

DRAFT

MINUTES

SPECIAL COMMISSION MEETING

NOVEMBER 21, 2011

AFRICAN AMERICAN PERFORMING ARTS CENTER

300 SAN PEDRO NE

ALBUQUERQUE, NEW MEXICO

10:00 A.M.

10:00 A.M. Call to Order (David “Hossie” Sanchez, Chairman)

Commission Roll Call (Michael Henningsen)

Commissioners present:

Chairman, David “Hossie” Sanchez

Member, Benny Roybal

Member, Ruth Bitsui

Member, Larry Kennedy

Member, Kenneth “Twister” Smith

Member, Charlotte Rode

Member, Kenneth “Buster” Goff

Commissioners absent:

None

Pledge of Allegiance (led by Commissioner Goff)

Approval Items:

Agenda:

Commissioner Kennedy moved for approval of the November 21, 2011 Agenda, Commissioner Goff seconded the motion. Commissioners Sanchez, Roybal, Bitsui, Kennedy, Smith, Rode and Goff voted in the affirmative. The motion carried.

Commissioner Rode asked Leslie Lowe (Assistant Attorney General assigned to Commission) if there is any requirement for Public Comment at a meeting where the Commission might take action. Ms. Lowe stated there was not.

Minutes:

Commissioner Bitsui moved for approval of the September 01, 2011 Meeting Minutes, Commissioner Kennedy seconded the motion. Commissioners Sanchez, Roybal, Bitsui, Kennedy, Smith, and Rode voted in the affirmative. Commissioner Goff abstained. The motion carried.

Commissioner Kennedy moved for approval of the November 09, 2011 Meeting Minutes, Commissioner Bitsui seconded the motion.

Commissioner Roybal: second to last page: Smith motion to reveal their relationship to the Downs (Kennedy's statement missing). Also stated that on the adjournment, the motion was made by Commissioner Kennedy, seconded by Commissioner Goff to approve minutes as amended Commissioners Roybal, Bitsui, Kennedy, Smith, Rode, and Goff voted in the affirmative. The motion carried.

Public Present: (represents only those officially signed in; spellings are best approximations of written names) Charlie Bennett, La Mesa Neighborhood Improvement Association; Valerie Alarid, ABQ Downs; Charles Brunt, Albuquerque Journal; Leslie Lowe, State Attorney General's Office; David Vogel; Bernadette McTigue; Pete Dinelli; Cisco McSorely, State Senator; Gerald Martinez; Bill Wyndam; President, Downs at Albuquerque; John Turner, Partner, Downs at ABQ; Pat Rogers, Downs @ ABQ; Jack McGrail, New Mexico Horseman's Association; Nick Romero; Dupuy Bateman, LFC Contractor; Val Cole, New Mexico Horse Council; Noreen Bladergroen; Doris Buckman, Citizens Against Predatory Gambling; Sin G. Wong, Asian American Association of New Mexico; Jonathan Chavez, Joshua's Vineyard Church; Karen Cathey, SSPNA; Kay Linda Gratbeck; David Vogel; Marieta Leis; Jim Joe Armijo; Pam Frasier-Walter; Dino S. Hall, ADH Foundation

Staff Present: Dan Mourning, Interim General Manager; Agnes Maldonado, Administration Director; Mark Shoesmith, Attorney; Michael Henningsen, Media Director, and Assistant Attorney General Lesley Lowe.

Informational Item

Presentation of Open Meetings Act (Mark Shoesmith)

Mr. Shoesmith explained the portions of the Open Meetings Act as they pertain to the Request for Proposals for casino/racetrack or other operations. A question and answer session followed the presentation with responses to Commissioners' questions provided by Mark Shoesmith and Lesley Lowe along with comments and responses by various Commissioners.

Presentation of Proposed New Mexico Procurement Code

Mr. Shoesmith explained New Mexico Procurement Code and its processes. A question and answer session followed the presentation with responses to Commissioners' questions provided by Mark Shoesmith and Lesley Lowe along with comments and responses by various Commissioners.

Presentation of Proposed Lease Agreement for Casino and Racetrack

Mr. Shoesmith discussed the changes to the proposed lease requested by the New Mexico Board of Finance), and various Commissioners stating they had been revised in the lease. (Summary sent to Commission last Friday)

Pat Rogers, attorney representing the Downs at Albuquerque, Inc., explained the change to definition of net live racing licenses was made in response to Commissioner Goff's concern regarding accelerated depreciation.

Discussion, Question & Answer Session

A question and answer session followed the presentation with responses to Commissioner's questions provided by Mark Shoesmith, Pat Rogers, Dan Mourning along with comments and responses by various Commissioners.

Action Item

Motion: Commissioner Kennedy introduced a motion to vote on resolution to pass the proposed lease agreement (read resolution aloud), Bitsui seconded.

Commissioner Roybal stated that a motion was made at the November 9, 2011 meeting to set a meeting for November 21, 2011 for a workshop, then a meeting on December 1,

2011 for a vote. Stated his concern is that he has some issues he would like worked out in the lease but has not had to opportunity to have them addressed. Ms. Lowe stated that the Commission could rescind the November 9, 2011 motion in order to take action on the proposal.

Commissioner Goff stated that he had concerns about the new proposed lease and felt it was his duty as a Commissioner to see that those concerns were addressed, and suggested that Commissioner Roybal should have done the same. Commissioner Roybal answered that he was under the impression that today's meeting was specifically to address concerns of the Commissioners; therefore he was operating under the premise that would be the case.

Commissioner Roybal asked if Commissioner Kennedy would consider a friendly amendment to the current motion that anyone, including Commissioners, not receive financial benefit from the Downs during the term of the lease.

Commissioner Kennedy withdrew previous motion; introduced a motion to rescind the November 9, 2011 motion to hold a meeting to vote on the proposed lease with the Downs at Albuquerque, Inc. on December 1, 2011. This motion was seconded by Commissioner Bitsui. The motion carried on roll call vote of 3 against, 4 in favor:

Roll Call Vote:

Chairman, David "Hossie" Sanchez: yes

Member, Benny Roybal: no

Member, Ruth Bitsui: yes

Member, Larry Kennedy: yes

Member, Kenneth "Twister" Smith: no

Member, Charlotte Rode: no

Member, Kenneth "Buster" Goff: yes

Motion: Commissioner Kennedy revived his previous motion to vote on a resolution to approve the new proposed lease agreement with the Downs at Albuquerque, Inc. Commissioner Bitsui seconded. The motion, as passed, is attached to these Minutes.

Commissioner Roybal reiterated his request for a friendly amendment.

Commissioner Kennedy answered he is not amenable to such an amendment.

Chairman Sanchez initiated a roll call vote on the motion. The motion carried on a roll call vote of 3 against, 4 in favor:

Roll Call Vote:

Chairman, David “Hossie” Sanchez: yes

Member, Benny Roybal: no

Member, Ruth Bitsui: yes

Member, Larry Kennedy: yes

Member, Kenneth “Twister” Smith: no

Member, Charlotte Rode: no

Member, Kenneth “Buster” Goff: yes

Adjournment

Commissioner Kennedy motioned to adjourn, Bitsui seconded.

Commissioners Sanchez, Roybal, Bitsui, Kennedy, Smith, Rode and Goff voted in the affirmative. The motion carried.

LeAnn Lucero

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NEW MEXICO STATE FAIR COMMISSION

RESOLUTION

Whereas, the State Fair Commission met at a Special meeting on November 21, 2011; and

Whereas, a request for proposals for a casino and race track lease or for proposals for any other use of the current casino and race track was issued in July 2011; and

Whereas, two proposals were submitted in response to the request for proposals, and

Whereas, the Downs at Albuquerque, Inc., a New Mexico Corporation, was given the highest score by the evaluation committee based on the evaluation criteria in the request for proposals, and

Whereas, the Downs at Albuquerque and State Fair management negotiated a lease that was submitted to the State Fair Commission for its consideration; and

Whereas, the State Fair Commission met November 9, 2011 and received public comment, a presentation by the proposed Tenant and discussed the proposed lease; and

Whereas, The State Fair Commission met November 21, 2011 and conducted a workshop and discussion and presentations concerning the proposed lease; and

Whereas, the proposed lease must be approved by the State Board of Finance.

Now Therefore Be It Resolved: The proposed lease dated "draft November 18, 2011", attached hereto, is approved by the New Mexico State Fair Commission subject to any modifications required by the State Board of Finance.

Passed this 21st day of November, 2011 by a vote of four in favor and three opposed.



David "Hossie" Sanchez, Chair