



**AGENDA**  
**August 10, 2010**  
**Regular Meeting**  
**Town Council Chambers - 120 Civic Plaza Drive**  
**1:30 PM**

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1. CALL TO ORDER BY THE HONORABLE MAYOR DARREN M. CORDOVA

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA

5. APPROVAL OF MINUTES

A. July 13, 2010 Regular Meeting Minutes

B. July 23, 2010 Special Meeting Minutes

6. AWARDS AND RECOGNITIONS

A. Loretta Trujillo, Human Resources Director

**New Hires (August 2010 - to date)**

08/02/2010 Joseph R. Maestas - Project Manager, Public Works and Public Utilities Departments - Full-time position (FTE)

08/02/2010 Jerry Hogrefe - Police Officer, Police Department- Full-time position (FTE)

B. Loretta Trujillo, Human Resources Director with Judge Chavez

**Administer Oath of Office to Police Officer**

Judge Richard Chavez will administer the Oath of Office to Officer Jerry Hogrefe, Town of Taos Police Department.

C. Presentation of Certificates

Mayor Cordova will present certificates to individuals and groups who contributed to the success of the 2010 Fiestas de Taos.

## 7. CITIZENS FORUM

*The items in the Consent Agenda below have been reviewed and discussed in detail by the Mayor and Town Manager and they agree to place these items on the Consent Agenda for the purpose of voting on all items with one vote.*

## 8. CONSENT AGENDA

- A. **Francisco "French" Espinoza, Public Works Director**  
Consideration and approval of Resolution 10-47; Application for funding to New Mexico Department of Transportation for the engineering, planning and design of an enhancement project along Paseo del Pueblo Norte, from State Roads 64/68 junction north to Camino de la Placita and State Road 64 junction.
- B. **Marietta Fambro, Finance Director (with Miranda Quintana, Grants Administrator)**  
Consideration and approval of Resolution 10-41 to re-adopt the Fair Housing Plan in accordance with the Fair Housing Act. This Resolution will replace Resolution 09-19. According to the requirements by the New Mexico Department of Finance Administration Local Government Division, CDBG recipients must re-adopt the Fair Housing Resolution annually.
- C. **Marietta Fambro, Finance Director (with Miranda Quintana, Grants Administrator)**  
Consideration and approval of Resolution 10-42 to re-adopt the Citizen Participation Plan. This Resolution will replace Resolution 09-34. The Town of Taos is required to annually adopt a Citizen Participation Plan by resolution in accordance with the 1987 revisions to the Housing, Community Development Act and Community Development Block Grant. The Citizen Participation Plan encourages citizen participation within the community by providing citizens with reasonable and timely access to local public meetings, information and records relating to the proposed and actual use of CDBG funds and other funds.
- D. **Marietta Fambro, Finance Director (with Miranda Quintana, Grants Administrator)**  
Consideration and approval of Resolution 10-43 to re-adopt the Residential Anti-Displacement and Relocation Assistance Plan and Certification in accordance with Section 104 (d) of the Housing and Community Development Act of 1974, as amended. This Resolution will replace Resolution 09-36. The Town of Taos is required to adopt the Anti-Displacement and Relocation Plan by resolution annually in accordance with CDBG regulations whether or not the Town of Taos is undertaking relocation activities.
- E. **Marietta Fambro, Finance Director (with Miranda Quintana, Grants Administrator)**  
Consideration and approval of Resolution 10-45 to re-adopt the Section 3 Plan in accordance with the Housing and Urban Development Act of 1968. This Resolution will replace Resolution 09-35. The Town of

Taos is required to adopt a Section 3 Plan by resolution annually for Community Development Block Grants. This plan outlines the hiring practices of the Town of Taos.

**F. Marietta Fambro, Finance Director (with Miranda Quintana, Grants Administrator)**

Consideration and approval of Resolution 10-44 to re-adopt the Procurement Policy for Community Development Block Grant (CDBG) Projects. This resolution will replace Resolution 09-21. In accordance with CDBG regulations the Town must adopt a procurement policy by resolution to apply for and administer CDBG Projects.

## **9. PUBLIC HEARINGS**

**A. Renee Lucero, Town Clerk**

Consideration and approval of Transfer of Ownership of Liquor License Application No. 638042 for Taos Restaurant Properties, LLC dba The Gorge Bar and Grill located at 103 E. Taos Plaza.

**B. Renee Lucero, Town Clerk**

Consideration and approval of new Restaurant Beer & Wine Liquor License Application No. 637580 for Rellenos Cafe, Inc. dba Sabor by Antonio's located at 108-A South Plaza.

**C. Daniel Miera, Town Manager**

Consideration and approval of Ordinance 10-19; Adopting a Municipal Gross Receipts Tax imposing on any person engaging in business in this municipality an excise tax equal to one-fourth of one percent (.25) of the gross receipts reported or required to be reported. The dedication for this tax increase is for: Public Safety – including but not limited to: expenditures relating to operations and services, including maintenance, replacement, and expansion; equipment; infrastructure; and other elements that contribute to the preservation and enhancement of public safety. Economic Development – including but not limited to: expenditures relating to operations and services, including maintenance, replacement, and expansion; programming; marketing/advertising; infrastructure; and other elements that contribute to the preservation and enhancement of economic development.

## **10. MATTERS FROM STAFF**

**A. Amos Torres, Public Utilities Director**

Consideration and approval of Change Order #1 to Contract # TT-10-192 with AUI Inc. for the construction of the upgrades to the Taos Regional Wastewater Treatment Facility. The Change Order is in the amount of \$49,960.07 plus NMGRT for a total amount of \$53,519.73. The Change Order is to relocate existing electrical conduit to accommodate installation of new splitter box; increase proposed air compressor tank from 80 to 120 gallon; epoxy coated manhole to drain line junction; add 6" clean outs for traffic and non traffic areas on drain line; at new and existing buildings; additional circuits for standby generator and increase conduit size from 1" to double 2".

**B. Amos Torres, Public Utilities Director**

Consideration and approval of Change Order # 2 to Contract # TT-10-192 with AUI Inc. to decrease the contract amount by \$22,972.96 plus NMGR for a total decrease in the amount of \$24,609.77. This Change Order is for the deduct of materials only of 24 stainless steel tube grate supports. The supports will be provided by GE with the membrane package at a reduced cost. AUI Inc will still install the support beams.

**C. Francisco "French" Espinoza, Public Works Director**

Consideration and approval of Amendment No. 4 to Contract No. TT-08-30 as issued to JM Consulting, LLC. Services to be rendered are for engineering services for the preparation of revisions and updates of the Phase 2 construction drawings, construction documents and technical specifications and bidding and construction phases of the referenced project, for an amount not to exceed \$38,750 excluding applicable NMGR.

**11. MATTERS FROM THE TOWN ATTORNEY****A. Allen Ferguson, Town Attorney**

Consideration and approval of Resolution 10-46; Authorizing the Town Manager, Mayor or other appropriate official or agent to file with the Office of the State Engineer (OSE) a Change of Ownership Form showing a change of ownership from the Town as Trustee of 4.3 acre feet consumptive use water rights to Luis Tobias Lavadie ("Toby" Lavadie). These water rights were the subject of a 1994 Change in Ownership form filed with the OSE in which Toby's father, Felimon (now deceased), stated that ownership was being transferred to the Town as Trustee. The OSE never acted on the change of ownership and no deed transferring the water rights to the Town was ever executed.

**12. MATTERS FROM THE MAYOR AND COUNCIL/YOUTH COUNCILMEMBER****A. Appointment of Members to the Parks and Recreation Advisory Board**

Recommendation and approval of five additional members to the Parks & Recreation Advisory Board as follows:

Miguel Quintana  
Jason Silva  
Mark Montoya  
Ernie De Herrera  
Zack Cordova

**B. Resolution 10-34A**

Consideration and approval of Resolution 10-34A; A resolution amending Resolution 10-34 (Park Fees Resolution [Commercial Events]) amending the licensing information ("special" business license as opposed to the "itinerant" business license) and possible amendment to the fees.

**13. ADJOURNMENT**

**APPROVED:**

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**Darren M. Cordova, Mayor**

**ATTEST:**

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**Renee Lucero, Town Clerk**

- *To request details on an agenda item please contact the Town Clerk at 400 Camino de la Placita, Taos New Mexico, 87571 (575) 751-2005.*
- *If you are an individual with a disability who is in need of aid or service to attend and/or participate in a meeting of the Town of Taos Council, please contact the office of the Town Clerk at 400 Camino de la Placita, Taos New Mexico, 87571 (575) 751-2005 at least 24 hours in advance.*
- *For copies of this agenda please pick-up at Town Hall.*



**August 10, 2010**

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**Title:**

July 13, 2010 Regular Meeting Minutes

**Summary:**

**Background:**

**Attachments:**

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**APPROVALS:**

Date/Time:

7/30/2010 1:39 PM

Approval:

Approved

Department:

Town Clerk



**MINUTES**  
**July 13, 2010**  
**Regular Meeting**  
**Town Council Chambers - 120 Civic Plaza Drive**  
**1:30 PM**

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**1. CALL TO ORDER BY THE HONORABLE MAYOR DARREN M. CORDOVA**

**The Regular Meeting of the Taos Town Council was called to order by the Honorable Mayor Darren M. Cordova at 1:39 p.m.**

**2. ROLL CALL**

**Ms. Renee Lucero, Town Clerk, called roll and a quorum was present.**

**Those present were:**

Mayor, Darren M. Cordova  
Mayor Pro Tem, Rudy C. Abeyta  
Councilmember, A. Eugene Sanchez  
Councilmember, Amy J. Quintana  
Councilmember, Michael A. Silva

**Also present were:**

Town Manager, Daniel Miera  
Town Clerk, Renee Lucero  
Town Attorney, Allen Ferguson

**Absent was:**

Assistant Town Manager, Abigail Adame

**3. PLEDGE OF ALLEGIANCE**

**Councilmember Sanchez led the audience in the pledge of allegiance.**

**4. APPROVAL OF AGENDA**

**Mayor Pro Tem Abeyta made a motion to approve the Agenda as presented. Councilmember Silva seconded the motion. The motion carried**

1  
2 unanimously.

3 **5. APPROVAL OF MINUTES**

4  
5 **A. June 22, 2010 Regular Town Council Meeting Minutes**

6 Councilmember Silva made a motion to approve the Regular Meeting  
7 Minutes of June 22, 2010 as presented. Councilmember Quintana  
8 seconded the motion. The motion was approved by an affirmative  
9 vote. Those voting AYE were: Mayor Pro Tem Abeyta, and  
10 Councilmembers Sanchez, Quintana and Silva.

11 **B. June 22, 2010 Town Council Workshop Meeting Minutes**

12 Mayor Pro Tem Abeyta made a motion to approve the Special  
13 Meeting Minutes of June 22, 2010 as presented. Councilmember Silva  
14 seconded the motion. The motion was approved by an affirmative  
15 vote. Those voting AYE were: Mayor Pro Tem Abeyta, and  
16 Councilmembers Sanchez, Quintana and Silva.

17 **C. June 25, 2010 Special Town Council Meeting Minutes**

18 Councilmember Silva made a motion to approve the Minutes of June 25,  
19 2010 as presented. Councilmember Quintana seconded the motion. The  
20 motion was approved by an affirmative vote. Those voting AYE  
21 were: Mayor Pro Tem Abeyta, and Councilmembers Sanchez, Quintana  
22 and Silva.

23  
24 **6. AWARDS AND RECOGNITIONS**

25 **A. Loretta Trujillo, Human Resources Director**

26  
27 **New Hires (June 2010)**

28 06/09/2010 Josh Parken - Lifeguard, Pool Division -  
29 Temporary employee through August 31, 2010

30 06/09/2010 Zachary Romero-Lifeguard, Pool Division - Temporary  
31 employee through August 31, 2010

32  
33 **B. Loretta Trujillo, Human Resources Director**

34 **Appointments/Re-assignments**

35 05/29/2010 Vanessa Martinez - from Receptionist/Lifeguard I to  
36 Lifeguard III

37 06/12/2010 Suzette Garley Salazar - from Temporary Lifeguard to Part-  
38 time Lifeguard

39 06/28/2010 Nick Ault - from Police Office II to Sergeant

40 **C. Presentation of Certificate of Recognition of Angelica Sanchez**

41 Mayor Cordova presented a Certificate of Recognition to Angelica  
42 Sanchez who is the 2010 USA National Junior Olympic Boxing  
43 Champion.

44 **7. CITIZENS FORUM**

1  
2 **A. Presentation by Rocky Mountain Youth Corps**

3 Presentation by Tia Trujillo, Rocky Mountain Youth Corps, regarding  
4 safe transportation options in Taos.

5 Ms. Trujillo gave a PowerPoint presentation entitled "Public Transportation; A  
6 Means to Address Drinking and Driving" and explained underage drinking in  
7 Taos is a community problem which must be addressed through community  
8 awareness.

9 **B. Steve Fuhlendorf, Taos County Chamber of Commerce**

10 Mr. Fuhlendorf asked the Mayor and Council to postpone any decisions on  
11 raising fees for events at the parks. He also asked the Mayor and Council to  
12 review the email he sent to them that outlines the results of a survey the  
13 Chamber conducted regarding arts and crafts fairs before deciding to raise the  
14 fees.

15 Mayor Cordova clarified that the Council has a responsibility to constituents to  
16 evaluate off-setting the Town's costs. Not only is the Council addressing the  
17 park fees, but they are also evaluating the convention center use as well as the  
18 water and sewer rates.

19  
20 **C. Geody Madden**

21 Mr. Madden asked the Mayor and Council to evaluate the proposed park  
22 usage fees before adoption and requested consideration to allow preference  
23 to event organizers who promote yearly events in order to assure their  
24 investment.

25 **D. Jeff Northrup**

26 Mr. Northrup stated he is feeling physically threatened by Town government and  
27 others in the community. Mayor Cordova interrupted Mr. Northrup and informed  
28 him that he will be allowed to speak during the citizens forum for the purpose of  
29 providing constructive criticism; however, he is not allowed to use the citizens  
30 forum to make false accusations and defame someone's character. The  
31 Councilmembers supported Mayor Cordova's position and Mr. Northrup  
32 continued to express his concern about violence toward women, children and  
33 animals.

34 **8. PUBLIC HEARINGS**

35  
36 **A. Loretta Trujillo, Human Resources Director**

37 Consideration and approval of Ordinance 10-13; An Ordinance of the  
38 Town Council repealing Section 3.76.130 of the Town Code in its  
39 entirety with respect to "Pay at Termination", and replacing it with a new  
40 Section 3.112.190; and amending Section 3.112.190 with respect to  
41 "Disbursal of Final Paycheck". The Ordinance would allow for  
42 the Town Code to be in compliance with New Mexico State Statutes  
43 Annotated 50-4-4 and 50-4-5 which set guidelines determining when a  
44 final paycheck must be disbursed to employees based on whether the  
employee is discharged or if the employee resigns his/her position.

Loretta Trujillo, Human Resources Director, presented Ordinance 10-13 to the Mayor and Council.

*Public Opinion*

Mayor Cordova opened the public hearing. **No one came forward.**

After closing the public hearing, Mayor Cordova asked for questions from the Council.

Councilmember Sanchez asked Ms. Trujillo how many personal leave hours are employees allowed to accrue. Ms. Trujillo stated employees are allowed to accumulate up to 500 hours of personal leave (which combines annual leave and sick leave) so that they will have enough leave in the event that FMLA (Family Medical Leave Act) time is necessary.

**Councilmember Quintana made a motion to approve Ordinance 10-13 as presented. Councilmember Sanchez seconded the motion. The motion was approved by an affirmative vote. Those voting AYE were: Mayor Pro Tem Abeyta, and Councilmembers Sanchez, Quintana and Silva.**

**B. Loretta Trujillo, Human Resources Director**

Consideration and approval of Ordinance 10-15; An Ordinance of the Town Council amending Section 3.92.020 of the Town Code as it applies to "Public Conduct". The proposed changes to Town Code include verbiage that applies to standards of professional conduct while working with minor employees and/or patrons.

Daniel Miera, Town Manager, recommended continuing Ordinance 10-15 to the Regular Town Council Meeting on July 27, 2010 to allow for further legal review.

**Councilmember Silva made a motion to continue Ordinance 10-15 to the Regular Town Council Meeting on July 27, 2010 at 1:30 p.m. to allow further legal review. Councilmember Quintana seconded the motion. The motion was approved by an affirmative vote. Those voting AYE were: Mayor Pro Tem Abeyta, and Councilmembers Sanchez, Quintana and Silva.**

**9. MATTERS FROM STAFF**

**A. Amos Torres, Public Utilities Director**

Consideration and approval of Resolution 10-36; Waiver of employee or immediate family member contracting with the Town of Taos. The waiver is to allow the Town of Taos to contract with Alex Abeyta of Abeyta Engineer Inc. for engineering services. Alex Abeyta is related to Rudy Abeyta, Town of Taos Councilmember.

Mayor Cordova explained this resolution needs Council action due to the newly adopted amendment to the purchasing policy which addresses conflict of interest.

**Councilmember Sanchez made a motion to approve Resolution 10-36 as presented. Councilmember Silva seconded the motion. The motion was**

1  
2 **approved by an affirmative vote. Those voting AYE were: Councilmembers**  
3 **Sanchez, Quintana and Silva. Mayor Pro Tem Abeyta abstained from the**  
4 **discussion and the vote because Alex Abeyta is his brother.**

5 **B. Loretta Trujillo, Human Resources Director**

6 Consideration and approval of Resolution 10-33; Waiver of employee or  
7 immediate family member contracting with the Town of Taos. The Town  
8 of Taos Human Resources Department is contracting with Ms. Alicia  
9 Esparza dba Northern New Mexico Job and Drug Screening/Taos  
10 Physical Therapy to provide pre-employment and after hour drug  
11 screenings. Ms. Esparza is the spouse of Town Employee Matthew  
12 Spriggs. Although Resolutions 09-07 and 09-08 were approved last  
13 year for the same purpose, this is a new contract for Fiscal Year 2010-  
2011 and requires approval of a new resolution.

14 **Mayor Pro Tem Abeyta made a motion to approve Resolution 10-33 as**  
15 **presented. Councilmember Quintana seconded the motion. The motion**  
16 **was approved by an affirmative vote. Those voting AYE were: Mayor Pro**  
17 **Tem Abeyta, and Councilmembers Sanchez, Quintana and Silva.**

18 **C. Marietta Fambro, Finance Director (with Carol Valade, Fixed Assets**  
19 **Clerk)**

20 Approval of Resolution 10-27; Approving the disposition of obsolete  
21 vehicles and equipment owned by the Town of Taos. Property  
22 identified are 3 vehicles, bobcat with attachments, ditchwitch, copier,  
23 direction traffic arrow trailer, flatbed trailer, lockers, and miscellaneous  
24 building materials.

25 Councilmember Silva stated the attachments to the 1998 Bobcat should read  
26 "forks" instead of "forklift".

27  
28 Councilmember Sanchez asked why the flatbed trailer is obsolete. Amos  
29 Torres, Public Utilities Director, explained the flatbed trailer is not in good  
30 condition and the department has two other trailers that they currently use.

31 Councilmember Sanchez asked if the Town is required to notify the State  
32 Auditor's Office about items recommended for disposal. Ms. Valade stated the  
33 Town is only required to notify the State Auditor's Office if computers are being  
34 disposed.

35 Councilmember Quintana asked if these items will be listed in the online public  
36 auction. Ms. Valade stated all items will be posted online with the exception of  
37 the 1995 Chevrolet Lumina, which has been requested by the Taos County  
38 Sheriff's Department.

39 **Councilmember Sanchez made a motion to approve Resolution 10-27 as**  
40 **amended. Councilmember Silva seconded the motion. The motion was**  
41 **approved by an affirmative vote. Those voting AYE were: Mayor Pro Tem**  
42 **Abeyta, and Councilmembers Sanchez, Quintana and Silva.**

43 **D. Rick Anglada, Chief of Police**

44 Consideration and approval of Resolution 10-37; A resolution adding to

1 the Town of Taos Police Department Policy a section regarding  
2 Racial/Bias Based Profiling by reiterating our strong stance against any  
3 form of discrimination.  
4

5 Chief Anglada stated the he is requesting an amendment to the Taos Police  
6 Department policy in an effort to address the national immigration status and to  
7 protect all members of the community from racial profiling.

8 Mayor Cordova reiterated that the Town of Taos does not support racial profiling  
9 and asked that the Resolution be amended by replacing the word "we" with "the  
10 Town of Taos" throughout the resolution.

11  
12 **Councilmember Silva made a motion to approve Resolution 10-37 with the**  
13 **amendment as recommended by Mayor Cordova. Mayor Pro Tem Abeyta**  
14 **seconded the motion. The motion was approved by an affirmative vote.**  
15 **Those voting AYE were: Mayor Pro Tem Abeyta, and Councilmembers**  
16 **Sanchez, Quintana and Silva.**

#### 17 **10. MATTERS FROM THE MAYOR AND COUNCIL/YOUTH COUNCILMEMBER**

##### 18 **A. Appointment of Members to Acequia Preservation Task Force**

19 Recommendation and approval of five members to the Town of Taos  
20 Acequia Preservation Task Force.

21 Mayor Cordova recommended the following individuals to serve on the Acequia  
22 Preservation Task Force:

23 Miguel Santistevan

24 Charles Chacon

25 Bobby Jaramillo

26 Rory Kenward

27 Allen Vigil (will serve as the Town's representative)

28  
29 **Councilmember Sanchez made a motion to approve the appointments**  
30 **as recommended by Mayor Cordova. Mayor Pro Tem Abeyta seconded the**  
31 **motion. The motion was approved by an affirmative vote. Those voting**  
32 **AYE were: Mayor Pro Tem Abeyta, and Councilmembers Sanchez,**  
33 **Quintana and Silva.**

##### 34 **B. Resolution 10-34**

35 Consideration and adoption of Town of Taos Resolution 10-34 settings  
36 rules for the use of Kit Carson Park by Commercial Events and setting  
37 the associated fees for the use of public property.

38 Councilmember Sanchez referred to Area 1 on the map provided and stated the  
39 Resolution indicates it is available for use. He stated this area of the park is  
40 closest to the main highway and much of the grass is damaged due to extensive  
41 usage. He believes this area should not be available for use and stated it needs  
42 to be rejuvenated. Mayor Cordova agreed.

43 After thorough discussion, Mayor Cordova recommended passing the ordinance  
44 as proposed and directed staff to evaluate the usage of Area 1, the feasibility of

1  
2 allowing promoters to secure the park for yearly events and the fee structure in  
3 comparison to other municipalities.

4 Mr. Miera stated the date in the third paragraph must be changed from July 14th  
5 to July 13th.  
6

7 **Councilmember Sanchez made a motion to approve Resolution 10-34 as**  
8 **amended by the Town Manager. Councilmember Quintana seconded the**  
9 **motion. The motion was approved by an affirmative vote. Those voting**  
10 **AYE were: Mayor Pro Tem Abeyta, and Councilmembers Sanchez,**  
11 **Quintana and Silva.**

12 C. Other Matters from Mayor and Council

13 \* Mayor Cordova informed the Council that he met with the New Mexico  
14 Mortgage Finance Authority (MFA) regarding the issues that the Attorney  
15 General's Office has with the Town's previous administration's management of  
16 the Town's Affordable Housing Program. He stated MFA has agreed to send a  
17 letter indicating they are anxious to work with the Town to get ordinances in  
18 place and move forward with the second phase of Chamisa Verde. Within the  
19 same letter, MFA will reiterate to the Attorney General's Office that, pursuant to  
20 state statute, the Attorney General's Office is obligated to investigate any type of  
21 wrong-doing by a municipal government.

22 Councilmember Sanchez asked the Town Attorney if the Town has a  
23 responsibility to investigate practices of previous administrations. Mr. Ferguson  
24 stated the town does not have the authority or the resources to conduct an  
25 internal investigation. He further stated the Town only has the authority to  
26 ensure that programs are functioning legally in the future.

27 Mayor Cordova stated the Town has a responsibility to pursue an investigation  
28 to avoid possible liabilities moving forward. In addition, Mayor Cordova  
29 explained that there are two lots that should be vacant according to the Town's  
30 inventory and records; however, two homes have been built on these lots and  
31 people live in them and are paying rent to the developer. He stated this is very  
32 serious and the Town is working to address the issues.

33 \* Councilmember Quintana asked for a briefing on the non-alcohol events that  
34 were being organized by Paul Lukes with Smart Minds. Mr. Miera stated he has  
35 met with Mr. Lukes and Town facilities have been offered for his events;  
36 however he has not heard back from Mr. Lukes.

37 \* Councilmember Quintana asked if there has been any progress on the dog  
38 park. Councilmember Sanchez stated three meetings have been held and  
39 recommendations for potential sites for the dog park have been submitted.  
40 Additionally, he stated the Assistant Town Manager is preparing an ordinance  
41 that deals with chaining of dogs.

42 \* Councilmember Silva asked why a temporary patch of asphalt was placed to  
43 repair the damage from a recent leak at the intersection of the Plaza. Mr. Miera  
44 stated a patch was placed temporarily because the Town's contractor was

1  
2 unable to perform the work. He further stated the Public Utilities Director is in  
3 the process of soliciting bids to complete the work with permanent asphalt.

4 \* Councilmember Silva asked for a status on block-to-block contracts. Mr.  
5 Ferguson stated this is one of his many priorities and he has not had time to  
6 work on it; however he will work on it as soon as possible.

7  
8 \* Mayor Cordova informed the citizens that the fire restrictions have been lifted.

9  
10 \* Mayor Cordova asked Mr. Miera to coordinate with Ron Usherwood,  
11 Executive Director of Taos Center for the Arts (TCA), in an effort to keep the  
12 TCA informed about music events that are scheduled at Kit Carson Park  
13 since the TCA is located directly next to the park. Mr. Miera stated he will  
14 coordinate with Mr. Usherwood about future events.

## 15 11. EXECUTIVE SESSION

### 16 Executive Session

17 The Council will adjourn to go into executive session to discuss limited  
18 personnel matters regarding the Town Manager's evaluation pursuant to  
19 NMSA 1978 10-15-1-H.2.

20 **Councilmember Quintana made a motion to table the Executive Session**  
21 **and place it on the July 27, 2010 Regular Town Council meeting**  
22 **agenda. Councilmember Sanchez seconded the motion. The motion was**  
23 **approved by an affirmative vote. Those voting AYE were: Mayor Pro Tem**  
24 **Abeyta, and Councilmembers Sanchez, Quintana and Silva.**

## 25 12. ADJOURNMENT

26 **A motion was made by Councilmember Quintana and seconded by Councilmember**  
27 **Silva to adjourn the meeting. The motion carried unanimously and the meeting**  
28 **adjourned at 3:51 p.m.**

## 31 APPROVED:

32  
33  
34  
35  
36 \_\_\_\_\_  
37 **Darren M. Cordova, Mayor**

## 38 ATTEST:

39  
40  
41  
42  
43 \_\_\_\_\_  
44 **Renee Lucero, Town Clerk**



**August 10, 2010**

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**Title:**

July 23, 2010 Special Meeting Minutes

**Summary:**

**Background:**

**Attachments:**

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**APPROVALS:**

Date/Time:

8/4/2010 5:00 PM

Approval:

Approved

Department:

Town Clerk



## MINUTES

**July 23, 2010  
Special Meeting  
Taos Town Council  
Town Council Chambers - 120 Civic Plaza Drive  
Taos, New Mexico  
10:30 a.m.**

**1. CALL TO ORDER:** The Special Meeting of the Taos Town Council was called to order by the Honorable Mayor Darren M. Cordova at 10:40 a.m.

**2. ROLL CALL:** Ms. Renee Lucero, Town Clerk, called roll and a quorum was present.

**Those present were:**

Mayor	Darren M. Cordova
Mayor Pro Tem	Rudy C. Abeyta
Councilmember	A. Eugene Sanchez
Councilmember	Michael A. Silva

**Also present were:**

Town Manager	Daniel Miera
Assistant Town Manager	Abigail Adame
Town Attorney	Allen Ferguson
Town Clerk	Renee Lucero

**Absent/Excused was:**

Councilmember	Amy J. Quintana
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**3. PLEDGE OF ALLEGIANCE:**  
Councilmember Silva led the audience in the pledge of allegiance.

**4. APPROVAL OF AGENDA:**

1 Councilmember Silva made a motion to approve the Agenda as  
2 presented. Mayor Pro Tem Abeyta seconded the motion. The motion  
3 carried unanimously.  
4

## 5 5. PUBLIC HEARINGS

### 6 Allen Ferguson, Town Attorney

7 A. Consideration and approval of Ordinance 10-17; An Ordinance of the Town  
8 Council of the Town of Taos amending Title 15 Section 08 of the Taos Town  
9 Code (Sign Code). This ordinance amends the sign code of the Town of  
10 Taos as it pertains to the purposes of the sign code; protection of First  
11 Amendment rights; linking the authority of Town officials to public interest  
12 standards in making discretionary determinations; removal of reference to a  
13 sign permit being a revocable license or privilege only; removal of general  
14 prohibition of off-site signage; establishing standards for encroachment  
15 permits; omitting a general prohibition against "attention getting devices" as  
16 vague and unnecessary; making uniform various provisions requiring  
17 removal of signs within a certain time period after a specific event to which  
18 they refer; removing certain restrictions on signs on portable structures;  
19 removing certain restrictions on signs on inoperable vehicles; making  
20 certain provisions related to exemptions from the requirements of the sign  
21 code cover all noncommercial signs; removing durational restrictions on  
22 decorative lighting; changing dimensional restrictions on noncommercial  
23 signs to make them no more restrictive than dimensional restrictions on  
24 commercial signs; striking a limitation on the period before an election  
25 political signs may be posted; omitting a restriction on certain  
26 noncommercial flags; deleting a provision relating to public art; exempting  
27 from the requirements of the code all hand-held signs that contain a non-  
28 commercial message and remain in a person's control, replacing a similar  
29 provision relating to picketing signs only; clarifying certain definitions; and  
30 making certain other, minor changes.  
31

32 Mr. Ferguson presented Ordinance 10-17 to the Mayor and Council and  
33 stated he reviewed the sign code that was passed in December, 2009, and  
34 he believes the code must be amended to address constitutional issues  
35 such as freedom of speech, due process and other related issues.  
36

37 Mr. Ferguson stated the changes he proposes have been guided by the  
38 United States Supreme Court and explained the right to free speech  
39 protects both commercial and non-commercial speech and protects non-  
40 commercial speech more. He also indicated a regulation that's constitutional  
41 must be content neutral and must include pedestrian and traffic safety and  
42 general welfare and not just avoid visual clutter. Furthermore, he stated the  
43 amendments are more permissive of free speech and less restrictive by  
44 Town government.  
45

## Town of Taos Special Meeting Minutes

July 23, 2010

1 Mr. Ferguson continued to review the proposed changes to the Ordinance.  
2 Upon reviewing the legal issues of the ordinance, it was discovered that  
3 several discrepancies exist within the content of the ordinance. Mr.  
4 Ferguson recommended continuing action on the ordinance to another date  
5 to allow him time to review all the discrepancies.  
6

7 There was a discussion regarding Jeff Northrup's signs and messages.  
8 Daniel Miera, Town Manager, stated the proposed changes to the sign code  
9 would not prohibit Mr. Northrup's messages as long as the signs do not  
10 pose a threat to the safety of the citizens.  
11

12 Councilmember Sanchez stated he does not want the Town of Taos to give  
13 the appearance that the sign code is being amended to be restrictive to Mr.  
14 Northrup and wants to make the message clear that the code is being  
15 amended impartially. Mayor Cordova clarified that there are a variety of  
16 amendments being proposed.  
17

**Public Opinion**

18 Mayor Cordova opened the public hearing. **No one came forward.**  
19  
20

21 After closing the public hearing, Mayor Cordova asked for questions from  
22 the Council.  
23

24 **Councilmember Silva made a motion to continue Ordinance 10-17 to**  
25 **the Regular Town Council Meeting on August 24, 2010 at 1:30 p.m..**  
26 **Councilmember Sanchez seconded the motion. The motion was**  
27 **approved by an affirmative vote. Those voting AYE were: Mayor Pro**  
28 **Tem Abeyta, and Councilmembers Sanchez and Silva.**  
29

30 Mayor Pro Tem Abeyta asked if this ordinance should be reviewed by the  
31 Planning and Zoning Commission. Allen Vigil, Chief Planner, stated he will  
32 have the Planning & Zoning Commission review the ordinance if that is the  
33 Council's recommendation. Mayor Cordova directed Mr. Vigil to provide a  
34 copy of the ordinance to the Planning & Zoning Commission, as a courtesy,  
35 for their review and recommendations.  
36

- 37 **B. Consideration and approval of Ordinance 10-18; An Ordinance amending**  
38 **Sections 16.20.040.1 through 16.20.040.4 of the Land Use Development**  
39 **Title of the Taos Town Code. This ordinance amends the Land Use**  
40 **Development Title of the Taos Town Code with respect to the number of**  
41 **parking spaces required and allowing a small but increased amount of**  
42 **parking in front of newly constructed multi-family, commercial, and special**  
43 **use buildings and/or structures.**  
44

45 **Councilmember Sanchez made a motion to continue Ordinance 10-18**  
46 **to the Regular Town Council Meeting on August 24, 2010 at 1:30 p.m..**

## Town of Taos Special Meeting Minutes

July 23, 2010

**Councilmember Silva seconded the motion. The motion was approved by an affirmative vote. Those voting AYE were: Mayor Pro Tem Abeyta, and Councilmembers Sanchez and Silva.**

Mayor Pro Tem Abeyta stated he asked this ordinance to be placed on the agenda to increase the number of store front parking spaces from 10% to 25% to allow small businesses to be more competitive.

Mayor Cordova stated this ordinance is for the areas outside the Historic District as there are many businesses that have an unfair advantage due to the current restrictive parking requirements. He further stated there is a need to create a friendlier atmosphere to the front of these businesses.

#### **6. MATTERS FROM THE MAYOR AND COUNCIL**

Consideration and approval of appointment of Town Manager as Code Administrator for the Town of Taos pursuant to Town of Taos Code 16.12.010 Code Administrator; Subsection 1; Appointment.

Mayor Cordova stated this item is a procedural matter and explained that currently, Matthew Spriggs, Community & Economic Development Director, is the Code Administrator. He stated this appointment will allow for internal changes within the department and will also allow Mr. Spriggs to focus more on economic development issues rather than planning and zoning issues. Mayor Cordova also explained the Code Administrator serves at the pleasure of the Mayor and Council.

Mr. Miera stated he does not believe this appointment will affect his performance as he will delegate Planning & Zoning issues to Allen Vigil, Chief Planner, who will spearhead the Planning & Zoning Department as the Planning & Zoning Director. He also clarified this appointment is in no way punitive and is only being proposed to improve the Town's efficiencies.

Judy Cantu, a citizen of the community, stated the changes in the department are very confusing and wants assurance that someone will be available to work with community members on code management. Mr. Miera assured Ms. Cantu that he has an open door policy and encouraged members of the community to meet with him if they have questions.

**Mayor Pro Tem Abeyta made a motion to approve the appointment as presented. Councilmember Sanchez seconded the motion. The motion was approved by an affirmative vote. Those voting AYE were: Mayor Pro Tem Abeyta, and Councilmembers Sanchez and Silva.**

#### OTHER MATTERS FROM MAYOR AND COUNCIL:

## Town of Taos Special Meeting Minutes

July 23, 2010

- 1 • Mayor Pro Tem Abeyta stated he received a letter from representatives of  
2 the historic Ledoux Street wherein they are proposing to establish a Taos  
3 Artists Walkway. He asked staff to evaluate this initiative and see how the  
4 Town can facilitate it. Mr. Miera added that the representatives indicated  
5 they would provide a budget to the Town which will be evaluated it once he  
6 receives it.  
7
- 8 • Mayor Cordova stated the Town is considering an increase in Gross  
9 Receipts Tax and has also been evaluating ways to cut costs while avoiding  
10 layoffs. In addition, he stated at some point the Town may have to consider  
11 streamlining staff, especially in departments where there is not a lot of  
12 activity. He asked the Town Manager to continue evaluating how the Town  
13 can cut costs and bring a proposal to the Council. He stated as Mayor of  
14 Taos, he has to consider the future of Taos and ensure that sufficient funds  
15 are available to provide essential services to the constituents. Mr. Miera  
16 stated he will continue evaluating the Town's budget and staff.  
17

18 **7. ADJOURNMENT: A motion was made by Councilmember Sanchez and**  
19 **seconded by Councilmember Silva to adjourn the meeting. The motion**  
20 **carried unanimously and the meeting adjourned at 12:16 p.m.**  
21

22  
23 **APPROVED:**  
24

25 \_\_\_\_\_  
26 **Darren M. Cordova, Mayor**  
27

28  
29 **ATTEST:**  
30

31 \_\_\_\_\_  
32 **Renee Lucero, Town Clerk**  
33  
34  
35

36 *PLEASE NOTE: The Town of Taos records most Town Council Meetings via audio,*  
37 *however, only Regular Town Council Meetings and some Special Town Council*  
*Meetings, with controversial issues, are video recorded. Copies are available upon*  
*request at the Town Clerk's Office located at 400 Camino de la Placita (575-751-*  
*2005) at a fee of \$5.00 for audio recordings and \$25.00 for video recordings.*



**August 10, 2010**

---

**Title:**

Loretta Trujillo, Human Resources Director

**Summary:**

**New Hires (August 2010 - to date)**

08/02/2010 Joseph R. Maestas - Project Manager, Public Works and Public Utilities  
Departments - Full-time position (FTE)

08/02/2010 Jerry Hogrefe - Police Officer, Police Department- Full-time position (FTE)

**Background:**

**Attachments:**

**Click to download**

No Attachments Available

**APPROVALS:**

Date/Time:	Approval:	Department:
7/30/2010 9:49 AM	Approved	Town Manager
7/30/2010 9:49 AM	Approved	Town Clerk



**August 10, 2010**

---

**Title:**

Loretta Trujillo, Human Resources Director with Judge Chavez

**Summary:**

**Administer Oath of Office to Police Officer**

Judge Richard Chavez will administer the Oath of Office to Officer Jerry Hogrefe, Town of Taos Police Department.

**Background:**

**Attachments:**

[Click to download](#)

No Attachments Available

**APPROVALS:**

Date/Time:	Approval:	Department:
7/30/2010 9:50 AM	Approved	Town Manager
7/30/2010 9:50 AM	Approved	Town Clerk



**August 10, 2010**

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**Title:**

Presentation of Certificates

**Summary:**

Mayor Cordova will present certificates to individuals and groups who contributed to the success of the 2010 Fiestas de Taos.

**Background:**

**Attachments:**

**Click to download**

No Attachments Available

**APPROVALS:**

Date/Time:	Approval:	Department:
8/3/2010 9:00 AM	Approved	Town Manager
8/3/2010 9:01 AM	Approved	Town Clerk



**August 10, 2010**

---

**Title:**

Francisco "French" Espinoza, Public Works Director

**Summary:**

Consideration and approval of Resolution 10-47; Application for funding to New Mexico Department of Transportation for the engineering, planning and design of an enhancement project along Paseo del Pueblo Norte, from State Roads 64/68 junction north to Camino de la Placita and State Road 64 junction.

**Background:**

Staff has been encouraged by the NMDOT to apply for such fund for the purpose of Engineering and design of this section of road.

**Attachments:**

Click to download

 [Resolution 10-47](#)

**APPROVALS:**

Date/Time:	Approval:	Department:
7/30/2010 1:38 PM	Approved	Town Manager
7/30/2010 1:38 PM	Approved	Town Clerk

**Resolution No. 10-47****CONTRACT FUNDING RESOLUTION FOR A TRANSPORTATION  
ENHANCEMENT PROJECT.****A concept resolution to the: New Mexico Department of Transportation**

**Whereas**, the Federal Enhancement Project named in this Resolution is an eligible activity under the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21);

**Whereas**, the US64 North Improvements is an approved capital improvement project as noted in the 2006-2007 CIP; and

**Whereas**, the Town of Taos has agreed to provide matching funds at a percentage rate of 25% of the cost of land acquisition and construction; and

**Whereas**, the Town of Taos has agreed to fund all project development, environmental analysis, and design costs separate from the cost of land acquisition and construction; and

**Whereas**, the Town of Taos sponsors this project thru the NPRPO for the Engineering and Design of US 64 North and desires to receive funding; and

**Whereas**, the Town of Taos understands two resolutions must be submitted, one at the time of an enhancement project application and another at the time the projects is formally under contract with the New Mexico Department of Transportation; and

**Whereas**, this resolution is at the time of application for Transportation Enhancement funding;

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE Town of Taos, NEW MEXICO**, that the **Mayor** be and hereby is, authorized to sign a contract for Transportation Enhancement funding with the New Mexico Department of Transportation for the engineering planning and design of Paseo Del Pueblo Norte – US 64 North from the 68 and 64 junction, North to the Placita and 64 junction, in Taos, NM and hereby commits to the funding of such project as specified in the enhancement project application.

**Passed, adopted and approved, this 10<sup>th</sup> day of August, 2010** at the Special Meeting of the Governing Body of the Town of Taos.

Town of Taos

By \_\_\_\_\_  
Darren M. Cordova, Mayor

***Attest:***

\_\_\_\_\_  
Renee Lucero, Town Clerk

***Approved as to form:***

\_\_\_\_\_  
Allen R. Ferguson, Jr., Town Attorney





**August 10, 2010**

---

**Title:**

Marietta Fambro, Finance Director (with Miranda Quintana, Grants Administrator)

**Summary:**

Consideration and approval of Resolution 10-41 to re-adopt the Fair Housing Plan in accordance with the Fair Housing Act. This Resolution will replace Resolution 09-19. According to the requirements by the New Mexico Department of Finance Administration Local Government Division, CDBG recipients must re-adopt the Fair Housing Resolution annually.

**Background:**

**Attachments:**

Click to download

📎 [Resolution 10-41 Fair Housing Resolution](#)

**APPROVALS:**

Date/Time:	Approval:	Department:
7/30/2010 10:01 AM	Approved	Town Clerk



## **Resolution 10-41**

### **FAIR HOUSING RESOLUTION**

#### **An Resolution Providing for Fair-Housing and Providing for Non-Discrimination in the Area of Housing Within the Town of Taos.**

**WHEREAS**, the Town of Taos previously adopted Resolution 09-91 providing for Fair Housing within the Town of Taos; and

**WHEREAS**, in accordance with CDBG Regulations the Town must update their Fair Housing Resolution or Ordinance annually.

**WHEREAS**, the following Resolution makes and implements the necessary updates in order for the Town to be in compliance with the federal, state and local laws, regulations and guidelines.

**NOW, THEREFORE, BE IT ORDAINED**, by the Governing Body of the Town of Taos, meeting in Regular Session, this 10th day of August, 2010, that the following Resolution is hereby adopted:

#### **Section 1. POLICY**

It is the policy of the Town of Taos to provide, within constitutional limitations, for fair housing throughout the Town.

#### **Section 2. DEFINITIONS**

1. "Aggrieved Person" includes any person who--
  - a. claims to have been injured by a discriminatory housing practice; or
  - b. believes that they will be injured by a discriminatory housing practice that is about to occur.
2. "Chief Elected Official" means the person who holds the highest elected position of the local unit of government and who is signatory to the Small Cities Community Development Block Grant agreement with the Local Government Division.
3. "Complainant" means the person (including the chief elected official) who files a

complaint under Section 10.

4. "Discriminatory housing practice" means an act that is unlawful under Section 4, 5 or 6 of this Resolution.
5. "Dwelling" means any building, structure or portion thereof which is occupied as, designed or intended for occupancy as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.
6. "Familial status" means one or more individuals (who have not attained the age of 18 years) being domiciled with--
  - a. a parent or another person having legal custody of such individual or individuals; or
  - b. the designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant, or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

7. "Family" includes a single individual.
8. "Handicap" means, with respect to a person--
  - a. a physical or mental impairment which substantially limits one or more of such person's major life activities;
  - b. a record of having such an impairment; or
  - c. being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to, a controlled substance (as defined in Section 102 of the Controlled Substances Act [21 U.S.C. 802]).
9. "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.
10. "Respondent" means--
  - a. the person or other entity accused in a complaint of an unfair housing practice; and
  - b. any other person or entity identified in the course of investigation and notified as required with respect to respondents so identified under Section 10.
11. "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned by the occupant.

### **Section 3.     UNLAWFUL PRACTICE**

Subject to the provisions of subsection (b) and Section 7, the prohibitions against discrimination in the sale or rental of housing set forth in Section 3 shall apply to:

1. All dwellings except as exempted by subsection (b).
2. Nothing in Section 4 shall apply to:
  - a. Any single-family house sold or rented by an owner: Provided, that such private individual owner does not own more than three such single-family houses at any one time: Provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale, or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: Provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to, or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time: Provided further, that the sale or rental of any such single-family house shall be excepted from the application of this Resolution only if such house is sold or rented
    - without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or salesperson or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesperson or person, and
    - without the publication, posting or mailing, after notice of any advertisement or written notice in violation of Section 4(c) of this Resolution, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or
  - b. rooms or units in dwellings contained living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as their residence.
3. For the purposes of subsection (b), a person shall be deemed to be in the business of selling or renting dwellings if:
  - a. they have, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein; or

- b. they have, within the preceding twelve months, participated as agent, other than in the sale of their own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or
- c. they are the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

#### **Section 4. DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING**

As made applicable by Section 3 and except as exempted by Sections 3(b) and 7, it shall be unlawful:

- 1. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, handicap, familial status or national origin.
- 2. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, handicap, familial status or national origin.
- 3. To make, print or publish, or cause to be made, printed or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation or discrimination.
- 4. To represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
- 5. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin.

#### **Section 5. DISCRIMINATION IN RESIDENTIAL REAL ESTATE-RELATED TRANSACTIONS**

- 1. In general -- It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status or national origin.

2. Definition--As used in this Section, the term "residential real estate-related transaction" means any of the following:
  - a. The making or purchasing of loans or providing other financial assistance--
    - for purchasing, constructing, improving, repairing or maintaining a dwelling; or
    - secured by residential real estate.
  - b. The selling, brokering or appraising of residential real property
3. Appraisal Exemption--Nothing in this Resolution prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, sex, handicap, familial status or national origin.

**Section 6.     DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES**

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against them in the terms or conditions of such access, membership or participation because of race, color, religion, sex, handicap, familial status or national origin.

**Section 7.     EXEMPTION**

Nothing in this Resolution shall prohibit a religious organization, association or society or any nonprofit institution or organization operated, supervised or controlled by, or in conjunction with, a religious organization, association or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, national origin or handicap. Nor shall anything in this Resolution prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

**Section 8.     ADMINISTRATION**

1. The authority and responsibility for administering this Resolution shall be in the chief elected official of the Town of Taos.
2. The chief elected official may delegate any of these functions, duties and powers to employees of the Town or to boards of such employees, including functions, duties and powers with respect to investigating, conciliating, hearing, determining ordering, certifying, reporting or otherwise acting as to any work, business or matter under this Resolution. The chief elected official shall by rule prescribe such rights of appeal

from the decisions of their hearing examiners, to other hearing examiners or to other offices in the Town, to boards of officers or to themselves, as shall be appropriate and in accordance with law.

3. All Town of Taos departments and agencies shall administer their programs and activities relating to housing and community development in a manner affirmatively to further the purposes of this Resolution and shall cooperate with the chief elected official to further such purposes.

## **Section 9. EDUCATION AND CONCILIATION**

Immediately after the enactment of this Resolution, the chief elected official shall commence such educational conciliatory activities as will further the purposes of this Resolution. They shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this Resolution and the suggested means of implementing it and shall endeavor with their advice to work out programs of voluntary compliance and enforcement.

## **Section 10. ENFORCEMENT**

1. Any person who claims to have been injured by a discriminatory housing practice or who believes that they will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "aggrieved person") may file a complaint with the chief elected official. Complaints shall be in writing and shall contain such information, and be in such form as the chief elected official requires. Upon receipt of such a complaint, the chief elected official shall furnish a copy of the same to the person or persons who have committed, or are about to commit, the alleged discriminatory housing practice. Within thirty days after receiving a complaint or within thirty days after the expiration of any period reference under subsection (c), the chief elected official shall investigate the complaint and give notice in writing to the aggrieved person whether they intend to resolve it. If the chief elected official decides to resolve the complaints, they shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this Resolution without the written consent of the persons concerned. Any employee of the chief elected official who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned not more than one year.
2. A complaint under subsection (a) shall be filed within one hundred and eighty days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the chief elected official, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

3. If within thirty days after a complaint is filed with the chief elected official, the chief elected official has been unable to obtain voluntary compliance with this Resolution, the aggrieved person may, within thirty days thereafter, file a complaint with the Secretary of the Department of Housing and Urban Development. The chief elected official will assist in this filing.
4. If the chief elected official has been unable to obtain voluntary compliance within thirty days of the complaint, the aggrieved person may, within thirty days thereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this Resolution, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.
5. In any proceeding brought pursuant to this Section, the burden of proof shall be on the complainant.
6. Whenever an action filed by an individual comes to trial, the chief elected official shall immediately terminate all efforts to obtain voluntary compliance.

#### **Section 11. INVESTIGATIONS/SUBPOENAS/GIVING OF EVIDENCE**

1. In conducting an investigation, the chief elected official shall have access at all reasonable times to premises, records, documents, individuals and other evidence or possible sources of evidence and may examine, record and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation: Provided, however, that the chief elected official first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The chief elected official may issue subpoenas to compel their access to, or the production of, such materials, or the appearance of such persons and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States District Court for the district in which the investigation is taking place. The chief elected official may administer oaths.
2. Upon written application to the chief elected official, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the chief elected official to the same extent and subject to the same limitations as subpoenas issued by the chief elected official. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at their request.
3. Witnesses summoned by subpoena of the chief elected official shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States District Courts. Fees payable to a witness summoned by a subpoena issued at the

request of a respondent shall be paid by the respondent.

4. Within five days after service of a subpoena upon any person, such person may petition the chief elected official to revoke or modify the subpoena. The chief elected official shall grant the petition if they find that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.
5. In case of contumacy or refusal to obey a subpoena the chief elected official, or other person at whose request it was issued, may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides, was served or transacts business.
6. Any person who willfully fails or neglects to attend and testify, or to answer any lawful inquiry, or to produce records, documents or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the chief elected official shall be fined not more than \$1,000 or imprisoned not more than one year or both. Any person who, with intent thereby to mislead the chief elected official, shall make or cause to be made any false entry or statement of fact in any report, account, record or other document submitted to the chief elected official pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true and correct entries in such reports, accounts, records or other documents, or shall willfully mutilate, alter or by any other means falsify any documentary evidence, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.
7. The Town attorney shall conduct all litigation in which the chief elected official participates as a party or as amicus pursuant to this Resolution.

## **Section 12. ENFORCEMENT BY PRIVATE PERSONS**

1. The rights granted by Sections 3, 4, 5 and 6 may be enforced by civil actions in the appropriate United States district, state or local court. A civil action shall be commenced within one hundred and eighty days after the alleged discriminatory housing practice occurred: Provided, however, that the court shall continue such civil case brought pursuant to this Section or Section 10 (d) from time to time before bringing it to trial if the court believes that the conciliation efforts of the chief elected official are likely to result in satisfactory settlement of the alleged discriminatory housing practice complained of in the complaint made to the chief elected official and which practice forms the basis for the action in court: And provided, however, that any sale, encumbrance or rental consummated prior to the issuance of any court order issued under the authority of this Resolution and involving a bona fide purchaser, encumbrancer or tenant without actual notice of the filing of a complaint or civil action under the provisions of this Resolution shall not be affected.
2. The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order or other order and may award to the plaintiff

actual damages and not more than \$1,000 punitive damages, together with court costs and reasonable attorney fees in the case of a prevailing plaintiff: Provided, that the said plaintiff in the opinion of the court is not financially able to assume said attorney's fees.

**Section 13. INTERFERENCE, COERCION or INTIMIDATION**

It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by Sections 3, 4, 5, or 6 of this Resolution. This Section may be enforced by appropriate civil action.

**Section 14. SEPARABILITY OF PROVISIONS**

If any provision of this Resolution or the application thereof to any person or circumstances is held invalid, the remainder of the Resolution and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

**Section 15. PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES**

Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

1. any person because of their race, color, religion, sex, handicap, familial status, or national origin and because they are or have been selling, purchasing, renting, financing, occupying or contracting or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling, or applying for or participating in any service organization or facility relating to the business of selling or renting dwellings; or
2. any person because they are or have been, or in order to intimidate such person or any other person or any class of persons from:
  - a. participating, without discrimination because of race, color, religion, sex, handicap, familial status or national origin, or in any of the activities, services organizations, or facilities described in subsection 15(a); or
  - b. affording another person or class of persons opportunity or protection so to participate; or
3. any citizen because they are or have been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status or national origin, in any of the activities, services, organizations or facilities described in subsection 15 (a), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate -- shall be fined not more than \$1,000, or imprisoned not more than one year or both; and

if bodily injury results shall be fined not more than \$10,000, or imprisoned not more than ten years or both; and if death results shall be subject to imprisonment for any term of years or for life and/or to other applicable local/state/federal laws.

**Section 16.**

In the event that any term or provision otherwise unenforceable of this Resolution shall court of competent jurisdiction shall find of this Resolution void, voidable, or the remaining term(s) and/or provision(s) remain intact and enforceable. This Resolution shall become effective as provided by law.

**ADOPTED** this 10th day of August 2010, by the following vote:

Councilmember Rudy C. Abeyta	_____
Councilmember A. Eugene Sanchez	_____
Councilmember Amy J. Quintana	_____
Councilmember Michael A. Silva	_____

**TOWN OF TAOS**

\_\_\_\_\_  
**Darren M. Cordova, Mayor**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Renee Lucero, Town Clerk**

\_\_\_\_\_  
**Allen Ferguson, Jr., Town Attorney**



**August 10, 2010**

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**Title:**

Marietta Fambro, Finance Director (with Miranda Quintana, Grants Administrator)

**Summary:**

Consideration and approval of Resolution 10-42 to re-adopt the Citizen Participation Plan. This Resolution will replace Resolution 09-34. The Town of Taos is required to annually adopt a Citizen Participation Plan by resolution in accordance with the 1987 revisions to the Housing, Community Development Act and Community Development Block Grant. The Citizen Participation Plan encourages citizen participation within the community by providing citizens with reasonable and timely access to local public meetings, information and records relating to the proposed and actual use of CDBG funds and other funds.

**Background:**

**Attachments:**

Click to download

 [Resolution 10-42 Citizen Participation Plan](#)

**APPROVALS:**

Date/Time:	Approval:	Department:
7/30/2010 10:36 AM	Approved	Town Clerk



## RESOLUTION 10-42 CITIZEN PARTICIPATION PLAN

**WHEREAS**, in accordance with CDBG Regulations the Town's Citizen's Participation Plan must be updated annually;

**WHEREAS**, it is the desire of the Governing Body of the Town of Taos to provide for and encourage citizen participation within its areas of jurisdiction with particular emphasis on participation by persons of low and moderate income; and

**WHEREAS**, it will also provide citizens with reasonable and timely access to local meetings, information and records relating to the proposed and actual use of Community Development Block Grant and other funds; and

**WHEREAS**, it will also provide for technical assistance to groups and representatives of low and moderate income persons that request assistance in developing proposals; and

**WHEREAS**, the Town of Taos will also provide for public hearings to obtain citizen participation and respond to proposals and questions at all stages of the CDBG programs; and

**WHEREAS**, the Town of Taos will also provide for timely written answers to written complaints and grievances within 15 working days where practicable; and

**WHEREAS**, it will identify how needs of non-English speaking residents will be met in the case of public hearings where a significant number of residents can be reasonably expected to participate.

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body Town of Taos that it **HEREBY** endorses and supports such a program for the citizens of the Town of Taos as indicated in the attached Citizen Participation Plan, which is hereby adopted.

**PASSED, ADOPTED AND APPROVED THIS 10th DAY OF August 2010.**

Councilmember Rudy C. Abeyta	—
Councilmember A. Eugene Sanchez	—
Councilmember Amy J. Quintana	—
Councilmember Michael A. Silva	—

**TOWN OF TAOS**

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**Darren M. Cordova, Mayor**

**ATTEST:**

**APPROVED AS TO FORM:**

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**Renee Lucero, Town Clerk**

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**Allen Ferguson, Jr., Town Attorney**

## **COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM CITIZEN PARTICIPATION PLAN**

### Introduction

In accordance with the 1987 revisions to the Housing and Community Development Act and in an effort to further encourage citizen participation, the Town of Taos has prepared and adopted this Citizen Participation Plan.

### Objective A

The Town of Taos will provide for and encourage citizen participation within its area of jurisdiction, with particular emphasis on participation by persons of low and moderate income.

1. The Town of Taos will adopt and circulate an Open Meetings Resolution which provides citizens be provided with reasonable notice of Town of Taos upcoming meetings and actions.
2. The Town of Taos will develop press releases on Town of Taos meetings, actions and hearings and circulate them to newspapers, radio and television media.
3. The Town of Taos will develop and maintain a listing of groups and representatives of low and moderate income persons, and include on mailing lists of announcements, notices, press releases, etc.

### Objective B

The Town of Taos will provide citizens with reasonable and timely access to local meetings, information and records relating to the proposed and actual use of Community Development Block Grant (CDBG) funds.

1. Public notices, press releases, etc., should allow for a maximum reasonable length of notice to citizens.
2. Appropriate information and records relating to the proposed and actual use of CDBG funds must be available upon request to all citizens. Personnel and income records may be exempted from these requirements.
3. Meetings, hearings, etc., should be conducted at times and locations conducive to public attendance.

### Objective C

The Town of Taos will provide technical assistance to groups and representatives of low and moderate income persons that request assistance in developing proposals. (Special note: the level and type of assistance is to be determined by the Town of Taos)

1. Low and moderate income groups should be advised that technical assistance, particularly in the area of community development, is available from the Town of Taos upon request.
2. The Town of Taos will document technical assistance provided to such groups and have documentation available for review.

#### Objective D

The Town of Taos will provide a minimum of two public hearings to obtain citizen participation and respond to proposals and questions at all stages of the Community Development Block Grant Program.

1. The Town of Taos will advise citizens of the CDBG program objectives, range of activities that can be applied for and other pertinent information.
2. The Town of Taos will conduct a minimum of two public hearings concerning the CDBG Program.
  - a. One public hearing will be held to advise citizens of the program objectives and range of activities that can be applied for, and to obtain the citizen's views on community development and housing needs, to include the needs of low and moderate income people. This hearing will take place prior to the selection of the project to be submitted to the state for CDBG funding assistance.
  - b. A second public hearing will be held to review program performance, past use of funds and make available to the public information concerning its community development and housing needs, including the needs of low and moderate income families, and the activities to be undertaken to meet such needs.
3. The Town of Taos will publish public hearing notices in the non-legal section of newspapers or in other local media. Evidence of compliance with these regulations will be provided with each CDBG application, i.e., hearing notice minutes of public meetings, list of needs and activities to be undertaken, etc. Amendments to goals, objectives and applications are also subject to public participation.

#### Objective E

The Town of Taos will provide timely written answers to written complaints and grievances within 15 working days where practical. The Town of Taos will:

1. adopt complaint handling procedures to insure that complaints or grievances are responded to within 15 days, if possible;
2. allow for appeal of decision to a neutral authority; and

3. file a detailed record of all complaints or grievances and responses in one central location with easy public access.

#### Objective F

The Town of Taos will identify how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of residents can be reasonably expected to participate.

1. The Town of Taos will identify areas where large majorities of non-English speaking persons reside and make appropriate provisions when issues affecting these areas are to be discussed at public meetings, hearings, etc. Appropriate provisions will include having interpreters available at the meetings and/or having briefing materials available in the appropriate languages;
2. The Town of Taos will maintain records/rosters of public hearing attendees and proceedings to verify compliance with this objective.

#### TOWN OF TAOS

\_\_\_\_\_  
Darren Cordova, Mayor

\_\_\_\_\_  
Date

#### **ATTEST:**

\_\_\_\_\_  
Renee Lucero, Town Clerk

\_\_\_\_\_  
Date

#### **Legal Form Approved By:**

\_\_\_\_\_  
**Allen Ferguson, Jr., Town Attorney**

\_\_\_\_\_  
Date



**August 10, 2010**

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**Title:**

Marietta Fambro, Finance Director (with Miranda Quintana, Grants Administrator)

**Summary:**

Consideration and approval of Resolution 10-43 to re-adopt the Residential Anti-Displacement and Relocation Assistance Plan and Certification in accordance with Section 104 (d) of the Housing and Community Development Act of 1974, as amended. This Resolution will replace Resolution 09-36. The Town of Taos is required to adopt the Anti-Displacement and Relocation Plan by resolution annually in accordance with CDBG regulations whether or not the Town of Taos is undertaking relocation activities.

**Background:**

Under the Residential Anti-Displacement and Relocation Plan the Town will replace all occupied and vacant occupiable low- to-moderate income dwelling units demolished or converted to a use other than low-to-moderate income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended. All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion.

**Attachments:**

**Click to download**

 [Resolution 10-13 Residential Anti-Displacement and Relocation Plan](#)

**APPROVALS:**

Date/Time:

Approval:

Department:

7/30/2010 10:37 AM

Approved

Town Clerk



**Resolution 10-43**

**A Resolution replacing Resolution 09-36- a Residential Anti-Displacement and Relocation Assistance Plan and Certification in Accordance with Section 104 (d) of the Housing and Community Development Act of 1974, as amended.**

**WHEREAS**, in accordance with CDBG Regulations the Town's Residential Anti-Displacement and Relocation Assistance Plan must be updated annually.

**WHEREAS**, the U.S. Department of Housing and Urban Development has advised that all recipients of CDBG funds, must certify that the entity is following or hereafter will be following a Residential Anti-Displacement Plan; and

**WHEREAS**, in order to apply for and accept CDBG Funds and CDBG Planning Funds the Town of Taos must take appropriate Residential Anti-Displacement and Relocation Assistance Plan, which will satisfy the new regulation; and

**NOW THEREFORE BE IT RESOLVED** that the Town of Taos does hereby adopt the attached Residential Anti-Displacement and Relocation Assistance Plan and Certification.

**PASSED, ADOPTED AND APPROVED THIS 10th DAY OF August 2010.**

Councilmember Rudy C. Abeyta                     —  
Councilmember A. Eugene Sanchez               —  
Councilmember Amy J. Quintana                   —  
Councilmember Michael A. Silva                   —

**TOWN OF TAOS**

\_\_\_\_\_  
**Darren M. Cordova, Mayor**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Renee Lucero, Town Clerk**

\_\_\_\_\_  
**Allen Ferguson, Jr., Town Attorney**

**TOWN OF TAOS**  
**RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION**  
**ASSISTANCE PLAN AND CERTIFICATION**  
**Section 104(d) of the Housing and Community Development Act of 1974, as**  
**Amended**

Section 509 of the Housing and Community Development Act of 1987 (Public Law 100-242, approved February 5, 1988) amended Section 104 of the Housing and Community Development Act of 1974 (the Act) by adding a new subsection (d).

The new subsection 104(d) of the Act provides that a grant under section 106 (CDBG Programs) may be made only if the grantee certifies that it is following a “residential Anti-Displacement and relocation plan”.

Local governments, recipients under the State CDBG Program, must make this certification to the State. The requirement applies only to those recipients of CDBG funds awarded to the State by HUD after October 1, 1988.

ACCORDINGLY, the foregoing plan represents the effort of the Town of Taos to comply with the requirements of Section 104(d) of the Act and is certified herewith:

**PLAN AND CERTIFICATION**

The Town of Taos herewith certifies that it will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.496 a(b).

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the Town of Taos will make public and submit to the Local Government Division of the Department of Finance and Administration the following information in writing:

1. A description of the proposed activity;
2. The location on a map and the approximate number of units, described by size (number of bedrooms), that will be demolished or converted;
3. A time schedule for commencement and completion of the demolition or conversion;
4. The location on a map and the approximate number of dwelling units described by size (number of bedrooms) that will be provided as replacement dwelling units;

5. The source(s) of funding and a time schedule for the provision of replacement units; and
6. The basis for concluding that each replacement unit will remain a low/moderate-income dwelling unit for ten (10) years from the date of initial occupancy.

The Town of Taos will provide relocation assistance, as described in 570.496-a to each low/moderate-income household displaced by the demolition of housing or by the conversion of a low/moderate-income dwelling to another use as a direct result of assisted activities.

To the extent which the Town of Taos participates in Federal Assistance Programs wherein the following Anti-Displacement strategies can be applied, and consistent with the goals and objectives of activities assisted under the Act, the Town of Taos will take the following steps to minimize the displacement of persons from their homes (this listing not all inclusive):

## **DISPLACEMENT STRATEGY**

### **A. Steps to Minimize or Prevent Displacement:**

1. Plan, organize and stage the rehabilitation of assisted housing to allow tenants to remain during and after rehabilitation so as to provide the greatest convenience, safe and economically sound rehabilitation effort possible.
2. Assist in the identifying and locating of temporary relocation facilities in order to house families whose displacement will be of short duration, so that they can move back to their neighborhood after rehabilitation or new construction.
3. Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent the placing of undue financial burdens on long-established owners or on tenants of multi-family buildings.
4. Counsel and advice homeowners and renters to understand the range of assistance that may be available to meet and protect their housing rights and interests.
5. In cooperation with neighborhood organizations, continuously review neighborhood development trends, identify displacement problems, and identify individuals facing displacement who need assistance.

### **B. Actions to Assist Displaced Persons to Remain in their Present Neighborhoods:**

1. Provide lower-income housing in the neighborhood through HUD housing programs; purchase units as is; rehabilitate vacant units, or construct housing units.

2. Give priority in assisted housing units in the neighborhood to area residents facing displacement.
3. Target Section 8 existing programs and certificates to households being displaced, and recruit area landlords to participate in the program.
4. Provide counseling and referral services to assist displaces in finding alternate housing in the neighborhood.
5. Work with area landlords and real estate brokers to locate vacancies of households facing displacement.

**C. Actions to Otherwise Mitigate Adverse Effects of Displacement:**

1. Uses of public funds, such as CDBG, to pay moving costs and provide relocation payments, or, to the extent permissible by local or state law require private developers to provide compensation to persons displaced by development activities.
2. Give displacees priority in obtaining subsidized housing.
3. Provide counseling and referral services to assist displacees to locate elsewhere in the community.

It shall be the policy of the Town of Taos that all persons displaced by CDBG activity shall be relocated into housing that is:

- a) Decent, safe and sanitary;
- b) Adequate in size to accommodate the occupants;
- c) Functionally equivalent;
- d) In an area not subject to adverse environmental conditions.

Plan Adoption Date: August 10, 2010

Adoption Instrument: Resolution 10-43

Certified By:

\_\_\_\_\_  
Darren Cordova, Mayor

\_\_\_\_\_  
Date



**August 10, 2010**

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**Title:**

Marietta Fambro, Finance Director (with Miranda Quintana, Grants Administrator)

**Summary:**

Consideration and approval of Resolution 10-45 to re-adopt the Section 3 Plan in accordance with the Housing and Urban Development Act of 1968. This Resolution will replace Resolution 09-35. The Town of Taos is required to adopt a Section 3 Plan by resolution annually for Community Development Block Grants. This plan outlines the hiring practices of the Town of Taos.

**Background:**

Section 3 is a provision of the Housing and Urban Development (HUD) Act of 1968 that helps foster local economic development, neighborhood economic improvements, and individual self-sufficiency. The Section 3 program requires that recipients of certain HUD financial assistance, to the greatest extent feasible, provide job training, employment, and contracting opportunities for low-or very-low income residents in connection with projects and activities in their neighborhoods.

**Attachments:**

Click to download

 [Resolution 10-45 Section 3 Plan](#)

**APPROVALS:**

Date/Time:

Approval:

Department:

8/3/2010 9:41 AM

Approved

Town Clerk



**RESOLUTION 10-45  
SECTION 3 PLAN**

**WHEREAS**, the Town of Taos is committed to comply with Section 3 of the Housing and Urban Development Act of 1968; and

**WHEREAS**, in accordance with CDBG Regulations the Town's Section 3 Plan must be updated annually; and

**WHEREAS**, this Act encourages the use of small local businesses and the hiring of low income residents of the community; and

**WHEREAS**, the Section 3 Coordinator will oversee implementation and enforcement of this plan in the areas of (1) Hiring (2) Contracting (3) Training (4) CDBG Contract language

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Taos that it

**HEREBY** endorses and supports such a program for the citizens of the Town of Taos and nearby Taos area as indicated in the attached Section 3 Plan, which is hereby adopted.

**PASSED, APPROVED and ADOPTED**, this 10th day of August 2010, at the regular meeting of the Town Council.

Councilmember Rudy C. Abeyta      —  
Councilmember A. Eugene Sanchez   —  
Councilmember Amy J. Quintana      —  
Councilmember Michael A. Silva      —

**TOWN OF TAOS**

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**Darren M. Cordova, Mayor**

**ATTEST:**

**APPROVED AS TO FORM:**

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**Renee Lucero, Town Clerk**

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**Allen Ferguson, Jr., Town Attorney**

### **TOWN OF TAOS – SECTION 3 PLAN**

The Town of Taos is committed to comply with Section 3 of the Housing and Urban Development Act of 1968. This Act encourages the use of small local businesses and the hiring of low income residents of the community.

The Town of Taos has appointed the Human Resources Director as the Section 3 Coordination / Compliance Officer, to advise and assist key personnel and staff on Section 3, to officially serve as focal point on Section 3 complaints, as the on-site monitoring of prime contractors and sub-contractors to ensure the implementation and enforcement of Section 3. The approval or disapproval of the Section 3 Plan is the ultimate responsibility of the Town. Documentation of Town efforts will be retained on file in the appropriate office for monitoring by the State.

Therefore, the Town of Taos shall:

#### **1. Hiring**

- a. Advertise for all Town Positions in local newspaper, except those listed as exempt employees, and those filled by vacancy promotions.
- b. List all Town job opportunities with the State of New Mexico Employment Service, except those listed as exempt employees, and those filled by vacancy promotions.
- c. Preference in hiring will be given to lower income persons residing in the Town. This means that if two equally qualified persons apply and one is a lower income resident of the Town and one is not, the resident will be hired.
- d. Maintain records of Town hiring as specified on this form.

#### **Anticipated Town Hiring** Hiring 2010

Job Classification	# of Positions to be Filled	# of Positions to be Filled by Lower Income Town Residents	# Positions Filled	#Position Filled by Lower Income Town Residents
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#### **2. Contracting**

- a. The Town will compile a list of businesses, suppliers and contractors located in the Town.
- b. These vendors will be contacted whenever the Town requires supplies, services or construction to solicit bids or quotes.

- c. Preference will be given to small local businesses. This means if identical bids/quotes are received from a small business located within the Town and one from outside the Town, the contract will be awarded to the business located within the Community.

### **3. Training**

The Town shall maintain a list of all training programs operated by the Town and its agencies and will direct them to give preference to Town residents. The Town will also direct all Community Development Block Grant (CDBG) sponsored training to provide preference to Town Residents.

### **4. CDBG Contracts**

All CDBG bid proposals and contracts shall include the following Section 3 language.

- a. The work to be performed under this contract is on a project assisted under a program providing direct federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible, opportunities for training and employment be given lower income residents of the project areas, and contracts for work in connection with the project be awarded to business concerns residing in the project area.
- b. The parties to this contract will comply with the provisions of said Section 3 and the regulation issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR and all applicable rules and orders of the Department issued thereunder prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
- c. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
- d. The contractor will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the

applicant for, or recipient of federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by Secretary of Housing and Urban Development, 24 CFR 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulation under 24 CFR 135, and will not let any subcontract unless the subcontractor has first provided it with the requirements of these regulations.

- e. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR 135, and all applicable rules and orders of the Department, issued thereunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.

The Town shall require each contractor to prepare a written Section 3 Plan as a part of their bids on all jobs exceeding \$100,000.00. All Section 3 Plans shall be reviewed and approved by the Town's Equal Opportunity Section 3 Compliance Officer (Human Resources Director) and maintained in said office for monitoring by the State.

The Town of Taos will maintain all necessary reports and will ensure that all contractors and subcontractors submit required reports.

### **LOWER INCOME CLARIFICATION**

A family who resides in Taos and whose income does not exceed the income limit for the size of family as per the attached Section 8 Income Limit for Taos County. Information contained in our Section 3 Plan reflects the status of Town employees regarding lower income considerations based on their salary paid by the Town.

\_\_\_\_\_  
**Darren M. Cordova, Mayor**

\_\_\_\_\_  
**Date**

**ATTEST:**

**APPROVED AS TO FORM:**

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**Renee Lucero, Town Clerk**

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**Allen Ferguson, Jr., Town Attorney**



**August 10, 2010**

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**Title:**

Marietta Fambro, Finance Director (with Miranda Quintana, Grants Administrator)

**Summary:**

Consideration and approval of Resolution 10-44 to re-adopt the Procurement Policy for Community Development Block Grant (CDBG) Projects. This resolution will replace Resolution 09-21. In accordance with CDBG regulations the Town must adopt a procurement policy by resolution to apply for and administer CDBG Projects.

**Background:**

Due to the unique procurement requirements for CDBG projects it would be appropriate and efficient to adopt a CDBG Procurement Policy separate from the Town's general procurement policy.

**Attachments:**

**Click to download**

📎 [Resolution 10-44 Procurement Policy for CDBG Projects](#)

**APPROVALS:**

Date/Time:	Approval:	Department:
7/30/2010 10:49 AM	Approved	Town Clerk



**TOWN OF TAOS  
RESOLUTION 10-44**

**PROCUREMENT POLICY FOR CDBG PROJECTS**

The Town Council, the Governing Body of the Town of Taos, hereby enacts the following resolution setting forth the Town's procurement policies for Community Development Block Grant Projects.

**WHEREAS**, the Town of Taos has been, and wishes to continue to be, a qualified Grantee eligible to receive funding under the State-Federal Community Development Block Grant (CDBG) program; and

**WHEREAS**, the State's Department of Finance and Administration (DFA) has set forth certain criteria and requirements for CDBG Grantees; and

**WHEREAS**, the requirements that DFA has promulgated in order for local governments in New Mexico to be qualified as potential CDBG Grantees include a requirement that each such local government adopt annually by resolution a procurement policy for CDBG projects; and

**WHEREAS**, the Town, in applying for and administering CDBG grants, must comply with requirements unique to the CDBG program promulgated by DFA and consonant with federal law and regulations and must comply with all applicable requirements of the New Mexico Procurement Code (NMSA 1978, Sections 13-1-28 through 13-1-199) as well as other pertinent requirements of state law; and

**WHEREAS**, due to the unique nature of the resulting set of procurement requirements for CDBG projects, the Council deems it most appropriate and efficient to adopt a CDBG procurement policy separate from its general procurement policy;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Taos Council hereby adopts the following as its CDBG Procurement Policy:

**A. GENERAL PROVISIONS**

**1. Incorporation by Reference**

a. All applicable provisions of the New Mexico Procurement Code NMSA 1978, Sections 13-1-28 through 13-1-199, are hereby incorporated into this policy by this reference.

b. All applicable requirements duly promulgated by DFA for CDBG grants and projects, and any applicable federal government regulatory requirements for such grants and projects, are hereby incorporated into this policy by this reference.

c. All applicable provisions of the Town's current general Procurement Policy are hereby incorporated by this reference.

d. Any conflict between this policy and the Procurement Code or other applicable state or federal legal or regulatory requirements are to be resolved in favor of the state or federal requirements. Any conflict between this policy and the Town's general Procurement Policy are to be resolved in favor of this policy.

## 2. Code of Conduct

Elected officials, staff or agents of the Town are prohibited from personally benefiting from CDBG procurement.

No employee, officer or agent of the Town shall participate in the selection, the award, or the administration of a contract supported by CDBG funds if a conflict of interest, real or apparent, would be involved. Such a conflict could arise if the employee, officer or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the above has a financial or other interest in the firm selected for award.

No officer, employee, or agent of the Town shall solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements, except where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

Any alleged violations of the foregoing standards of conduct shall be referred to the District Attorney for the Eighth Judicial District. An employee, official or agent who violates the foregoing provisions shall be subject to appropriate disciplinary or other administrative action.

## B. **PROCUREMENT PROCESS IN GENERAL**

### 1. Initial Review; Selection of Procurement Method

The Town's designated purchasing officer shall review each proposed procurement that involves the use of CDBG funds with a view toward avoiding the purchase of unnecessary or duplicative items. For procurements chosen to go forward, the purchasing officer shall select the procurement method that is most appropriate for the particular procurement involved (small purchase, competitive bids, competitive proposals, qualifications-based proposals, purchase under existing GSD contract, etc.) Where more than one method could be chosen, the purchasing officer shall seek the most economical method that best meets the Town's needs. Procurement requirements may not be artificially subdivided so as to create separate contracts that can be classified as small purchases.

2. Affirmative Action

The purchasing officer or agent shall take affirmative steps to assure that small and minority firms and women's businesses are solicited wherever they are potential qualified sources. The purchasing officer or agent shall also consider the feasibility of dividing total requirements into smaller tasks or quantities, or setting delivery schedules in such a way as to facilitate participation by small and minority firms and women's businesses, when permitted.

3. Basis of Payment

The basis of payment (fixed price, unit price, hourly rate, etc.) shall be appropriate to the specific procurement and spelled out in any invitation for bids or request for proposals and must be specified in the final contract between the Town and a contracting party. Cost plus percentage of cost contracts are specifically prohibited where CDBG funds are to be used.

4. Necessity for a Written Contract

Whatever procurement method is used, a written contract signed by the Town and the Contractor is necessary and must be in place before the Town is under an obligation to pay for work done.

5. Flow Chart

A flow chart of the procurement process for CDBG-funded projects is attached hereto as Attachment A.

C. **SMALL PURCHASES** (Procurement Code Sec. 13-1-125)

1. When the Small Purchase Procedure Can be Used.

The small purchase procedure can be used to procure services, construction or items of tangible personal property having a value of not more than \$20,000 not including any applicable gross receipts tax, and may also be used to procure professional services (except those of landscape architects and surveyors) having a value of not more than \$50,000 not including any applicable gross receipts tax. Projects shall not be artificially divided in order to allow the small purchase procedure to be used.

2. Obtaining Quotes.

To use the small purchase procedure for contracts to be funded by CDBG monies, the Town official responsible for the procurement must obtain price or rate quotations by phone or in writing from a minimum of three sources and document the businesses contacted and the prices quoted. In order to obtain comparable price quotations, the Town official responsible for the procurement should describe the type of service, construction, or goods that the Town seeks to obtain, as well as the scope of work and proposed basis of payment, in reasonable detail.

3. Basis of Selection.

The Town shall select the business whose services, construction or goods are most advantageous to the Town, including but not limited to cost.

4. Contract.

The Town shall enter into a written contract with the business selected setting forth, among other things, the maximum compensation, the basis of compensation, the term of the contract, delivery schedule, and scope of work.

D. **COMPETITIVE SEALED BIDS** (Procurement Code Sec. 13-1-102 to 110)

1. Applicability

Section 13-1-102 of the Procurement Code requires competitive sealed bids where other methods of procurement (such as small purchases and competitive sealed proposals) do not apply. This procedure is used when detailed specifications can be prepared for the goods or services to be procured and the primary basis for award is cost.

2. Notice.

An invitation for bids procedure is initiated by the Town publishing an Invitation for Bids or a notice thereof at least 10 calendar days before bids are to be opened in at least one newspaper of general circulation in the Taos area and sending copies to businesses that have indicated in writing their interest in bidding for the type of service, construction, or goods involved. (Procurement Code Sec. 13-1-104.) The invitation for bids should state that CDBG funding is involved.

3. Selection Criteria.

All criteria to be used for selection must be stated in the Invitation for Bids. Specifications should be clear and detailed.

4. Opening of Bids; Award

Bids shall be opened publicly, recorded, and the award made to the lowest responsible bidder. The term “responsible bidder” is defined as, “a bidder who submits a responsive bid and who has furnished, when required, information and data to prove that his financial resources, production or service facilities, personnel, service reputation and experience are adequate to make satisfactory delivery of the services, construction or items of tangible personal property described in the invitation for bids.” (Procurement Code Sec. 13-1-82.) A “responsive bid” is “a bid which conforms in all material respects to the requirements set forth in the invitation for bids [including] price, quality, quantity or delivery requirements.” (Procurement Code Sec. 13-1-84.) Therefore, the lowest bidder may or may not be the lowest responsible bidder.

5. Contract.

The Town must enter into a written contract with the firm selected in order to proceed with the production and delivery of the services, construction or goods solicited. The contract must formalize, among other things, the term of the contract, the scope of work, delivery schedule, and compensation.

6. Cancellation; rejection.

An invitation for bids may be cancelled or any or all bids rejected when it is in the best interests of the Town. Any such determination must be documented in writing with the business reasons for the cancellation or rejection stated. (Procurement Code Sec. 13-1-131.)

E. **COMPETITIVE SEALED PROPOSALS** (Procurement Code Sec. 13-1-111 to 13-1-117.)

1. Applicability

Competitive sealed proposals are used when cost is not the only factor in the selection. This includes most professional services, but services of architects, engineers, landscape architects and surveyors are required to be selected using the special Competitive Sealed Qualifications-Based Proposal procedure set forth in Section F, below. Competitive sealed proposals are not to be used for construction services but may be used to select a consultant to provide local CDBG administrative or housing rehabilitation services, appraisals or expert testimony.

2. Notice

Requirements for notice and publication of a request for proposals or a notice thereof are the same as requirements for notice and publication of an invitation for bids or a notice thereof. See D-2 above.

3. Request for Proposals (RFP) (Procurement Code Sections 13-1-111 through 13-1-117.1.

The RFP should clearly define the services or goods to be procured and must include a scope of work.

The RFP must state the evaluation criteria to be used and their relative weight. The criteria may include cost and should also include other factors.

The RFP must state the name and telephone number of the Town contact person and the number of copies of a proposal required.

The RFP should state that the project is funded by CDBG money and subject to applicable CDBG requirements.

4. Evaluation of Proposals; Negotiations

The Town should establish an evaluation committee to review and rank proposals in accordance with the criteria stated in the RFP. Reviews and rankings should be in writing. Offerors submitting proposals may be given an opportunity for negotiation and revision of their proposals prior to award for the purpose of the Town obtaining best and final offers.

5. Award

The award shall be made to the responsible offeror whose proposal is the most advantageous to the Town, taking into consideration the evaluation factors set forth in the RFP, including but not limited to price.

6. Contract.

The Town must enter into a written contract with the firm selected in order to proceed with the production and delivery of the services or goods solicited. The contract must formalize, among other things, the term of the contract, the scope of work, delivery schedule, and compensation.

7. Cancellation; rejection.

A request for proposals may be cancelled or any or all proposals rejected when doing so is in the best interests of the Town. Any such determination must be documented in writing with the business reasons for the cancellation or rejection stated. (Procurement Code Sec. 13-1-131.)

**F. COMPETITIVE SEALED QUALIFICATIONS-BASED PROPOSALS**  
(Procurement Code Sections 13-1-117.2 through 13-1-124.)

1. Applicability

Professional services of architects or engineers in excess of \$50,000 (not including taxes) and professional services of landscape architects and surveyors in excess of \$10,000 (not including taxes).

2. Procedure

The procedures for competitive sealed qualifications-based proposals are the same as the procedures for requests for proposals (Section E above) except for the following:

a. Price is excluded as an evaluation factor in the request for proposals and in selecting the most qualified offeror.

b. The following must be included in the RFP as evaluation factors: (1) specialized design and technical competence; (2) capacity and capability of the business; (3) past record of performance on contracts with government agencies or private industry; (4) proximity to or familiarity with the area in which the project is located; (5) the volume of work previously done for the Town that is not 75% complete. (See Procurement Code Section 13-1-120.) Note: Amount of design work produced in New Mexico is not allowed as a factor on federally funded projects.

c. Once the most qualified offeror has been selected (on the basis of factors other than cost), the Town shall obtain from that firm its price and cost data.

d. After obtaining the most qualified firm's price and cost data, the Town and the firm shall negotiate a fee for the services to be provided.

e. If a fair and reasonable fee cannot be agreed upon, then the Town shall commence negotiations with the second most qualified firm, then, if those are unsuccessful, with the third most qualified, and so on.

f. Professional Technical Advisory Assistance: The Procurement Code provides that if a local public body (such as the Town) does not have on staff a licensed professional engineer, surveyor, architect or landscape architect, it shall have appointed to it or have the appointment waived by the appropriate New Mexico professional society, an individual to serve as a professional technical advisor. Professional technical

advisors shall be obtained through the Professional Technical Advisory Board, a consortium of the relevant professional societies in New Mexico. (See Procurement Code Section 13-1-117.2.) The professional technical advisor may assist the Town with developing an RFP, giving public notice, evaluating proposals, selecting firms, and contract negotiation.

#### **G. ADMINISTRATIVE OR REHABILITATION CONSULTANT**

##### **1. Applicability**

If the Town requires the use of a consultant to assist with the administration of the CDBG program or the assistance of a professional rehabilitation consultant, the Town must procure such services through the Competitive Sealed Proposals (RFP) process described in Section E, above.

##### **2. Contract Terms.**

An administrative contract must contain the following provisions:

- a. Effective and termination dates.
- b. Names and addresses of parties and liaison persons.
- c. Authority of Town to enter contract and source of funds.
- d. Conditions under which the contract may be terminated and remedies for breach.
- e. Detailed scope of work.
- f. Time of performance and completion including milestones if applicable.
- g. Description of materials or services to be provided by both parties.
- h. Method of compensation including fee, payment schedule and maximum amount payable. Payment cannot be made in advance of work.
- i. State and federal standard provisions: Executive Order 11246 clause; Title VII clause; access to records statement; conflict of interest clause; Section 3 statement pertaining to Housing and Urban Development Act of 1968; Section 109 clause pertaining to the Housing and Community Development Act of 1974; Rehabilitation Act of 1974, Section 504 clause, concerning handicapped persons; Age Discrimination Act of 1975 clause.

#### **H. MAINTAIN PROCUREMENT FILES.**

Procurement files for all CDBG contracts must be maintained and must, at a minimum contain the following documents showing, among other things, that the procurement was open, fair and competitive: Please see Attachment "A".

#### **I. RETENTION OF RECORDS.**

The Town shall keep such records as will fully disclose the amount and disposition of the total funds from all sources budgeted for the Grant Agreement period, the purpose of undertaking for which such funds were used, the amount and nature of all

contributions from other sources, and such other records as the Local Government Division shall prescribe. Such records shall be preserved for a period of not less than ten (10) years following project close-out.

## **J. SPECIAL REQUIREMENTS FOR PUBLIC WORKS PROJECTS**

### **1. Applicability.**

The Public Works Minimum Wage Act (NMSA 13-4-10 through 13-4-17) provides that any contract entered into by the Town in excess of \$60,000 for construction, alteration, demolition or repair or any combination of these, including painting and decorating, of public buildings, public works or public roads and that requires the employment of mechanics or laborers or both. (NMSA Sec. 13-4-11.A.)

### **2. Requirements.**

Any such public works contract must contain a provision stating the minimum wages to be paid to various classes of laborers and mechanics based upon the prevailing wage determined by the Director of the Labor and Industrial Division of the Department of Workforce Solutions, and a provision that the laborers and mechanics shall be paid at least once per week and without unlawful deduction or rebate, the full amount accrued at the time of payment. (NMSA, Sec. 13-4-11.A.)

In order to submit a bid or a response to a request for proposals valued at more than \$50,000, or to be considered for award of any portion of a public works project greater than \$50,000 for a public works project subject to the Public Works Minimum Wage Act, a prime contractor or subcontractor must be registered with the labor and industrial division of the Department of Workforce Solutions. (NMSA Sec. 13-4-13.1.A.)

Bidding documents issued by the Town for such public works projects, including invitations to bid (IFB's) and requests for proposals (RFP's), must include a clear notification that each contractor (prime contractor or subcontractor) is required to be registered as required by Section 13-4-13.1. (NMSA, Sec. 13-4-13.1.A.)

The Town shall not accept a bid on a public works project subject to the Public Works Minimum Wage Act from a prime contractor that does not provide proof of required registration for itself. (Section 13-4-13.1.B and Section 13-1-105.A.) In effect, this means that a bid or proposal, in order to be deemed responsive, with respect to a covered public works project, must contain proof by the prime contractor bidder that it is registered with the Labor and Industrial Division.

A bid submitted by a registered prime contractor that includes any subcontractor that is not registered in accordance with Section 13-4-13.1 may be considered for award following substitution of a registered subcontractor for any unregistered subcontractor. Section 13-1-105.A.

**RESOLVED**, this 10th, day of August 2010, at the Regular Meeting of the Town Council, by the following vote:

Councilmember Rudy C. Abeyta	_____
Councilmember A. Eugene Sanchez	_____
Councilmember Amy J. Quintana	_____
Councilmember Michael A. Silva	_____

**TOWN OF TAOS**

\_\_\_\_\_  
**Darren M. Cordova, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Renee Lucero, Town Clerk**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Allen Ferguson, Jr., Town Attorney**



**August 10, 2010**

---

**Title:**

Renee Lucero, Town Clerk

**Summary:**

Consideration and approval of Transfer of Ownership of Liquor License Application No. 638042 for Taos Restaurant Properties, LLC dba The Gorge Bar and Grill located at 103 E. Taos Plaza.

**Background:**

**Attachments:**

Click to download

 [Application](#)

**APPROVALS:**

Date/Time:	Approval:	Department:
7/30/2010 9:54 AM	Approved	Town Clerk



# New Mexico Regulation and Licensing Department ALCOHOL AND GAMING DIVISION

Toney Anaya Building ▪ 2550 Cerrillos Road ▪ Santa Fe, New Mexico 87505  
(505) 476-4875 ▪ Fax (505) 476-4595 ▪ www.rld.state.nm.us/agd

Bill Richardson  
GOVERNOR

Kelly O'Donnell, Ph.D.  
SUPERINTENDENT

Pamelya Herndon  
DEPUTY  
SUPERINTENDENT

Julie Ann Meade  
CHIEF LEGAL COUNSEL

Gary J. Tomada  
DIRECTOR

July 12, 2010

Certified Mail No: 7003 2260 0006 7453 3750

**RECEIVED**  
JUL 14 2010  
CLERK'S OFFICE *HL*

Town of Taos  
Attn: Renee Lucero, Clerk  
400 Camino de la Placita  
Taos, NM 87571

Re: License / App. No. Liquor License # 0096 / Application # 638042  
Applicant Name: Taos Restaurant Properties, LLC  
Doing Business As: The Gorge Bar and Grill  
Proposed Location: 103 E. Taos Plaza, Taos

ATTENTION: Department or person responsible for conducting or preparing the public hearing for liquor license transfers or issuance of new liquor licenses. **\*(Please review the revised instructions for approval or disapproval below.)**

Greetings:

The referenced application and is being forwarded to you in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

Within forty-five days after receipt of a notice from the Alcohol and Gaming Division, the governing body **shall** hold a public hearing in the question of whether the department should approve the proposed issuance or transfer. Notice of the public hearing required by the Liquor Control Act **shall** be given by the governing body by publishing a notice of the date, time and place of the hearing at least once a week for two consecutive weeks in a newspaper of general circulation within the territorial limits of the governing body, **which requires that two full weeks of publication must be satisfied before a hearing can be conducted. For example, the hearing cannot be conducted until a full week has elapsed after the second publication.** The notice shall include: (A) Name and address of the Applicant/Licensee; (B) The action proposed to be taken by the Alcohol and Gaming Division; (C) The location of the licensed premises. The governing body is required to send notice by certified mail to the applicant of the date, time and place of the public hearing. The governing body may designate a hearing officer to conduct the hearing. A record **shall** be made of the hearing.

**The applicant is requesting a Transfer of Ownership of Liquor License.**

The governing body may disapprove the issuance or transfer of the license if:

- 1) The proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico. (The governing body may disapprove if the proposed location is within 300 feet of a church or school unless the license has been located at this location prior to 1981 or unless the applicant/licensee has obtained a waiver from the local option district governing body for the proposed licensed premises.
- 2) The issuance or transfer would be in violation of a zoning or other ordinance of the governing body. The governing body may disapprove if the proposed location is not properly zoned. Because this office is in receipt of a zoning statement from the governing body, this is not a basis for disapproval. Attached is a copy of a zoning statement from the local governing body.
- 3) The issuance would be detrimental to the public health, safety or morals of the

Alcohol and Gaming Division  
(505) 476-4875

Boards and Commissions Division  
(505) 476-4600

Construction Industries Division  
(505) 476-4700

Financial Institutions Division  
(505) 476-4885

Manufactured Housing Division  
(505) 476-4770

Securities Division  
(505) 476-4580

Administrative Services Division  
(505) 476-4800

residents of the local option district. Disapproval by the governing body on public health, safety or morals must be based on and supported by substantial evidence pertaining to the specific prospective transferee or location and a copy of the record must be submitted to the Alcohol and Gaming Division.

\*Within thirty (30) days after the public hearing, the governing body **shall** notify the Alcohol and Gaming Division in writing as to whether the local governing body has approved or disapproved the issuance of transfer of the license and by signing the enclosed original Page 1 of the application. **The letter of approval/disapproval and the Page 1 must be returned together with the notice of publication(s).** If the governing body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the public hearing, the director may give final approval to the issuance or transfer of the license.

If the governing body disapproves the issuance or transfer of the license, it shall notify the Alcohol and Gaming Division within thirty (30) days setting forth the reasons for the disapproval. A copy of the minutes of the public hearing shall be submitted to the Alcohol and Gaming Division with the notice of disapproval (page 1 of the application page noting disapproval).

Sincerely,

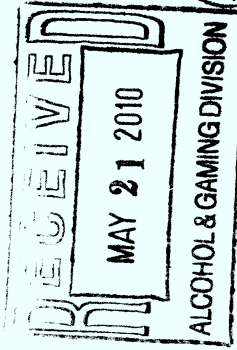
  
Jackie Gallegos  
Hearing Officer

**ENCLOSURES: Original Page 1 of Liquor License Application**

State Liquor License # 0096

Application Number 638042

Local Option (AGD use) Taos



STATE OF NEW MEXICO  
REGULATION AND LICENSING  
DEPARTMENT

ALCOHOL AND GAMING DIVISION

P.O. BOX 25101 Santa Fe,  
New Mexico 87504-5101  
505-476-4570



G-5-25-10  
jaelie

#1107089

Liquor License Application

Non Refundable Application Fee- \$200.00

Record Owner of License Zapar, Inc.

Current D/B/A Name Ogelvie's Bar & Grill

Current Premise Address E. Taos Plaza

Taos, New Mexico 87571

Application is for: (check one) Change of Stock  
Transfer of Ownership and Location

Change of Officers/Directors

Transfer Location

Transfer of Ownership of Existing License

Issue New License

Applicant is: Individual

Corporation

Partnership (General or Limited)

Limited Liability Company

NAME OF APPLICANT (company or individual):

ADDRESS (INCLUDING CITY, STATE, ZIP)

TELEPHONE NUMBER

Taos Restaurant Properties, LLC

2031 Mountain Road, NW, Albuquerque, New Mexico 87104

Notice also to: Linda L. Aikin, Esq., 530B Harkle Road, Santa Fe, NM 87505 PH: 505-982-6224 FAX: 505-982-0352

DBA Name to be used: The Gorge Bar and Grill Phone Number for licensed premises T8D

Physical Address Where License is to be used: 103 E. Taos Plaza, Taos, New Mexico 87571

(Street No./Highway No./State Road/City/County)

Mailing Address: 2031 Mountain Road, NW, Albuquerque, New Mexico 87104

(Street No./P.O. Box/City/State/Zip)

Are alcoholic beverages currently being dispensed at the proposed location?

Yes

If yes, give license number

0096

I, KEITH ROESSLER, as (title) MEMBER, being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents thereof and that all statements therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the Director may refuse to issue said license or may cause such license to be revoked at any time.

Signature of Applicant(s)

*Keith Roessler*

Notary Public Use Only

Date

5

SUBSCRIBED AND SWORN TO before me this 21st day of May, 2010 by Keith Roessler

OFFICIAL SEAL



Name of Person(s) Signifying Public

My Commission Expires: 9-25-20

My Commission Expires:

Local Governing Body of:

PLEASE CHECK ONE: ☐ APPROVED ☐ DISAPPROVED

(CITY OR COUNTY) Hearing Held on:

AGD Use Only

APPROVED

DISAPPROVED

DIRECTOR

APPROVAL

DATE

August 10, 2010

## LIMITED LIABILITY COMPANY

1. Name of Limited Liability Company Taos Restaurant Properties, LLC

2. Date Company formed (attach copy of Operating Agreement) 02 / 25 / 2010

3. Date Company registered (attach copy of certificate and Article of Organization) 02 / 25 / 2010

4. Mailing Address: 2031 Mountain Road, NW, Albuquerque, New Mexico 87104

5. Names and addresses of all Members. If a Member is a corporation, another Limited Liability Company or other General or Limited Partnership, which has an interest of 10% or more, complete the appropriate corporation information on Page 4, or appropriate Partnership Statement (Page 3).

## LIST ALL MEMBERS AND MANAGERS

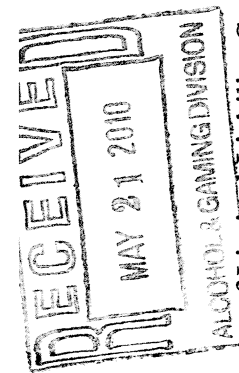
Name	Address	% of interest/contribution
GPG Seasons, LLC Member	2031 Mountain Road, NW, Albuquerque, New Mexico 87104	25%
Pauline Lucero Member	2031 Mountain Road, NW, Albuquerque, New Mexico 87104	12.5%
Carlo Lucero Member	2031 Mountain Road, NW, Albuquerque, New Mexico 87104	12.5%
Keith Roessler Member	2031 Mountain Road, NW, Albuquerque, New Mexico 87104	12.5%
Lynn Roessler Member	2031 Mountain Road, NW, Albuquerque, New Mexico 87104	12.5%
Kevin Roessler Member	2031 Mountain Road, NW, Albuquerque, New Mexico 87104	12.5%
Catharina Forsting Member	2031 Mountain Road, NW, Albuquerque, New Mexico 87104	12.5%

6. Has this Limited Liability Company ever had a liquor license in which it held any interest in any State suspended or revoked, or has the Limited Liability Company been denied the issuance of a liquor license? If Yes, please provide details: No

Page 158  
Of 158

7. List every liquor license, which this Limited Liability Company owns any interest, direct or indirect None

**NOTE:** For each Member who is an individual, complete the Personal Data Information sheet (page 6), and attach two (2) completed sets of fingerprints on cards furnished by the Alcohol and Gaming Division. Fingerprints must be taken by City Police, State Police or Sheriff (any state).



## PROCEDURAL INFORMATION FOR APPLICANT:

Applicant: Taos Restaurant Properties, LLC dba The Gorge Bar and Grill

- Please deliver the publication notice to the Taos News. **The applicant is responsible for all costs associated with the publication notice.** Contact the Taos News at (575) 758-2241 to determine the costs. Alcohol & Gaming Division requires that the notice be published for 2 consecutive weeks before a hearing can be conducted.
- The Public Hearing will be held August 10, 2010 at 1:30 p.m. at the Town Council Chambers located at 120 Civic Plaza Drive. Please plan on attending the hearing so that you can answer any questions the Council may have.
- Upon Council approval/disapproval of the application, the Town Clerk will obtain the Mayor's signature and return the application to the Alcohol & Gaming Division. Please contact the Alcohol & Gaming Division as to the status of your license (505) 476-4875.
- Once you have received the State License from Alcohol & Gaming Division, you must provide a copy to the Town of Taos and pay the Liquor License Tax to the Town of Taos in the amount of \$250. *Depending on when the license is approved, the Town may prorate the tax in accordance with State Statute (NMSA 7-24-4 AND 60-6A-15) on a quarterly basis. For example, if a license is issued any time April 1 or later, the applicant must pay one fourth of the \$250 fee; if the license is issued January 1 or later, the applicant must pay one half of the \$250 fee, etc.)*
- Upon receipt of the Liquor License Tax the Town Clerk will issue a Certificate of Receipt of Liquor License Tax. You may post the Town's Certificate along with the State's Liquor License in your establishment.
- Contact Renee Lucero, Town Clerk, at (575) 751-2005 or by email at [rlucero@taogov.com](mailto:rlucero@taogov.com) if you have any questions.

**APPLICANT: KEEP THIS PAGE  
FOR YOUR RECORDS**



## NOTICE OF TAOS TOWN COUNCIL PUBLIC HEARING

Notice is hereby given that the Taos Town Council will hold a Public Hearing on August 10, 2010 at 1:30 p.m. at Coronado Hall - Town of Taos Town Council Chambers, 120 Civic Plaza Drive, Taos, New Mexico, to consider a request for a Transfer of Ownership of Liquor License 0096/Application No. 638042.

**APPLICANT:**

Taos Restaurant Properties, LLC  
2031 Mountain Road, NW  
Albuquerque, NM 87104

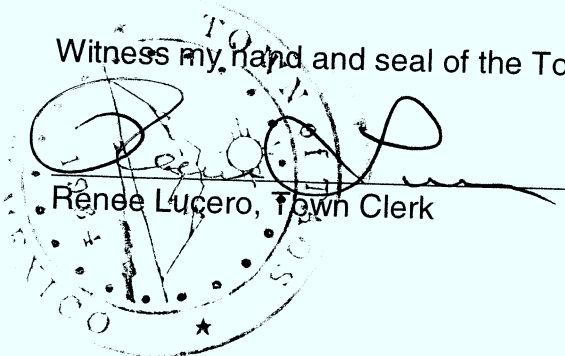
**LOCATION:**

The Gorge Bar and Grill  
103 E. Taos Plaza  
Taos, NM 87571

**ACTION TO BE TAKEN:**

Approval or Disapproval of  
Transfer of Ownership of Liquor License  
0096 (Application No. 638042)

Witness my hand and seal of the Town of Taos on this 15<sup>th</sup> day of July, 2010.

  
Renee Lucero, Town Clerk

Publication Dates: July 22, 2010  
July 29, 2010

## Renee Lucero

---

**From:** Renee Lucero  
**Sent:** Thursday, July 15, 2010 3:26 PM  
**To:** Rudy Perea  
**Subject:** Liquor License Zoning Clearance - The Gorge Bar and Grill  
**Importance:** High

Hi Rudy,

I am in receipt of an application for a Transfer of Ownership of Liquor License Application #638042 for the Gorge Bar and Grill located at 103 E. Taos Plaza. Please provide the following information:

1. Do they have the necessary zoning clearance?
2. If applicable do they meet parking specifications?
3. Do they have a Business License?
4. If applicable do they have an approved building permit
5. What is the distance to the nearest Church and School?

This will be presented at the Regular Meeting on August 10, 2010 at 1 p.m. Thank you for assistance.

Renee Lucero, Town Clerk  
 Town of Taos  
 400 Camino de la Placita  
 Taos, NM 87571  
 575-751-2005



# Memorandum

P&Z Department

400 Camino de la Placita  
Taos, New Mexico 87571 (505) 751-2005

**To:** Renee Lucero, Town Clerk  
**From:** Rudy Perea, Senior Planner  
**Date:** July 26, 2010  
**Re:** Liquor License Application for Gorge Bar and Grill

---

This memo is in response to your request for a zoning review for Gorge Bar & Grill located at 103- East Plaza. Below are the answers to your questions on this license request:

- 1.) Do they have the necessary zoning clearance? Yes. 103 East Plaza is zoned CBD (Central Business District) which allows for eating and drinking establishments as permitted principal uses under section 4-15.2 subsection (C) of the Town of Taos Land Use Development Code.
- 2.) If applicable do they meet parking specifications? Yes. At the time this business received a Business License, parking requirements were met.
- 3.) Do they have a Business License? Yes. Their business license is up to date with the Town of Taos.
- 4.) If applicable do they have an approved building permit? Yes. The owners of the business do have an outstanding building permit with the Town of Taos and need to resolve issues with the Planning and Zoning Department with regards to regulations pertaining to the Historic Overlay Zone.
- 5.) What is the distance to the nearest Church and School? The distance to the nearest Church is approximately 168.96 feet. The distance to the nearest School is approximately 1320 feet. *(see attached correction)*

IMPORTANT

## Renee Lucero

---

**From:** Rudy Perea  
**Sent:** Tuesday, July 27, 2010 10:06 AM  
**To:** Renee Lucero  
**Subject:** Corrected measurements on Liquor License Zoning Reviews  
**Importance:** High

Hi Renee,

Below you will find the corrected measurements for my Liquor License Zoning Reviews:

Sabor by Antonio:

Distance to nearest Church: 510 feet  
Distance to nearest School: 1,204 feet

Gorge Bar and Grill:

Distance to nearest Church: 600 feet  
Distance to nearest School: 1,345 feet

Thanks,

Rudy

Legal No. 11,576.

**NOTICE OF  
TAOS TOWN  
COUNCIL PUBLIC  
HEARING**

Notice is hereby given that the Taos Town Council will hold a Public Hearing on August 10, 2010 at 1:30 p.m. at Coronado Hall - Town of Taos Town Council Chambers, 120 Civic Plaza Drive, Taos, New Mexico, to consider a request for a Transfer of Ownership of Liquor License 0096/Application No. 638042.

**APPLICANT:** Taos Restaurant Properties, LLC 2031 Mountain Road, NW Albuquerque, NM 87104

**LOCATION:** The Gorge Bar and Grill 103 E. Taos Plaza Taos, NM 87571

**ACTION TO BE TAKEN:** Approval or Disapproval of Transfer of Ownership of Liquor License 0096 (Application No. 638042)

Witness my hand and seal of the Town of Taos on this 15th day of July, 2010.

/S/Renee Lucero,  
Town Clerk

(Legal No. 11,576; Pub. July 22, 29, 2010).

**Darren M. Cordova, Mayor**

**Councilmembers:**

**Rudy C. Abeyta**

**A. Eugene Sanchez**

**Amy J. Quintana**

**Michael A. Silva**

**Daniel R. Miera, Town Manager**

**Abigail R. Adame, Assistant Town Manager**



**Taos Municipal Building  
400 Camino de la Placita  
Taos, New Mexico 87571**

**(575) 751-2000**

**Fax (575) 751-2026**

**Visit us on our Website at:  
[www.taosgov.com](http://www.taosgov.com)**

August 3, 2010

Taos Restaurant Properties, LLC  
dba The Gorge Bar and Grill  
2031 Mountain Road, NW  
Albuquerque, NM 87104

To Whom It May Concern:

This letter is to notify you of a Public Hearing for the approval of Transfer of Ownership of Liquor License Application #638042 for The Gorge Bar and Grill. The meeting will be held on August 10, 2010 at 1:30 p.m. at the Town Council Chambers located at 120 Civic Plaza Drive.

If you have questions or concerns please contact me at (575) 751-2005.

Sincerely,

A handwritten signature in black ink, appearing to read "Renee Lucero". The signature is fluid and cursive, with a large loop at the beginning and end.

Renee Lucero  
Town Clerk



**August 10, 2010**

---

**Title:**

Renee Lucero, Town Clerk

**Summary:**

Consideration and approval of new Restaurant Beer & Wine Liquor License Application No. 637580 for Rellenos Cafe, Inc. dba Sabor by Antonio's located at 108-A South Plaza.

**Background:**

**Attachments:**

Click to download

📎 [Application](#)

**APPROVALS:**

Date/Time:	Approval:	Department:
7/30/2010 9:56 AM	Approved	Town Clerk



Bill Richardson  
GOVERNOR

Kelly O'Donnell, Ph.D.  
SUPERINTENDENT

Pamelya Herndon  
DEPUTY  
SUPERINTENDENT

Julie Ann Meade  
CHIEF LEGAL COUNSEL

Gary J. Tomada  
DIRECTOR

## New Mexico Regulation and Licensing Department ALCOHOL AND GAMING DIVISION

Toney Anaya Building ▪ 2550 Cerrillos Road ▪ Santa Fe, New Mexico 87505  
(505) 476-4875 ▪ Fax (505) 476-4595 ▪ www.rld.state.nm.us/agd

July 12, 2010

Certified Mail No: 7003 2260 0006 7453 3743

RECEIVED  
JUL 14 2010  
CLERK'S OFFICE *ll*

Town of Taos  
Attn: Renee Lucero, Clerk  
400 Camino de la Placita  
Taos, NM 87571

Re: License / App. No. Liquor License # 0000 / Application # 637580  
Applicant Name: Rellenos Cafe, Inc.  
Doing Business As: Sabor by Antonio's  
Proposed Location: 108-A South Plaza, Taos

ATTENTION: Department or person responsible for conducting or preparing the public hearing for liquor license transfers or issuance of new liquor licenses. **\*(Please review the revised instructions for approval or disapproval below.)**

Greetings:

The referenced application and is being forwarded to you in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

Within forty-five days after receipt of a notice from the Alcohol and Gaming Division, the governing body **shall** hold a public hearing in the question of whether the department should approve the proposed issuance or transfer. Notice of the public hearing required by the Liquor Control Act **shall** be given by the governing body by publishing a notice of the date, time and place of the hearing at least once a week for two consecutive weeks in a newspaper of general circulation within the territorial limits of the governing body, **which requires that two full weeks of publication must be satisfied before a hearing can be conducted. For example, the hearing cannot be conducted until a full week has elapsed after the second publication.** The notice shall include: (A) Name and address of the Applicant/Licensee; (B) The action proposed to be taken by the Alcohol and Gaming Division; (C) The location of the licensed premises. The governing body is required to send notice by certified mail to the applicant of the date, time and place of the public hearing. The governing body may designate a hearing officer to conduct the hearing. A record **shall** be made of the hearing.

**The applicant is requesting a Restaurant Liquor License.**

The governing body may disapprove the issuance or transfer of the license if:

- 1) The proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico. (The governing body may disapprove if the proposed location is within 300 feet of a church or school unless the license has been located at this location prior to 1981 or unless the applicant/licensee has obtained a waiver from the local option district governing body for the proposed licensed premises.
- 2) The issuance or transfer would be in violation of a zoning or other ordinance of the governing body. The governing body may disapprove if the proposed location is not properly zoned. Because this office is in receipt of a zoning statement from the governing body, this is not a basis for disapproval. Attached is a copy of a zoning statement from the local governing body.
- 3) The issuance would be detrimental to the public health, safety or morals of the

Alcohol and Gaming Division  
(505) 476-4875

Boards and Commissions Division  
(505) 476-4600

Construction Industries Division  
(505) 476-4700

Financial Institutions Division  
(505) 476-4885

Manufactured Housing Division  
(505) 476-4770

Securities Division  
(505) 476-4580

Administrative Services Division  
(505) 476-4800

residents of the local option district. Disapproval by the governing body on public health, safety or morals must be based on and supported by substantial evidence pertaining to the specific prospective transferee or location and a copy of the record must be submitted to the Alcohol and Gaming Division.

**\*Within thirty (30) days after the public hearing, the governing body shall notify the Alcohol and Gaming Division in writing as to whether the local governing body has approved or disapproved the issuance of transfer of the license and by signing the enclosed original Page 1 of the application. The letter of approval/disapproval and the Page 1 must be returned together with the notice of publication(s). If the governing body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the public hearing, the director may give final approval to the issuance or transfer of the license.**

If the governing body disapproves the issuance or transfer of the license, it shall notify the Alcohol and Gaming Division within thirty (30) days setting forth the reasons for the disapproval. A copy of the minutes of the public hearing shall be submitted to the Alcohol and Gaming Division with the notice of disapproval (page 1 of the application page noting disapproval).

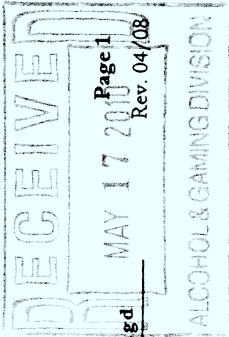
Sincerely,

  
Jackie Gallegos  
Hearing Officer

**ENCLOSURES: Original Page 1 of Liquor License Application**



New Mexico Regulation and Licensing Department • Alcohol and Gaming Division  
P.O. Box 25101 • Santa Fe, New Mexico 87504-5101 • (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/agd



# LIQUOR LICENSE APPLICATION

Application fee - \$200.00 Fees are non-refundable.

State Liquor License # 95-19-10  
Application Number 637580  
Local option (AGD use) gacde

Record Owner of Existing License \_\_\_\_\_  
Current D/B/A Name \_\_\_\_\_  
Current Premises Address \_\_\_\_\_

Application is for: Change of Stock \_\_\_\_\_ Change of Officers/Directors \_\_\_\_\_ Transfer Ownership of Existing License \_\_\_\_\_ Transfer Ownership and Location \_\_\_\_\_ Transfer Location \_\_\_\_\_ Other \_\_\_\_\_  
Issue New License ☒ Type of License being applied for Beer and Wine  
Applicant is: Individual ☒ Corporation ☒ Partnership (General or Limited) \_\_\_\_\_ Limited Liability Company \_\_\_\_\_

NAME OF APPLICANT (company or individual) Rellenos Cafe Inc. ADDRESS (including city, state, zip) 108-A South Plaza  
TELEPHONE NUMBER (575) 751-4900  
575-758-7000 - Sabor

D/B/A name to be used: Sabor by Antonio's Phone number for licensed premises: 705 follow

Physical location where license is to be used: 108-A South Plaza Taos, New Mexico 575-758-7000  
Mailing address: P.O. Box 2037 El Prado, New Mexico 87529  
(Include street number / highway number / state road, city and county, state, and zip code)

Are alcoholic beverages currently being dispensed at the proposed location? Yes ☒ No ☐ If yes, give license number and type \_\_\_\_\_  
I, (print name) Antonio Matus Guerrero, as (title) (AMG) President/Director, being first duly sworn upon oath  
deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that  
if any statements or representations herein are found to be false, the director may refuse to issue or renew the license or may cause the license to be revoked at any time.

You must sign and date this form in the presence of a notary public.

Signature of Applicant [Signature] Date 5/15/10

SUBSCRIBED AND SWORN TO before me this May day of 2010 by Antonio Matus Guerrero  
Notary Public [Signature] My Commission Expires 4-10-2012

Local Governing Body of: \_\_\_\_\_ (City or County). Hearing held on \_\_\_\_\_ 20 \_\_\_\_\_

Check one: Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ City/County Official \_\_\_\_\_ (Signature & Title)

For Alcohol and Gaming Division Use Only  
Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Director Approval \_\_\_\_\_ Date \_\_\_\_\_



# CORPORATION

SS 60-6B-2

Name of Corporation: Reveries Cafe Inc.

(Corporations must attach certified copy of its Certificate of Incorporation and Articles of Incorporation. Foreign corporations must also include a certified copy of its New Mexico certificate of authority.)

Date of Incorporation: 5/21/07

In what State? New Mexico

Mailing Address of Corporate Office: P.O. Box 2037

City: El Prado

State: N.M.

Zip: 87529

Phone: (505) 488-1480

provide complete names and addresses of all officers and directors of the Corporation, also the names and addresses of all stockholders of 10% or more of the stock in the Corporation. If a stockholder of 10% or more of the stock is any other legal entity, complete the appropriate disclosure page for the stockholding entity.

## Name and Title of Officers, Directors and Stockholders

### Complete Address

### % Stock Held

Antonine Matus-Suarez P.O. Box 2037 El Prado, N.M. 87529 100%  
President, Director

Sarah Lucero-Matus 0%  
Vice President address: same as above

## USE ADDITIONAL PAGES IF NECESSARY.

Has this Trust ever had a liquor license in which it held any interest in any State suspended or revoked, or has the Trust been denied the issuance of a liquor license?  
No X Yes      If Yes, provide details:

List every liquor license in which the Corporation holds any interest, direct or indirect: N/A

Has this Corporation ever been convicted of a felony? No X Yes      If Yes, provide details:

Page

\*\* Notes For each individual applicant, partner, officer, director, and stockholder of 10% or more of stock in corporation, complete the Personal Data Information Form (page 6) and attach two completed sets of fingerprint cards (available from the Alcohol and Gaming Division) along with fees and supporting documentation. Fingerprints must be taken by City Police, State Police, or Sheriff (any state).

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Return this form to the Alcohol and Gaming Division, P.O. Box 25101, Santa Fe, New Mexico 87504.



PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION

SS-60-6B-10

1. The land and building which is proposed to be the licensed premises is (check one):

Owned by Applicant \_\_\_\_\_ Leased by Applicant (attach copy of deed or lease) ☒ Other (provide details) \_\_\_\_\_

2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s) Hotel La Fonda de Taos LTD. Co.

B. Date and term of lease June 1<sup>st</sup>, 2010 1 year term / first option to renew lease.

Attach a hand drawn map, zoning map, or other map showing the location of the proposed premises and the main adjacent streets, roads or highways in relation to the closest church and school properties. This map should be drawn on a sheet of paper no larger than 8 1/2 x 11 inches.

3. Premises location is zoned (example C-1) Central Business District / Historic Overlay zone

If the premises is zoned, attach zoning statement from local government giving location address and type of zone, stating whether alcoholic beverages are allowed at proposed location. If there is no zoning, attach confirmation from local government indicating there is no zoning.

4. Distance from nearest church \*(Property line of church to licensed premises—shortest distance).

Miles/feet 451 ft. Name of church Our Lady of Guadalupe address/location of church 205 Don Fernando, Taos, New Mexico

5. Distance from nearest school \*(Property line of school to licensed premises—shortest distance).

Miles/feet 758 ft. Name of school San Garcia School Address/location of school 305 Don Fernando, Taos, New Mexico

6. Distance from military installation \*(Property line of military installation to licensed premises—shortest distance.)

Miles 120 miles Name of Military Installation, circle one: Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces), Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis).

7. Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold or consumed. Show exterior walls, doors, and interior walls. This will be the licensed premises. The floor plan should be no larger than 8 1/2 x 11 inches, and must include the total square footage of premises.

\*If the distance is beyond 300 feet, but less than 400 feet, a registered engineer or licensed surveyor must complete a Survey Certificate showing the exact distance.

8. Type of Operation:

Lounge \_\_\_\_\_ Restaurant ☒ Package Grocery \_\_\_\_\_ Racetrack \_\_\_\_\_ Hotel \_\_\_\_\_ Other (specify) \_\_\_\_\_

## PROCEDURAL INFORMATION FOR APPLICANT:

Applicant: Rellenos Café, Inc. dba Sabor by Antonio's

- Please deliver the publication notice to the Taos News. **The applicant is responsible for all costs associated with the publication notice.** Contact the Taos News at (575) 758-2241 to determine the costs. Alcohol & Gaming Division requires that the notice be published for 2 consecutive weeks before a hearing can be conducted.
- The Public Hearing will be held August 10, 2010 at 1:30 p.m. at the Town Council Chambers located at 120 Civic Plaza Drive. Please plan on attending the hearing so that you can answer any questions the Council may have.
- Upon Council approval/disapproval of the application, the Town Clerk will obtain the Mayor's signature and return the application to the Alcohol & Gaming Division. Please contact the Alcohol & Gaming Division as to the status of your license (505) 476-4875.
- Once you have received the State License from Alcohol & Gaming Division, you must provide a copy to the Town of Taos and pay the Liquor License Tax to the Town of Taos in the amount of \$250. *Depending on when the license is approved, the Town may prorate the tax in accordance with State Statute (NMSA 7-24-4 AND 60-6A-15) on a quarterly basis. For example, if a license is issued any time April 1 or later, the applicant must pay one fourth of the \$250 fee; if the license is issued January 1 or later, the applicant must pay one half of the \$250 fee, etc.)*
- Upon receipt of the Liquor License Tax the Town Clerk will issue a Certificate of Receipt of Liquor License Tax. You may post the Town's Certificate along with the State's Liquor License in your establishment.
- Contact Renee Lucero, Town Clerk, at (575) 751-2005 or by email at rlucero@taogov.com if you have any questions.

**APPLICANT: KEEP THIS PAGE  
FOR YOUR RECORDS**



## **NOTICE OF TAOS TOWN COUNCIL PUBLIC HEARING**

Notice is hereby given that the Taos Town Council will hold a Public Hearing on August 10, 2010 at 1:30 p.m. at Coronado Hall - Town of Taos Town Council Chambers, 120 Civic Plaza Drive, Taos, New Mexico, to consider a request for a Restaurant Beer & Wine Liquor License Application No. 637580.

**APPLICANT:**

Rellenos Café Inc  
P.O. Box 2037  
El Prado, NM 87529

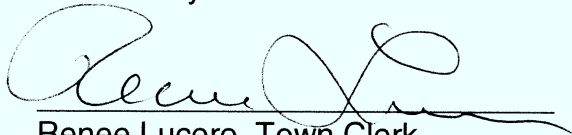
**LOCATION:**

Sabor by Antonio's  
108-A South Plaza  
Taos, NM 87571

**ACTION TO BE TAKEN:**

Approval or Disapproval of  
Restaurant Beer & Wine Liquor License  
(Application No. 637580)

Witness my hand and seal of the Town of Taos on this 15<sup>th</sup> day of July, 2010.



Renee Lucero, Town Clerk

Publication Dates: July 22, 2010  
July 29, 2010

## Renee Lucero

---

**From:** Renee Lucero  
**Sent:** Thursday, July 15, 2010 3:28 PM  
**To:** Rudy Perea  
**Subject:** Liquor License Zoning Clearance - Sabor by Antonio's  
**Importance:** High

Hi Rudy,

I am in receipt of an application for a New Restaurant Liquor License Application #637580 for Sabor by Antonio's located at 108-A South Plaza. Please provide the following information:

1. Do they have the necessary zoning clearance?
2. If applicable do they meet parking specifications?
3. Do they have a Business License?
4. If applicable do they have an approved building permit
5. What is the distance to the nearest Church and School?

This will be presented at the Regular Meeting on August 10, 2010 at 1 p.m. Thank you for assistance.

Renee Lucero, Town Clerk  
Town of Taos  
400 Camino de la Placita  
Taos, NM 87571  
575-751-2005



# Memorandum

**P&Z Department**

**400 Camino de la Placita**  
**Taos, New Mexico 87571 (505) 751-2005**

**To:** Renee Lucero, Town Clerk  
**From:** Rudy Perea, Senior Planner  
**Date:** July 26, 2010  
**Re:** Liquor License Application for Sabor by Antonio Restaurant

---

This memo is in response to your request for a zoning review for Sabor by Antonio's located at 108-A South Plaza. Below are the answers to your questions on this license request:

- 1.) Do they have the necessary zoning clearance? Yes. 108-A South Plaza is zoned CBD (Central Business District) which allows for eating and drinking establishments as permitted principal uses under section 4-15.2 subsection (C) of the Town of Taos Land Use Development Code.
- 2.) If applicable do they meet parking specifications? Yes. At the time this business received a Business License, parking requirements were met.
- 3.) Do they have a Business License? Yes. Their business license is up to date with the Town of Taos.
- 4.) If applicable do they have an approved building permit? No. The owners of the business do not have an outstanding building permit with the Town of Taos.
- 5.) What is the distance to the nearest Church and School? The distance to the nearest Church is approximately 158.4 feet. The distance to the nearest School is approximately 1214.4 feet. *(see attached correction)*



## Renee Lucero

---

**From:** Rudy Perea  
**Sent:** Tuesday, July 27, 2010 10:06 AM  
**To:** Renee Lucero  
**Subject:** Corrected measurements on Liquor License Zoning Reviews  
**Importance:** High

Hi Renee,

Below you will find the corrected measurements for my Liquor License Zoning Reviews:

Sabor by Antonio:

Distance to nearest Church: 510 feet  
Distance to nearest School: 1,204 feet

Gorge Bar and Grill:

Distance to nearest Church: 600 feet  
Distance to nearest School: 1,345 feet

Thanks,

Rudy

Legal No. 11,574.

**NOTICE OF TAOS  
TOWN COUNCIL  
PUBLIC HEARING**

Notice is hereby given that the Taos Town Council will hold a Public Hearing on August 10, 2010 at 1:30 p.m. at Coronado Hall - Town of Taos Town Council Chambers, 120 Civic Plaza Drive, Taos, New Mexico, to consider a request for a Restaurant Beer & Wine Liquor License Application No. 637580.

**APPLICANT:** Rellenos Café Inc, P.O. Box 2037 El Prado, NM 87529

**LOCATION:** Sabor by Antonio's, 108-A South Plaza Taos, NM 87571

**ACTION TO BE TAKEN:** Approval or Disapproval of Restaurant Beer & Wine Liquor License (Application No. 637580)

Witness my hand and seal of the Town of Taos on this 15th day of July, 2010.

/S/Renee Lucero,  
Town Clerk

(Legal No. 11,574;  
Pub. Jul. 22, 29,  
2010).

August 10, 2010

**Darren M. Cordova, Mayor**

**Councilmembers:**

**Rudy C. Abeyta**

**A. Eugene Sanchez**

**Amy J. Quintana**

**Michael A. Silva**

**Daniel R. Miera, Town Manager**

**Abigail R. Adame, Assistant Town Manager**



**Taos Municipal Building  
400 Camino de la Placita  
Taos, New Mexico 87571**

**(575) 751-2000**

**Fax (575) 751-2026**

**Visit us on our Website at:  
[www.taosgov.com](http://www.taosgov.com)**

August 3, 2010

Rellenos Café, Inc.  
dba Sabor by Antonio's  
ATTN: Antonio Matus-Guerrero  
P.O. Box 2037  
El Prado, NM 87529

Dear Mr. Matus-Guerrero,

This letter is to notify you of a Public Hearing for the approval of New Restaurant Beer & Wine Liquor License Application #637580 for Sabor by Antonio's. The meeting will be held on August 10, 2010 at 1:30 p.m. at the Town Council Chambers located at 120 Civic Plaza Drive.

If you have questions or concerns please contact me at (575) 751-2005.

Sincerely,

  
Renee Lucero  
Town Clerk



**August 10, 2010**

---

**Title:**

Daniel Miera, Town Manager

**Summary:**

Consideration and approval of Ordinance 10-19; Adopting a Municipal Gross Receipts Tax imposing on any person engaging in business in this municipality an excise tax equal to one-fourth of one percent (.25) of the gross receipts reported or required to be reported. The dedication for this tax increase is for: Public Safety – including but not limited to: expenditures relating to operations and services, including maintenance, replacement, and expansion; equipment; infrastructure; and other elements that contribute to the preservation and enhancement of public safety. Economic Development – including but not limited to: expenditures relating to operations and services, including maintenance, replacement, and expansion; programming; marketing/advertising; infrastructure; and other elements that contribute to the preservation and enhancement of economic development.

**Background:**

**Attachments:**

Click to download

 [Ordinance](#)

**APPROVALS:**

Date/Time:

7/30/2010 11:44 AM

Approval:

Approved

Department:

Town Clerk



**TOWN OF TAOS  
ORDINANCE NUMBER 10-19  
ADOPTING A MUNICIPAL GROSS RECEIPTS TAX**

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF TAOS

**Section 1. Imposition of Tax.** There is imposed on any person engaging in business in this municipality for the privilege of engaging in business in this municipality an excise tax equal to one-fourth of one percent (.25%) of the gross receipts reported or required to be reported by the person pursuant to the New Mexico Gross Receipts and Compensating Tax Act as it now exists or as it may be amended. The tax imposed under this ordinance is pursuant to the Municipal Local Option Gross Receipts Taxes Act as it now exists or as it may be amended and shall be known as the "municipal gross receipts tax."

**Section 2. General Provisions.** This ordinance hereby adopts by reference all definitions, exemptions and deductions contained in the Gross Receipts and Compensating Tax Act as it now exists or as it may be amended.

**Section 3. Specific Exemptions.** No municipal gross receipts tax shall be imposed on the gross receipts arising from:

- A. Transporting persons or property for hire by railroad, motor vehicle, air transportation or any other means from one point within the municipality to another point outside the municipality;
- B. A business located outside the boundaries of a municipality on land owned by that municipality for which a state gross receipts tax distribution is made pursuant to Subsection C of Section 7-1-6.4 NMSA 1978; or
- C. Direct broadcast satellite services.

**Section 4. Dedication.** Revenue from the municipal gross receipts tax will be directed toward preserving and enhancing essential and beneficial public services, and used for the purpose(s) listed below:

- A. Public Safety – including but not limited to: expenditures relating to operations and services, including maintenance, replacement, and expansion; equipment; infrastructure; and other elements that contribute to the preservation and enhancement of public safety.
- B. Economic Development – including but not limited to: expenditures relating to operations and services, including maintenance, replacement, and expansion; programming; marketing/advertising; infrastructure; and other elements that contribute to the preservation and enhancement of economic development.

**Section 5. Effective Date.** The effective date of the municipal gross receipts tax shall be January 1, 2011.

**ADOPTED BY THE GOVERNING BODY OF THE TOWN OF TAOS THIS 10TH DAY OF AUGUST 2010.**

ATTEST: \_\_\_\_\_  
(Signatures of Municipal Clerk and Mayor)

This ordinance shall become effective as provided by law.

**ORDAINED, ADOPTED, APPROVED, AND RATIFIED** this 10th day of August, 2010 by the following vote:

Mayor Pro Tem Rudy C. Abeyta	_____
Councilmember A. Eugene Sanchez	_____
Councilmember Amy J. Quintana	_____
Councilmember Michael A. Silva	_____

**TOWN OF TAOS**

\_\_\_\_\_  
**Darren M. Cordova, Mayor**

**ATTEST:**

**APPROVED AS TO FORM**

\_\_\_\_\_  
**Renee Lucero, Town Clerk**

\_\_\_\_\_  
**Allen Ferguson, Jr., Town Attorney**



**August 10, 2010**

---

**Title:**

Amos Torres, Public Utilities Director

**Summary:**

Consideration and approval of Change Order #1 to Contract # TT-10-192 with AUI Inc. for the construction of the upgrades to the Taos Regional Wastewater Treatment Facility. The Change Order is in the amount of \$49,960.07 plus NMGR for a total amount of \$53,519.73. The Change Order is to relocate existing electrical conduit to accommodate installation of new splitter box; increase proposed air compressor tank from 80 to 120 gallon; epoxy coated manhole to drain line junction; add 6" clean outs for traffic and non traffic areas on drain line; at new and existing buildings; additional circuits for standby generator and increase conduit size from 1" to double 2".

**Background:**

All changes requested are a result of either electrical conduits located after construction was started, requests from the Town of Taos Utilities Department or the Treatment Plant Staff, or items requested by Engineers or Membrane equipment suppliers. All changes are needed for the proper construction and operation of the Wastewater Treatment Facility.

**Attachments:**

**Click to download**

- [Change Order #1](#)
- [change order proposal #1](#)
- [change order proposal #2](#)
- [change order proposal #4](#)
- [change order proposal #5](#)
- [change order proposal #6](#)
- [change order proposal #7](#)
- [change order proposal #9](#)
- [change order proposal #10](#)

📄 [AUI Payroll Burden break out](#)

📄 [Pueblo Electric Payroll Burden break out](#)

**APPROVALS:**

Date/Time:	Approval:	Department:
7/30/2010 11:40 AM	Approved	Town Manager
7/30/2010 11:40 AM	Approved	Town Clerk

# Change Order

August 10, 2010  
No. 1

Date of Issuance: June 29, 2010		Effective Date: June 1, 2010
Project: Town of Taos Taos Valley Regional Wastewater Treatment Facility MBR Upgrade	Owner: Town of Taos	Owner's Contract No.: TT-10-192
Contract: Town of Taos Taos Valley Regional Wastewater Treatment Facility MBR Upgrade		Date of Contract: February 2010
Contractor: AUI, Inc.		Engineer's Project No.: 621-7798

The Contract Documents are modified as follows upon execution of this Change Order:

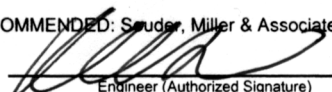
Description of Changes	DECREASE in Contract Price	INCREASE in Contract Price
Relocate Conduits at Splitter Box		\$ 10,755.92
(2) EA. Increase Air Compressor Tank from 80-120 Gal.		\$ 673.74
4'-diam. epoxy-coated MH (7'-d)		\$ 7,513.46
(6) EA. 6" Non-Traffic-Area Cleanout		\$ 15,552.24
(1) EA. 6" Traffic-Rated Single Cleanout		\$ 2,900.60
(2) EA. 4" Double Cleanouts (Non-Traffic-Area)		\$ 4,550.59
Install Additional Circuits for Standby Generator		\$ 3,973.87
Conduit F-000 from Single 1" to Double 2" Encased Duct		\$ 4,039.65
<b>TOTALS</b>	\$ -	\$ 49,960.07
<b>NET CHANGE IN CONTRACT PRICE</b>		\$ 49,960.07

Attachments: CO1 Breakdown (splitter box, cleanouts, conduits); Contractor's Change Order Proposal No. 2 (& No. 1, 2, 4, 5, 6, 7, 9, 10); Dwgs "DRAIN-CO" and "MH-DET"

Justification: Relocate existing electrical conduit to accommodate installation of new splitter box; increase proposed air compressor tank from 80 to 120 gal; add 48" epoxy coated SAS MH to drain line junction; add 6" cleanouts for traffic and non-traffic areas on drain line and double cleanouts at new and existing building.

CHANGE IN CONTRACT PRICE:		CHANGE IN CONTRACT TIMES:	
Original Contract Price:	Original Contract Times:	<input type="checkbox"/> Working days	<input checked="" type="checkbox"/> Calendar days
(without NMGR)	Substantial completion (days or date):	January 30, 2011	
\$ 5,032,073.40	Ready for final payment (days or date):	February 28, 2011	
Increase from previously approved Change Orders No. 0 to No. 0	No. 0 to No. 1		
\$ -	Substantial completion (days):	0	
	Ready for final payment (days):	0	
Contract Price prior to this Change Order:	Contract Times prior to this Change Order:		
\$ 5,032,073.40	Substantial completion (days or date):	January 30, 2011	
	Ready for final payment (days or date):	February 28, 2011	
Increase of this Change Order:	Increase of this Change Order:		
\$ 49,960.07	Substantial completion (days or date):	14	
	Ready for final payment (days or date):	14	
Contract Price incorporating this Change Order:	Contract Times with all approved Change Orders:		
\$ 5,082,033.47	Substantial completion (days or date):	February 13, 2011	
	Ready for final payment (days or date):	March 14, 2011	


RECOMMENDED: Souder, Miller & Associates

By:   
Engineer (Authorized Signature)

Date: 7/15/10

Approved by Funding Agency (if applicable):

ACCEPTED:

By:   
Owner (Authorized Signature)

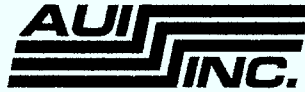
Date:

ACCEPTED:

By:   
Contractor (Authorized Signature)

Date: 7/19/10

Date:

**CHANGE ORDER PROPOSAL No. 1 - REV.**

PROJECT NAME: **Taos Valley Regional Wastewater Treatment Facility MBR Upgrade**

OWNER: **Town of Taos**

PRIMARY CONTRACTOR: **AUI, Inc.**

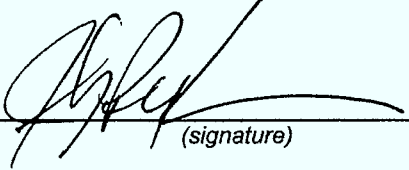
ENGINEER: **Souder, Miller & Associates**

AUI PROJECT NUMBER: **210003**

WORK DESCRIPTION: Relocate existing 4" control conduit to accomodate installation of new Splitter Box. (Tray cables to be Re-Used) Relocate 1-1/2" power conduit. (Does not include replacement of conductors) All trenching, backfill and compaction to be included.

REQUESTED TIME EXT: 2 Days

1. DIRECT LABOR:	84	MANHOURS	\$1,980.68
2. PAYROLL TAX BURDEN @	42.0%		\$831.89
3. SMALL TOOLS & EQUIP. @	\$0.50	PER MANHOUR	\$42.00
4. MATERIAL			\$0.00
5. EQUIPMENT			\$2,020.00
6. MISCELLANEOUS			\$0.00
		<b>SUBTOTAL</b>	<b>\$4,874.57</b>
7. CONTRACTORS FEE @	15.00%		\$731.19
		<b>SUBTOTAL</b>	<b>\$5,605.76</b>
8. SUBCONTRACTOR'S AMOUNT			\$4,704.06
9. SUBCONTRACTOR'S HANDLING @	5.00%		\$235.20
		<b>SUBTOTAL</b>	<b>\$10,545.02</b>
10. PERFORMANCE & PAYMENT BOND ADJ. @	2.00%		\$210.90
		<b>SUBTOTAL</b>	<b>\$10,755.92</b>
12. NEW MEXICO GROSS RECEIPTS TAX @	7.1250%		\$766.36
		<b>TOTAL</b>	<b>\$11,522.28</b>

SUBMITTED BY: 

(signature)

Jeff Pipkin, Project Manager

DATE: 29-Jun-10

\*Payment for this Change Order proposal accounts solely for the known direct costs as described in the Work Description and a reservation is expressly implied for any unknown consequential impacts as may need to be determined.



6/18/2010



### CHANGE PROPOSAL

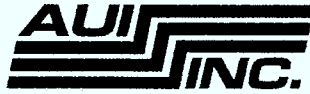
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5/18/2018



### CHANGE PROPOSAL

[illegible]



## CHANGE ORDER PROPOSAL No. 2

PROJECT NAME: Taos Valley Regional Wastewater Treatment Facility MBR Upgrade

OWNER: Town of Taos

PRIMARY CONTRACTOR:: AUI, Inc.

ENGINEER: Souder, Miller & Associates

AUI PROJECT NUMBER: 210003

WORK DESCRIPTION: Increase to the air compressor tank size from 80 gallons to 120 gallons.

REQUESTED TIME EXT:

0 Days

1. DIRECT LABOR:	0	MANHOURS	\$0.00
2. PAYROLL TAX BURDEN @	42.0%		\$0.00
3. SMALL TOOLS & EQUIP. @	\$0.50	PER MANHOUR	\$0.00
4. MATERIAL			\$287.18
5. EQUIPMENT			\$0.00
6. MISCELLANEOUS			\$0.00
		<b>SUBTOTAL</b>	<b>\$287.18</b>
7. CONTRACTORS FEE @	15.00%		\$43.08
		<b>SUBTOTAL</b>	<b>\$330.26</b>
8. SUBCONTRACTOR'S AMOUNT			\$0.00
9. SUBCONTRACTOR'S HANDLING @	5.00%		\$0.00
		<b>SUBTOTAL</b>	<b>\$330.26</b>
10. PERFORMANCE & PAYMENT BOND ADJ. @	2.00%		\$6.61
		<b>SUBTOTAL</b>	<b>\$336.87</b>
12. NEW MEXICO GROSS RECEIPTS TAX @	7.1250%		\$24.00
		<b>TOTAL</b>	<b>\$360.87</b>

SUBMITTED BY:

(signature)

Jeff Pipkin, Project Manager

DATE: 29-Jun-10

\*Payment for this Change Order proposal accounts solely for the known direct costs as described in the Work Description and a reservation is expressly implied for any unknown consequential impacts as may need to be determined.

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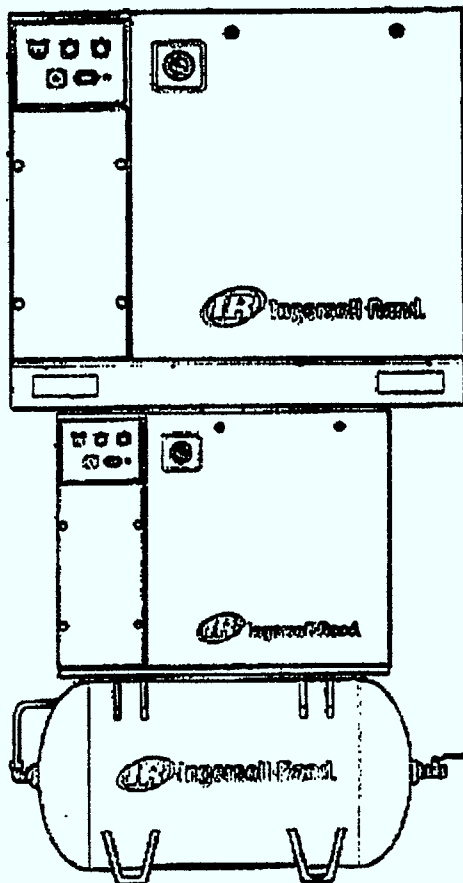
10



## UP6-5TAS-125

### Detailed Scope of Supply

All amounts are displayed in US dollars



#### Technical Information:

5HP TAS Rotary Screw Air Compressor  
Capacity- 18.5 cfm @ 125 PSIG  
Maximum Operating Pressure- 125 psig  
Outlet Size- .75" NPT

#### Dimensions- Length x Width x Height:

41" x 28.9" x 36" Baseplate  
53.6" x 28.9" x 60.7" 80-gal Tank Mtd  
74.7" x 28.9" x 60.7" 120-gal Tank Mtd

#### Weight:

725 lb. Baseplate Mounted  
1000 lb. 80-gal Tank Mounted  
1035 lb. 120-gal Tank Mounted

#### Package Amp Draw Table:

230/1/60- 23 Amps 200/3/60- 15 Amps  
230/3/60- 13 Amps 480/3/60- 7 Amps  
575/3/60- 5 Amps

Sound Level- per CAGI-PNEUROP PN2CPTC2

Standard enclosure- 65 dBA

Aftercooler CTD- 20°F

Fan Air Flow- 700 cfm

Items as specified below

<u>QTY</u>	<u>Description</u>	<u>Unit Price</u>	<u>Total Price</u>
1	UP6-5TAS-125 Fixed Speed Rotary Screw Air Compressor	\$5,423.82	\$5,423.82
1	Nema 4 with Totally Enclosed Fan Cooled Motor and Full Voltage Starter	\$194.00	\$194.00



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**UP6-STAS-125**

1	Baseplate Mount	(\$150.00)	(\$150.00)
1	Integrated Cycling Refrigerated Dryer		Included
	The Total Air System includes Dual Filtration removing 1 micron particulate and .01 micron oil. The single point pre-piped condensate system helps to eliminate leaks.		
1	Standard Factory Warranty		Included
	The Company warrants that the equipment manufactured by it and delivered hereunder will be free of defects in material and workmanship for a period of twelve months from the date of placing the Equipment in operation or eighteen months from the date of shipment from the factory, whichever shall first occur.		
1	Package Pre-Filter		Included
1	Hourmeter Installed		Included
1	Electric Drain		Included
1	Standard Crate - Baseplate Mount		Included

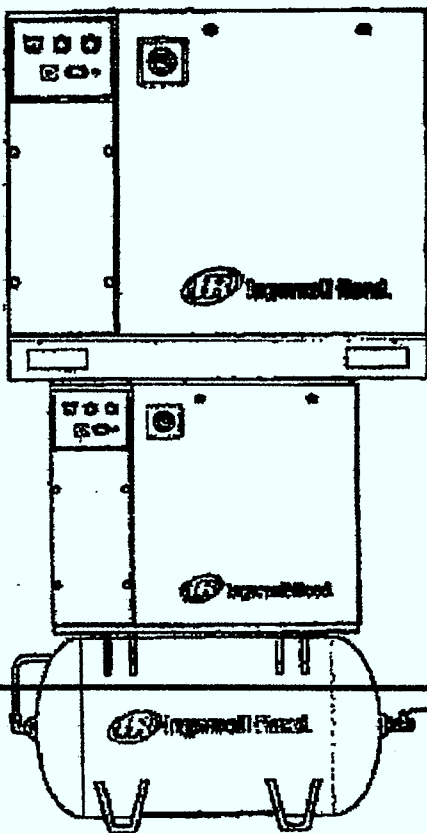
**Total Price \$5,467.82**



## UP6-5TAS-125

### Detailed Scope of Supply

All amounts are displayed in US dollars



#### Technical Information:

5HP TAS Rotary Screw Air Compressor

Capacity- 18.5 cfm @ 125 PSIG

Maximum Operating Pressure- 125 psig

Outlet Size- .75" NPT

#### Dimensions- Length x Width x Height:

41" x 28.9" x 36" Baseplate

53.6" x 28.9" x 60.7" 80-gal Tank Mtd

74.7" x 28.9" x 60.7" 120-gal Tank Mtd

#### Weight:

725 lb. Baseplate Mounted

1000 lb. 80-gal Tank Mounted

1035 lb. 120-gal Tank Mounted

#### Package Amp Draw Table:

230/1/60- 23 Ampe 200/3/60- 15 Ampe

230/3/60- 13 Ampe 480/3/60- 7 Ampe

575/3/60- 5 Ampe

Sound Level- per CAGI-PNEUROP PN2CPTC2

Standard enclosure- 65 dBA

Aftercooler CTD- 20°F

Fan Air Flow- 700 cfm

Items as specified below

<u>QTY</u>	<u>Description</u>	<u>Unit Price</u>	<u>Total Price</u>
1	UP6-5TAS-125 Fixed Speed Rotary Screw Air Compressor	\$5,439.64	\$5,439.64
1	Nema 4 with Totally Enclosed Fan Cooled Motor and Full Voltage Starter	\$195.92	\$195.92

6/9/2010

Our Standard Terms and Conditions are an integral part of this quotation and any resulting orders.

Proposal # 060010A



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**UP6-STAS-125**

1	120 Gallon Receiver	\$119.44	\$119.44
1	Integrated Cycling Refrigerated Dryer		Included
	The Total Air System includes Dual Filtration removing 1 micron particulate and .01 micron oil. The single point pre-piped condensate system helps to eliminate leaks.		
1	Standard Factory Warranty		Included
	The Company warrants that the equipment manufactured by it and delivered hereunder will be free of defects in material and workmanship for a period of twelve months from the date of placing the Equipment in operation or eighteen months from the date of shipment from the factory, whichever shall first occur.		
1	Package Pre-Filter		Included
1	Hoummeter Installed		Included
1	Electric Drain		Included
1	Standard Crate - 120 Gal Receiver		Included

**Total Price \$5,755.00**

6/9/2010

Our Standard Terms and Conditions are an integral part of this quotation and any resulting orders.

Proposal # 060910A

**CHANGE ORDER PROPOSAL No. 4**

PROJECT NAME: Taos Valley Regional Wastewater Treatment Facility MBR Upgrade

OWNER: Town of Taos

PRIMARY CONTRACTOR:: AUI, Inc.

ENGINEER: Souder, Miller & Associates

AUI PROJECT NUMBER: 210003

WORK DESCRIPTION: Provide and Install (1) ea. 48-inch SAS Manhole w/Epoxy Coating per Drawings DRAIN-CO and MH-DET provided by Souder, Miller & Assoc. on 6-15-10

REQUESTED TIME EXT: 1 Days

1. DIRECT LABOR:	48	MANHOURS	\$1,109.64
2. PAYROLL TAX BURDEN @	42.0%		\$466.05
3. SMALL TOOLS & EQUIP. @	\$0.50	PER MANHOUR	\$24.00
4. MATERIAL			\$1,270.79
5. EQUIPMENT			\$980.00
6. MISCELLANEOUS			\$500.00
		<b>SUBTOTAL</b>	<b>\$4,350.48</b>
7. CONTRACTORS FEE @	15.00%		\$652.57
		<b>SUBTOTAL</b>	<b>\$5,003.05</b>
8. SUBCONTRACTOR'S AMOUNT			\$2,250.00
9. SUBCONTRACTOR'S HANDLING @	5.00%		\$112.50
		<b>SUBTOTAL</b>	<b>\$7,365.55</b>
10. PERFORMANCE & PAYMENT BOND ADJ. @	2.00%		\$147.31
		<b>SUBTOTAL</b>	<b>\$7,512.86</b>
12. NEW MEXICO GROSS RECEIPTS TAX @	7.1250%		\$535.29
		<b>TOTAL</b>	<b>\$8,048.15</b>

SUBMITTED BY: \_\_\_\_\_

(signature)

Jeff Pipkin, Project Manager

DATE: \_\_\_\_\_

13-Jul-10

\*Payment for this Change Order proposal accounts solely for the known direct costs as described in the Work Description and a reservation is expressly implied for any unknown consequential impacts as may need to be determined.



Run Date 6/17/10 HD SUPPLY WATERWORKS, LTD.

AUI INC. ALBUQUERQUE  
 STOCK-ALBUQUERQUE  
 PO BOX 9825  
 ALBUQUERQUE NM 87119  
 Telephone: 505-242-4848  
 Fax: 505-998-5251

HDSWW - ALBUQUERQUE NM -N  
 6135 Second Street NW  
 Albuquerque NM 87107  
 Telephone: 505-344-0223  
 Fax: 505-344-0350

Attention: JEFF

6/17/10 Bid ID: 2467899 TAOS WWTP MANHOLE RING&amp;COVER

Page 1

Line	Quantity	Sell Per	Description	Net Price	Extended Price
10	1	EA	325-24 DOM RING & CVR SANITARY SEWER	226.50	226.50
20	1	EA	BJIW 325# DOM RING 0120211 1202Z	103.04	103.04

Subtotal: 329.54

Tax: .00

Bid Total: 329.54

From: Joe Garcia [boganbrothers@qwestoffice.net]  
Sent: Thursday, June 17, 2010 4:10 PM  
To: Jeff Pipkin  
Subject: Re: Taos MH Coating

Jeff:

The price for coating the interior of 1 manhole (4' diameter by 9' deep) using Zebron Coating.  
~~Price: \$2,620.00~~ Revised Price for 7' depth = \$2,250.00

Thanks,

Joe Garcia  
Bogan Brothers Painting Co., Inc.  
700 Rankin Rd. N.E.  
Albuquerque, New Mexico 87197  
(505) 898-8000  
(505) 898-1289

----- Original Message -----

From: Jeff Pipkin  
To: boganbrothers@qwestoffice.net  
Sent: Thursday, June 17, 2010 1:15 PM  
Subject: Taos MH Coating

Joe, can you e-mail me the quote? (jeffp@auinc.net) This is a ARRA (Buy American) Project, so whatever type of coating, it needs to be Made in the USA. If you have any questions, please call me on my cell listed below.

Thanks,

Jeff Pipkin  
Project Manager / Estimator

7420 Reading Ave. SE Albuquerque, NM 87105  
P.O. Box 9825 Albuquerque, NM 87119  
Phone (505) 242-4848 Ext. 3030  
Fax (505) 242-9050  
Cell (505) 975-7756  
jeffp@auinc.net

**Precast Manholes**

Heath Gee (505) 877-1155

Phone Quote

Description	UM	Unit Price	Quantity	Total Price
48" Diameter Barrels	VF	\$ 76.50	7.0	\$ 535.50
6" Waterstop Gaskets	EA	\$ 5.00	3.0	\$ 15.00
Delivery Fee (Taos)	LS	\$ 500.00	1.0	<u>\$ 500.00</u>
Total Charge				\$ 1,050.50



## CHANGE ORDER PROPOSAL No. 5

PROJECT NAME: Taos Valley Regional Wastewater Treatment Facility MBR Upgrade

OWNER: Town of Taos

PRIMARY CONTRACTOR:: AUI, Inc.

ENGINEER: Souder, Miller & Associates

AUI PROJECT NUMBER: 210003

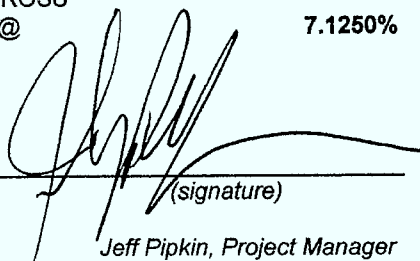
WORK DESCRIPTION: Install (1) ea, 6-inch Cleanout (Non Traffic Area) per detail on drawing DRAIN-CO. (Includes 30"x30" Concrete Collar)

REQUESTED TIME EXT:

1 Days

1. DIRECT LABOR:	20	MANHOURS	\$467.32
2. PAYROLL TAX BURDEN @	42.0%		\$196.27
3. SMALL TOOLS & EQUIP. @	\$0.50	PER MANHOUR	\$10.00
4. MATERIAL			\$1,196.17
5. EQUIPMENT			\$340.00
6. MISCELLANEOUS			\$0.00
		SUBTOTAL	\$2,209.76
7. CONTRACTORS FEE @	15.00%		\$331.46
		SUBTOTAL	\$2,541.22
8. SUBCONTRACTOR'S AMOUNT			\$0.00
9. SUBCONTRACTOR'S HANDLING @	5.00%		\$0.00
		SUBTOTAL	\$2,541.22
10. PERFORMANCE & PAYMENT BOND ADJ. @	2.00%		\$50.82
		SUBTOTAL	\$2,592.04
12. NEW MEXICO GROSS RECEIPTS TAX @	7.1250%		\$184.68
		TOTAL	\$2,776.72

SUBMITTED BY:

  
(signature)  
Jeff Pipkin, Project Manager

DATE:

29-Jun-10

\*Payment for this Change Order proposal accounts solely for the known direct costs as described in the Work Description and a reservation is expressly implied for any unknown consequential impacts as may need to be determined.



CD # 5 August 10, 2010

Run Date 6/17/10 HD SUPPLY WATERWORKS, LTD.

AUI INC. ALBUQUERQUE  
STOCK-ALBUQUERQUE  
PO BOX 9825  
ALBUQUERQUE NM 87119  
Telephone: 505-242-4848  
Fax: 505-998-5251

HDSWW - ALBUQUERQUE NM -N  
6135 Second Street NW  
Albuquerque NM 87107  
Telephone: 505-344-0223  
Fax: 505-344-0350

Attention: JEFF  
6/17/10 Bid ID: 2468377 TAOS WWTP CLEANOUTS ADD-ON

Page 1

Line	Quantity	Sell Per	Description	Net Price	Extended Price
10	3	EA	6X6 MJ WYE C/L CP DI C153	202.74	608.22
20	7	EA	6 CI CLEANOUT W/ BRASS PLUG	58.33	408.31
30	4	EA	4 CI CLEANOUT W/BRASS PLUG	22.50	90.00
40	2	EA	EJIW 00157402 IHS SEWER C/O R&C BOLTDOWN	132.80	265.60
50	7	EA	1051-66 6 CPLG AC/DIXCI/PVC	9.45	66.15
60	4	EA	1051-44 4 FLEX CPG ACDIXCI/PVC	4.42	17.68

Subtotal: 1,455.96  
Tax: .00  
Bid Total: 1,455.96

Bid Item 6

530	648	FT	6 TR FLEX PR350 CL50 DI PIPE C /L	13.79	8,935.92
540	25	EA	2"X100' POLYWRAP TAPE	3.10	77.50
550	660	FT	22X440 PERF POLYWRAP F/4-6 PIPE	.46	303.60
560	1	RL	6X1000' DETECTO TAPE-SEWER	37.61	37.61
570	500	FT	COLEMAN 12GA 54492-05 SOLID WIRE 500' BLACK	.12	60.00
580	14	EA	6 MJ 45 BEND C/L CP DI C153	74.20	1,038.80
590	1	EA	6X6 MJ TEE C/L CP DI C153	130.91	130.91
600	1	EA	6 MJ 90 BEND C/L CP DI C153	90.10	90.10
610	35	EA	6 MEGALUG MJ REST. BLACK 1106	20.81	728.35
620	35	EA	6" MJ BOLT & GASKET KIT DOM	12.98	454.30
630	35	EA	6" MJ REGULAR GASKET DOMESTIC		
640	210	EA	3/4X3-1/2 COR-TEN T-HEAD B&N DOMESTIC		
650	1	EA	6 MJ PLUG VALVE	735.24	735.24
660	1	EA	564-S VLV BOX W/LID DOM	124.49	124.49

# TAOS GRAVEL PRODUCTS

P.O. Box 1620  
El Prado, New Mexico 87529  
(575) 758-4395  
(575) 737-9487 fax

January 12, 2009

To: ALL BIDDERS

Re: Town of Taos Wastewater Treatment Plant Improvements

## Concrete Pricing:

Class AA 4000 psi concrete, ¾" Maximum Aggregate, 6% Air	\$ 130.25 delivered to Jobsite
3000 psi Grout, 3/8" Maximum Aggregate	\$ 124.00 delivered to Jobsite

Contractor will provide an environmentally acceptable truck washout area in the project vicinity.  
\*\*Prices are based on 8 cubic yard minimum load; a short load fee of \$100.00 will apply to any load less than 8 cubic yards.

## Allowable unloading times:

9 - 11 yards	1 hour
7 - 8 yards	1 hour
5 - 6 yards	45 minutes
4 yards	30 minutes
3 yards	20 minutes
1 - 2 yards	15 minutes

\$3.00 per minute unloading fee will be charged for any additional unloading time incurred beyond the allotted specified times stated above.

Winter Weather Note: All Concrete delivered between November 15<sup>th</sup> and March 1<sup>st</sup> **WILL** be mixed with Hot Water. There will be an **additional charge of \$6.00 per cubic yard** for this essential service which insures that our customers always have a quality finished product.

## Concrete Pumping:

Schwing 32m Boom Concrete Pump: \$170.00 per hour, plus \$7.00 per cy, 2 hr minimum.

<u>Material Pricing:</u>	<u>FOB Taos Gravel Yard</u>	<u>Delivered to Jobsite</u>
Aggregate Base Coarse	\$ 9.50 per ton	\$ 11.75 per ton*
Concrete Sand	\$ 21.00 per ton	\$ 23.00 per ton*
Plaster Sand	\$ 27.00 per ton	\$ 29.00 per ton*
Select Fill "Brown Fines"	\$ 8.25 per ton	\$ 10.75 per ton*
Gabion Rock	\$ 32.00 per ton	\$ 35.00 per ton*
HMA SP III	\$80.00 per ton**	

\*delivered price assumes use of 22 ton belly dump trucks

\*\*Asphalt material may be delivered at \$75.00 per hour in tandem trucks or \$95.00 per hour in belly dump trucks

This quotation is valid for 60 days from quotation date, after that time, please call for price verification.

**CHANGE ORDER PROPOSAL No. 6**

PROJECT NAME: **Taos Valley Regional Wastewater Treatment Facility MBR Upgrade**

OWNER: **Town of Taos**

PRIMARY CONTRACTOR:: **AUI, Inc.**

ENGINEER: **Souder, Miller & Associates**

AUI PROJECT NUMBER: **210003**

WORK DESCRIPTION: **Install (1) ea, 6-inch Single Cleanout (Traffic Area) per detail on drawing DRAIN-CO. (Includes 30"x30" Concrete Collar)**

REQUESTED TIME EXT:

1 Days

1. DIRECT LABOR:	20	MANHOURS	\$467.32
2. PAYROLL TAX BURDEN @	42.0%		\$196.27
3. SMALL TOOLS & EQUIP. @	\$0.50	PER MANHOUR	\$10.00
4. MATERIAL			\$1,459.22
5. EQUIPMENT			\$340.00
6. MISCELLANEOUS			\$0.00
		<b>SUBTOTAL</b>	<b>\$2,472.81</b>
7. CONTRACTORS FEE @	15.00%		\$370.92
		<b>SUBTOTAL</b>	<b>\$2,843.73</b>
8. SUBCONTRACTOR'S AMOUNT			\$0.00
9. SUBCONTRACTOR'S HANDLING @	5.00%		\$0.00
		<b>SUBTOTAL</b>	<b>\$2,843.73</b>
10. PERFORMANCE & PAYMENT BOND ADJ. @	2.00%		\$56.87
		<b>SUBTOTAL</b>	<b>\$2,900.60</b>
12. NEW MEXICO GROSS RECEIPTS TAX @	7.1250%		\$206.67
		<b>TOTAL</b>	<b>\$3,107.27</b>

SUBMITTED BY:

(signature)

Jeff Pipkin, Project Manager

DATE: 29-Jun-10

\*Payment for this Change Order proposal accounts solely for the known direct costs as described in the Work Description and a reservation is expressly implied for any unknown consequential impacts as may need to be determined.

PROJECT  
OWNER  
PRIME C  
ENGINEE  
AUI NUM  
DATE:

DESCRIP

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1

1

Run Date 6/17/10

HD SUPPLY WATERWORKS, LTD.

AUI INC. ALBUQUERQUE  
 STOCK-ALBUQUERQUE  
 PO BOX 9825  
 ALBUQUERQUE NM 87119  
 Telephone: 505-242-4848  
 Fax: 505-998-5251

HDSWW - ALBUQUERQUE NM -N  
 6135 Second Street NW  
 Albuquerque NM 87107  
 Telephone: 505-344-0223  
 Fax: 505-344-0350

Attention: JEFF

6/17/10 Bid ID: 2468377 TAOS WWTP CLEANOUTS ADD-ON

Page 1

Line	Quantity	Sell Per	Description	Net Price	Extended Price
10	3	EA	6X6 MJ WYE C/L CP DI C153	202.74	608.22
20	7	EA	6 CI CLEANOUT W/ BRASS PLUG	58.33	408.31
30	4	EA	4 CI CLEANOUT W/BRASS PLUG	22.50	90.00
40	2	EA	EJIW 00157402 IHS SEWER C/O R&C BOLTDOWN	132.80	265.60
50	7	EA	1051-66 6 CPLG AC/DIXCI/PVC	9.45	66.15
60	4	EA	1051-44 4 FLEX CPG ACDIXCI/PVC	4.42	17.68

Subtotal: 1,455.96

Tax: .00

Bid Total: 1,455.96

Bid Item 6

530	648	FT	6 TR FLEX PR350 CL50 DI PIPE C /L	13.79	8,935.92
540	25	EA	2"X100' POLYWRAP TAPE	3.10	77.50
550	660	FT	22X440 PERF POLYWRAP F/4-6 PIPE	.46	303.60
560	1	RL	6X1000' DETECTO TAPE-SEWER	37.61	37.61
570	500	FT	COLEMAN 12GA 54492-05 SOLID WIRE 500' BLACK	.12	60.00
580	14	EA	6 MJ 45 BEND C/L CP DI C153	74.20	1,038.80
590	1	EA	6X6 MJ TEE C/L CP DI C153	130.91	130.91
600	1	EA	6 MJ 90 BEND C/L CP DI C153	90.10	90.10
610	35	EA	6 MEGALUG MJ REST. BLACK 1106	20.81	728.35
620	35	EA	6" MJ BOLT & GASKET KIT DOM	12.98	454.30
630	35	EA	6" MJ REGULAR GASKET DOMESTIC		
640	210	EA	3/4X3-1/2 COR-TEN T-HEAD B&N DOMESTIC		
650	1	EA	6 MJ PLUG VALVE	735.24	735.24
660	1	EA	564-S VLV BOX W/LID DOM	124.49	124.49

# TAOS GRAVEL PRODUCTS

P.O. Box 1620  
El Prado, New Mexico 87529  
(575) 758-4395  
(575) 737-9487 fax

January 12, 2009

To: ALL BIDDERS

Re: Town of Taos Wastewater Treatment Plant Improvements

## Concrete Pricing:

Class AA 4000 psi concrete, ¾" Maximum Aggregate, 6% Air	\$ 130.25 delivered to Jobsite
3000 psi Grout, 3/8" Maximum Aggregate	\$ 124.00 delivered to Jobsite

Contractor will provide an environmentally acceptable truck washout area in the project vicinity.  
\*\*Prices are based on 8 cubic yard minimum load; a short load fee of \$100.00 will apply to any load less than 8 cubic yards.

	Allowable unloading times:
9 - 11 yards	1 hour
7 - 8 yards	1 hour
5 - 6 yards	45 minutes
4 yards	30 minutes
3 yards	20 minutes
1 - 2 yards	15 minutes

\$3.00 per minute unloading fee will be charged for any additional unloading time incurred beyond the allotted specified times stated above.

Winter Weather Note: All Concrete delivered between November 15<sup>th</sup> and March 1<sup>st</sup> **WILL** be mixed with Hot Water. There will be an **additional charge of \$6.00 per cubic yard** for this essential service which insures that our customers always have a quality finished product.

## Concrete Pumping:

Schwing 32m Boom Concrete Pump: \$170.00 per hour, plus \$7.00 per cy, 2 hr minimum.

Material Pricing:	FOB Taos Gravel Yard	Delivered to Jobsite
Aggregate Base Coarse	\$ 9.50 per ton	\$ 11.75 per ton*
Concrete Sand	\$ 21.00 per ton	\$ 23.00 per ton*
Plaster Sand	\$ 27.00 per ton	\$ 29.00 per ton*
Select Fill "Brown Fines"	\$ 8.25 per ton	\$ 10.75 per ton*
Gabion Rock	\$ 32.00 per ton	\$ 35.00 per ton*
HMA SP III	\$80.00 per ton**	

\*delivered price assumes use of 22 ton belly dump trucks

\*\*Asphalt material may be delivered at \$75.00 per hour in tandem trucks or \$95.00 per hour in belly dump trucks

This quotation is valid for 60 days from quotation date, after that time, please call for price verification.

**CHANGE ORDER PROPOSAL No. 7**

PROJECT NAME: Taos Valley Regional Wastewater Treatment Facility MBR Upgrade

OWNER: Town of Taos

PRIMARY CONTRACTOR:: AUI, Inc.

ENGINEER: Souder, Miller & Associates

AUI PROJECT NUMBER: 210003

WORK DESCRIPTION: Install (2) ea, 4-inch Double Cleanout (Non-Traffic Area) per detail on drawing DRAIN-CO. (1 on the 4" Line, 1 on the 3" Line) (Includes 2 ea. 30"x48" Concrete Collar)

REQUESTED TIME EXT:

2 Days

1. DIRECT LABOR:	40	MANHOURS	\$934.64
2. PAYROLL TAX BURDEN @	42.0%		\$392.55
3. SMALL TOOLS & EQUIP. @	\$0.50	PER MANHOUR	\$20.00
4. MATERIAL			\$1,852.25
5. EQUIPMENT			\$680.00
6. MISCELLANEOUS			\$0.00
		<b>SUBTOTAL</b>	<b>\$3,879.44</b>
7. CONTRACTORS FEE @	15.00%		\$581.92
		<b>SUBTOTAL</b>	<b>\$4,461.36</b>
8. SUBCONTRACTOR'S AMOUNT			\$0.00
9. SUBCONTRACTOR'S HANDLING @	5.00%		\$0.00
		<b>SUBTOTAL</b>	<b>\$4,461.36</b>
10. PERFORMANCE & PAYMENT BOND ADJ. @	2.00%		\$89.23
		<b>SUBTOTAL</b>	<b>\$4,550.59</b>
12. NEW MEXICO GROSS RECEIPTS TAX @	7.1250%		\$324.23
		<b>TOTAL</b>	<b>\$4,874.82</b>

SUBMITTED BY:

(signature)

Jeff Pipkin, Project Manager

DATE: 29-Jun-10

\*Payment for this Change Order proposal accounts solely for the known direct costs as described in the Work Description and a reservation is expressly implied for any unknown consequential impacts as may need to be determined.

## CHANGE ORDER PROPOSAL No. 7

DESCRIPTION OF WORK: Install (2) ea, 4-inch Double Cleanout (Non-Traffic Area) per detail on drawing DRAIN-CO. (1 on the 4" Line, 1 on the 3" Line) (Includes 2 ea. 30"x48" Concrete Collar)

**DIRECT COSTS**

Page 2 of 2

Run Date 6/17/10

HD SUPPLY WATERWORKS, LTD.

CO. # August 10, 2010 7

AUI INC. ALBUQUERQUE

STOCK-ALBUQUERQUE

PO BOX 9825

ALBUQUERQUE

NM 87119

Telephone: 505-242-4848

Fax: 505-998-5251

HDSWW - ALBUQUERQUE NM -N

6135 Second Street NW

Albuquerque NM 87107

Telephone: 505-344-0223

Fax: 505-344-0350

Attention: JEFF

6/17/10 Bid ID: 2468377 TAOS WWTP CLEANOUTS ADD-ON

Page 1

Line	Quantity	Sell Per	Description	Net Price	Extended Price
10	3	EA	6X6 MJ WYE C/L CP DI C153	202.74	608.22
20	7	EA	6 CI CLEANOUT W/ BRASS PLUG	58.33	408.31
30	4	EA	4 CI CLEANOUT W/BRASS PLUG	22.50	90.00
40	2	EA	EJIW 00157402 IHS SEWER C/O R&C BOLTDOWN	132.80	265.60
50	7	EA	1051-66 6 CPLG AC/DIXCI/PVC	9.45	66.15
60	4	EA	1051-44 4 FLEX CPG ACDIXCI/PVC	4.42	17.68

Subtotal: 1,455.96

Tax: .00

Bid Total: 1,455.96

Bid Item 6

530	648	FT	6 TR FLEX PR350 CL50 DI PIPE C /L	13.79	8,935.92
540	25	EA	2"X100' POLYWRAP TAPE	3.10	77.50
550	660	FT	22X440 PERF POLYWRAP F/4-6 PIPE	.46	303.60
560	1	RL	6X1000' DETECTO TAPE-SEWER	37.61	37.61
570	500	FT	COLEMAN 12GA 54492-05 SOLID WIRE 500' BLACK	.12	60.00
580	14	EA	6 MJ 45 BEND C/L CP DI C153	74.20	1,038.80
590	1	EA	6X6 MJ TEE C/L CP DI C153	130.91	130.91
600	1	EA	6 MJ 90 BEND C/L CP DI C153	90.10	90.10
610	35	EA	6 MEGALUG MJ REST. BLACK 1106	20.81	728.35
620	35	EA	6" MJ BOLT & GASKET KIT DOM	12.98	454.30
630	35	EA	6" MJ REGULAR GASKET DOMESTIC		
640	210	EA	3/4X3-1/2 COR-TEN T-HEAD B&N DOMESTIC		
650	1	EA	6 MJ PLUG VALVE	739.24	739.24
660	1	EA	564-S VLV BOX W/LID DOM	124.49	124.49

# TAOS GRAVEL PRODUCTS

P.O. Box 1620  
El Prado, New Mexico 87529  
(575) 758-4395  
(575) 737-9487 fax

January 12, 2009

To: ALL BIDDERS

Re: Town of Taos Wastewater Treatment Plant Improvements

## Concrete Pricing:

Class AA 4000 psi concrete, ¾" Maximum Aggregate, 6% Air	\$ 130.25 delivered to Jobsite
3000 psi Grout, 3/8" Maximum Aggregate	\$ 124.00 delivered to Jobsite

Contractor will provide an environmentally acceptable truck washout area in the project vicinity.  
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## Concrete Pumping:

Schwing 32m Boom Concrete Pump: \$170.00 per hour, plus \$7.00 per cy, 2 hr minimum.

<u>Material Pricing:</u>	<u>FOB Taos Gravel Yard</u>	<u>Delivered to Jobsite</u>
Aggregate Base Coarse	\$ 9.50 per ton	\$ 11.75 per ton*
Concrete Sand	\$ 21.00 per ton	\$ 23.00 per ton*
Plaster Sand	\$ 27.00 per ton	\$ 29.00 per ton*
Select Fill "Brown Fines"	\$ 8.25 per ton	\$ 10.75 per ton*
Gabion Rock	\$ 32.00 per ton	\$ 35.00 per ton*
HMA SP III	\$80.00 per ton**	

\*delivered price assumes use of 22 ton belly dump trucks

\*\*Asphalt material may be delivered at \$75.00 per hour in tandem trucks or \$95.00 per hour in belly dump trucks

This quotation is valid for 60 days from quotation date, after that time, please call for price verification.



## CHANGE ORDER PROPOSAL No. 9

PROJECT NAME: Taos Valley Regional Wastewater Treatment Facility MBR Upgrade

OWNER: Town of Taos

PRIMARY CONTRACTOR:: AUI, Inc.

ENGINEER: Souder, Miller & Associates

AUI PROJECT NUMBER: 210003

WORK DESCRIPTION: Provide and install additional circuits for the standby generator.

REQUESTED TIME EXT:

1 Days

1. DIRECT LABOR:	0	MANHOURS	\$0.00
2. PAYROLL TAX BURDEN @	42.0%		\$0.00
3. SMALL TOOLS & EQUIP. @	\$0.50	PER MANHOUR	\$0.00
4. MATERIAL			\$0.00
5. EQUIPMENT			\$0.00
6. MISCELLANEOUS			\$0.00
		SUBTOTAL	\$0.00
7. CONTRACTORS FEE @	15.00%		\$0.00
		SUBTOTAL	\$0.00
8. SUBCONTRACTOR'S AMOUNT			\$3,710.43
9. SUBCONTRACTOR'S HANDLING @	5.00%		\$185.52
		SUBTOTAL	\$3,895.95
10. PERFORMANCE & PAYMENT BOND ADJ. @	2.00%		\$77.92
		SUBTOTAL	\$3,973.87
12. NEW MEXICO GROSS RECEIPTS TAX @	7.1250%		\$283.14
		TOTAL	<u>\$4,257.01</u>

SUBMITTED BY:

(signature)

Jeff Pipkin, Project Manager

DATE:

29-Jun-10

\*Payment for this Change Order proposal accounts solely for the known direct costs as described in the Work Description and a reservation is expressly implied for any unknown consequential impacts as may need to be determined.

# AUI INC.

# CHANGE ORDER PROPOSAL No. 9

PROJECT NAME:	Taos Valley Regional Wastewater Treatment Facility MBR Upgrade
OWNER:	Town of Taos
PRIME CONTRACTOR::	AUI, Inc.
ENGINEER:	Souder, Miller & Associates
AUI NUMBER:	210003
DATE:	29-Jun-10

DESCRIPTION OF WORK: Provide and install additional circuits for the standby generator.

[illegible]

DIRECT COSTS	TOTAL SUBCONTRACTOR	\$3,710.43
	TOTAL LABOR	\$0.00
	TOTAL EQUIPMENT	\$0.00
	TOTAL MATERIAL	\$0.00
	TOTAL MISCELLANEOUS	\$0.00



200 DP Road, Suite B ♦ Post Office Box 1230 ♦ Los Alamos, New Mexico, USA 87544

## CHANGE PROPOSAL

Cust: AUI, Inc.	PE Job No: 592
Proj: Taos WWTP	
Loc'n: Taos, New Mexico	
Date: 6/22/2010	

**Description of Work:**  
**Add status points, jacket heater and charging circuit, starting circuits to generator**

[illegible]

Total Material Cost:		\$1,188.58
Material Storage & Delivery @	4.5%	\$53.49
Material Subtotal		\$1,242.07

Subcontractors/Equipment:			
Units	Item	Rate	Extension
	None		\$0.00
			\$0.00
			\$0.00
			\$0.00
Total Subcontractors/Equipment:			\$0.00

Labor:				
Unit/Date	Class	Hours	Rate	Amount
	Jman	24.64	\$41.57	\$1,024.25
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
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				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
	Supt	4.19	\$58.64	\$245.63
Total Manhours:		28.83	17.00%	

Total Labor Cost:		\$1,269.88
Labor Burden	42.5%	\$539.70
Small Tool Expense	5.0%	\$63.49
Security	0.0%	\$0.00
Safety	6.5%	\$82.54
Labor Subtotal		\$1,955.61

Total Mtl/Lbr/Subs/Equip:		\$3,197.68
Overhead	15.0%	\$479.65
Profit	0.0%	\$0.00
Bond	0.9%	\$33.10
Subtotal		\$3,710.43
NMGRT	0.0000%	\$0.00
<b>Total Change Amount:</b>		<b>\$3,710.43</b>

*This proposal, including description of work, pricing, markups and any other data contained herein is proprietary information of Pueblo Electric, Inc. Any distribution of this information for purposes other than evaluation for approval of this proposal is forbidden. This proposal is tendered for acceptance within 30 calendar days. Pueblo Electric reserves the right to withdraw this proposal at any time prior to signed approval.*

Job Name: 592 Taos WWTP

**Items+ByProducts**

Item #	Item Name	Quantity	CO1 Price	Ext CO1 Price	CO1 Labor	Stored Labor	Ext CO1 Labor	C
552	RECP INT 20A/125V DUPL	.00	\$2.60	\$0.00	.2500	.00	.00	6
554	RECP SPEC 20A/125V DUPL	1.00	\$13.61	\$13.61	.2500	1.00	.25	6
2,103	BOX BELL 1-G 3/4 HUBS	1.00	\$9.53	\$9.53	.4400	1.00	.44	1
2,360	PLATE DUPLEX 1-G W.P.	1.00	\$3.08	\$3.08	.1300	1.00	.13	8
2,753	WING NUT - RED	2.00	\$1.16	\$3.32	.0000	2.00	.00	18
2,756	SCREW #8 x 1" S.T.	2.00	\$0.04	\$0.07	.0000	2.00	.00	18
3,755	TERMINATION MAN-HOURS	3.00	\$0.00	\$0.00	1.0000	3.00	3.00	0
3,795	COMMISSIONING MH	1.00	\$0.00	\$0.00	1.0000	1.00	1.00	0
7,114	1" PVC/GRC 40	18.00	\$8.12	\$146.21	.0800	18.00	1.44	7
7,233	3/4" LT FLEX CONDUIT	12.00	\$2.75	\$33.00	.0300	12.00	.36	7
7,234	1" LT FLEX CONDUIT	6.00	\$4.13	\$24.78	.0400	6.00	.24	7
7,294	1" PVC 40	141.12	\$1.55	\$219.00	.0300	141.12	4.23	7
7,554	1" PVC/GRC 40 ELL	6.00	\$23.83	\$143.00	.3800	6.00	2.28	7
7,594	1" PVC/GRC 40 COUPL	6.00	\$7.77	\$46.64	.1100	6.00	.66	7
7,704	1" LOCKNUT	12.00	\$9.94	\$11.30	.0600	12.00	.72	7
7,724	1" PLASTIC BUSHING	6.00	\$1.07	\$6.40	.1900	6.00	1.14	7
8,364	3/4" LT FLEX CONN ST	4.00	\$5.58	\$22.30	.1300	4.00	.52	7
8,365	1" LT FLEX CONN ST	2.00	\$8.32	\$16.64	.1500	2.00	.30	7
8,754	1" PVC 40 F ADAPT	6.00	\$8.89	\$5.31	.1263	6.00	.76	7
9,121	1" T CONDULET/C/G	1.00	\$24.29	\$24.29	.5000	1.00	.50	7
9,154	ADD PVC COAT	1.00	\$5.00	\$5.00	.2500	1.00	.25	7
9,858	12 THHN CU STR	830.00	\$2.27	\$227.44	.0050	830.00	4.15	8
9,860	8 THHN CU STR	180.00	\$6.68	\$123.28	.0080	180.00	1.44	8
9,861	6 THHN CU STR	92.00	\$1.17	\$107.37	.0090	92.00	.83	8

**Totals:****\$1,188.58****24.64****Assemblies**

Asm #	Asm Name	Quantity	C Code
468	INT. 20A/125V DUPL CAST	1.00	109
4,860	3/4" LT FLEX WHIP 6'	2.00	116
4,903	1" PVC	141.12	116
4,910	1" LT FLEX WHIP 6'	1.00	116
5,517	1" PVC/GRC 40 STUB	3.00	116

**Totals:**

# Request For Information

RFI No. 04 Date of Request: Rcvd 4/26/10

To: Jeff Pipkin Company: Albuquerque Underground, Inc.

Contractor: Pueblo Electric, Inc. Initiator of RFI: Rob Heineman

Project Name: Taos Valley Regional WWTP MBR Upgrade Project No.: PE-592

PRIORITY: 24 HRS X 3 DAYS 7 DAYS 14 DAYS

## RFI Question or Problem:

We note that there are no circuits designed for the generator water jacket heater or battery charger. The unit we are proposing contains dual water jacket heaters, 46.4A total load at 208V single-phase. Additionally, we wish to confirm that there is no PLC monitoring of control function associated with the new stand-by generator.

Finally, if it is available, could the EE provide an Excel spreadsheet of the conduit schedule depicted on drawing E-27?

Reference Plan or Specification Page: \_\_\_\_\_

Attachment(s): Yes X No \_\_\_\_\_

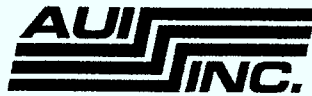
## Resolution:

1. Typically we like to see the following signals from the generator and ATS to the PLC:
  - a. ATS Position Indication
  - b. Generator Auto Indication
  - c. Generator Running Indication
  - d. Generator Fail Indication
2. Please coordinate the locations of the generator, utility transformer and SWBD-MBR-1 with the utility and generator manufacturer.
3. I have attached the conduit schedule in Microsoft Excel format.
4. Include circuits for
  - a. The Generator Heater
  - b. The Battery Charger
  - c. From the Generator to the ATS (required for automatic start of the generator by the ATS)
  - d. Between the PLC Cabinet and the ATS (the signals from the generator may be shared in the same conduit as above)
5. Also attached is a change order form for this work. Please complete and submit for approval by all parties (Owner, Engineer and Funding Agency) before beginning the work.

Mark Jepps	EE	SKM Inc.	5/6/10
Resolution By	Title	Company	Date

Reviewed By	Design Consultant	Project Manager	Date
-------------	-------------------	-----------------	------

Distribution: \_\_\_\_\_



## CHANGE ORDER PROPOSAL No. 10

PROJECT NAME: Taos Valley Regional Wastewater Treatment Facility MBR Upgrade

OWNER: Town of Taos

PRIMARY CONTRACTOR:: AUI, Inc.

ENGINEER: Souder, Miller & Associates

AUI PROJECT NUMBER: 210003

WORK DESCRIPTION: Change conduit F-000 from a single 1" to a double 2" encased Duct.

REQUESTED TIME EXT:

1 Days

1. DIRECT LABOR:	0	MANHOURS	\$0.00
2. PAYROLL TAX BURDEN @	42.0%		\$0.00
3. SMALL TOOLS & EQUIP. @	\$0.50	PER MANHOUR	\$0.00
4. MATERIAL			\$0.00
5. EQUIPMENT			\$0.00
6. MISCELLANEOUS			\$0.00
		<b>SUBTOTAL</b>	<b>\$0.00</b>
7. CONTRACTORS FEE @	15.00%		\$0.00
		<b>SUBTOTAL</b>	<b>\$0.00</b>
8. SUBCONTRACTOR'S AMOUNT			\$3,771.85
9. SUBCONTRACTOR'S HANDLING @	5.00%		\$188.59
		<b>SUBTOTAL</b>	<b>\$3,960.44</b>
10. PERFORMANCE & PAYMENT BOND ADJ. @	2.00%		\$79.21
		<b>SUBTOTAL</b>	<b>\$4,039.65</b>
12. NEW MEXICO GROSS RECEIPTS TAX @	7.1250%		\$287.83
		<b>TOTAL</b>	<b>\$4,327.48</b>

SUBMITTED BY:

(signature)

Jeff Pipkin, Project Manager

DATE:

29-Jun-10

\*Payment for this Change Order proposal accounts solely for the known direct costs as described in the Work Description and a reservation is expressly implied for any unknown consequential impacts as may need to be determined.





## CHANGE PROPOSAL

Cust: AUI, Inc.	PE Job No: 592
Proj: Taos WWTP	
Loc'n: Taos, New Mexico	
Date: 6/22/2010	

**Description of Work:**  
**Change conduit F-000 from single 1" to double 2" encased duct**

[illegible]

Total Material Cost:		\$1,925.08
Material Storage & Delivery @	4.5%	\$86.63
Material Subtotal		\$2,011.71

<b>Labor:</b>				
<b>Unit/Date</b>	<b>Class</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
	Jman	15.61	\$41.57	\$648.88
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
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				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
	Supt	2.65	\$58.64	\$155.61

Total Labor Cost:		\$804.49
Labor Burden	42.5%	\$341.91
Small Tool Expense	5.0%	\$40.22
Security	0.0%	\$0.00
Safety	6.5%	\$52.29
Labor Subtotal		\$1,238.91

Subcontractors/Equipment:			
Units	Item	Rate	Extension
			\$0.00
			\$0.00
			\$0.00
			\$0.00
Total Subcontractors/Equipment:			\$0.00

<b>Total Mtl/Lbr/Subs/Equip:</b>		<b>\$3,250.62</b>
<b>Overhead</b>	15.0%	<b>\$487.59</b>
<b>Profit</b>	0.0%	<b>\$0.00</b>
<b>Bond</b>	0.9%	<b>\$33.64</b>
<b>Subtotal</b>		<b>\$3,771.85</b>
<b>NMGRT</b>	0.0000%	<b>\$0.00</b>
<b>Total Change Amount:</b>		<b>\$3,771.85</b>

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Job Name: 592 Taos WWTP

**Items+ByProducts**

Item #	Item Name	Quantity	CO1 Price	Ext CO1 Price	CO1 Labor	Stored Labor	Ext CO1 Labor C
5,111	12X12X6 4X BOX	-1.00	\$101.19	-\$101.19	.6500	-1.00	-.65 5*
5,112	24X24X8 4X BOX/PANEL	1.00	\$260.00	\$260.00	3.0000	1.00	3.00 5*
7,114	1" PVC/GRC 40	-6.00	\$8.12	-\$48.74	.0800	-6.00	-.48 7*
7,117	2" PVC/GRC 40	12.00	\$16.31	\$195.69	.1400	12.00	1.68 7*
7,554	1" PVC/GRC 40 ELL	-2.00	\$23.83	-\$47.67	.3800	-2.00	-.76 7*
7,557	2" PVC/GRC 40 ELL	4.00	\$50.23	\$200.92	.5600	4.00	2.24 7*
7,594	1" PVC/GRC 40 COUPL	-2.00	\$7.77	-\$15.55	.1100	-2.00	-.22 7*
7,597	2" PVC/GRC 40 COUPL	4.00	\$15.76	\$63.05	.1600	4.00	.64 7*
7,704	1" LOCKNUT	-4.00	\$8.94	-\$37.77	.0600	-4.00	-.24 7*
7,707	2" LOCKNUT	8.00	\$2.63	\$21.06	.0800	8.00	.64 7*
7,724	1" PLASTIC BUSHING	-2.00	\$1.07	-\$2.13	.1900	-2.00	-.38 7*
7,727	2" PLASTIC BUSHING	4.00	\$3.92	\$15.69	.3100	4.00	1.24 7*
8,677	2" PVC 40 ELL 45	6.00	\$5.32	\$31.94	.1474	6.00	.88 7*
8,754	1" PVC 40 F ADAPT	-2.00	\$8.89	-\$17.77	.1263	-2.00	-.25 7*
8,757	2" PVC 40 F ADAPT	4.00	\$1.69	\$6.75	.1895	4.00	.76 7*
8,833	PVC CEMENT QUART	2.00	\$28.72	\$57.44	.0000	2.00	.00 7*
8,997	2" PVC SPACER BASE	73.60	\$2.62	\$193.02	.0421	73.60	3.10 7*
11,505	CONCRETE RED	4.42	\$145.00	\$640.32	1.0000	4.42	4.42 1*
11,560	TRENCH 48DX12W	-368.00	\$15.00	-\$5,520.00	.0450	-368.00	-16.56 1*
11,565	TRENCH 48DX18W	368.00	\$16.25	\$5,980.00	.0450	368.00	16.56 1*

**Totals:****\$1,925.08****15.61****Assemblies**

Asm #	Asm Name	Quantity	C Code
5,517	1" PVC/GRC 40 STUB	-1.00	116
5,668	2" PVC/GRC 40 STUB	2.00	117
60,106	1" ENCASED DUCT 202/E-30	-368.00	100
60,107	2X2" ENCASED DUCT 202/E-30	368.00	100

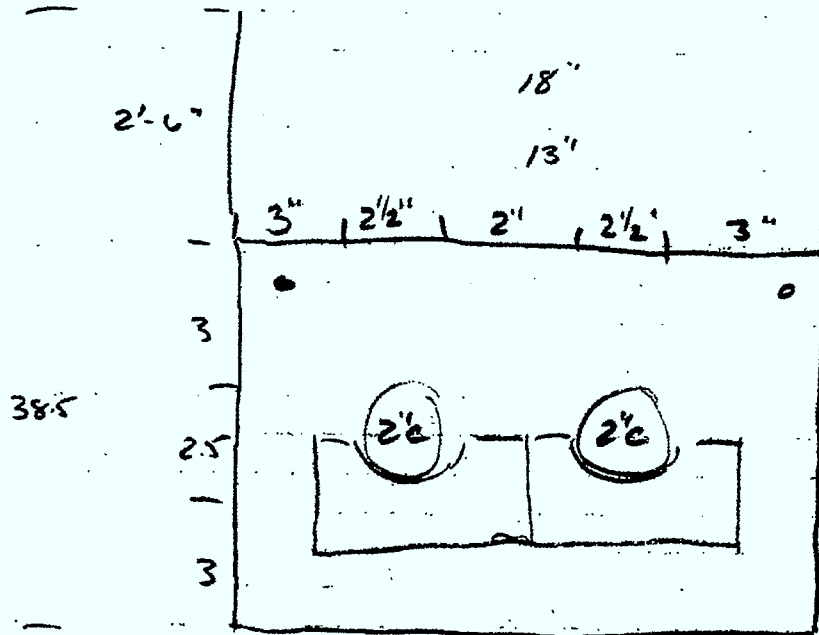
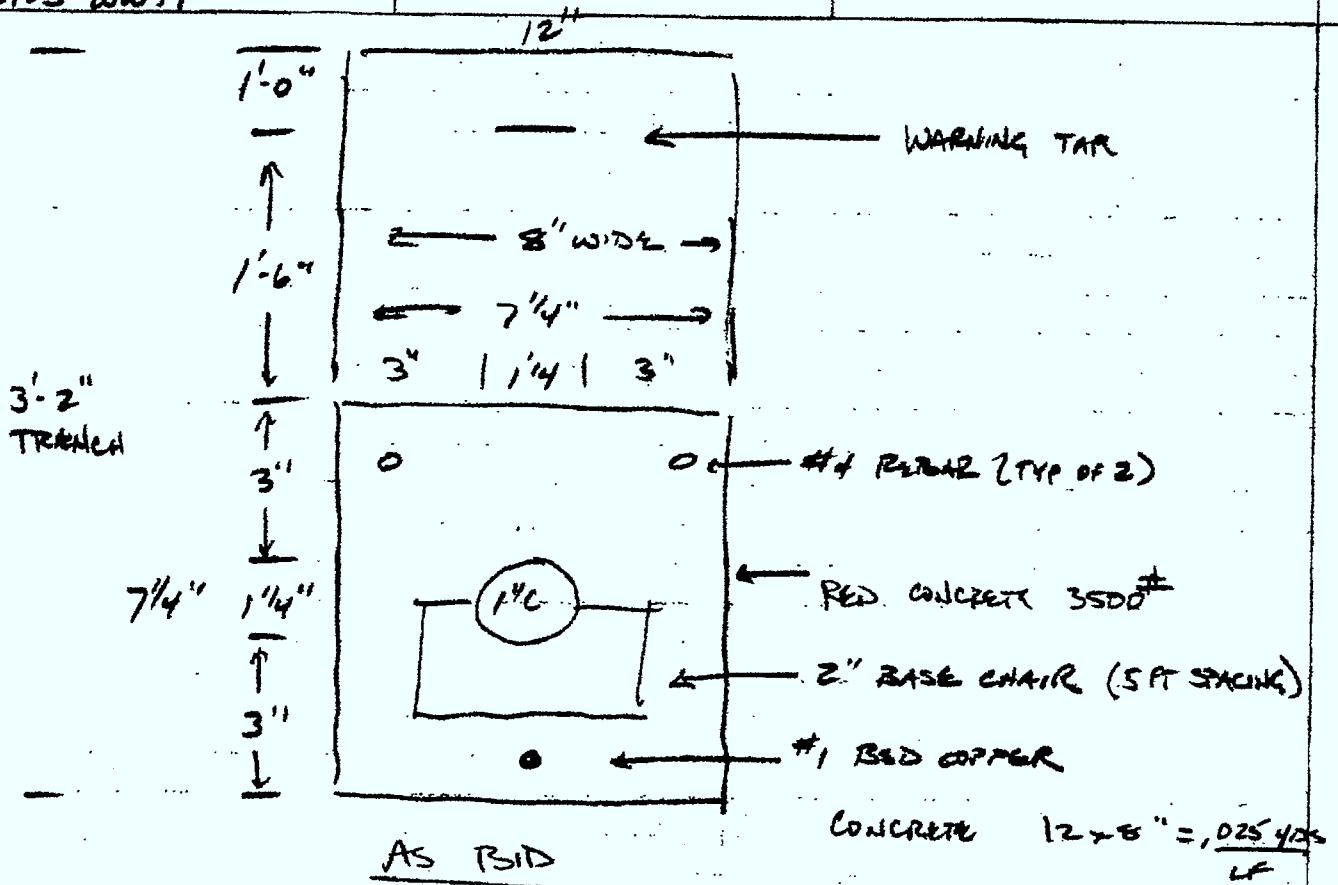
**Totals:****Report Totals:****Items+ByProducts**

Ext CO1 Price	Ext CO1 Labor
<b>\$1,925.08</b>	<b>15.61</b>

**Assemblies**

592 TAOS WWTP

22-141 50 SHEETS  
22-142 100 SHEETS  
22-144 200 SHEETS



# Request For Information

RFI No. 08 Date of Request: 05-10-2010 Date Received: 5/10/10

To: Jeff Pipkin Company: AUI, Inc.

Contractor: Pueblo Electric, Inc. Initiator of RFI: Rob Heineman

Project Name: Taos Valley Regional WWTP MBR Upgrade Project No.: PE-592

PRIORITY: 24 HRS X 3 DAYS 7 DAYS 14 DAYS

## RFI Question or Problem:

Reference Sheet E-2: Detail references 202/, 203/, and 204/E-30 are indicated for conduit F000. Those details on E-30 indicate a concrete encased duct. The conduit schedule on Sheet E-27 schedules F000 as a 1" conduit with a 6-pair MM Fiber.

## Questions:

1. We interpret the duct bank to contain only a single 1" conduit. Please confirm.
2. It appears that the concrete encasement was designed to protect the fiber, which is vital to plant operation. Assuming that the "duct" contains only a single conduit, may we substitute a Schedule 40 PVC-Coated, Galvanized Rigid Conduit for the plastic conduit specified and pour a 3" concrete cap over it, without the rebar? We will include the #1 grounding conductor shown.

Reference Plan or Specification Page: E-2, E-30

Attachment(s): Yes          No         

## Resolution:

Item 1 – Please install two 2" conduits. The 1" size is too small for fiber optic cabling for long runs and an additional spare conduit may prove useful in the future.

Item 2 – The concrete encased duct must adhere to the details on sheet E-30. With two conduits it would be half the size as shown in the detail with the two 2" conduits side by side. Therefore the duct bank would be a minimum of 12" x 8" in size.

Mark Jeppsen	PE	SKM Inc.	6/9/10
Resolution By	Title	Company	Date
Kari Edenfield	Souder, Miller & Associates	KJE	6/10/10
Reviewed By	Design Consultant	Project Manager	Date

.....

Distribution: Jeff Pipkin, AUI; Paul Kennedy, SMA

**AUI INC.**  
**CHANGE ORDER PAYROLL BURDEN RATES PER SI**  
**EFFECTIVE 4-1-2010 THROUGH 12-31-2010**

	PLUMBING WORK	CONCRETE CONSTRUCTION (STRUCT)	CONCRETE WORK	CONCRETE CONSTRUCTION (BRIDGE CULVERTS)	PAVING OR REPAVING	STREET/ROAD CONSTRUCTION	CONTRACTOR- EXEC SUPER	EXCAVATION NOC	DRAINAGE SYSTEM	SEWER CONSTRUCTION	WATER OR GAS MAIN	PE Y/
CLASS CODES-W/C	5183	5313	5221	5222	5506	5507	5606	6217	6229	6306	6319	
CLASS CODES-G/L	98482	91560	92215	91266	99321	99315	91580	94007	96702	98820	99946	
<b>WORKERS COMP</b>												
WORKERS COMP BASE RATE	0.0576	0.0932	0.0637	0.0903	0.0886	0.0596	0.0330	0.0666	0.0822	0.0844	0.0781	
<b>GENERAL LIABILITY</b>												
GENERAL LIABILITY RATE	0.022986	0.022986	0.022986	0.022986	0.022986	0.022986	0.022986	0.022986	0.022986	0.022986	0.022986	
<b>TOTAL W/C AND G/L BURDEN</b>	<b>0.080586</b>	<b>0.116186</b>	<b>0.086686</b>	<b>0.113286</b>	<b>0.111586</b>	<b>0.082586</b>	<b>0.055986</b>	<b>0.089586</b>	<b>0.105186</b>	<b>0.107386</b>	<b>0.101086</b>	
<b>P/R TAX BURDEN</b>												
FICA RATE (1)	0.0765	0.0765	0.0765	0.0765	0.0765	0.0765	0.0765	0.0765	0.0765	0.0765	0.0765	
FLTA TAX RATE (2)	0.00165	0.0017	0.0017	0.0017	0.0017	0.0017	0.0017	0.0017	0.0017	0.0017	0.0017	
SUTA TAX RATE (3)	0.018	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	0.0180	
<b>TOTAL P/R TAX BURDEN</b>	<b>0.09615</b>	<b>0.09615</b>	<b>0.09615</b>	<b>0.09615</b>	<b>0.09615</b>	<b>0.09615</b>	<b>0.09615</b>	<b>0.09615</b>	<b>0.09615</b>	<b>0.09615</b>	<b>0.09615</b>	
<b>BENEFIT BURDEN</b>												
HEALTH INSURANCE (4)	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	
401(K) MATCH (5)	0.0185	0.0185	0.0185	0.0185	0.0185	0.0185	0.0185	0.0185	0.0185	0.0185	0.0185	
BONUSES	0.063	0.063	0.063	0.063	0.063	0.063	0.063	0.063	0.063	0.063	0.063	
VACATION/SICK/HOLIDAY	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	0.03	
TRAINING	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	0.05	
SAFETY PROGRAM (5)	0.024	0.024	0.024	0.024	0.024	0.024	0.024	0.024	0.024	0.024	0.024	
<b>TOTAL BENEFIT BURDEN</b>	<b>0.2155</b>	<b>0.2155</b>	<b>0.2155</b>	<b>0.2155</b>	<b>0.2155</b>	<b>0.2155</b>	<b>0.2155</b>	<b>0.2155</b>	<b>0.2155</b>	<b>0.2155</b>	<b>0.2155</b>	
<b>TOTAL BURDEN RATE (PRIVATE JOBS*)</b>	<b>0.392236</b>	<b>0.427836</b>	<b>0.398336</b>	<b>0.424936</b>	<b>0.423236</b>	<b>0.394236</b>	<b>0.367636</b>	<b>0.401236</b>	<b>0.416836</b>	<b>0.419036</b>	<b>0.412736</b>	
DAVIS BACON FRINGE (6)	0.018	0.018	0.018	0.018	0.018	0.018	0.018	0.018	0.018	0.018	0.018	
HIGH SCALE DB FRINGE (ASK MAZK)	-	-	-	-	-	-	-	-	-	-	-	
HIGH SCALE APP. CONTRIB. (ASK MAZK)	-	-	-	-	-	-	-	-	-	-	-	
<b>TOTAL BURDEN RATE (PUBLIC JOBS*)</b>	<b>0.410236</b>	<b>0.445836</b>	<b>0.416336</b>	<b>0.442936</b>	<b>0.441236</b>	<b>0.412236</b>	<b>0.385636</b>	<b>0.419236</b>	<b>0.434836</b>	<b>0.437036</b>	<b>0.430736</b>	

(1) 6.2% OF THE 7.65% IS ON THE FIRST \$106,800 OF WAGES  
 (2) ON THE FIRST \$7,000 OF WAGES  
 (3) ON THE FIRST \$20,800 OF WAGES  
 (4) PERCENTAGE BASED ON FYE 12-31-2009 ANNUALIZED EXPENSE/GROSS WAGES  
 (5) PERCENTAGES ARE BASED ON FYE 12-31-2009 EXPENSES/GROSS WAGES  
 (6) PERCENTAGES ARE BASED ON FYE 12-31-2009 EXPENSES/W/C DIRECT LABOR

\*USE BURDEN RATE FOR PUBLIC JOBS IF THERE IS A WAGE DECISION, USE THE BURDEN RATE FOR PRIVATE JOBS IF THERE IS NOT A WAGE DECISION

NOTE: PLEASE SEE MICHELE TO DISCUSS ADJUSTMENTS TO RATES IF THE JOB HAS A HIGH SCALE WAGE DECISION ANY COST CODES WILL HAVE PRIMARILY THE IRONY



# Pueblo Electric Labor Burden Rates - Audited 8-31-2010



## **Pueblo Electric Labor Burden**

### **Labor Burden:**

Dues - Independent Electrical Contractors	1.16%
Gas & Oil	1.18%
Vehicle Depreciation	2.38%
Insurance-Work Comp	3.28%
Insurance-Liability	2.50%
FICA	6.20%
Medicare	1.45%
FUTA/SUTA	0.20%
Shop Wages (delivery man)	1.95%
Uniforms	0.80%
Vacation	4.00%
Health & Welfare	12.82%
Non-Productive	1.50%
Apprentice Training	1.50%
Continuing Education	1.66%
<b>Total</b>	<b>42.58%</b>

### **Safety:**

Safety Supervisor	0.88%
Recurrent Safety Training (2 hrs/month)	1.20%
Integrated Morning Meeting (15 min/day)	3.15%
Weekly tool Box Attendance (30 min/wk)	1.26%
<b>Total</b>	<b>6.49%</b>



**August 10, 2010**

**Title:**

Amos Torres, Public Utilities Director

**Summary:**

Consideration and approval of Change Order # 2 to Contract # TT-10-192 with AUI Inc. to decrease the contract amount by \$22,972.96 plus NMGRS for a total decrease in the amount of \$24,609.77. This Change Order is for the deduct of materials only of 24 stainless steel tube grate supports. The supports will be provided by GE with the membrane package at a reduced cost. AUI Inc will still install the support beams.

**Background:**

AUI Inc. was having a hard time locating the support beams to complete the project. GE was able provide the support beams at a lower cost than the proposed cost from AUI Inc. a change order from GE will be submitted for approval as soon as the paper work is received.

**Attachments:**

Click to download

 [Change Order #2](#)

**APPROVALS:**

Date/Time:	Approval:	Department:
7/30/2010 11:41 AM	Approved	Town Manager
7/30/2010 11:42 AM	Approved	Town Clerk

# Change Order

## No. 2

Date of Issuance: July 19, 2010		Effective Date: June 29, 2010
Project: Town of Taos Taos Valley Regional Wastewater Treatment Facility MBR Upgrade	Owner: Town of Taos	Owner's Contract No.: TT-10-192
Contract: Town of Taos Taos Valley Regional Wastewater Treatment Facility MBR Upgrade		Date of Contract: February 2010
Contractor: AUI, Inc. (AUI Project No. 210003)		Engineer's Project No.: 621-7798

The Contract Documents are modified as follows upon execution of this Change Order:

Description of Changes	DECREASE in Contract Price	INCREASE in Contract Price
Delete 24 ea. SS Tube Grate Supports	\$ (21,450.00)	
Credit Contractor's Fee 5% of Net	\$ (1,072.50)	
Bond Adjustment (2%)	\$ (450.45)	
TOTALS	\$ (22,972.95)	\$ -
<b>NET CHANGE IN CONTRACT PRICE</b>	<b>\$ (22,972.95)</b>	

Attachments: Contractors Change Order Proposal No. 8

Justification: Support Beams to be provided by GE w/ Membrane Package

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: (without NMGR)	Original Contract Times: <input type="checkbox"/> Working days <input checked="" type="checkbox"/> Calendar days
\$ 5,032,073.40	Substantial completion (days or date): January 30, 2011
	Ready for final payment (days or date): February 28, 2011
Increase from previously approved Change Orders No. 0 to No. 0	Increase from previously approved Change Orders No. 1 to No. 2:
\$ 49,960.07	Substantial completion (days): 14
	Ready for final payment (days): 14
Contract Price prior to this Change Order:	Contract Times prior to this Change Order:
\$ 5,082,033.47	Substantial completion (days or date): February 13, 2011
	Ready for final payment (days or date): March 14, 2011
Decrease of this Change Order:	Decrease of this Change Order:
\$ (22,972.95)	Substantial completion (days or date): 0
	Ready for final payment (days or date): 0
Contract Price incorporating this Change Order:	Contract Times with all approved Change Orders:
\$ 5,059,060.52	Substantial completion (days or date): February 13, 2011
	Ready for final payment (days or date): March 14, 2011

RECOMMENDED: Souder, Miller & Associates

By: \_\_\_\_\_  
Engineer (Authorized Signature)

Date: \_\_\_\_\_

Approved by Funding Agency (if applicable): \_\_\_\_\_

ACCEPTED:

By: \_\_\_\_\_  
Owner (Authorized Signature)

Date: \_\_\_\_\_

ACCEPTED:

By: \_\_\_\_\_  
Contractor (Authorized Signature)

Date: 7/10/10

Date: \_\_\_\_\_

**CHANGE ORDER PROPOSAL No. 8**

PROJECT NAME: Taos Valley Regional Wastewater Treatment Facility MBR Upgrade

OWNER: Town of Taos

PRIMARY CONTRACTOR:: AUI, Inc.

ENGINEER: Souder, Miller & Associates

AUI PROJECT NUMBER: 210003

WORK DESCRIPTION: Material Deduct Only for (24) ea. Stainless Steel Tube Grate Supports. This change was requested by the Engineer, Owner to provide Grate Supports for AUI to install.

REQUESTED TIME EXT:

0 Days

1. DIRECT LABOR:	0	MANHOURS	\$0.00
2. PAYROLL TAX BURDEN @	42.0%		\$0.00
3. SMALL TOOLS & EQUIP. @	\$0.50	PER MANHOUR	\$0.00
4. MATERIAL			(\$21,450.00)
5. EQUIPMENT			\$0.00
6. MISCELLANEOUS			\$0.00
		<b>SUBTOTAL</b>	<b>(\$21,450.00)</b>
7. CONTRACTORS FEE @	5.00%		(\$1,072.50)
		<b>SUBTOTAL</b>	<b>(\$22,522.50)</b>
8. SUBCONTRACTOR'S AMOUNT			\$0.00
9. SUBCONTRACTOR'S HANDLING @	5.00%		\$0.00
		<b>SUBTOTAL</b>	<b>(\$22,522.50)</b>
10. PERFORMANCE & PAYMENT BOND ADJ. @	2.00%		(\$450.45)
		<b>SUBTOTAL</b>	<b>(\$22,972.95)</b>
12. NEW MEXICO GROSS RECEIPTS TAX @	7.1250%		(\$1,636.82)
		<b>TOTAL</b>	<b>(\$24,609.77)</b>

SUBMITTED BY:

(signature)

Jeff Pipkin, Project Manager

DATE:

19-Jul-10

\*Payment for this Change Order proposal accounts solely for the known direct costs as described in the Work Description and a reservation is expressly implied for any unknown consequential impacts as may need to be determined.





7421 READING ROAD S.E.

ALBUQUERQUE, NM 87105

PH# 1-505-873-2611

FAX# 1-505-873-2699

**DOCUMENT CLARIFICATION OR CHANGE REQUEST**

PROJECT: TAOS\_WASTEWATER\_TREATMENT\_PLANT\_JOB NUMBER: #2042\_

DATE: 6/15/10\_\_\_\_\_DCCR: #01\_\_\_\_\_

ORIGINATOR: A.U.I.\_\_\_\_\_BY: JEFF PIPKIN\_\_\_\_\_

REF NO.'S:\_\_\_\_\_DRWS:\_\_\_\_\_DTL/SEC.\_\_\_\_\_SPECS:\_\_\_\_\_

PROBLEM OR ITEMS; OWNERS REQUEST TO ELIMINATE THE STAINLESS

STEEL TUBE STEEL SUPPORTS REF: 1/S3.

ATTACHMENTS;\_\_\_\_\_

REVIEWED BY: RICHARD GRIEGO\_\_\_\_\_

SUGGESTED SOLUTION;\_\_\_\_\_

DEDUCT FOR STAINLESS STEEL TUBE STEEL SUPPORT REF: 1/S3

**DEDUCT \$-21,450.00**

ACTION;\_\_\_\_\_

\_\_\_\_\_CLARIFICATION ONLY  
 DECREASE\_\_\_\_\_PROBABLE COST CHANGE (INCREASE)/(DECREASE)  
 DECREASE\_\_\_\_\_PROBABLE CONTACT TIME CHANGE (INCREASE)/(DECREASE)

APPROVALS;\_\_\_\_\_

ARCHITECTS;\_\_\_\_\_BY:\_\_\_\_\_DATE:\_\_\_\_\_

OWNERS;\_\_\_\_\_BY:\_\_\_\_\_DATE:\_\_\_\_\_

CONTRACTORS;\_\_\_\_\_BY:\_\_\_\_\_DATE:\_\_\_\_\_

**ONE SIGNED COPY BY THE CONTRACTOR AND THE OWNERS  
 MUST BE RETURNED BEFORE THIS CHANGE ORDER WILL BE  
 PROCESSED.**



**August 10, 2010**

**Title:**

Francisco "French" Espinoza, Public Works Director

**Summary:**

Consideration and approval of Amendment No. 4 to Contract No. TT-08-30 as issued to JM Consulting, LLC. Services to be rendered are for engineering services for the preparation of revisions and updates of the Phase 2 construction drawings, construction documents and technical specifications and bidding and construction phases of the referenced project, for an amount not to exceed \$38,750 excluding applicable NMGR.

**Background:**

JM Consulting was awarded the RFP for engineering and design service for the design and development of the Reed and Alexander roadway and storm sewer project which has been supported with \$930,000.00 of CDBG funds. services to be rendered under this amendment will include obtaining all the proper clearances and certifications required by NMDOT as well as Engineering services required to bid the project out.

**Attachments:**

**Click to download**

 [Amendment #4](#)

**APPROVALS:**

Date/Time:	Approval:	Department:
7/30/2010 1:14 PM	Approved	Town Manager
7/30/2010 1:14 PM	Approved	Town Clerk



## Amendment No. 4 to Contract TT-08-30

This Amendment is hereby made and entered into by and between the Town of Taos, a New Mexico Municipality (hereinafter "TOWN") and **JM Consultin, LLC** (hereinafter "CONTRACTOR") on this 6<sup>th</sup> day of July 2010.

**WHEREAS**, the parties have found it necessary to amend this contract; and

**WHEREAS**, both the TOWN and the CONTRACTOR agrees to the amended terms and conditions;

**THEREFORE, IT IS HEREBY MUTUALLY AGREED** by and between the parties that this contract shall be amended to include the following terms and conditions:

1. Compensation for this contract shall increase by **\$38,750.00** exclusive of GRT; Original Contract \$92,941.40; Amend #1 \$9,650.00; Amend #2 \$12,703.60; Amend #3 \$13,200.00; Total Contract amount including this amendment is **\$167,245.00**; the Scope of Work shall be modified to include the following: engineering services as described in the proposal dated "Revised June 09, 2010" for the Reed and Alexander improvements project Phase II. See attachment "A"
2. The term of the contract shall be extended to expire on December 31, 2010.
3. All other terms and conditions previously agreed to in the original contract are hereby confirmed and ratified and continued in full force and effect.

**IN WITNESS HEREOF**, the parties have executed this Agreement as of the date first written above.

CONTRACTOR

TOWN

\_\_\_\_\_  
Date signed

\_\_\_\_\_  
Date signed

**APPROVED AS TO FORM:**

**ATTEST:**

\_\_\_\_\_  
Allen R. Ferguson, Jr., Town Attorney

\_\_\_\_\_  
Renee Lucero, Town Clerk

\_\_\_\_\_  
Date signed

\_\_\_\_\_  
Date signed

\_\_\_\_\_  
Marietta Fambro, Finance Director  
Line Item #59-08-45003

## **JM Consulting LLC**

**Office Address:**

2325 San Pedro NE, Suite 2F  
Albuquerque, N.M. 87112

**Mailing Address:**

9512 Palomas Ave. NE  
Albuquerque, N.M. 87109

April 23, 2010

**Revised June 09, 2010**

Mr. Francisco Espinoza  
Public Works Director  
Town of Taos  
400 Camino de la Placita  
Taos, New Mexico 87571

***Transmitted via E-mail***

**Re: Engineering Services Proposal  
Reed/Alexander Streets Drainage Improvement Project Phase 2  
Bidding/Construction Phase Services**

Dear Mr. Espinoza;

This is our proposal to provide Professional Engineering Services to assist the Town of Taos with preparation of revisions and updates to Phase 2 construction drawings, contract documents and technical specifications, and bidding and construction phases of the referenced project. Based on our prior conversations, our meetings of April 22, 2010 and June 8, 2010; and our understanding of the project objectives, we have developed the following Scope of Services:

### **SCOPE OF SERVICES**

**A. Update construction drawings, contract documents, and technical specifications for Phase 2 Construction**

Modifications and updates to Phase 1 construction drawings in preparation for Phase 2 construction, utilizing Phase 1 record drawings provided by Advantage Asphalt & Seal Coating and survey verifications by Lawrence Montoya Surveying.

2. Update wage rates, bid tabulation, and other required forms in preparation for Phase 2 bidding phase.
3. Coordination with DFA/CDBG and NMDOT personnel as required.

**B. Bidding phase services for Phase 2 Construction**

1. Preparation of the advertisement for bids, distribution of plans, technical specifications and contract documents to perspective bidders, request of wage rate determinations, prebid conference, issuance of addenda, as required, assist Town

505.681.3124 mobile

**Consulting Engineers and Planners**  
1moore3@comcast.net

505.797.1964 fax

staff at bid opening, review of bids, recommendation of award, preconstruction meeting, and issuance of Notice to Proceed.

2. Coordination with DFA/CDBG personnel during the Bidding process.

### **C. Construction Phase Services**

1. Make site visits to the Site at intervals appropriate to the various stages of construction to observe the progress and quality of the Contractor's executed work. These visits and observations are not intended to be exhaustive or to extend to every aspect of the Contractor's Work in progress or to involve detailed inspections of Contractor's Work in progress beyond the responsibilities specifically assigned.
2. Recommend that the Contractor's Work be rejected while it is in progress if, on the basis of our observations, we believe that such Work will not produce a completed Project that conforms generally to the Contract Documents or that it will threaten the integrity of the design concept.
3. Issue necessary clarifications and interpretations of the Contract Documents as appropriate to the orderly completion of Contractor's work. Such clarifications and interpretations will be consistent with the intent of and reasonably inferable from the Contract Documents.
4. Issue field orders authorizing minor variations in the Work from the requirements of the Contract Documents.
5. Recommend Change Orders and Work Change Directives, as appropriate, and prepare Change Orders and Work Change Directives as required.
6. Review and approve or take other appropriate action in respect to Shop Drawings and Samples and other data which Contractor is required to submit, but only for conformance with the information given in the Contract Documents and compatibility with the design concept of the completed Project as a functioning whole as indicated by the Contract Documents. Such reviews and approvals or other action will not extend to means, methods, techniques, sequences, or procedures of construction or to safety precautions and programs incident thereto.
7. Evaluate and determine the acceptability of substitute or "or equal" materials and equipment proposed by the Contractor.
8. Review applications for payment to determine the amounts for recommendation for the Contractor to be paid.
9. Conduct a final inspection to determine if the completed Work of Contractor is acceptable in order to recommend, in writing, final payment to Contractor. Preparation of a "Punch List" of defective work that requires correction prior to final payment.
10. Provide additional Construction Phase tasks or deliverables as requested by the Owner, including, but not limited to, revisions to plans and specifications requested by the Owner.

The following items are specifically excluded from the above Scope of Services:

- a. Printing and copying costs
- b. Updates to Environmental Documents
- c. Construction Staking
- d. Agency permitting fees

Upon your request, we will provide proposals for any of the aforementioned exclusions.

## COMPLETION SCHEDULE

The following Project Schedule is proposed per our meeting of June 08, 2010 with you and Daniel Miera:

June 14, 2010	Notice to Proceed with Design services
July 06, 2010	Plan Review with Town Staff (Assumes receipt of survey verification from Lawrence Montoya Surveying no later than June 24, 2010.)
July 16, 2010	Completion of Plans, Specifications, and Contract Documents
July 22, 2010	Advertisement for Bids in the Taos News
July 28, 2010	PreBid Conference
August 03, 2010	2:00 pm Bid Opening
August 05, 2010	Contract Award, Special Town Council Meeting
August 16, 2010	Notice to Proceed/ Preconstruction Conference
September 29, 2010	Construction Completion/Final Inspection

**This schedule is TENTATIVE and subject to change due to unforeseen conditions such as agency coordination with CDBG and NMDOT personnel.**

## COMPENSATION

We propose a lump sum fee for the above Scope of Services as follows:

- A. Update construction drawings, contract documents, and technical specifications for Phase 2 Construction- \$ 21,400.00 excluding NMGR.T.
- B. Bidding phase services- \$ 7,500.00 excluding NMGR.T.
- C. Construction Phase Services- \$ 9,850.00 excluding NMGR.T.

For a total fee of \$ 38,750.00, excluding New Mexico Gross Receipts Tax (NMGR.T).

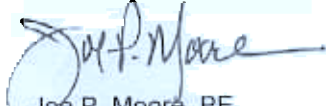
The construction phase services fee assumes a 30 calendar day construction period (45 days to Final Inspection) with periodic observations at project kickoff, bi-weekly observations (one day every other week) throughout the duration of the construction period, and final inspection.

For additional services not included in the above Scope of Services, we propose a time and materials (reimbursable) budget based on the attached Standard Billing Rates and Expense charges (effective 01/01/09) excluding New Mexico Gross Receipt Tax (NMGR.T).

August 10, 2010

We appreciate this opportunity to submit this proposal for Professional Engineering Services to the Town of Taos, NM. If you agree with the above, please sign the Acknowledgement below and return one copy for our records.

Sincerely,  
**JM CONSULTING LLC**

  
Joe P. Moore, PE  
Owner/Principal Engineer

**ACKNOWLEDGEMENT**

\_\_\_\_\_  
Francisco Espinoza  
Public Works Director  
Town of Taos, NM

\_\_\_\_\_  
Date

## STANDARD BILLING RATES

*Effective January 01, 2009*

<b>Job Classification</b>	<b>Hourly Rate</b>
Principal Engineer	\$ 125.00/hour
Project Engineer	\$ 105.00/hour
Design Engineer	\$ 85.00/hour
Engineering Intern	\$ 60.00/hour
Senior Engineering Technician	\$ 70.00/hour
Engineering Technician	\$ 60.00/hour
CADD 1	\$ 45.00/hour
CADD 2	\$ 38.00/hour
Administrative Assistant	\$ 45.00/hour
Clerical	\$ 35.00/hour
Word Processor	\$ 30.00/hour
<b>Expenses and Reimbursables</b>	
Copies	\$ 0.08/page
Large Format Copies	\$ 2.50/sheet
Mileage	\$ 0.485/mile
Lodging and Meals	Actual cost
Sub consultants	Actual cost plus 15% administrative



**August 10, 2010**

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**Title:**

Allen Ferguson, Town Attorney

**Summary:**

Consideration and approval of Resolution 10-46; Authorizing the Town Manager, Mayor or other appropriate official or agent to file with the Office of the State Engineer (OSE) a Change of Ownership Form showing a change of ownership from the Town as Trustee of 4.3 acre feet consumptive use water rights to Luis Tobias Lavadie ("Toby" Lavadie). These water rights were the subject of a 1994 Change in Ownership form filed with the OSE in which Toby's father, Felimon (now deceased), stated that ownership was being transferred to the Town as Trustee. The OSE never acted on the change of ownership and no deed transferring the water rights to the Town was ever executed.

**Background:**

The purpose of the Trust arrangement, was to set aside enough water rights to later convey them to the Town in exchange for the Town providing municipal water service to the El Rillito Mobile Home Park. However, no such conveyance of title to the water rights ever was made. In 1998, before his death, Felimon Lavadie conveyed by warranty deed land and associated water rights including the water rights that were the subject of the Change in Ownership filing, to his son, Toby. Toby Lavadie then entered into an agreement with the Town to pay a \$40,000 water rights fee in lieu of the conveyance of the water rights, and he did pay that amount, which was accepted by the Town as sufficient water rights payment in order for municipal water to be provided to the mobile home park. Therefore, the entire purpose of the attempt to place the water rights in trust with the Town is now moot; and Toby Lavadie and his representative, Alex Abeyta, have asked that the Town file a Change of Ownership form essentially reversing the one filed in 1994 (except that the form would show the rights going or belonging to Toby instead of Felimon).

**Attachments:**

Click to download

 [Resolution 10-46 Lavadie Water Rights](#)

**APPROVALS:**

Date/Time:

Approval:

Department:

8/2/2010 11:59 AM

Approved

Town Clerk



### **Resolution 10-46**

**A RESOLUTION APPROVING AND AUTHORIZING THE TOWN MANAGER OR MAYOR TO SIGN AND FILE WITH THE OFFICE OF STATE ENGINEER A CHANGE OF OWNERSHIP FORM REMOVING FROM TRUST WITH THE TOWN CERTAIN WATER RIGHTS PREVIOUSLY OWNED BY FELIMON M. LAVADIE (NOW DECEASED) AND PLACED IN TRUST WITH THE TOWN AND NOW NO LONGER NEEDED FOR THE INTENDED PURPOSE OF THE TRUST**

**WHEREAS**, on August 24, 1994, Felimon M. Lavadie, now deceased, filed a “Change of Ownership of Water Right” with the Office of State Engineer indicating a transfer of 9.0573 acre-feet water rights per year, equating to 4.3366 acre-feet consumptive use water rights per year, associated with 3.6229 acres of land (State Engineer Office File No. 0935, Subfile 17.38), from Mr. Lavadie to the Town of Taos as Trustee; and,

**WHEREAS**, the purpose of the filing of the above Change of Ownership document stating that Mr. Lavadie was placing the referenced water rights in trust with the Town was to be able thereafter to convey the water rights to the Town as the water rights required by Town policy in order to provide a municipal water supply to the El Rillito Mobile Home Park being developed by Mr. Lavadie; and,

**WHEREAS**, the Office of State Engineer accepted the above-referenced Change of Ownership form but took no action approving or disapproving it; and,

**WHEREAS**, no deed was ever delivered to the Town conveying the above-referenced water rights, or the land with which they are associated, to the Town; and,

**WHEREAS**, Felimon M. Lavadie, now deceased, before his death, conveyed to his son, Luis Tobias Lavadie, by Corrected Warranty Deed dated May 23, 1998, 7.899 acres of land with associated water rights, including the land and associated water rights referred to in the Change of Ownership of Water Right form previously filed with the State Engineer and referred to in the first “Whereas” paragraph above; and,

**WHEREAS**, the Town’s records clearly show that Luis Tobias Lavadie thereafter paid a water rights fee in the principal amount of \$40,000 to the Town, in lieu of the transfer of title to water rights, for the provision of municipal water service to the El Rillito Mobile

Home Park, and that the Town agreed to and accepted such payment as full and sufficient payment in lieu of the previously contemplated transfer of water rights; and,

**WHEREAS**, therefore, the entire purpose of placing the Lavadie water rights in trust with the Town -- that is, the contemplated transfer of water rights to the Town as payment for the provision of Town water to the El Rillito Mobile Home Park, is now a moot and ineffective purpose because the required cash payment in lieu of such transfer of water rights was paid to the Town by Luis Tobias Lavadie;

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWN OF TAOS, NEW MEXICO,**

The Town of Taos Council hereby authorizes and directs the Mayor, the Town Manager or other appropriate official or agent of the Town to execute and file with the Office of State Engineer a Change of Ownership of Water Right form showing a change of ownership from the Town of Taos as Trustee to Luis Tobias Lavadie for the same water rights as to which Felimon M. Lavadie filed such a Change of Ownership form with the State Engineer in 1994, as reflected in the first "Whereas" paragraph above.

**Passed, adopted and approved, this 24<sup>th</sup> day of August, 2010, at the Regular Meeting of the Governing Body of the Town of Taos.**

Mayor Pro Tem Rudy C. Abeyta	_____
Councilmember A. Eugene Sanchez	_____
Councilmember Amy J. Quintana	_____
Councilmember Michael A. Silva	_____

**TOWN OF TAOS**

\_\_\_\_\_  
**Darren M. Cordova, Mayor**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Renee Lucero, Town Clerk**

\_\_\_\_\_  
**Allen Ferguson, Jr., Town Attorney**



**August 10, 2010**

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**Title:**

Appointment of Members to the Parks and Recreation Advisory Board

**Summary:**

Recommendation and approval of five additional members to the Parks & Recreation Advisory Board as follows:

Miguel Quintana  
Jason Silva  
Mark Montoya  
Ernie De Herrera  
Zack Cordova

**Background:**

**Attachments:**

**[Click to download](#)**

No Attachments Available

**APPROVALS:**

Date/Time:	Approval:	Department:
7/30/2010 11:42 AM	Approved	Town Clerk



**August 10, 2010**

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**Title:**

Resolution 10-34A

**Summary:**

Consideration and approval of Resolution 10-34A; A resolution amending Resolution 10-34 (Park Fees Resolution [Commercial Events]) amending the licensing information ("special" business license as opposed to the "itinerant" business license) and possible amendment to the fees.

**Background:**

**Attachments:**

Click to download

▢ [Resolution](#)

▢ [Fees](#)

▢ [Map](#)

**APPROVALS:**

Date/Time:

7/30/2010 1:40 PM

Approval:

Approved

Department:

Town Clerk



## RESOLUTION 10-34A

### **A RESOLUTION OF THE TOWN COUNCIL APPROVING AND ADOPTING AMENDMENTS TO THE RULES SET FOR THE USE OF KIT CARSON PARK BY COMMERCIAL EVENTS AND SETTING FEES FOR THE USE PUBLIC PROPERTY**

**WHEREAS**, the Town Council seeks to create orderly use of Kit Carson Park by Commercial Events; and

**WHEREAS**, the Town Council seeks to adjust the fees associated with the use of public property by private individuals and commercial events to ensure market rates are charged for said public property; and

**WHEREAS**, at its Regular Meeting on July 13, 2010, the Town Council, the Governing Body of the Town of Taos, passed Resolution 10-34 and has determined that certain changes should be made to the resolution, particularly replacing “Itinerant Business License” with “Special Business License” on Exhibit A – Schedule of Fees.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Town of Taos, meeting in Regular Session, this 10<sup>th</sup> of August, 2010, as follows:

**Section 1: Commercial Events Defined:** For the purposes of this resolution, a “Commercial Event” is defined as an organized gathering of individuals on publicly owned property or properties, having secured the proper permits and licenses from the Town of Taos to engage in hosting an event that charges for admission, is organized for the sale of goods and/or services, or similar type events.

**Section 2: Location of Commercial Events:** Commercial events shall be limited to the use of the sections of Kit Carson Park identified on the attached map entitled Kit Carson Park – Areas as “Area 2”, “Area 6”, and “Area 5”. However any non-commercial aspect of a commercial event or any educational, celebratory, or other non-commercial event that is free and open to the public may be placed in the area identified on the attached map as “Area 1”.

**Section 3: Fees:** The Town Council of the Town of Taos, after good and considerable deliberation, adopts the attached fee schedule for the use of public property as attached hereto as Exhibit A.

**APPROVED AND ADOPTED** this 10<sup>th</sup> day of August, 2010 by the following vote:

Mayor Pro Tem Rudy C. Abeyta	_____
Councilmember A. Eugene Sanchez	_____
Councilmember Amy J. Quintana	_____
Councilmember Michael A. Silva	_____

**TOWN OF TAOS**

\_\_\_\_\_  
**Darren M. Cordova, Mayor**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Renee Lucero, Town Clerk**

\_\_\_\_\_  
**Allen Ferguson, Town Attorney**

## **Exhibit A**

### **Schedule of Fees**

#### **Banners:**

Highway – \$120.00 for 7 days  
Kit Carson Park Entrance – \$50.00 for 7 days  
Fence on Civic Plaza Extension – \$50.00 for 7 days  
Plaza – \$50.00 for 7 days

#### **Park Use (Kit Carson Park), Non-Commercial:**

One Section – \$300.00 per day  
Picnic Shelter – \$25.00 for the day  
Electrical use: \$25.00 per day or by metered KWH, which ever is larger.

#### **Park Use (Kit Carson Park), Commercial:**

One Section – limited to areas 2, 6, and 5 - \$300 per day  
Electrical use – \$25.00 per day or by metered KWH, which ever is larger.  
Per Booth Fee – \$25.00 each, includes \$10.00 ~~Minorant~~ Special Business License

#### **Park Use (Fred Baca Park):**

Whole Park – \$300.00 per day  
Picnic Shelter – \$25.00 for the day  
Electrical use – \$25.00 per day or by metered KWH, which ever is larger.  
Per Booth Fee – \$25.00 each, includes \$10.00 ~~Minorant~~ Special Business License

#### **Plaza Use, Commercial:**

\$200.00 per day  
Electrical use – \$25.00 per day or by metered KWH, which ever is larger.  
Per Booth Fee – \$25.00 each, includes \$10.00 ~~Minorant~~ Special Business License

All deposits shall be returned by return mail within two weeks of completion with facility or return of equipment.

# Kit Carson Park - Areas

