

## PARKS AND OPEN SPACES ADVISORY COMMISSION RESPONSE THE 2008 PARKS AND TRAILS BOND MANAGEMENT REPORT

We would like to thank Management for the opportunity to respond to their *Management Report to the Governing Body and Final Report on the 2008 Parks and Trails Bond*. We appreciate being able summarize our analysis of the reports and to clarify several things that are misleading and unsubstantiated.

**PARKS INVENTORY:** PARC Commissioners have worked with Isaac Pino, Public Works Director, to inventory 36 out of the 59 parks projects comparing what was in the park and on the Purchases Tab with what was on the approved 2008 Bond Implementation Plan. This list may change after we inventory the other 23 parks.

Only one third of the projects were completed per the approved Bond Implementation Plan and 44% were not completed per the Implementation Plan. Twenty percent had SOWs that totally different from the approved Implementation Plan - significantly increasing the budget (in one case tripling it) - and 4% were cancelled, both without Governing Body notification or approval. At least two projects that were no in the approved Implementation Plan were also implemented without Governing Body notification or approval

Status	#	Names of Parks
Projects that were completed per the approved Implementation Plan	21	Adam Armijo#, Cross of the Martyrs, Prince, Frank S. Ortiz Dog Park, Frank S. Ortiz Park, Majors Field, Plaza, <u>Sunnyslope#</u> , <u>West De Vargas#</u> , <u>Galisteo Tennis Courts#</u> , <u>Power Plant Building and Park</u> , <u>Ashbaugh</u> , Cielo Vista#, <u>Frenchy's</u> , <u>Maclovía#</u> , <u>GCCC Park</u> , <u>Las Estancias</u> , <u>Nava Ade</u> , Pueblos del Sol, Salvador Perez Pool,
Projects that were not completed per the approved Implementation Plan without informing the Governing Body.	26	John F. Griego, Cornell*, Orlando Fernandez, Patrick Smith, Cathedral, Ft. Marcy Complex, Thomas Macione, Atalaya, <u>East DeVargas</u> , Patrick Smith, Salvador Perez, Young*, Gregory Lopez*, Larragoite, Los Milagros*, Ranchos del Sol*, Herb Martinez, Marc Brandt, Monica Lucero*, Villa Caballero#, <u>Santa Fe River Parkway</u> , Franklin Miles, <u>Ragle</u> , Sal Perez, <u>GCCC Facility</u> ,
Projects where Scopes of Work were significantly changed and budget significantly increased Governing Body notification or approval.	7	<u>Torreón</u> , Calle Lorca, Las Acequias, Candelero Villa Linda <u>MRC</u>
Projects that were cancelled without Governing Body notification or approval.	5	<u>Melendez</u> , Monica Roybal, Peralta, <u>Don Diego</u> , <u>Espinacitas</u>
<b>Total Approved Projects</b>	<b>59</b>	
Projects that were implemented that were not on the Implementation Plan without Governing Body approval	2	La Resolana, <u>Marty Sanchez Golf Course</u> (possibly others)

Parks that are underlined have not yet visited by PARC and Mr. Pino and Data is from other staff's visits.

# Other improvements implemented in addition to the Scope of Work.

\* Other improvements were implemented outside of the Scope of Work.

**PAYROLL:** A review and analysis of twenty-five projects where Management has posted information on the Payroll Tab comparing it with the project Purchases Tab indicates the following patterns. Detailed examples for each point are included on page 8, "Analysis of Parks Bond Labor Costs Posted as of July 15, 2015".

1. Maintenance salaries were paid out of the Bond starting in October 2008, two years before the Governing Body was asked to approve these expenses.
2. Maintenance salaries were continued to be paid out of the Bond through 2013, even though Judy Amer's July 2011 Memo responding to whether four Marty Sanchez Golf Course maintenance staff could be paid out of the Bond **Conclusion was that "this decision needs to be made on a case by case basis depending on the specific facts pertaining to the exact type of work being done by these four employees. Presently, the City Attorney has not been presented with specific facts regarding the work being performed by these four City employees"**. [http://www.santafenm.gov/media/archive\\_center/7-21-11\\_JA\\_Memo\\_re\\_2008\\_Bond\\_Uses\\_-\\_to\\_Ike\\_Pino\\_and\\_Kathryn\\_Raveling.pdf](http://www.santafenm.gov/media/archive_center/7-21-11_JA_Memo_re_2008_Bond_Uses_-_to_Ike_Pino_and_Kathryn_Raveling.pdf)
3. A labor charge was made before the Bond was sold?
4. Maintenance charges appear to have been made to projects before Bond work on that project was initiated.
5. Maintenance, labor and administrative charges were made to projects that were cancelled and on which no Bond work was performed.
6. Maintenance charges in eleven out of the twenty-five parks where payroll is posted were consistently unreasonable for the size and scope of the park and appear to be assigned rather than by number of hours actually worked on that park.
7. Salaries were paid to people who may not have been working those hours on implementing the Bond.
8. Locals Crew salaries appear to be charged to a project before it was actually started.
9. Locals Crew and Administration salaries appear to be charged after the Project was completed.
10. Labor and Administrative charges seem questionable considering the scope of the project.
11. Maintenance charges were made to projects years after Bond work had been completed.
12. There are significant differences between the amount of salaries and benefits charged depending on the type of project. **There does not seem to be a pattern for how salaries and benefits for the Local Crew, Administrative Costs or maintenance were charged which makes it appear amounts were assigned rather than hours actually worked.**

Management Type	Average % Salaries and Wages represent of total Project Costs	Range
All Bond Projects	21%	0% to 100%
Projects implemented by Parks Locals Crews	58%	35% to 100%
Projects managed by Trails staff through contracts	14%	12% to 26%
Projects managed by Facilities through Contracts	1.31%	0% to 10%
Projects implemented through both contracts and Locals Crews	18%	10% to 31%

## PURCHASES:

1. **Errors on the Purchases Tabs:** The Purchase Tabs for East/West DeVargas, the two Ortiz Parks and Ft. Marcy/Mager's Field Ortiz Park seem to have errors in what charges were applied to each park (Contractors in DeVargas and playground equipment in the Ortiz Parks. The Mager's Field Purchases Tab shows purchases for Maclovio Park). This makes it difficult to understand what was really spent on each project.
2. **All of the receipts don't seem to be posted?** It appears that not all of the actual receipts are posted on the web site. This is concerning because, **if all receipts aren't posted, the Final Report isn't accurate.**
  - MRC: Ms. Booth found three receipts for *R&R Products Incorporated* in the MRC files that don't seem to appear on the web site (3/17/10 – \$1,100.00, no date \$706.00 and June 2010 for \$556.00). Likewise, there were two receipts for *C&M Air Cooled Engines Incorporated* that also don't seem to appear on the MRC Purchases Tab (May 10, 2012 - \$1,108.00 and June 10, 2011 for \$3,102.00). Ms. Brennan and Ms. Garcia responded to Ms. Booth's question of where they are posted on the Purchases Tab with – yes they are there - but after carefully reviewing the list, she still didn't find them.
  - Peralta Park: There are no receipts posted on the Purchases Tab for this project; on the "Expenditure Summary by Fund Tab" there is a zero balance posted for services and materials for this project. However, the new Final Accounting Report states, "We note that the project file includes a Purchase Order in the amount of \$284.33 for 'materials need for restoration of benches at Peralta Park'."
3. **There are postings in almost every Purchases Tab that raise questions, for example:**

Vender & Amount	Park Name	Comments
Valdes Picture Frames – 315.50	Adam Armijo	
Playwell \$1,800.00 drinking fountain Ten trash cans – \$1,854.00	Atalaya	Same drinking fountain as 2007 and a receipt for \$800.00 for fixing it. No new trash cans.
Helena Chemicals – \$1,837.00 each	Cathedral, Ragle, and Franklin Miles	Herbicides?
Recollections - \$950.00	Cornell	A local consignment shop?
American Fence Company \$1, 790.00 Hansen Lumber \$500.00 and 'Miscellaneous expenses' Big Joe and Empires - \$200.00	Melendez	No fence. There is nothing on this empty lot
Playwell \$1,800.00 each	Thomas Macione and Orlando Fernandez	No new drinking fountain or benches
Creative Santa Fe \$5,000.00	Santa Fe River Parkway	
Dell	NW Quadrant	Computer?
Qwest Asset Accounting Operations - \$3,893.00	Plaza	?
Capital City Uniforms - \$827.00	Young	Classified as Uniforms, Clothing, Linens

4. **Marty Sanchez Golf Course (MSGC) Purchases:** Ms. Booth was able to review about half of the receipts in the MRC box of files. It is obvious that Bond monies were paid for regular operational expenses at the Marty Sanchez Golf Course starting as early as March 2009. Some funding was also made to capital improvements, although the MSGC was never mentioned in either the original or revised SOW reported to POSAC (and never reported to the Governing Body). Receipts show operational expenses include fertilizer, "maintenance supplies", \$850.00 worth of "golf ball washer tablets", fungicides, hydraulic oil, 'grind wheels and tools needed for

sharpening machines at the MSGC; \$556.00 of 'screws, etc. for the MSGC' and \$2,400.00 for cleaning the septic tanks. Receipts show that Bond funds were used to purchase herbicides that are not approved in the City IPM Ordinance including Quicksilver which contains Carfentrazone and Trimec Turf Supreme which contains 2 4-D. \$500.00 went for one of the Golf Course maintenance staff's Union Tool Allowance.

5. **Receipts don't match the Field Inventory:** PARC Commissioners were only able to review the hard copy receipts in the files for four projects. However, in even this small sample there were discrepancies between the receipts and what was observed in the field visits for the Inventory. In Patrick Smith, the receipt to the contractor paid for three shade structures; there is only one shade structure in the park. As mentioned above, Atalalya receipts include \$1,848.00 for a new drinking fountain, but there is no new fountain and there is also a receipt for \$818.00 to 'repair and upgrade the drinking fountain to meet code'. There is a receipt for two pet waster boxes and ten trash receptacles, but none of these are apparent in this park.

**WHO IS RESPONSIBLE?** It is disheartening that the report takes no responsibility for Management's role in implementing the Bond, especially since most of the current management staff are new. Rather than saying, "we weren't here. We don't know what happened, but we're going to make sure it never happens again", Management continues to blame everyone and everything else for the Bond implementation – from the Implementation Plan to the lack of communication between people who saw each other several times every day to the Governing Body to the civilian advisory commission that could not sign a check. The following discusses the Observations on page 15 of the *Management Report*:

1. **"The Implementation Plan Wasn't Detailed Enough" Excuse:** This is not true. The Implementation Plan was created in a six-month participatory process involving the very people who implemented it and knew exactly what each item on the Scope entailed. Page 12 describes the process in detail.
2. **"There was no Clear Direction From The Governing Body for Reporting on Changes to the Work and The Estimated Costs For Work" Excuse:** This is not true. First of all, there are standard procedures for reporting changes of Scopes of Work and transfer of funds between projects that were not followed. Secondly, the *Management Report* cites a 2009 Finance Committee meeting where Councilor Romero requested updates every six months. This request was ignored. Both the Finance and Public Works Committees have repeatedly asked Management for information including who was paid out of the Bond (December 2013). Management still has not produced this information.
3. **"The Communications among Staff was Lacking" Excuse:** The majority of the staff implementing the parks projects worked out of the same building and saw each other several times each day every single day. Project Administrators and Supervisors also participated in weekly staff meetings.
4. **"The Turnovers in Key Staff Contributed to Failures of Communication and Knowledge Loss" Excuse:** First of all, the key people who implemented the Bond – Ben Gurule, Richard Lopez, Chip Lillianthal, Frank Archuleta – did not leave the City until 2014. Secondly, these people did not die. They live in Santa Fe, have cell phones and emails and were still in contact with many people at Parks and Facilities even after leaving their positions.
5. **The "It's POSAC's Fault" Excuse:** The *Management Report* concluded that "POSAC's early and deep engagement in the Project including advocating for passage of the Bond Election Question, its efforts assisting in the development of the Plan, its close sustained interaction with staff, all may have contributed to an engagement beyond its advisory role." **With the significant management issues related to this Bond, it is obviously a red herring to make one-third of a ten-page report about the citizen advisory commission.**
  - **Within our Mandate:** POSAC was well within our mandate to receive updates on the 2008 Bond and to provide recommendations about how it should be spent. Per Resolution 2007-22 that created the

Commission: “to make recommendations regarding the priorities for funding parks and open space improvements in the *Parks, Open Space, Trails, and Recreation Master Plan* in a timely manner in anticipation of the regular municipal election in March 2008 wherein the governing body may ask the voters to approve a general obligation bond to fund the improvements” and thereafter “to provide ongoing advice regarding all park and open space related issues including, but not limited to, the acquisition, dedication, planning, development, construction, operation and maintenance.” Per the City “Guidelines and Procedures for City Committees” POSAC is, amongst other responsibilities, to “initiate, review, and make recommendations to the governing body and City staff on matters related to its area of responsibility”.

The *Management Report* pulled out one piece of one very early meeting where POSAC voted to encourage more skate features in a Governor Miles Park. It’s important to note that we did not take that recommendation to the Governing Body and our vote did not change the Scope of Work for that project. The *Report* was obviously looking for any way to discredit the civil society commission that called for the audit.

Finally, it isn’t up to Management to decide POSAC’s mandate; it is up to the Governing Body who has always expressed just the opposite. They have continuously and constantly thanked us for our work and asked us to continue. At least two City Councilors have publically stated that there wouldn’t have been a 2008 Bond without the work of POSAC.

**Unfortunate and Ill-advised Attack on Citizen Volunteers:** This is an unfortunate and ill-advised attack on volunteers who have worked tirelessly and without pay for more than eight years. We didn’t donate our time and energy because we were seeking political power. We aren’t being paid five and six figure salaries and benefits from the City for the many hours we worked. We devoted these hours and days of our time for one simple reason – we believe that Santa Fe should have the best parks and trails possible. This public censure has unfortunately discouraged volunteerism; others who are considering volunteering are asking whether they too will be attacked if they disagree with Management.

**POSAC WAS INFORMED AFTER THE FACT, NOT CONSULTED:** A great deal of both the Management and Final Reports is about POSAC rather than Governing Body minutes. **It is obvious that using so much of the Report to comment on POSAC is distraction from the real issue - what was the Governing Body told and what did they approve?**

However, since POSAC is so prominently featured, it’s important to note that both reports and POSAC minutes show that, with very few exceptions, POSAC was **informed after the fact and was not consulted**. Following are just a few examples mentioned in the *Management* and *Final Reports*:

- The Management Report clearly illustrates POSAC’s passive role with its comments that POSAC ‘was briefed’ ‘received a status update’, ‘Mr. Chavez advised committee members’ and ‘Mr. Chavez reported’.
- The *Management Report* says, “2009 ended with a **revised Plan recommended by POSAC** and approved by Public Works and Finance” (pg. 13). This is not only untrue, it is a classic example of how POSAC was informed after the fact and not consulted. The November 2009 POSAC minutes show that Fabian Chavez, Parks Director, **informed** the Commission “The Parks Master Plan went before Public Works last week and copies of the Implementation Plan could be reviewed at the Parks Office.” Commissioners didn’t even get a copy of the new Plan, to say nothing of reviewing and commenting on it **before** it went to the Governing Body.
- The Management Report says POSAC was **informed** about the use of a Locals Crew to construct certain projects. We were. However, were **not informed** for two years (nor was the Governing Body) that Management was also using Bond money to pay Maintenance staff although we had been **informed** in 2008 that Bond monies could only be used for capital improvements and could not be used for operations.

- We were **informed** the MRC and Pueblos del Sol SOWs were being changed and that La Resolana was being added to the list; we were not consulted or asked to advise on it.

We were also **informed about things that later turned out not to be true**. We were informed that:

- “Historical style benches and two trees had been put in Peralta Park” (May 2013),
- “Changes couldn’t be made to the Implementation Plan without a resolution or amendment from the Governing Body” (November 8, 2008),
- The “Marc Brandt project was finished except for trees and over seeding” (April 2010),
- The new “parking lot at Pueblos del Sol was requested through the Governing Body and they directed staff to build a parking lot with Park Bond funds” (September 2010)
- The Finance Committee would get a report on everyone who was paid out of the Bond in January 2013 (December 2012).
- “Everything in every park was done exactly to the Master Plan and all improvements to be done were complete and within budget.”(December 2012).
- The Parks Bond “cannot be used for maintenance personnel. It can be used for capital outlay, but it can’t be used for maintenance personnel” (November 2007)

**None of this ‘information’ was true.**

In spite of this, in the interest of improving our service to the City and tax payers, the POSAC/PARC Chair asked Management to provide examples of ways the Commission ‘over-stepped our bounds’ so that we could either not do the same in the future or decide, in an open and transparent public discussion, to go ahead and do it again in spite of Management’s opinion. Management has refused to provide POSAC/PARC with these examples.

**DEFACTO AND UNAPPROVED GROUND RULES:** It is clear from the Governing Body and POSAC minutes and the Management Report that **Management implemented this Bond with a total lack of transparency, circumvention of the Governing Body’s role and authority and purposeful manipulation of both the Governing Body and POSAC through the careful control of what information was provided to each.**

The supposed ‘ground rules’ the Management Report (pg. 13) says were established illuminate this how this lack of transparency and circumvention of the Governing Body’s authority occurred: “(1) Individual parks and trails project funds could be shifted within districts, but not across districts, (2) that the shift in work could be by direction of staff, (3) that Governing Body approval for revisions to the Plan was not needed except when changes were made to some of the dollar amounts, and (4) that any reallocation of unexpended funds would not occur until after all the work of the Project had been completed.”

**These ‘ground rules’ were not formally discussed or voted on by the Governing Body. These ‘ground rules’ were manufactured by Management to permit them to spend Bond monies without any oversight.**

As the Management Report states, Rules #1 and #4 were mentioned in passing in a Finance Meeting; however in that same meeting a Councilor asked that Management produce an updated report on the Bond every six months.

That request was ignored while the other two became de facto, unapproved 'ground rules'. A review of Governing Body and POSAC minutes show no mention of 'ground rules' 2 and 3.

**However, is clear that this is what Management actually did – they consistently and purposively shifted 'work' without even informing the Governing Body, including:**

- Using Bond funds for maintenance two years before informing or asking permission of the Governing Body.
- Randomly and arbitrarily assigning labor and maintenance time to projects rather than actual hours worked.
- Ignoring the ruling of the City Attorney that decisions on staff time charged to the Bond needed to be decided on an individual basis.
- Charging labor and maintenance salaries before a Bond project even began.
- Using Bond funds for staff when they were not working directly on the Bond.
- Not completing project SOWs at all or sometimes doing other tasks that weren't on the SOW without an ENN or consultation with POSAC or the Governing Body.
- Significantly changing SOWs and considerably increasing project costs.
- Cancelling projects.
- Using Bond funding for operational expenses.
- Using Bond funding for questionable expenses that need to be further analyzed such as uniforms, a consignment shop and Union Tool Allowances, amongst others.
- Using Bond funding for projects that weren't on the Implementation Plan (Marty Sanchez Golf Course, La Resolana and perhaps others).
- Charging labor, administration and maintenance to Bond projects that were cancelled and where no Bond work took place.
- Not controlling where materials purchased with Bond monies actually went. Hundreds of thousands of dollars went to hardware stores for tools and materials. There is no inventory of where they actually went and Parks had significant theft issues during that time.
- Repeatedly reallocating monies back and forth amongst projects with no approved changes in the Implementation Plan, making it even more difficult to follow the Bond funding and expenditures.
- Charging materials to projects that were not installed in the park - fencing, irrigation, drinking fountains, etc.

## **2008 Parks and Trails Bond Analysis of Labor Charges Posted on the City Web Site as of July 10, 2015**

An analysis of twenty-five projects where Management has posted information on the Payroll Tab comparing it with the Purchases Tab indicates the following patterns:

### **1. Maintenance charges were made to projects before Bond work was initiated.**

- Alto Bicentennial Pool: Maintenance staff was paid out of this project starting in March 2011 (through May 2012). Purchases for Bond work were in 2013.
- Frank S. Ortiz Park: Maintenance staff was paid out of the project starting in June 2009 (through January 2011). The first purchases for Bond work on this project were in March 2010.
- John Griego Park: Maintenance staff was paid out of this project starting in January 2009 (through December 2013). The Purchases Tab only shows actual Bond work was in 2009.
- Torreon: Maintenance staff was paid out of to this project starting in June 2010. The Purchases Tab shows that most work was done on this project from April to December 2012.
- Calle Lorca: Maintenance staff was paid out of this project starting in January 2010 (through June 2012). The Purchase Tab indicates that Bond work on this project began in early 2011.
- Cornell Park: Maintenance staff was paid out of this project starting in 2008 (through February 2009). The Purchases Tab shows purchases for actual Bond work on this project beginning in September 2009.
- Galisteo Tennis Courts: Maintenance staff was paid from this project starting in March 2010 (through September 2012). The Purchases Tab indicates that work on this Bond project was May - August 2011.

### **2. Maintenance, labor and administrative charges were made to projects that were cancelled.**

- Melendez Empty Lot - Project Cancelled: Both Maintenance and Locals Crews salaries were paid out of this project January and February 2009 although the Purchases Tab shows that the survey that cancelled the project was not conducted until May 2009. In 2010, \$5,700.00 in "Administrative Costs" was charged to this project after it had been cancelled.
- Monica Roybal - Project Cancelled/No Purchases made: Both Maintenance staff and Locals Crew were paid out of this project from March 2011 through May 2012 even though the project was cancelled.
- Peralta Park – Project cancelled/No Purchases Made: \$2,163.00 paid to John C. Griego, 'PW Project Administrator' in November 2009.

### **3. Maintenance charges were consistently unreasonable for the size and scope of the park.**

- Alto Bicentennial Pool: For more than a year, one "Parks Maintenance Worker" reportedly worked an average of 2 ½ days per week even during months that the facility was closed. (March 2011 to May 2012 – 68.25 days/546 hours)
- Cross of the Martyrs: One maintenance worker reportedly worked almost every day all summer maintaining this 2.35 acre park (June 10 – October 200, 2010 - 603 total hours/75 total days or 4.71 days each week).



On the February 11, 2011 payroll, four maintenance workers reportedly worked almost full time maintaining this park (Combined 289 out of 320 billable hours). \$1,039.0 was paid in overtime on this project.

- Frank S. Ortiz Dog Park: In the March 19, 2010 payroll, five maintenance workers reportedly worked a combined 40 days maintaining this park (321 total hours); one was paid for working 92.63 hours.
- Frank S. Ortiz Park: Through the winter of 2009-2010 when little maintenance is needed, one maintenance staff reportedly worked almost full time maintaining this park (October 9, 2009 through April 9, 2010 - 976 hours/122 days out of a billable 1040 hours/130 days). On the February 19, 2010 payroll, in the middle of winter, five maintenance workers reportedly worked a combined 29.4 days (235.25 hours); one of these workers reportedly worked all 80 hours at this park and another 74.25 hours.
- John Griego Park: On the October 4, 2013 payroll, five maintenance workers reportedly worked almost full time – a combined 48 days with an average of 9.6 days each maintaining this tiny park (.92 acres). (383 hours/48 days out of a total billable 400 hours/50 days).
- Prince Park: In one payroll in the middle of winter 2011, five maintenance workers reportedly worked a combined 22 days maintaining this ten acre passive park (no turf, no mowing, no playground equipment) (December 30, 2011 payroll - 176.25 total hours for an average of 35.25 hours/4.4 days each worker)
- Torreon: For eight months, one maintenance staff reportedly worked almost full time – average of 35 hours per week - maintaining this three-acre park ((June 25, 2010 through February 11, 2011 - 1103 hours/138.5 days out of a total billable 1,280 hours/160 days). For eight of those pay periods, he was reportedly joined by another maintenance staff who also worked almost full time – 35 hours per week - maintaining this park. (562 hours/70.25 days out of a total billable 640 hours/80 days). For two pay periods in November 2010, they were reportedly joined by a third maintenance worker who also worked almost full time – 35 hours per week. (139 hours/17.38 days out of total billable 160 hours/20 days).
- Calle Lorca: For three months during the winter of 2010, one Parks Maintenance laborer reportedly worked almost full time – 38 hours each week - maintaining this park ((1/08/10 to 4/09/10 - 538 hours/67 days out of a total billable 560 hours/70 days).
- Cornell Park: During the winter when there is no mowing, weeding or other park maintenance, one maintenance staff reportedly worked a full day every week for four months maintaining this 1.5 acre park (October 21, 2011 to February 24, 2012 -168 hours/21 days).
- East and West DeVargas: During the winter months when there is no mowing or weeding, two maintenance workers were paid 59 days – an average of two days per week each to maintain these parks (November 4, 2011 – March 23, 2012 - 476.36 total hours or 60 days over 12 pay periods). On the April 8, 2011 payroll, two maintenance workers reportedly worked a combined four days each per week maintaining this park.
- Galisteo Tennis Courts: On the May 7, 2010 payroll, four maintenance workers reportedly worked almost full time – 35 hours per week – maintaining this half-acre park (total of 278 hours/35 days). Two of these workers were paid the full 40 hours each week to reportedly maintain this tiny park.

#### **4. Salaries were paid to people who may not have been working those hours on implementing the Bond.**

- Cross of the Martyrs: The Parks staff “November 2013 Report” states that Frank Archuleta was the Project Administrator for this project. However, for four months after the final payment to the contractor who implemented the work on this project, ‘Parks Supervisor’ John Pacheco was paid almost full time out of this

project. (The last payment for contract work by Clemens and Associates was issued August 29, 2011. From September 9, 2011 through January 13, 2012, Mr. Pacheco was paid for 548/68 days averaging 7.5 days per payroll).

For two months 'Parks Supervisor' Andrew Garcia was paid an average of 3.3 days per week out of this project (October 22 – December 30, 2010 - 321 hours/40 days). One week (October 22, 2010), he was paid the full 80 hours out of this project. The Purchases Tab shows that the only Bond purchase during this time was on December 2, 2010 for All Star Masonry.

- Frank S. Ortiz Dog Park: The Parks staff "November 2013 Report" states that Ben Gurule and Frank Archuleta were the Project Administrators. However, for six months 'Parks Supervisor' Andrew Garcia was paid almost full time out of this project (April 23 through October 8, 2010 - 14 pay periods - 129 days/1032.5 hours for an average of 9.92 hours per pay period). The June 18, 2010 payroll period shows he was paid for 144 hours.
- Frank S. Ortiz Park: The Parks staff "November 2013 Report" states that Ben Gurule and Frank Archuleta were the Project Administrators. However for ten months, 'Parks Supervisor' Andrew Garcia was paid almost full time out of this project (Garcia was paid from June 19, 2009 to April 9, 2010 - 168 days/1,347.5 hours over 22 pay periods out of a total billable 220 days/1760 hours.) The Purchases Tab shows that work on this Bond project started in March 2010.
- Ft. Marcy Complex: The Parks staff "November 2013 Report" states that Martin Valdez was the Project Administrator. However, for a full year 'PW Project Administrator' John C. Griego was paid almost full time out of this project (November 27, 2009 to December 30, 2010, 2,244 hours/280.5 days out of a total of 2,400 hours/300 days billable). The Purchases Tab shows no purchases for this Bond project for nine months when Mr. Griego was being paid (January and September 2010).

Several people who were paid out of this project have no position reported, rather the box appears blue. They include ORTEGA, MICHAEL D, QUINTANA, GERALD G and ROMERO, STEVEN R.

#### **5. Locals Crew salaries were charged before a project was started.**

- Orlando Fernandez Park: The Payroll Tab shows that Richard Lopez, the Locals Crew Supervisor, was reportedly paid 50 hours out of this project on 03/27/2008, before the Bond was sold?
- Frank S. Ortiz Park: Locals Crew was paid out of the project starting June 2009 (through January 2011), although the first purchases for work on this Bond project were in March 2010.
- Torreon: Locals Crew were paid out of this project starting in September 2010 (through October 2013), although the Purchases indicate that most work was done on this park from April to December 2012.
- Calle Lorca: Locals Crew were paid out of this project starting January 2010 (through June 2012), although the Purchase Tab indicates that Bond work on this project began in early 2011.
- Cornell Park: Locals Crew were paid out of this project starting November 2008 (through April 2010), although the Purchases Tab indicate Bond work began in September 2009.

**6. Locals Crew salaries /Administration were charged after the Project was completed.**

- Amelia White: Locals Crew salaries were paid out of this project through September 2011, although the project was completed in 2009.
- John Griego Park: Locals Crew salaries were paid out of this project through December 2013 although the Purchases Tab only shows actual Bond work in 2009.
- Sunnyslope Meadows: \$7,509.00 in ' Administrative Costs" were charged through May 2012 even though the project was completed in 2010.
- Torreon: Locals Crew salaries were paid out of this project through October 2013, although the Purchases Tab show that most work was done on this park from April to December 2012.
- Galisteo Tennis Courts: Locals Crew were paid from this project through September 2012 although the Purchases Tab indicates that work on this Bond project was May - August 2011.

**7. Some Labor / Administrative Charges seem questionable.**

- Plaza Park: For one year (March 2008 through April 2009), one ' Parks Laborer' reportedly worked by himself almost full time (148 out of 190 days). Payment to the contractor didn't begin until November 2008 and no other laborer was paid out of this project during that period. 'PW Project Administrator' Frank Archuleta was paid 33 days (270.52) hours from January to June 2014.
- Atalaya: Locals Crew were paid out of this project from January 2008 to January 2013, Project Administrators from August 2011 to March 2013 and Maintenance staff from October through December 2012. Laborers reportedly worked 13 days on this project and maintenance staff 20 days. The rest of the salaries (\$7,0320.00 out of \$16,573.00) were for Project Administrators, although all that was done at this project was demolition, fixing a drinking fountain and putting up two signs.
- East and West DeVargas: \$16,900.00 in 'PB Administrative and Locals Payroll Distribution' was charged to this project between July 2010 and February 2011 as well as Local Crew salaries. Salaries appear to be charged based on a formula rather than actual hours worked. For example between March 2011 and May 2012 (32 pay periods), the same two Maintenance workers and one Local Crew were paid out of this project reportedly working between 15 and 40 hours per pay period.
- Orlando Fernandez: \$5,700.00 in "Administrative Costs" was charged to this project in 2010 although the Purchases Tab indicates that the work on this Bond project was done in 2009.

**8. Maintenance charges were made to projects years after Bond work had been completed.**

- Frank S. Ortiz Dog Park: Parks maintenance workers were paid out of this project from March 2010 to October 2011, although the Purchases Tab reflects that the actual Bond work was done in 2010.
- John Griego Park: Maintenance workers were paid from this project from April 2009 through May 2012, although the Purchases Tab shows work on this project was between May and July 2009.
- Orlando Fernandez: Maintenance staff were paid out of this project from April 2009 through January 2010 although the Purchases Tab indicates that the work on this Bond project was done in 2009.

## **How the 2008 Parks Portion of the Bond was Developed**

The Parks portion of the 2008 Bond Implementation Plan was developed over a six-month time period in a systematic, rigorous and thoughtful analysis of each parks' needs conducted in a collaborative process by Parks staff, POSAC and other citizens and the City Council. Equally importantly, the Parks staff who actually implemented the Bond were intimately involved in the process and knew exactly what each project called for, including that Rosie needed replaced and what Park signs needed to be posted.

1. Parks staff visited each park and developed a list of improvements that would be considered "minimum" and "adequate". This staff included Ben Gurule who became the Parks Projects Administrator and then the Parks Director. A spreadsheet like the one on page 3 was provided for every city park. (One of the other myths is that projects had overruns because ADA wasn't included in the budget. In two POSAC meeting, both Ben and Fabian stated that minimum was considered to be ADA. ADA was always a major component of the project.)
2. For three months, POSAC and staff, including Ben and Fabian Chavez (Parks Director), analyzed each of these spreadsheets, one park at a time. Bette Booth took photos of each park and the places where the improvements were being recommended. POSAC and staff used these photos for their analysis and decision-making.

Richard Lopez was on POSAC at that time. Richard was a retired long-time Parks staff along with Ben and intimately knew each of these parks. Because of his experience and knowledge, he had a major role in prioritizing what should be done in each park. Richard then became the Construction Supervisor for all Local Crew locals-constructed Bond projects. So both the Parks Projects Supervisor and the actual Bond Construction Supervisor were intimately involved in both developing and prioritizing the scopes of work for each park.

3. The Finance Committee, Public Works Committee and City Council then reviewed this implementation plan and added two projects that were not considered by POSAC. Public discussion was held at both the Finance and Public Works meetings and a public hearing was held at the City Council meeting. Please look at the minutes from the Public Works from October 9 and 22, 2007 meetings, Finance Committee October 15, 2007 and the City Council November 14, 2007 meetings and you will see the level of detail of the discussion related to these projects and the implementation plan.
4. Once approved, the first step of the implementation was to develop a detailed set of design documents. For the Locals Crews Projects, Jason Kluck, Jesus Vega and Martin Ortega were responsible. Those documents should still be available at Park or Facilities or electronically.