echoed concerns about completing the inventory.

Secretary Clifford asked whether the LCS has any advice pertaining to the term "review" in this context. Mr. Burciaga responded that the term "review" is ambiguous. He suggested that the commission could go on record as either approving or disapproving of the sale, but that the decision may not have the weight of law. Alternatively, the commission could simply approve a motion stating that it has reviewed the sale.

Mr. Hatch made a motion that the commission has reviewed the sale. The motion was seconded by Representative Taylor. Representative Martinez and Senator Papen expressed disapproval of the sale. Mr. Lewis requested clarification on the motion and the meaning of the phrase "reviewed the sale". Secretary Burckle proposed an alternate motion that the commission "reviewed the sale with concerns or objections". Representative Taylor made a motion that the commission adopt the language proposed by Secretary Burckle, and the motion was seconded by Senator Ingle. The motion passed and was opposed only by Representative Martinez. Senator

Papen, Senator Ingle, Mr. Simpson, Secretary Burckle, Ms. Green-Romig and Mr. Lewis supported the motion but expressed specific concerns or objections.

Recommendations from the Space-Use Assessment Study

Pam Nicosin, deputy director, Facilities Management Division (FMD), GSD, explained the space-use assessment study undertaken by the FMD and described the scope of work. She explained that interviews were conducted to understand the unique mission and facility requirements of each agency. The study analyzed space allocations, room by room, and compared the allocations to the State of New Mexico space standards. Three firms were selected to conduct the space-use allocation study:

- ▶ Fanning Bard Tatum Architects and ARC studied the old Public Employees Retirement Association Building ("old PERA Building") and the Toney Anaya Building ("Anaya Building");
- ▶ Greer Stafford Architects studied the Joseph Montoya Building ("Montoya Building"), the Jerry Apodaca Building ("Apodaca Building") and the Wendell Chino Building ("Chino Building"); and
- ▶ Spears Architects studied the Bataan Building and the Harold L. Runnels Building ("Runnels Building").

The buildings included in the study were selected because they are among the largest state-owned buildings in Santa Fe. Ms. Nicosin explained that the goal is for buildings to be at least 80 percent efficient. Mr. Lewis asked what is meant by building efficiency. Mr. Aguilar responded that building efficiency is measured by looking at how much space is being used for actual work as compared to the gross square footage of the building. Additionally, the architects took into consideration the type of job position and whether the position requires extra space, such as a private office, or special equipment.

Mr. Lewis inquired about the impact of morale on employees if the focus is on space-use efficiency. Mr. Aguilar acknowledged that when people are "packed-in" to work spaces, morale is reduced. The study contains certain recommendations aimed at improving morale, such as improvements to break rooms. The authors of the study also considered "flow" and not strictly space efficiency. The members asked what conditions must be present for a building to be omitted from the building inventory. Mr. Aguilar responded that if an agency has independent authority to purchase buildings, those buildings are not included in the inventory. Such entities with independent purchasing authority include the Department of Transportation, the judiciary, the New Mexico Spaceport Authority and the EMNRD.

Ms. Nicosin provided a summary of the study recommendations for improving building efficiency and the estimated cost of implementing the recommendations. The estimated costs of implementing all recommendations for each building studied are as follows:

- ▶ Bataan Building: \$1,479,430;
- ▶ Runnels Building: \$2,119,307;
- ▶ Apodaca Building: \$13,145;
- ▶ Montoya Building: \$10,489,006;

- ▶ old PERA Building: \$12,516,451;
- ▶ Anaya Building: \$958,139; and
- ▶ Chino Building: \$5,578,403.

Ms. Nicosin explained that, with many of the buildings, a common problem that is contributing to inefficiency is storage. Otherwise usable office space is being converted to storage and in some cases offices are being converted into break rooms because of the lack of space for a proper break room. Ms. Nicosin described the specific recommendations for each building.

Bataan Building

Recommendations for the Bataan Building include consolidating departments' space, taking back space that is being used for the wrong purpose, locating communal break rooms along plumbing walls and renovating the basement for additional storage. Some "out-of-the-box" ideas suggested by the architects include improving the café, creating outdoor seating for the café and converting courtyards into offices. Ms. Nicosin noted that some of the buildings, including the Bataan building, are historic and that the Historic Preservation Division of the CAD would have to approve of any modifications.

Runnels Building

Recommendations for the Runnels Building include consolidating departments' space, reorganizing rooms and circulation to meet space standards, locating communal break rooms along plumbing walls, consolidating the storage center, creating a shared print and mail room and converting atrium space into offices.

Apodaca Building

Ms. Nicosin stated that no physical changes to the Apodaca Building are recommended at this time. She indicated that short of tearing down the building or gutting it, there is little that can be done to improve efficiency. The amount of \$13,145 was recommended to improve signage.

Montoya Building

Ms. Nicosin indicated that the Department of Environment will be moving out of the Montoya Building and relocating in the Runnels Building. Additional recommendations were made concerning space consolidation and renovation.

Old PERA Building

Ms. Nicosin told the commission that the old PERA Building has significant building efficiency problems. The building has five floors, two of which are underground. She indicated that people do not like to work in offices that are located underground and that agencies are spread out over several floors. Ms. Nicosin indicated that, unlike the other buildings, where the recommendations could be adopted piecemeal, the recommendation for the old PERA Building is a series of sequenced steps, all of which must be implemented in order to improve efficiency. The steps involve various renovations and agency relocations.

Anaya Building

Ms. Nicosin stated that the Anaya Building is relatively new and there are low-cost measures that could be implemented to improve efficiency. Recommendations include moving some employees into leased space, renovating or reconfiguring certain areas of the building and adding four private offices for the human resources and legal functions of the Aging and Long-Term Services Department.

Chino Building

Ms. Nicosin indicated that the Chino Building also has issues with several agencies located throughout various parts of the building. Agencies could be relocated within the building to improve efficiency. She stated that the EMNRD has already implemented some of the recommendations.

Next Steps

Ms. Nicosin stated that direction is needed from the executive concerning the Executive Office Building (EOB) and the Health and Human Services Building. Additionally, the FMD has requested the governor's chief of staff to issue a memorandum directing agencies to freeze all office moves until requests have been submitted to and approved by the FMD Modification Committee.

Secretary Burckle asked whether there is funding available to engage the services of ARC in reviewing the master plan. Mr. Aguilar responded that reviewing the master plan is within the scope of ARC's responsibilities. Mr. Burciaga stated that this project is already funded.

Representative Martinez stated that there needs to be a firm time line on the EOB. Mr. Aguilar stated that the EOB project is already fully funded. Secretary Clifford clarified that the project is a "GRT intercept" project. In other words, the funding would come from gross receipts tax money that would have otherwise gone to the general fund. Secretary Burckle stated that he would ask the Governor's Office for guidance on the EOB project.

Ms. Green-Romig asked whether higher education buildings are included in the inventory and indicated that they should be. Mr. Burciaga stated that this is not currently part of the responsibility of the commission and that it would take a legislative amendment to change the scope of the commission's duties.

Mr. Burciaga summarized the next steps for the commission, which included 1) having ARC revisit the master plan; 2) having ARC report its progress on the inventory to the commission; and 3) determining whether the governor wishes to move forward with the EOB project. Mr. Burciaga indicated that LCS staff will meet with ARC to determine the cost and scope involved with reviewing the master plan.

Senator Papen requested an update on the Los Luceros project. Ms. Green-Romig responded that the CAD could provide an update.

Adjournment

There being no further business before the commission, the second meeting of the IAC for the 2010 interim second meeting of the CBPC adjourned at 5:06 p.m.

**MINUTES
of the
THIRD MEETING
of the
CAPITOL BUILDINGS PLANNING COMMISSION**

**August 4, 2014
Room 311, State Capitol
Santa Fe**

The third meeting of the Capitol Buildings Planning Commission (CBPC) for the 2014 interim was called to order by Edwynn L. Burckle, secretary of general services, on August 4, 2014 at 1:42 p.m. in Room 311 of the State Capitol.

Present

Edwynn L. Burckle, Secretary of General Services, Co-Chair
Rep. W. Ken Martinez, Speaker of the House of Representatives, Co-Chair
Tom Church, Secretary of Transportation
Veronica N. Gonzales, Secretary of Cultural Affairs
Sen. Stuart Ingle, Senate Minority Floor Leader
Elaine Olah, Designee for Ray Powell, Commissioner of Public Lands
Sen. Mary Kay Papen, Senate President Pro Tempore
Debbie Romero, Designee for Tom Clifford, Secretary of Finance and Administration
Patrick Simpson, Designee for Barbara J. Vigil, Chief Justice of the New Mexico Supreme Court
Clarence Smith, Designee for James B. Lewis, State Treasurer

Absent

Rep. Thomas C. Taylor

Staff

Raúl E. Burciaga, Director, Legislative Council Service (LCS)
Renée Gregorio, Researcher, LCS
Caela Baker, Staff Attorney, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts are in the meeting file and are available online at www.nmlegis.gov.

Monday, August 4

Approval of Agenda

Members of the CBPC discussed amending the agenda to reverse the order of presentation number two and presentation number three. Upon a motion by Senator Papen,

seconded by Secretary Church, members of the CBPC voted unanimously in favor of adopting the agenda with the amendment.

Adoption of Minutes

Members of the CBPC voted unanimously in favor of adopting the minutes of the June 23, 2014 CBPC meeting.

Review and Update of Santa Fe Master Plan/Main Capitol Complex

Andy Aguilar, Architectural Research Consultants, Inc. (ARC), reviewed the five-year implementation strategy for the Main Capitol Campus. He indicated that the key elements of the strategy are to:

- relocate agencies that have been approved for relocation to or within the Main Capitol Campus;
- relocate agencies approved for campuses other than the Main Capitol Campus; and
- relieve overcrowding and address facility renewal across the campus.

Mr. Aguilar stated that the five-year plan recommends constructing new facilities in the most cost-effective manner, phasing in projects over several years, redirecting lease revenue to fund capital costs, minimizing multiple moves and relocating agencies from leased space to state-owned space. Mr. Aguilar told the CPBC that the first component of the five-year plan is to construct the Executive Office Building (EOB) and that the state is currently planning and developing a design for the EOB. Mr. Aguilar also identified several long-term agency moves, including relocation of the Administrative Office of the Courts from the Capitol North Building to the Apodaca Building and co-location of the Public Education Department and the Higher Education Department in a new building. Mr. Aguilar gave an overview of several moves that have already occurred within the Main Capitol Campus and discussed planned moves and renovations.

Update of New Mexico's Space Standards

Mr. Aguilar provided an update on the space standards and indicated that "space costs money", both to acquire or lease space as well as to operate and maintain the space. Accordingly, most institutions have policies and procedures to manage space and achieve optimum utilization. Mr. Aguilar indicated that the existing New Mexico Space Standards ("Space Standards") were completed in 2000 and were based on the Utah Space Standards. He stated that the Space Standards promote the use of "open offices" to the extent possible because open offices improve flexibility and efficiency. The use of an open office is not possible when the job position requires confidentiality.

Mr. Aguilar discussed issues concerning the current Space Standards, including the fact that the Space Standards have not been updated since they were adopted and space categories do not necessarily align with current state personnel classifications. In addition, the Space Standards do not reflect the current industry space trend, which is to use less space. A member of the CBPC inquired as to the weight that is given to the Space Standards. John Petronis, ARC, stated that the Space Standards are guidelines.

Another member of the CBPC asked how much it would cost to update the Space Standards. Mr. Petronis responded that updating the Space Standards would cost less than \$20,000. The member expressed reservations about spending any money to update the Space Standards because there is very little flexibility to move employees or agencies around at the current time. Another member of the CBPC responded that approximately 64 percent of state office space is in state-owned facilities, but around 36 percent is in leased facilities, and these leases are continually up for renewal. A member of the CBPC asked if there is a provision in the leases that allows the state to break the lease if space in a state-owned building becomes available. A member of the CBPC responded that there is such a lease provision and that it is contained in all state leases. Two members of the CBPC indicated that it should be the duty of the architect when constructing a building to apply modern space standards and that this task should not cost any additional money beyond the general design costs. Several members of the CBPC expressed support for updating the Space Standards because of the utility of the standards in planning agency relocations.

Mr. Aguilar told members of the CBPC that ARC has completed research on space standards used by other state governments, as well as research on space standards used by entities in the private sector. Additionally, ARC has analyzed space use at seven state-owned facilities in Santa Fe. He indicated that the next step is to form a review committee to review draft findings. ARC has tentatively identified a proposed review committee composition, which can be viewed on page 15 of ARC's handout.

Status of Inventory of State Buildings

Mr. Petronis and Mr. Aguilar presented an update on the progress toward creating an inventory of state facilities and properties. Mr. Petronis gave a demonstration of the web site that currently holds the inventory. A member of the CBPC stated that the web site should go live to the public as soon as possible.

Mr. Aguilar indicated that the responsibility for state buildings and land is split among many agencies and that having a comprehensive inventory of these properties is essential for successful facility asset management. Mr. Aguilar and Mr. Petronis identified some of the obstacles that ARC has encountered in trying to finalize the inventory. A member of the CBPC stated that the inventory should be self-perpetuating — when an agency opens a new building, the agency should be required to update the information in the inventory. Similarly, when a building is no longer owned, that information should be input into the inventory. Another member of the CBPC indicated that the Department of Information Technology (DoIT) is creating a similar database and that ARC and the DoIT should partner to share data. The member agreed that the web site should be made public soon and expressed support for migrating the web site over to the Sunshine Portal or the General Services Department (GSD) web site.

A member of the CBPC asked whether the inventory could be updated every year. Several members added that the web site should be dynamic, rather than static, and that state agencies should be required to report changes to the inventory. Mr. Aguilar and Mr. Petronis

discussed "space type codes" that have been applied to buildings owned by the state and indicated that once the appropriate codes are in place, agencies should be able to update the inventory to reflect changes.

Members of the CBPC discussed what could be done to institutionalize inventory reporting by agencies, including whether a statute mandating reporting is needed.

Mr. Aguilar and Mr. Petronis discussed the steps that ARC has taken to update and correct the building and space data. These steps include meeting with agencies to introduce and explain the inventory, distributing inventory information to every agency for review and validation, collecting information on the number of full-time employees (FTEs) at each site, assisting agencies to complete inventory information and integrating information from the Santa Fe Space Use Assessment.

Mr. Aguilar and Mr. Petronis explained the major differences between the 2012 version of the inventory and the 2014 update. Among the differences are the addition of FTE information and details concerning leases. They indicated that condition and valuation information is not yet included but that both the Facilities Management Division (FMD) and the Risk Management Division of the GSD have efforts under way to update this information.

Update on the EOB

Pam Nicosin, deputy director, FMD, GSD, explained that the purpose of the EOB project is to construct an office building that will adequately address the space needs of the Department of Finance and Administration. The proposed EOB would be 56,000 square feet and three stories in height. It would be located at a site adjacent to the capitol parking structure and would require the removal of several casitas. Ms. Nicosin noted that a city-approved building height study would permit the building to be up to 57 feet in height, which is four to five stories.

Ms. Nicosin discussed the steps that have been taken toward completing the EOB project. These steps are listed on pages 6 through 9 of the corresponding handout. Ms. Nicosin indicated that the casitas that would require demolition in order for the project to move forward have been upgraded to a "significant" historical designation by the City of Santa Fe. A member of the CBPC inquired as to why the historical designation was upgraded. Ms. Nicosin indicated that the casitas are said to have historical value in that they demonstrate the original character of the neighborhood.

A member of the CBPC asked who currently owns the casitas. Ms. Nicosin responded that the casitas are owned by the FMD. A member of the CBPC asked whether the footprint of the EOB could simply be moved back to preserve the casitas. Ms. Nicosin indicated that there may be offsets required by the City of Santa Fe that would require the EOB to be a certain distance from the road.

A member of the CBPC wondered whether it would be more prudent to maximize the space by building four or five stories instead of three, and the member indicated that the CBPC

would be wise to consider what the space needs will be 20 years from now. Several members of the CBPC indicated support for moving forward with the EOB as soon as possible. One member stated that the casitas should be preserved because they are part of the history of the city.

Secretary Burckle stated that he plans to schedule a meeting with officials from the City of Santa Fe to discuss the casitas.

Los Luceros Property Update

Secretary Gonzales introduced Jim Peach, a regents professor at New Mexico State University, who conducted a study of possible agricultural uses for the Los Luceros property. Mr. Peach provided historical information about the Los Luceros property, which is located approximately 10 miles north of Española on U.S. Highway 68. The Cultural Affairs Department (CAD) purchased the property in 2008 for \$2.5 million. The CAD estimates that the cost of operating and maintaining the property is between \$400,000 and \$500,000 per year. Since the property itself is not capable of generating enough revenue through agricultural activities to pay for these costs, three options are suggested:

- 1) manage the property as a state monument or museum;
- 2) sell the property as is, with deed restrictions in place; or
- 3) enter into a public/private partnership for various aspects of the property.

Mr. Peach stated that from a strictly financial perspective, the best option may be to sell all or part of the property. Mr. Peach told the CBPC that there is a deed restriction that requires a portion of the property to continue to be used as an apple orchard. He further stated that the apple trees on the property were planted in the 1960s and most of the trees will soon need to be replaced at a cost of \$28.00 per tree. Mr. Peach added that the apple orchard, once replanted, would not be productive for approximately six to seven years.

A member of the CBPC expressed disapproval for the option that would involve selling all or a part of the property. The member also stated that the deed restrictions — particularly the requirement that an apple orchard be maintained and the requirement that the property be maintained as a historic property — may limit the pool of potential purchasers and reduce the amount of money that the state could get for the property.

Another member of the CBPC asked how the estimate of \$400,000 to \$500,000 for operational and maintenance costs was determined. Secretary Gonzales stated that the analysis was based on other historic sites and the fact that the property requires extensive maintenance and preservation efforts. The property currently has two FTEs for maintenance, which costs approximately \$100,000 per year. In addition, there is the cost of basic utilities.

A member of the CBPC suggested that the CAD should reach out to other entities, such as the Corrections Department, to help with maintenance on the property. Richard Sims, director of historic sites, CAD, stated that many volunteer groups already provide services on the property; however, there is still a need for specialized help, particularly with regard to the historic preservation needs on the property.

A member of the CBPC asked whether the CAD had received any offers for the property. Secretary Gonzales stated that the CAD is not entertaining offers because the appropriate disposition of the property has not yet been determined. Another member of the CBPC requested to see a copy of the deed to the property and asked whether the property was purchased from a private owner and whether there is a reversion clause in the deed. Secretary Gonzales responded that the property was purchased from a private owner and that there is a reversion clause. The member stated that it will be very difficult to sell the property with the reversion clause and that the reversion clause will lower the value of the property. The member expressed support for a public/public partnership, such as a partnership between the state and a university. The member stated that if a public/public partnership is not possible, a public/private partnership should be considered. Several members discussed the possibility of using a portion of the property as a vineyard.

Members of the CBPC discussed water rights on the property. CJ Law, caretaker of Los Luceros, explained that the Los Luceros property has significant water rights.

Review of Statutory Language Regarding Commission Duties and Disposition of State Property

Lisa Sullivan, staff attorney, LCS, distributed copies of and discussed the following statutory sections pertaining to the duties of the CPBC:

- Section 6-21C-4 NMSA 1978;
- Section 13-6-2 NMSA 1978;
- Section 13-6-3 NMSA 1978;
- Section 15-10-1 NMSA 1978; and
- Section 15-10-2 NMSA 1978.

Members of the CBPC discussed whether the term "private person" in Paragraph (3) of Subsection B of Section 13-6-2 NMSA 1978 should be amended to remove the modifier "private" because the word "private" is not a term of art and is not defined.

One member of the CBPC indicated that the state should not be engaging in a "negotiated sale to a private person" and that this language should be removed. The member also stated that Subsection H of Section 13-6-2 NMSA 1978 is unclear. The member indicated that the language in that subsection could be interpreted to mean that the State Parks Division of the Energy, Minerals and Natural Resources Department is not permitted to sell property.

Another member of the CBPC stated that the CBPC should consider seeking language that would require special review for historic properties. The member indicated that the CAD was not notified of a recent sale of historic property until it was too late to stop the sale.

Members of the CBPC engaged in a discussion about what additional steps could be taken to avoid the sale of state property without proper review. One member of the CBPC stated that the fiscal impact report for any legislation authorizing a sale should highlight any problems

or issues with a proposed property sale. Another member of the CBPC stated that proceeds from the sale of property should go to the general fund rather than to the agency selling the property.

Another member of the CBPC asked whether statute needs to be changed to require the CBPC to "ratify" the sale. The member wondered whether this would be adding another level of approval to a process that generally seems to work.

Mr. Burciaga stated that perhaps review should be conducted by the CBPC first, followed by approval by the legislature.

A member of the CBPC requested legislation that would require the CBPC to review and approve any proposed sale of property that is within the master planning jurisdiction of the CBPC. Additionally, the member stated that prior to any sale, a written determination should be made that a proposed property disposition is in the best interests of the state. The member further requested that the word "private" be deleted from the phrase "private person" in Paragraph (3) of Subsection B of Section 13-6-2 NMSA 1978. Finally, the member stated that a general clearinghouse should be created in the GSD for all agencies wishing to sell real property.

Another member of the commission stated that the State Land Office should be notified of proposed sales of state property.

One member stated that the CBPC should take a cautious approach and ensure that the proposed statutory changes are not going to complicate matters.

Public Comment

Tim Maxwell, speaking on behalf of the Old Santa Fe Association, expressed concerns about the proposed EOB and the review process for the sale of state-owned property.

Adjournment

There being no further business before the commission, the third meeting of the CBPC adjourned at 5:39 p.m.

**MINUTES
of the
FOURTH MEETING
of the
CAPITOL BUILDINGS PLANNING COMMISSION**

**October 22, 2014
Room 311, State Capitol
Santa Fe**

The fourth meeting of the Capitol Buildings Planning Commission (CBPC) was called to order by Edwynn L. Burckle, secretary of general services, on October 22, 2014 at 9:16 a.m. in Room 311 of the State Capitol.

Present

Edwynn L. Burckle, Secretary of General Services, Co-Chair
Rep. W. Ken Martinez, Speaker of the House of Representatives, Co-Chair
Tom Church, Secretary of Transportation
Tom Clifford, Secretary of Finance and Administration (morning)
Veronica N. Gonzales, Secretary of Cultural Affairs (afternoon)
Anne Green-Romig, Designee for Veronica N. Gonzales (morning)
Sen. Stuart Ingle, Senate Minority Floor Leader
Elaine Olah, Designee for Ray Powell, Commissioner of Public Lands
Sen. Mary Kay Papen, President Pro Tempore of the Senate
Debbie Romero, Designee for Tom Clifford (afternoon)
Clarence Smith, Designee for James B. Lewis, State Treasurer
Rep. Thomas C. Taylor

Absent

Barbara J. Vigil, Chief Justice of the New Mexico Supreme Court

Staff

Raúl E. Burciaga, Director, Legislative Council Service (LCS)
Renée Gregorio, LCS
Carolyn Ice, LCS

Guests

The guest list is in the meeting file.

Minutes Approval

Because the commission will not meet again this year, the minutes for this meeting have not been officially approved by the commission.

Handouts

Handouts are in the meeting file and are available online at www.nmlegis.gov.

Wednesday, October 22

Commission Business

Secretary Burckle reminded the commission that this meeting is the last of the calendar year and that the CBPC would meet again after the legislative session.

Approval of Agenda

After initially approving the agenda without changes, the CBPC later voted unanimously to invite the secretary of public safety to give his presentation after the first scheduled presentation on the Oñate Complex because of overlapping capital concerns.

Adoption of Minutes

On a motion made and seconded, the CBPC unanimously adopted the minutes from the August 4, 2014 meeting.

Oñate Complex Update

After introducing Assistant Adjutant General Juan L. Griego, New Mexico National Guard, and other members of his staff, Adjutant General Andrew E. Salas, New Mexico National Guard, gave an overview of the 300-acre Oñate Complex, which contains several agencies, including the New Mexico National Guard, the U.S. Property and Fiscal Office for New Mexico, a training institute and management and warehouse facilities. The Department of Military Affairs (DMA), he explained, shares use of the property with the U.S. Army Reserve Center and with the state's Homeland Security and Emergency Management Department. Although the property has served the DMA well, General Salas spoke of his concern about encroachment and its effect on the DMA's ability to provide the training that soldiers require. General Salas spoke of the need for a long-term solution for emergency response. He advocated for the purchase of 262 acres of land known as the Montoya tract, just south of the existing complex, that would support both existing needs and future expansion, which could include more space to conduct training as well as serve as an expansion area for the shooting range. He also mentioned how this purchase could continue to support interagency cooperation and cited potential partnerships with more than a dozen agencies. He added that the Department of Public Safety (DPS) is requesting funds for purchasing the Bonanza Creek site, which is another 160 acres, and that the DMA would take the lead in supporting the entire site. General Salas said that an appraisal had been done in 2008, which placed the value of the Montoya tract at \$2.4 million, but that this appraisal needs to be updated. Among the risks associated with not purchasing this land at this time are that costs will increase; that the training area space is very limited and these activities are exposed to the public; and that without this land purchase, the ability to maintain a buffer zone for the local community is hindered.

In response to commission members' questions, the following points were discussed.

- The drivers' training tract is located next to DPS headquarters, but this location is high risk.
- At the regional training institute, core competencies for truck drivers are taught, but motor operators for semitrailers cannot be accommodated at the current site; five to 10 more acres are needed for this training. The DPS projects that it needs 20 to 30 acres to replicate its training course, and this could be accomplished on the Montoya tract.

Executive Agency Capital Outlay, DPS

Gregory J. Fouratt, secretary of public safety, was joined by Deputy Secretary of Public Safety Pete N. Kassetas and Calvin Steckler, bureau chief, General Services Bureau, DPS, to discuss the DPS's first capital outlay priority, which is to purchase a 161-acre parcel of land for a firing range and safety zone. Secretary Fouratt explained that the DPS has been the lessee of the Bonanza Creek site since the 1990s but that the written lease is no longer in force because the state refused to commit in writing its responsibility for environmental liability due to lead contamination. The landowner would not agree to a written lease without this, Secretary Fouratt added, and the DPS is on a month-to-month lease and paying an increased rate per the acceleration clause. Secretary Fouratt speculated that if the landowner decides to sell the property to others, the state would be responsible for a \$992,000 cleanup. He stated that the land was appraised at about \$1 million. Secretary Fouratt opined that it makes "quintessential sense" that the DPS own this land and, if the land is used as a firing range, cleanup would not be required. He added that this land purchase should satisfy the state's master plan because the DPS has a statutory obligation to train officers to shoot well. In addition, the DPS has another statutory obligation to teach officers how to drive. He spoke of the risks related to liability due to the proximity of an elementary school to the driving track, and he said that the DPS is excited to move this to the Montoya tract and to use the property jointly with the DMA.

Secretary Burckle asked Secretary Fouratt to submit the DPS handout to staff for the record. Included in that handout are the department's other projects, in priority order, as follows:

- (1) \$600,000 for the Chama state police facility;
- (2) \$2.5 million for the Roswell state police facility;
- (3) \$935,000 for various DPS campus projects; and
- (4) \$300,000 for the crime lab.

In response to commission members' questions, the following points were discussed.

- As long as the land is being used for a firing range, there is no legal obligation to clean it up; but if the use were for something other than a firing range, there would be.
- Although lead deposits are not released into the environment with an activity on the land that does not disturb them, the DPS continuously improves the berm system as a safety measure. There is also no public access road, which is crucial.
- Although the DMA and the DPS could accommodate their needs of a driving track and firing range with less land, the encroachment problem demands acquiring the full Montoya and Bonanza Creek tracts.

- The block of land to the north of the Montoya tract is residential; the General Services Department (GSD) will investigate ownership of this land.
- If the DPS acquires the Bonanza Creek site, it will make improvements to address any sound issues.
- It is likely that the state has a legal obligation to clean up this compromised land, and, generally, the state would clarify any liability with the prior owner before making a land purchase; the Department of Environment needs to see any environmental studies completed.
- The DPS should investigate purchasing privately owned tracts of land in addition to the proposed land purchase discussed to ensure enough buffer zones for the joint uses of this land.

New Mexico School for the Arts Property Acquisition

Riis Gonzales, director, New Mexico School for the Arts (NMSA)-Arts Institute; Suzanne Barker Kalangis, special advisor to the NMSA; and Paula Tackett, member of the NMSA governing council, appeared before the CBPC to discuss the school's successes, its subsequent growth and its need for a new facility. When highlighting the NMSA's successes, Mr. Gonzales said that the school is the only one in the state offering dual credit in both academics and the arts, and it has an enrollment of 200 students from 19 counties with a graduation rate of 96%. In addition, *U.S. News and World Report* ranked the NMSA in the top 5% of high schools in the country. The school is experiencing significant growth, he added, and much of the success can be attributed to the public and private sectors merging their resources. Mr. Gonzales said that last year, more than 200 students applied to the school for only 50 openings and that 47 seniors were awarded over \$5 million in college scholarships. In addition, the number of recruiting colleges has increased exponentially from the NMSA's inception to 2014.

The current site of the NMSA is the old St. Francis Elementary School, which has a capacity of 200 students. Mr. Gonzales plainly stated that the NMSA has outgrown this site, that its dance students have to go off site and that a leased residential facility is five miles from the school. He added that the NMSA has spent five years researching sites that would work. Mr. Gonzales said that after working closely with the GSD, a state-owned site that is considered surplus land has been located. This site is close to the Santa Fe University of Art and Design, which would allow for collaboration with that institution. It occupies a combined space of 11 acres, but with the arroyo, its useable or buildable space is about eight acres. Mr. Gonzales asked the CBPC for both its support and its guidance.

In response to commission members' questions, the following points were discussed.

- The NMSA is a state-chartered charter school and would be the owner of the proposed land acquired.
- The GSD's stance is that the NMSA purchase the land, which proceeds would go into the Property Control Reserve Fund.
- The NMSA has a commitment of \$7 million from private sources, which would help with building costs once the land is acquired.

- The NMSA has a strong public-private partnership effort in place and is looking to build a school that could accommodate 400 students at a cost between \$20 million and \$30 million.
- There is no other planned use for this property by the state; it is a surplus property.
- The NMSA currently pays approximately \$20,000 per year in lease costs.
- The acreage was appraised at \$1,430,000.
- Much support was indicated for the NMSA from commission members, with one member stating, "We ought to do everything we can to make this happen."

Proposed Legislation Requested by the CBPC

Lisa Sullivan, staff attorney for the LCS, presented the CBPC with its proposed legislation. She drafted four versions of legislation and provided the CBPC with a chart to assist in comparing these versions.

All versions of the legislation would authorize the CBPC to review proposed dispositions of state property, make findings of fact and report findings to the legislature; in addition, all versions authorize the legislature to receive the report from the CBPC and to ratify and approve the proposed disposition. Version No. 1 would amend Section 13-6-3 NMSA 1978. Versions Nos. 2, 3 and 4 would amend Sections 13-6-2 and 13-6-3 NMSA 1978. Version No. 2 prohibits the sale or disposal of real property to a person; it provides for the sale of public real or tangible personal property, if the sale is in the best interests of the state or governmental entity; it exempts the State Parks Division of the Energy, Minerals and Natural Resources Department from the provisions of Subsections A through F in regard to the sale of tangible personal property but requires the division to follow the law regarding the sale of real property. Version No. 3 is identical to version No. 2, with the exception that payments received from the sale or disposition of real or tangible personal property shall be deposited in the general fund. Version No. 4 is identical to version No. 2, except for the sale or disposition to a person, which it permits as long as a competitive price is received or a substantial state interest is advanced.

In response to commission members' questions, the following points were discussed.

- With all of the deferred maintenance needs at state buildings, perhaps it would be a better solution to have proceeds from the sale or disposal of state property go into a fund for that purpose. An opposing viewpoint is that the proceeds need to go into the general fund so that the budgeting and decision-making authority stay with the legislature.
- Using the word "review" to describe the CBPC's authority over proposed public real property dispositions could be too nebulous; instead, the words "approve" or "hold a hearing" and "take testimony" and "receive documentation" could clarify and improve the process.
- The State Parks Division statute needs to be clarified to ensure that it cannot sell state parks.
- With existing sales, money is deposited into the Property Control Reserve Fund, which is then used for other acquisitions; this would need to be changed statutorily.

- A time frame needs to be added into this legislation so that the CBPC makes its decisions within that period.
- Exercise caution when changing the statute for state parks, especially in regard to the source of funding received from 99-year leases at properties in the vicinity of state parks.
- It is advantageous to have sales be reviewed by the CBPC before going to the full legislature.
- There is concern over taking away the ability for agencies to sell to persons because sometimes nongovernmental entities are the only interested buyers.
- Under the draft legislation, the State Parks Division could sell personal tangible property but not real property.
- Care needs to be taken in cross-referencing the threshold figures in this legislation more closely as they relate to particular agencies.

Secretary Clifford asked if this legislation in any way duplicates the State Board of Finance (SBOF) process. The chair recognized Stephanie Schardin Clarke, director of the SBOF, to speak to this issue. Although Ms. Clarke did not see any issues of duplication, she did have comments related to prohibiting the sale of property to a person. She stated that in reviewing real property dispositions with the SBOF, the Anti-Donation Clause of the Constitution of New Mexico states that dispositions have to be at fair market value by appraisal. She added that many surplus properties are hard to dispose of and that with a lack of funding for maintenance, this could keep these properties on the books for maintenance. She also said that any changes that preclude local governments and school districts from disposing properties to persons could be problematic because counties and other public bodies often lease to nonprofits.

In response to commission members' questions, the following points were discussed.

- The SBOF is charged with the review of property sales at certain thresholds by law, and the Department of Finance and Administration (DFA) is considering a bill that would increase those thresholds, which have been at the current levels since the 1980s.
- The DFA proposal would seek to standardize language across the appropriate three sections of law regarding which categories of sale require approval and would propose raising the dollar thresholds to adjust for inflation.
- Approximately 60 dispositions come before the SBOF annually.
- The SBOF recommends that in the legislature's review or approval process, it approve or recommend a particular version of a proposed disposition because over time, changes can be made that affect what was originally recommended.
- It makes sense to have the CBPC put in place a preapproval process that is then ratified by the legislature and comes back to the CBPC for a post-review of the final lease.
- When considering approval by the CBPC, it might be wise to have a majority of both elected and appointed officials approve because the CBPC is solidly represented by both groups.

- The CBPC must have a part in this process so that the SBOF does not end up making all of the decisions on property disposition.
- Care needs to be taken to match up agency increases in the Procurement Code with increases in this legislation.

Because the CBPC wants more time to review the legislative options, Secretary Burckle suggested that he could visit with the governor's policy team and get back to the LCS with recommendations from the administration, which could then be used as a starting point for further discussion. Discussion circled around and reiterated the CBPC's desire to have a preapproval process in place and a more defined role, which could be followed by a post-review process after legislative ratification.

Executive Agency Capital Outlay

Children, Youth and Families Department (CYFD)

Anthony Pacheco, general services manager of the Administrative Services Division, CYFD, and John P. Sweeney, deputy director of juvenile justice services, CYFD, reviewed the Cambiar New Mexico model and the progress made to date to accommodate the model and its programming. Mr. Pacheco indicated that juvenile justice services facilities require major infrastructure improvements, and he pointed to a map showing the location of the clients those facilities serve. The CYFD's Infrastructure Capital Improvement Plan (ICIP) prioritized projects include:

- (1) plan and design of regional Cambiar youth facilities — \$1,655,154;
- (2) Youth Diagnostic and Development Center (YDDC) visitors' center and warehouse — \$1,446,120;
- (3) southeast New Mexico's Lincoln Pines Youth Center improvements — \$788,400;
- (4) YDDC and Camino Nuevo facility emergency access road — \$515,000;
- (5) YDDC and Camino Nuevo facility recreation building roofs — \$1,300,000; and
- (6) Henry Perea building improvements — \$62,000.

Mr. Pacheco gave details for each of the above projects, which are delineated in the handout from the CYFD. Generally, the first priority for the CYFD involves developing a standardized plan for regional facilities statewide based on the Cambiar model and identifies Roswell as the first region in which to build a secure facility. Priority 2, the visitors' center and warehouse, would help to increase security at the YDDC and Camino Nuevo facility and provides a space in which families could meet. Priority 3, improvements to the Lincoln Pines Youth Center, which is next to Fort Stanton, involves remodeling of heating, ventilation and air conditioning (HVAC) systems, providing apartments for staff housing and installing a security system. Priority 4 would provide for a secondary emergency access road at the YDDC and Camino Nuevo facilities. Priority 5 would take care of leaking roofs and replace HVAC units at these facilities. Priority 6 at the Henry Perea building's child advocacy center would allow for improvements to accommodate law enforcement partners and upgrade the HVAC system and medical exam room.

In response to commission members' questions, the following points were discussed.

- The Lincoln Pines facility began operations last November, and \$750,000 has been spent on improvements there thus far.
- The Camino Nuevo facility will eventually be decommissioned, but the CYFD completed its plans in 2010 and projects that construction could begin in one to three years, making it a four-year to five-year investment, if all appropriations are forthcoming; it is for a non-site-specific plan that would be portable to several locations.
- A concern was expressed regarding whether the CYFD's Protective Services Division needs to request capital outlay funding for facility improvements to ensure that children who need to be taken out of dangerous situations and housed can be accommodated.

Corrections Department (CD)

Gregg Marcantel, secretary of corrections, introduced both Janet Lacy, facilities manager, and Dominic Vigil, assistant facilities manager. He then gave background information on the prison system, stating that there are 11 prison facilities statewide, six of which are public. These public facilities range in age from 33 years old to 70 years old. The CD facilities occupy 2.5 million square feet of space and have deferred maintenance needs that total over \$300 million. Secretary Marcantel expressed concern over these needs, as there are decades worth of needed maintenance that is not the result of any catastrophe but of decisions made over time. He urged the CBPC to consider that these facilities are operating 24 hours a day, seven days a week, and have captive populations and that prison systems are a core foundation of government. He added that it is the expectation of the prison system to have no riots and no escapes and to operate environments that are safe for both inmates and staff, but that is impossible to do without vital security measures. He stressed that all facilities are in need of upgrades, with most structures past their useful life, and the CD does not have available matching funds. Secretary Marcantel said that although the prisons have baseline certification with the American Correctional Association, as facilities become more and more compromised, this certification is not sustainable.

All prisons need reroofing, which averages from \$74,000 to \$100,000 per building. Also, water systems, fire pumps and storage tanks need upgrades, and any failures of these systems would require relocation of inmates, which is a security concern, Secretary Marcantel said. Power systems at the prisons are also compromised, he added. Above all, Secretary Marcantel expressed a growing concern over the 46% recidivism rate and the state in which prisoners leave the prison system, and he stressed that the CD has a strong desire to deliver a greater level of programming.

Ms. Lacy reviewed the CD's top five ICIP priorities, as follows:

- (1) Western New Mexico Correctional Facility (WNMCF) HVAC and reroofing — \$6.1 million;
- (2) WNMCF plumbing and water line repair — \$1.9 million;
- (3) statewide security upgrades — \$9.5 million;
- (4) statewide repairs and upgrades — \$9.7 million; and

(5) statewide CD master plans — \$1.2 million.

Ms. Lacy highlighted the shovel-ready projects related to power service upgrades, as part of priority 4 above, which includes electrical improvements at the Central New Mexico Correctional Facility and at the Roswell Correctional Center and an electrical main breaker and transformer at the WNMCF. She spoke of the "ready-to-roll" projects that are already in the design phase. Secretary Marcantel repeated that the CD must take action to reduce recidivism and take prisoners out of segregation and put them into programs to better carry out the CD's charge.

In response to commission members' questions, the following points were discussed.

- Although upgrading and maintaining the state's prisons is a "hard sell" when it comes to funding, the prisons cannot continue to get shortchanged.
- The CD has utilized all of its funding to date, with no remaining balances from prior appropriations.
- There is a need to look at the design of these buildings for easy maintenance over the long haul; as part of this, flat-roof construction should be avoided.
- The CD is working with the GSD on a master plan; it is necessary to review how the facilities condition index (FCI) relates to the most recent and relevant architectural designs.
- Teach inmates how to roof and pave; this would provide them with job skills.

State Commission of Public Records (SCPR)

Linda Trujillo, state records administrator at the SCPR, introduced Suby Bowden, architect, and several other architects who work with the SCPR; Jackie Garcia, agency analysis bureau chief, SCPR; and Felicia Lujan, archives bureau chief, SCPR. Ms. Trujillo began by stressing that both the state archives vault and the records center are full. She referred the CBPC to the creation of the SCPR in Chapter 14, Article 3 NMSA 1978 and reviewed the SCPR membership, duties and powers. In addition, she pointed out that statute states that the "record center...shall be the facility for the receipt, storage or disposition of all inactive and frequently used records of present and former state agencies..." (emphasis added), thus pointing out the SCPR's obligation.

Ms. Trujillo stated that the State Records Center and Archives is one of nine national archives and records administration affiliates and, as such, is inspected every year. She gave details of the capacity in the Santa Fe and Albuquerque facilities, which are full. The State Records Center and Archives in Santa Fe is owned by the GSD and maintained by the GSD's Facilities Management Division (FMD), she added. (The Albuquerque facility is leased.) Also, Architectural Research Consultants, Inc., has updated the SCPR's five-year capital improvement plan. A feasibility study has been completed for the State Records Center and Archives, which indicates the need for increased training of state agencies on appropriate records for storage, the need to invest in electronic records management systems and the idea of serving state agencies as a priority and local governments only as space permits.

Ms. Lujan presented the case for maintaining permanent public records in paper form, saying that there is no permanent preservation plan for electronic records. The SCPR wants to maintain records that are important to state government historically. As part of that, Ms. Lujan did some research on Speaker Martinez's family history and provided the CBPC with white gloves so that members could view the documents. She asked the CBPC, "If this was your family's history, would you get rid of it?". She spoke of the speaker's legacy and indicated that it is important to have paper files, not just digital files, and that scholars researching historical data want to be able to dig into that history on paper. Ms. Trujillo also brought a letter from the Woman's Club of Albuquerque asking the constitutional convention to allow women to vote in educational elections, an important historical document, she said.

Ms. Lujan addressed the question of why the archives are growing, citing population growth and an increase in government services. Also, in terms of digitizing records, she said that there is not a way to preserve digital records for more than 10 years, that the software is always changing and that digital records have to be migrated to new formats and media to remain accessible. Still, 84% of records are destroyed within 10 years, she added, which amounts to destroying 20,000 to 25,000 boxes per year. Ms. Lujan mentioned that 74% of states charge for storage services at a cost of \$.35 per box, which would yield \$627,975 annually if the SCPR did so.

Ms. Bowden said that in surveying the number of boxes in agencies across the state, that number increased threefold in five years. In reviewing the proposed expansion and renovation of the State Records Center and Archives, as well as the renovation and relocation of the library, the total cost for phase 1 amounts to just over \$26 million. Among the renovations would be to move the library space upstairs with the archives below, to increase security in the building and to make the site accessible from all roads surrounding it. Also, the shelving would be structural shelving that would be moved electronically, which maximizes the height for storage and makes the storage space as compact as possible, she added.

In response to CPBC members' questions, the following points were discussed.

- The SCPR has not considered another site because: 1) it owns the land at its current site; 2) there are operational issues if staff is at more than one site; and 3) it could manage its growth without having to add staff. It has looked at the possibility of having a site in another part of the state — Las Cruces, for example.
- For records with a short shelf life, digitization might be a solution, but back-digitizing is a staff-intensive process.
- Phase 1 improvements are definitely required, but the need for further phases is not yet known; there are more than 12,000 boxes currently in the records center that should really be in the archives center, and this needs to be sorted out first.

Workforce Solutions Department (WSD)

Gerrie Becker, chief procurement officer and information technology business relationship manager, WSD, and Kevin Quinn, general services supervisor, WSD, presented three main projects to the CBPC. These include the Tiwa building in Albuquerque, which has

aging infrastructure with no major upgrades done in its 37-year life span, at a cost of \$21 million; an addition for the Deming office at \$552,000; and deferred maintenance at 11 additional field offices, at \$1.845 million. Ms. Becker indicated that the Tiwa building is being used as a second data center and as a backup to the Simms building. The needs at the Tiwa building are centered around replacing the ceiling, with HVAC and lighting systems also needing replacement. Assessments done of the building show significant condition deficiencies, and based on an energy-usage study, the building is using 32% more energy than allowed by the current code. The WSD prioritized the deferred maintenance needs at the 11 facilities statewide, and these are detailed on pages 38-40 of the handout.

Cultural Affairs Department (CAD)

Secretary of Cultural Affairs Gonzales introduced members of the CAD, including Anne Green-Romig, director of legislative affairs, and Lisa Vornholt, facilities manager. She spoke of the 191 buildings in 1.3 million square feet of space that the CAD manages statewide and the art and artifacts these facilities contain, which are valued at \$300 million. She emphasized that underfunding and unfunded mandates are rampant at these facilities and that many facilities are in need of specialized care to protect their historical integrity.

The CAD's capital outlay priorities are as follows:

- (1) critical repairs related to life, health and safety — \$4.6 million;
- (2) repairs at facilities and sites, including climate control, roof repairs, plumbing, sewer and stucco — \$8.9 million;
- (3) exhibit upgrades — \$4.1 million;
- (4) equipment, including bookmobiles — \$2.9 million; and
- (5) planning and expansion of storage facilities — \$4 million.

In response to commission members' questions, the following points were discussed.

- Regarding the Los Luceros property and the deed restrictions associated with it, the deeds restrictions require the state to maintain the property in its original purchase condition and, if the property is sold, the original owner would have the first right of refusal. Also, if the state does not maintain the property, it could revert back to the original owner, but he would have to pay the state for the original cost plus improvements. The property could also be sold or transferred with the restrictions intact.
- A contract is being awarded at present for a statewide FCI of FMD-owned buildings to be conducted; also, the ICIP process should capture statewide needs for the next five years if the agencies accurately log their needs throughout the process.
- The CAD needs an FCI and master plans across all facilities that it operates; a master plan for only Santa Fe is being completed now.

FMD of the GSD

George Morgan, director, FMD, GSD, and Pam Nicosin, deputy director, FMD, GSD, gave some history of the FMD's responsibilities and subsequent capital needs. Mr. Morgan stated that the FMD is responsible for 750 buildings, many of which are in a state of disrepair. For example, he said that in 2009, a facility assessment identified \$275 million in deficiencies.

This report will be updated in the next six months, he added, which will result in a prioritized list and estimates. Mr. Morgan reported that in fiscal year 2014, the CD received \$2 million for facility renovations, which are now being prioritized. He said that the FMD has approximately \$1.8 million remaining in statewide dollars appropriated for FY 2014 to support agencies in its jurisdiction and is looking closely at how it spends this remaining funding. No statewide funds were appropriated in FY 2015 for buildings under the FMD's jurisdiction.

Ms. Nicosin reviewed specifics of the FMD's ICIP requests in priority order, as follows:

(1) statewide repairs, renovations, deferred maintenance, infrastructure, improvements and construction — \$10 million; the FMD has received prior appropriations but none in 2014, so it is holding a balance of just over \$2 million for emergencies;

(2) demolition, decommissioning and asbestos abatement of state buildings — \$1.1 million (see handout for a detailed listing of these buildings);

(3) master planning of facilities statewide, which is required by an executive order issued in 2012 and is a major priority — \$400,000;

(4) stucco repair and window flashings replacement at the Runnels building — \$2 million; and

(5) repair and replacement of the water tank and pipelines at Fort Stanton — \$4,050,000.

Ms. Nicosin indicated that if there were a fire at Fort Stanton with the infrastructure in its current state, all could be lost.

She then reminded the CBPC that a booklet was given out at the last meeting on the executive office building, and she asked if any members had further comment.

The question that then surfaced was related to the \$10 million request for state buildings statewide, and Ms. Nicosin said that this would have to cover 750 buildings statewide and that the FMD is showing needs upwards of \$400 million, so this would be a small dent in beginning to address these needs.

Department of Health (DOH)

Jeremy Averella, chief facilities officer at the DOH, said that the department is trying to be responsive to the increasing number and importance of projects serving long-term and veteran populations and that the DOH serves facilities across a wide continuum of care. Mr. Averella gave details on the two main projects for which the DOH is requesting funding: the New Mexico Behavioral Health Institute at Las Vegas phase 3 facility renovation and construction, which is for the Meadows and Ponderosa long-term care facilities at a cost of \$23.5 million; and the New Mexico State Veterans' Home's (NMSVH) Alzheimer's and skilled nursing units, for which \$1 million is needed for architectural costs and other fees. Mr. Averella said that the state was awarded a \$15.6 million federal grant for this project.

Mr. Averella indicated that future needs are currently being evaluated at the DOH and that having these two projects completed will pave the way for the DOH to be able to address new needs.

In response to commission members' questions, the following points were discussed.

- A request was made for the DOH to provide the DFA with a breakdown of the \$1 million need for architectural costs and other fees.
- As long as the DOH meets the federal government's criteria up front for the grant given to it for the NMSVH, the DOH does not know of an expiration date on that funding.

Public Comment

No members of the public wished to comment.

Adjournment

Before adjourning, a CBPC member asked about the process for recommendations coming from the CBPC for these capital outlay projects. Secretary Burckle indicated that there would be no official recommendations coming out of the CBPC but that the executive will prioritize projects, as will the legislature, and both will communicate their decisions during the legislative session. He said that regarding the four options for changes to legislation that would strengthen the role of the CBPC, the executive will work with the legislature on these options to formulate a single proposal.

There being no further business, the CBPC adjourned at 3:05 p.m.

**HISTORY OF LEGISLATION RELATING TO THE
CAPITOL BUILDINGS PLANNING COMMISSION
(1997-2014)**

**HISTORY OF LEGISLATION RELATING TO THE
CAPITOL BUILDINGS PLANNING COMMISSION (CBPC)
1997-2014**

1997		
1997	House Bill 1268 (B. Lujan), Chapter 178, Section 5. Compiled under Section 15-10-1 NMSA 1978.	In Section 5 the CBPC is created to study and plan for the long-range facilities needs of state government in Santa Fe. Chapter 178 also contains appropriations for the Capitol North and state library original renovations.
1998		
1998	House Bill 211 (B. Lujan), Chapter 58. Compiled under Section 15-3B-20 NMSA 1978.	Established the "Property Control Reserve Fund", which consists of appropriations, money from sale of real estate, gifts, etc., to be used for purchasing or constructing state office buildings in Santa Fe subject to appropriation by the legislature. Money in the fund is not subject to reversion to the general fund.
1998	SJR 13 (Maes).	Charged the CBPC with review of the disposition of the properties known as La Villa Rivera, Marian Hall and Cathedral Park.
1998	Senate Bill 322 (Fidel), Chapter 70.	Provided \$150,000 for a master plan and \$150,000 for a repair-and-replacement study for state facilities in Santa Fe.
2000		
2000	<i>Senate Bill 134 (Fidel), failed.</i>	Would have authorized the Property Control Division (PCD) of the General Services Department (GSD) to acquire various office buildings in Santa Fe County for the use of state office buildings, and would have authorized the State Board of Finance to issue and sell state office building tax revenue bonds in compliance with the State Office Building Acquisition Bonding Act.
2000	<i>Senate Bill 135 (Fidel), failed.</i>	Would have created the State Office Building Acquisition Bonding Act.

2001		
2001	Senate Bill 182 (Fidel), Chapter 166. Compiled under Section 6-21C-4 NMSA 1978.	Legislature authorized the PCD to acquire various office buildings and land in Santa Fe County for use as state office buildings, as recommended in the master plan, and authorized the New Mexico Finance Authority (NMFA) to issue up to \$75 million in revenue bonds for the purchase of properties. The properties included: construction of a new office at the West Capitol complex; purchase of the National Education Association (NEA) Building; purchase of the Public Employees Retirement Association (PERA) Building; and purchase of land on Cerrillos Road in Santa Fe, located adjacent to the District 5 office of the Department of Transportation (DOT).
2001	Senate Bill 214 (Fidel), Chapter 199. Compiled under Chapter 6, Article 21C NMSA 1978.	Enacted the State Office Building Acquisition Bonding Act, which was in 2003 renamed the State Building Bonding Act. Offered the financing source for the West Capitol complex, NEA and PERA buildings and land on Cerrillos Road adjacent to the DOT District 5 office. The bill earmarked a distribution (intercept) of state gross receipts tax revenue, up to \$500,000 per month, to buy and build state office buildings; the NMFA is authorized to sell state office buildings tax revenue bonds to acquire the state office buildings authorized in Senate Bill 182. (The NMFA issued the first series of state office building tax revenue bonds, totaling \$34.7 million, on December 13, 2001.)
2002		
2002	Senate Bill 111 (Fidel), Chapter 69. Compiled under Chapter 15, Article 10 NMSA 1978.	Amendment to include the Albuquerque Master Plan within the purview of the CBPC.

2002	House Bill 88 (Sandoval), Chapter 110.	Appropriated bond funding of \$3 million to plan, design, construct and equip a state lab at the University of New Mexico (UNM) in Albuquerque. Funding was programmed to four labs to include the state police crime lab, Office of the Medical Investigator, the Department of Health (DOH) scientific lab and the Department of Agriculture lab.
2003		
2003	Senate Bill 689 (Fidel), Chapter 110. Compiled under Section 15-10-1 NMSA 1978.	Added the secretary of transportation and the secretary of cultural affairs to the CBPC membership.
2003	House Bill 496 (Coll), Chapter 371. Compiled under Section 6-21C-5 NMSA 1978.	Renamed the State Office Building Acquisition Bonding Act as the State Building Bonding Act; changed the name of the State Office Building Bonding Fund to the State Building Bonding Fund; and expanded the act's purpose to authorize the NMFA to issue and sell bonds through the State Building Bonding Fund for renovation and maintenance of existing structures and development of permanent exhibits for state museums, including monuments.
2003	House Bill 594 (Coll), Chapter 372. Compiled under Section 6-21C-5 NMSA 1978.	Authorized the NMFA to issue and sell state museum tax revenue bonds in compliance with the State Building Bonding Act not to exceed \$5,760,000 when the state cultural affairs officer certifies that the money is needed for renovation, maintenance and development of state museums and monuments after review by the CBPC. The commission reviewed the proposal after the Office of Cultural Affairs certified it and recommended the issuance of bonds.
2003	House Bill 259 (J.G. Taylor), Chapter 89.	Appropriated \$8 million from the State Building Bonding Fund to the Board of Regents of New Mexico State University for acquisition of a university sports facility after all other authorized projects have been funded.

2004		
2004	House Joint Resolution 12 (Varela) and House Bill 545 (B. Lujan), Chapter 63. Compiled under Section 15-3B-20 NMSA 1978.	Approved the sale of the Labor Department building in Santa Fe and authorized the proceeds of the sale to be used for the purchase of a new building.
2004	Senate Bill 332 (Fidel), Chapter 123. Compiled under Chapter 6, Article 21C NMSA 1978.	Grandfathered in cultural affairs projects that were authorized in 2003 using intercept funds for the State Building Bonding Fund, but returned the purpose of the law to its original language of 2001. The bill also included amendments to Laws 2001, Chapter 166. The amendments expanded the Jaguar Road definition from "for the purchase of land on Cerrillos Road in Santa Fe, located adjacent to the District 5 office of the Department of Transportation" to increase the available property that could be considered in the public safety campus area and required that infrastructure be in place. Also, the bill appropriated \$250,000 to the Legislative Council Service (LCS) for expenditure in FY04-FY07 to provide for master planning (an update to the original Santa Fe Master Plan) and annual updates.
2005		
2005	House Bill 1045 (B. Lujan), Chapter 147. Compiled under Section 10-11-130 NMSA 1978.	Authorized the PERA Board to acquire land and construct a new building to house the retirement association if the existing PERA building is sold. This measure also provided authority to use the proceeds of the sale of the existing PERA building to design and construct a new PERA building, which will be held as a trust asset in the PERA's name.
2005	HTRC/House Bill 885, Chapter 347.	<u>Not a CBPC bill</u> , but Section 64 authorized short-term severance tax bonds of \$17 million for a state laboratory facility for the Department of Health.

2005	Senate Bill 289 (Fidel), Chapter 320. Compiled under Section 6-21C-4 NMSA 1978.	Expanded the purposes of the State Building Bonding Act. Authorized the PCD to spend bond proceeds to plan, design, construct and equip a parking structure in the Central Capitol Campus in Santa Fe, contingent upon approval from the CBPC and in conformance with the CBPC-approved master plan and to be transferred to the New Mexico Legislative Council upon completion; expanded the use of the fund slightly to cover replacement of state facilities in danger of losing certification and, thus, authorized partial funding for a replacement facility for the state laboratory on the UNM campus in Albuquerque. The commission heard testimony during the interim that the tri-labs purchase agreement had been drafted and the site had been selected on the UNM campus near Carrie Tingley Hospital, which will provide the labs with access to I-25. It extended the expiration of the master planning expenditure authorization from FY07 to FY08. The original appropriation was made in 2004.
2005	House Joint Resolution 9 (B. Lujan).	Constitutional amendment proposing that the state and school districts enter into lease-purchase agreements for the acquisition of buildings and other real property.
2006		
2006	<i>Senate Bill 380 (Fidel), failed.</i>	Would have appropriated \$565,000 from the general fund to the PCD to establish a master planning and asset management function for the needs of state government facilities within the purview of the CBPC and to obtain the necessary hardware and software necessary to maintain an updated master plan.
2006	House Joint Resolution 9 (2005) adopted by the voters Nov. 7, 2006. Compiled under Article 9, Section 8 of the Constitution of New Mexico.	Allowed the state and school districts to enter into lease-purchase agreements for the acquisition of buildings and other real property.

2007		
2007	House Bill 1022 (B. Lujan), Chapter 184. Compiled under Section 15-3-35 NMSA 1978.	Established enabling provisions for the lease-purchase of state facilities. Purchases must be authorized by the legislature. <i>(Does not include public school facilities or state educational institutions — see SB 395 (Nava), Chapter 365 (partial veto) for public school facilities.)</i>
2007	Senate Bill 1061 (Ingle), Chapter 64.	Changed the CBPC membership to include the state treasurer and omit the staff architect; expanded the jurisdiction of the commission to Las Cruces; and clarified that the jurisdiction also applies to the metropolitan areas of Santa Fe, Albuquerque and Las Cruces. Required that a review of state properties be done throughout the state in order to develop an overall master plan, and it authorized \$350,000 for FY07 through FY09 to the LCS to undertake for the CBPC. Authorized various financing methods for the acquisition of needed state properties: an additional \$10 million in state office building tax revenue bonds and appropriated the proceeds of the bonds (\$18.8 million) for the state (tri) laboratory, the acquisition of the Coughlin Building (\$1.5 million), the Capitol parking structure (\$11.5 million) and the commission's master planning process (\$350,000); it increased the gross receipts tax distribution for debt service to \$530,000 from \$500,000; it authorized \$11 million in severance tax bonds for the state laboratory for FY07 through FY11; it appropriated \$5 million (\$1.5 million from the Property Control Reserve Fund and \$3.5 million from the Public Buildings Repair Fund) for FY07-FY09 to purchase federal property within the West Capitol complex (current citation in Laws 2010 (2nd S.S.), Chapter 4, Section 35); and it appropriated \$1 million from the general fund for the planning and design of a state police crime laboratory in Albuquerque in FY07-FY09. It provided that state office building tax revenue bonds outstanding at any one time shall not exceed \$100 million, an increase of \$10 million above the previous level.

2007	House Bill 1137 (B. Lujan), Chapter 192.	<u>Not a CBPC bill</u> , but included appropriations of \$4.5 million for the plan, design, construction and renovation of Capitol North and limited Capitol space needs. (Funded \$1 million FY07 distributions from the Capitol Buildings Repair Fund (CBRF), \$2.5 million FY08 distributions to CBRF and \$1 million legislative cash balances.) FY07-FY11 expenditure authority. See changes to appropriations in Laws 2008, Chapter 83 and Laws 2009, Chapter 114.
2007	House Bill 2 (Saavedra), Chapter 28.	Provided additional funds and two FTEs in the GSD/PCD.
2007	Senate Joint Resolution 13 (Papen).	<u>Not CBPC legislation</u> , but authorized the sale/trade of property in Las Cruces for the future co-location/construction of state facilities.
2007	Senate Joint Resolution 16 (Altamirano).	Authorized sale, trade or lease of old metro court in Albuquerque. See subsequent legislation (2010 HJR 9) transferring the property to Bernalillo County.
2007	House Joint Resolution 8 (B. Lujan).	Authorized sale or trade of Galisteo property in Santa Fe.
2007	House Joint Resolution 14 (Sandoval).	<u>Not CBPC legislation</u> , but authorized the lease of certain property adjacent to Edith Boulevard (YDDC) in Albuquerque.
2008		
2008	<i>Senate Bill 298 (Ingle), pocket vetoed.</i>	Would have increased the gross receipts tax (GRT) intercept into the State Building Bonding Fund to provide an additional \$9 million for additional parking capacity at the Main Capitol Campus parking structure.
2008	House Joint Resolution 9 (B. Lujan).	Approved the sale, trade or other transfer of the old state laboratory building and property to the Board of Regents of the University of New Mexico. Replaced authorization from SJR 12 in 2001 to sell the building to UNM.
2008	<i>House Bill 352 (B. Lujan), failed.</i>	Would have removed the requirement in Laws 2007, Chapter 64, Section 6 that the New Mexico State Police Crime Laboratory be located in Albuquerque.

2008	SFI/Senate Bill 352 (Cisneros), Chapter 83, Section 381.	Expanded expenditure period through 2012 for appropriations for Capitol area renovations and expanded the purpose to include renovations for larger legislative committee space and long-range facility space plans, including the initial planning and design of any additional executive agency space. Appropriations were originally authorized in Laws 2007, Chapter 192 and later amended in Laws 2009, Chapter 114.
2008	Senate Joint Resolution 12 (Cisneros).	<u>Not CBPC legislation</u> , but authorized the transfer of two acres of land and improvements from the GSD to the Town of Taos. CBPC to review the transfer prior to it being finalized.
2008	<i>Senate Bill 509 (Ingle), pocket vetoed.</i>	<u>Not CBPC legislation</u> , but would have provided the CBPC with additional duties to review proposed lease-purchase agreements; to develop a long-term statewide strategic facility management plan; to determine deferred maintenance for existing state facilities; to make recommendations regarding leasing, lease purchasing or purchasing additional state facilities; and to formulate disposal strategies for aging state facilities.

2009		
2009	SFC/Senate Bill 221 (Ingle), Chapter 114. Amended Sections 6-21C-4, 6-21C-5 and 7-1-6.42 NMSA 1978 (not all sections of bill were compiled).	Authorized an increase in the GRT intercept to finance the construction of a state-owned executive office building on the Main Capitol Campus. GRT intercept would not begin until July 1, 2011, or when debt service payments are to begin. No net impact on general fund because revenues currently paying for leased space will offset the diversion from the general fund. The bill also extended the expenditure period for certain master planning funds for the CBPC (originally authorized in Laws 2001, Chapter 166, Section 2; amended by Laws 2004, Chapter 123, Section 7; Laws 2005, Chapter 320, Section 4; and Laws 2007, Chapter 64, Section 4; current citation in Laws 2009, Chapter 114, Section 5); appropriated and reauthorized additional funds for CBPC master planning (originally authorized in Laws 2007, Chapter 192 and reauthorized by Laws 2008, Chapter 83; current citation in Laws 2009, Chapter 114, Section 7); and extended the expenditure period for purchasing land at the West Capitol complex (originally authorized in Laws 2007, Chapter 64, Section 6; 2009 changes made in Laws 2009, Chapter 114, Section 6; current citation in Laws 2010 (2nd S.S.), Chapter 4, Section 35).
2009	House Bill 728 (B. Lujan), Chapter 145. Enacted new Sections 6-21-6.14 and 15-3B-21 NMSA 1978.	Authorized the initial phase of construction for a facility to house the Human Services Department (HSD) and the Children, Youth and Families Department (CYFD) using a lease-purchase financing arrangement. The NMFA is authorized to issue revenue bonds to construct the building and enter into a lease-purchase agreement with the PCD, which will sublease the facility to the HSD and CYFD and use current private lease payments as the revenue source to pay the debt service.

<p>2009</p>	<p>Senate Bill 220 (Ingle), Chapter 19. Amended Section 15-10-1 NMSA 1978 and enacted a new Section 15-10-2 NMSA 1978.</p>	<p>Allowed for the secretary of general services and the state treasurer to appoint designees to attend CBPC meetings on their behalf; provided for the CBPC to review proposed lease-purchase agreements for certain projects prior to submission to the legislature; and directed the commission to work with the GSD on addressing deferred maintenance on state facilities and using life-cycle costing in developing recommendations regarding the lease, lease purchase or purchase of additional facilities.</p>
<p>2009</p>	<p>HTRC/House Bill 360 (B. Lujan), Chapter 23. Enacted a new Section 3-22-6 NMSA 1978.</p>	<p>Established a collaborative process for a state agency to carry out a capital outlay project in a historic district in a manner that is generally compatible with local ordinances.</p>
<p>2009</p>	<p><i>House Bill 194 (Taylor), failed.</i></p>	<p>Would have allocated 2% of appropriations exceeding \$100,000 for new construction or major renovation of buildings under the jurisdiction of the PCD to be directed into the Public Buildings Repair Fund for addressing maintenance and repairs of state buildings, particularly those outside of Santa Fe.</p>
<p>2009</p>	<p><i>Senate Joint Resolution 7 (M. Sanchez) and Senate Bill 546 (M. Sanchez), failed.</i></p>	<p>Senate Joint Resolution 7 would have approved the lease-purchase agreement for a substance abuse treatment and training facility on the Los Lunas correctional campus and would have approved the lease of state land on which the facility was to have been constructed. Senate Bill 546 would additionally have allowed the NMFA to sell revenue bonds to finance the construction of the facility and would have established a statutory lease-purchase financing mechanism for the NMFA for this and future projects.</p>

2009	HTRC/House Bill 154, Chapter 125.	<u>Not CBPC legislation</u> , but authorized severance tax bonds for <u>CBPC-endorsed projects</u> , including \$2.7 million for demolition, decommissioning and asbestos abatement of state buildings at the Los Lunas campus and statewide (Section 7, Subsection 22); \$2 million for statewide repairs, renovations, deferred maintenance and infrastructure improvements (Section 7, Subsection 23); \$4 million to acquire land for and to plan and design a health and human services complex in Santa Fe in Santa Fe County (Section 7, Subsection 15) with an appropriation expiring June 30, 2013; \$500,000 for a south capitol complex development plan, renovations and improvements for infill and redevelopment (Section 7, Subsection 16); \$1 million for statewide repairs and maintenance of cultural assets (Section 9, Subsection 6); and \$3.7 million for completion of statewide cultural facilities projects (Section 9, Subsections 1 through 5). Other funded projects that are within the Albuquerque metropolitan master planning area include \$330,000 for improvements to the therapeutic pool in the natatorium at the Los Lunas campus (Section 7, Subsection 26); \$5 million for the State Fair Commission to develop a master plan and for improvements to state fair facilities (Section 21); and \$50,000 for the DOT to replace the roof of the hilltop building in Albuquerque (Section 45, Subsection 1).
2009	House Joint Resolution 19 (Park).	<u>Not CBPC legislation</u> , but authorized extension of the lease to the Downs of Albuquerque of facilities at the state fairgrounds until January 2012.
2010		
2010	Senate Joint Resolution 9 (regular session) (Papen).	Authorized the trade of state land for 3.8 acres of private land to be used for Santa Teresa port of entry drainage purposes
2010	SFC/Senate Bill 200 (regular session), Chapter 73. Enacted a new Section 15-3-36 NMSA 1978.	<u>Not CBPC legislation</u> , but established energy-efficiency standards for new state government buildings.
2010	House Joint Resolution 9 (regular session) (Miera).	<u>Not CBPC legislation</u> , but authorized the transfer of the old Metropolitan Court building in Albuquerque to Bernalillo County.

2010	SFI/Senate Joint Resolution 16 (regular session).	<u>Not CBPC legislation</u> , but authorized the trade or sale to the Town of Taos of state-owned land within the Taos Mini Industrial Park, subject to land grant right of first refusal provisions of Section 13-6-5 NMSA 1978 and review by the CBPC.
2010	House Bill 112 (regular session) (A. Lujan), Chapter 11, and Senate Bill 95 (regular session) (Papen), Chapter 9.	<u>Not CBPC legislation</u> , but authorized the Las Cruces downtown tax increment development district, encompassing possible state-office development, to issue \$8 million in bonds to finance the district.
2010	House Bill 5 (2nd Special Session) (Trujillo), Chapter 4.	<u>Not CBPC legislation</u> , but authorized severance tax bonds for several projects within master planning areas, including \$1.4 million for projects at the YDDC in Albuquerque (Section 4, Subsections 1 through 3); \$500,000 for completion of the tri-services lab facility in Albuquerque (Section 4, Subsection 4); \$3.48 million for renovation and deferred maintenance projects in state building statewide (Section 4, Subsection 12); and \$1.1 million for infrastructure improvements to cultural facilities statewide (Section 5). The bill also mandated that money previously appropriated (Laws 2007, Chapter 64, Section 6, as amended by Laws 2009, Chapter 114, Section 6) for purchase of property on the West Capitol Campus also be expended for the acquisition of certain parcels on the College of Santa Fe campus (Section 35).
2011		
2011	House Joint Resolution 9 (Varela)	<u>Not CBPC legislation</u> , but authorized the donation or sale of property on the former College of Santa Fe campus to Santa Fe Community College.
2011	Senate Joint Resolution 1 (Papen)	<u>Not CBPC legislation</u> , but authorized the donation of the Camunez Building to the City of Las Cruces.
2011	Senate Joint Resolution 11 (Sanchez)	<u>Not CBPC legislation</u> , but authorized the transfer of land upon which is located Katherine Gallegos Elementary School to the Los Lunas Public School District.

2011	<i>Senate Bill 193 (Ingle), pocket vetoed.</i>	Would have required state agencies to develop five-year facilities master plans, based on guidelines developed by the PCD and consistent with CBPC master plans and planning principles.
2011	<i>SFC/Senate Bill 218 (Cisneros), failed.</i>	<u>Not CBPC legislation</u> , but would have authorized severance tax bonds for many state projects within master-planned areas, including \$300,000 for Workforce Solutions Department projects in Albuquerque, Deming and Las Vegas (Section 5, Subsections 3, 6 and 19); \$18.6 million for Corrections Department projects statewide (Section 5, Subsections 4, 5, 7, 8 and 28); \$3.9 million for CYFD projects in Albuquerque and southeastern New Mexico (Section 5, Subsections 9 and 10); \$12.8 million for projects at the New Mexico Behavioral Health Institute in Las Vegas (Section 5, Subsections 12-18); \$12 million for renovations to buildings at the South Capitol Campus in Santa Fe (Section 5, Subsections 21 and 22); \$10.8 million for Department of Health projects in Truth or Consequences and Los Lunas (Section 5, Subsections 23-26); \$5 million for the drug and substance abuse treatment facility in Los Lunas (Section 5, Subsection 27); \$2 million for demolition and decommissioning of state buildings statewide (Section 5, Subsection 29); and \$5 million for repairs, renovations and deferred maintenance abatement at state buildings statewide (Section 5, Subsection 30).
2011	House Memorial 52 (Maestas).	<u>Not CBPC legislation</u> , but calls for collaboration among certain agencies to achieve cost-effective consolidation of agency offices into state-owned facilities in Albuquerque.
2012		
2012	<i>Senate Bill 83 (Ingle), pocket vetoed.</i>	Would have required state agencies to develop five-year facilities master plans, based on guidelines developed by the PCD and consistent with CBPC master plans and planning principles. It would have appropriated \$2.3 million for a facilities condition assessment and \$1 million to provide facilities master planning assistance to state agencies.

2013		
2013	Senate Bill 339 (Ingle), Chapter 115.	<u>Not CBPC legislation</u> ; combines the former Property Control Division and Building Services Division of the General Services Department into the Facilities Management Division (FMD).
2013	Senate Bill 572 (Ingle), Chapter 174.	<u>Not CBPC legislation</u> ; allows the Property Control Reserve Fund to be used statewide for the purchase or construction of state buildings.
2013	Senate Bill 341 (Ingle), Chapter 215.	<u>Not CBPC legislation</u> ; increases the cap on building and remodeling contracts from \$500,000 to \$5 million and eliminates the requirement that the FMD report contracts at State Board of Finance meetings.
2013	Senate Bill 340 (Ingle), Chapter 146.	<u>Not CBPC legislation</u> ; allows the FMD to contract for design and build projects that are in the best interests of the state or a local public body without a \$10 million contract limit.
2013	Senate Bill 266 (Griego), Chapter 99.	<u>Not CBPC legislation</u> ; amends the Procurement Code procedures for contracting for architectural and engineering services such that a single contract is capped at \$500,000 and multiple projects with a single contractor may not exceed \$2 million over a four-year period.
2014		
2014	House Joint Resolution 8 (Jim R. Trujillo).	<u>Not CBPC legislation</u> ; authorizes the disposal of surplus land in Santa Fe by the State Parks Division of the Energy, Minerals and Natural Resources Department.
2014	House Joint Memorial 11 (Garcia Richard).	<u>Not CBPC legislation</u> ; requests that the secretary of general services develop guidance and secure qualified training on bids and requests for proposals for government contracts for chief procurement officers that promote fair competition and transparency for New Mexico resident businesses and contractors.