

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

**January 8, 2018
State Capitol, Room 311
Santa Fe**

The second meeting of the Capitol Buildings Planning Commission (CBPC) for the 2017 interim was called to order by Edwynn L. Burckle, secretary of general services, on January 8, 2018 at 1:36 p.m. in Room 311 of the State Capitol.

Present

Edwynn L. Burckle, Secretary of General Services, Co-Chair
Rep. Brian Egolf, Speaker of the House of Representatives, Co-Chair
Tom Church, Secretary of Transportation
Veronica N. Gonzales, Secretary of Cultural Affairs
Sen. Stuart Ingle
Rep. Rod Montoya
Sen. Mary Kay Papen, Senate President Pro Tempore
Debbie Romero, Designee for Duffy Rodriguez, Secretary of Finance and Administration
Jennifer Scott, Designee for Judith K. Nakamura, Chief Justice, New Mexico Supreme Court
Clarence Smith, Designee for Tim Eichenberg, State Treasurer
Clyde Ward, Designee for Aubrey Dunn, Commissioner of Public Lands

Absent

No absences

Staff

Raúl E. Burciaga, Director, Legislative Council Service (LCS)
Michelle Jaschke, Researcher, LCS
Jeff Eaton, Research and Fiscal Policy Analyst, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts from the meeting are in the meeting file and are posted at www.nmlegis.gov.

Monday, January 8

Approval of Agenda and Minutes

On motions duly made, seconded and unanimously adopted, the commission approved the agenda for the meeting as well as the minutes for the meeting held on June 22, 2017.

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

Adoption of Open Meetings Resolution 2018

Mr. Burciaga reported that the commission annually adopts an open meetings resolution, and he presented a resolution for adoption by the commission. He observed that the resolution is unchanged from the previously adopted resolution. On a motion duly made and seconded, the commission approved the resolution without objection, and the resolution was signed by the co-chairs of the commission.

Action Item: Consideration of Proposed Dispositions of State Property

Christopher Lee, acting director, Facilities Management Division, General Services Department (GSD), presented information to the commission on three properties under consideration for disposition:

- 1600 E. Tilden Street, Roswell (7.77 acres);
- 31 Gail Harris Street, Roswell (16.06 acres); and
- 1000 W. Broadway Street, Hobbs (0.35 acres).

Mr. Lee reported that the state has no future plans for these properties and that the GSD continues to incur expenses related to ongoing maintenance and cleanup at the properties. The property at 1600 E. Tilden Street in Roswell was appraised at under \$43,000 in 1998 and at \$20,000 in 2004. The former Oil Conservation Division of the Energy, Minerals and Natural Resources Department building located at 1000 W. Broadway Street in Hobbs requires hazardous materials abatement prior to appraisal and disposition. Mr. Lee stated that an appraisal will be conducted on the property at 31 Gail Harris Street, located on the former Walker Air Force Base in Roswell, prior to disposition of the property. A member noted that properties valued in excess of \$100,000 require a joint resolution of the legislature for disposition.

One member inquired about the sale process, and Mr. Lee stated that, following an appraisal of the property and an issuance of a request for proposals on the sale, the property is sold to the highest bidder; provided that the high bid at least meets the appraised value. Mr. Lee also provided information on proposed legislation regarding property acquisitions and the Property Control Reserve Fund (PCRF). He noted that the PCRF balance, currently at approximately \$1.5 million, will fall to approximately \$160,000 after appropriations are made for insurance costs for fiscal years 2018 and 2019. The GSD proposes to add language to the Property Control Act to provide for the CBPC to review, and if warranted, give approval to the

acquisition of real property by the GSD through the use of unappropriated money in the PCRFB. Mr. Lee stated that the intent of the proposed change is to allow the GSD to take advantage of market conditions and opportunities when the legislature is not in session. As an example, Mr. Lee reported that the GSD recently had an opportunity to purchase a piece of land in Espanola adjacent to a state-owned facility occupied by the Human Services Department. Lacking an opportunity for legislative approval for the purchase during the interim, however, the property was sold to another party.

Members raised concerns regarding the availability of information prior to proposed property dispositions and asked if a review of best practices in other states for enabling action on market opportunities had been conducted. Mr. Burciaga reported that some information on other state practices has been reviewed. One member noted that funding for the commission's functions with respect to master planning and the inventory of state properties was vetoed by the governor last year and that few resources are currently available to the commission to review purchases or to conduct its regular activities.

Alan Martinez, deputy secretary, Veterans' Services Department, presented a proposal to transfer the Merchant Marine Cemetery in Fort Stanton, currently operated by the Cultural Affairs Department (CAD), to the Veterans' Services Department. The Merchant Marine Cemetery is directly adjacent to the veterans' cemetery in Fort Stanton that is currently operated by the Veterans' Services Department. Secretary Gonzales reported that the CAD assumed management of the Merchant Marine Cemetery when the CAD took over the Fort Stanton Historic Site but that the cemetery is more appropriately managed by the Veterans' Services Department.

Secretary Gonzales also presented information on a proposal to transfer El Camino Real Historic Trail Site south of Socorro to the New Mexico Institute of Mining and Technology (NMIMT) in an effort to reduce operating costs for the CAD and provide a facility for NMIMT to use as a science center. The CAD estimates that operating costs for the site average \$150,000 to \$200,000 per year. Secretary Gonzales cited low staffing for the CAD along with limited visitation to the site and a lack of programming as primary reasons for the proposed transfer. Under the proposal, the CAD and NMIMT would maintain some "comment" at the site on the history of El Camino Real.

Dr. Patrick Moore, director, New Mexico Historic Sites, CAD, commented on the proposed transfer, noting that El Camino Real Historic Trail Site is not a historic site and is not on El Camino Real. He observed that the center's location along the Rio Grande rift valley does provide opportunities for geological observation and education for the NMIMT Earth and Environmental Sciences Department. Members raised questions regarding the overall cost to establish the site, estimated at \$10 million by Secretary Gonzales, and the overall value of the site to NMIMT.

Senator Ingle moved to endorse the GSD's disposition proposals for the two properties in Roswell and the property in Hobbs as well as the proposal to transfer the Merchant Marine Cemetery in Fort Stanton from the CAD to the Veterans' Services Department. Senator Papen seconded the motion, and it was approved without objection.

Consideration of the Transfer of the Mesilla Valley Bosque State Park to the Department of Game and Fish (DGF)

Ken McQueen, secretary, Energy, Minerals and Natural Resources Department (EMNRD), and Matthias Sayer, deputy director, EMNRD, provided information to the commission regarding a proposed transfer of the Mesilla Valley Bosque State Park from the EMNRD to the DGF. Secretary McQueen stated that attendance at the park is in the bottom quartile of the parks managed by the department. The park is currently staffed with one full-time employee and one seasonal employee, although the secretary stated that an optimal staffing level for the park is four full-time employees and two seasonal employees. The optimal staffing level is not possible due to continuing budget constraints, according to Secretary McQueen.

The secretary and Mr. Sayer provided additional statistics on park attendance and maintenance costs throughout the state. One member asked to be provided a copy of the statistics. Secretary McQueen stated that transfer of the Mesilla Valley Bosque State Park, which encompasses 264.76 acres, to the DGF will keep the area open as a game preserve, remove the entrance fee, increase the state's presence on-site and save the EMNRD roughly \$266,000 annually. The secretary also stated that the DGF plans to construct a new building on the land after the transfer.

One member inquired about the cost of the new building, and Secretary McQueen stated that he did not know how much the new facility will cost. In response to members' questions, Secretary McQueen stated that the EMNRD has recently transferred the Vietnam Veterans' Memorial State Park to the Veterans' Services Department and the historic Capitan Depot site to the village of Capitan and said that legislative approval is not required for the transfer of state parks. Members discussed the provisions in statute governing the transfer and disposition of state properties, including a provision referenced by Secretary McQueen in Section 16-2-15 NMSA 1978, that allows the secretary of energy, minerals and natural resources to transfer properties if they are determined to be in excess of the department's needs. Speaker Egolf observed that the statute does not take the legislature out of the transfer process and asked why the department would not use the established process for transfer by legislative resolution. Speaker Egolf also asked how it was determined that the land is in excess of the needs of the department. Secretary McQueen replied that the park is not self-supporting and would better serve as a game preserve.

A member asked if the department had considered leasing space at the site to the DGF. Secretary McQueen replied that the DGF wants to construct office and meeting space to accommodate 12 DGF employees and to provide facilities for the State Game Commission and said that the DGF is not interested in developing land that it does not own. A member asked

about passage of a bill relating to the transfer and disposition processes for state properties during the 2017 legislative session. Another member noted that such a bill had passed both chambers in 2017 but was pocket vetoed by the governor.

Secretary McQueen stated that the department will continue to evaluate state park transfer possibilities for parks in the "non-performing" category as cost-saving measures. In response to members' questions, he reported that the next likely candidate for transfer or disposal is the Living Desert Zoo and Gardens State Park outside of Carlsbad. He acknowledged that the park is a popular feature in the area; however, he observed that he does not think it is the function of the EMNRD to operate a zoo.

Action Item: Consideration of Master Planning Task Order — Department of Health (DOH) Facilities

George Morgan, capital projects manager, DOH, and Roy McDonald, administrative services division director, DOH, presented a request to issue master planning task orders for DOH facilities in Los Lunas, Fort Bayard and Las Vegas through the CBPC's master planning consultant contract. It was noted that an existing master plan for the Los Lunas campus now utilized by the DOH and several other agencies needs to be updated to include a comprehensive plan for all of the buildings and tenants on the campus. In answer to a member's question, Mr. Morgan reported that the outcome of the master planning activities for the New Mexico Behavioral Health Institute at Las Vegas will help to determine whether buildings at that facility should be replaced or repaired. Mr. McDonald urged the commission to consider the importance of master planning activities to avoid the repeated expense and short-term solution of putting "Band-Aids on buildings".

Mr. Morgan clarified other provisions of the proposal, noting that DOH funds would be used for the master planning activities through a joint memorandum of understanding (MOU) that includes the DOH, the GSD and the LCS. The project will likely include separate task orders for the master planning activities at the various sites, and the scope of work for the task orders will be coordinated through the MOU participants. Senator Ingle moved to approve the use of the CBPC consultant contract to conduct master planning activities for the DOH facilities and the Los Lunas campus with funding from the DOH. Ms. Romero seconded the motion, and it passed without objection.

Mr. Burciaga pointed out that funding has not been available in fiscal year 2018 for master planning and inventory maintenance and development activities and that without restoration of funding in fiscal year 2019, much of the work that has been completed to date for the inventory will quickly become outdated.

Adjournment

There being no further business before the commission, the second meeting of the CBPC for the 2017 interim adjourned at 3:35 p.m.