

AGENDA March 22, 2011 Regular Meeting Town Council Chambers - 120 Civic Plaza Drive 1:30 PM

- 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. February 22, 2011 Regular Meeting Minutes
 - B. March 8, 2011 Regular Meeting Minutes

6. AWARDS AND RECOGNITIONS

A. Certificates of Achievement

Mayor Cordova will present Certificates of Achievement to gymnasts who placed in their divisions at the 2011 New Mexico Gymnastics State Championships.

B. Certificates of Recognition

Mayor Cordova will present Certificates of Recognition to departments and individuals who volunteered and helped out during the natural gas outage in February.

7. CITIZENS FORUM

8. MATTERS FROM STAFF

A. <u>Daniel Miera, Town Manager</u>

Presentation by Judy Hoffer regarding UNM Literacy Program update.

B. Loretta Trujillo, Human Resources Director

Consideration and approval of Resolution 11-16; Waiving the provisions of Town Code 3.80.070 with respect to hiring of an immediate family member of a current Town employee. The Town proposes to hire Ronald Montez as a Police Officer within the Police Department. Ronald is the father of current Police Officer Jacob Montez. The employment of Ronald Montez as a Police Officer would not (1) create a direct or indirect supervisor/subordinate relationship, or (2) create either an actual conflict of interest or the appearance of a conflict of interest.

C. Loretta Trujillo, Human Resources Director

Consideration and approval of Resolution 11-17; Waiving the provisions of Town Code 3.80.070 with respect to hiring of an immediate family member of a current Town employee. The Town proposes to hire Angel Martinez as a Communications Equipment Operator within the Communications Department. Angel is the step-son of current Police Employee, Lt. David Maggio. The employment of Angel Martinez would not (1) create a direct or indirect supervisor/subordinate relationship, or (2) create either an actual conflict of interest or the appearance of a conflict of interest.

D. <u>Matthew Foster, Long Range Planner</u>

Presentation of the draft summary Housing Plan. Housing Strategy Partners was hired to complete a comprehensive plan for providing affordable housing to low- and moderate-income families. Housing Strategy Partners will present the summary draft plan and discuss the barriers and opportunities for providing affordable housing.

E. Matthew Foster, Long Range Planner

Presentation and update regarding the Energy Efficiency and Conservation Block Grant. The Town received \$490,490 for the installation of a solar photovoltaic system at Town Hall, energy assessment of seventeen town-owned buildings, a green house gas emissions inventory, public education, and staff training to implement the High Performance Building Ordinance. The Town's consultants and staff will update the Council on the status of these projects.

9.	MATTERS	FROM TH	E MAYOR	AND CO	UNCIL/YO	OUTH COL	JNCILME	MBER
10	. ADJOURI	NMENT						

APPROVED:	
Darren M. Cordova, Mayor	

ATTEST:	
Benee 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.
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- For copies of this agenda please pick-up at Town Hall.



Title:

February 22, 2011 Regular Meeting Minutes

Summary:

Background:

Attachments:

Click to download

Minutes

APPROVALS:

Date/Time: Approval: Department: 3/11/2011 4:07 PM Approved Town Clerk



MINUTES February 22, 2011 Regular Meeting Town Council Chambers - 120 Civic Plaza Drive 1:30 PM

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 1:30 p.m.

2. ROLL CALL

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

26 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

Youth Councilmember, Brooke Cisneros

Also present were:

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

3. PLEDGE OF ALLEGIANCE

Councilmember Sanchez led the audience in the pledge of allegiance.

4. APPROVAL OF AGENDA

Councilmember Quintana made a motion to approve the Agenda as presented. Mayor Pro Tem Abeyta 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.

5. APPROVAL OF MINUTES

1 2

A January 05 0044 Daniel

 A. January 25, 2011 Regular Meeting Minutes

Mayor Pro Tem Abeyta made a motion to approve the Minutes of January 25, 2011 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. January 26, 2011 Mid-Year Organization Meeting Minutes

Mayor Pro Tem Abeyta made a motion to approve the Minutes of January 26, 2011 Mid-Year Organization Meeting as presented. 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.

C. January 26, 2011 State of the Town Meeting Minutes

Councilmember Silva made a motion to approve the Minutes of January 26, 2011 State of the Town Meeting as presented. 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.

D. January 27, 2011 Special Meeting Minutes

Councilmember Quintana made a motion to approve the Minutes of January 27, 2011 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.

Councilmember Sanchez stated he made several comments during the Council Meeting on January 27, 2011, which were not included in the minutes. He asked how he can ensure that his statements are included in the future. Minutes are prepared in a summary format and Renee Lucero, Town Clerk, asked Councilmember Sanchez to specify when he wants his comments to be made a part of the record.

6. CITIZENS FORUM

A. Jeff Northrup

Mr. Northrup spoke about the following topics: prohibiting dog-chaining, banning the Annual Fireworks Display, misuse of Town funds, conflict between the Mayor and Town Manager, picketing, and overtime pay to Town employees during the Taos Fiestas.

7. MATTERS FROM STAFF

A. Cathy Connelly, Public Relations Director

Taos Sports Alliance presented the Mayor and Council with the Taos Eco Park FIFA 2 Star Field Plaque.

Ms. Connelly introduced Joel Israel. Mr. Israel stated in recent months there has been news coverage about the Eco Park receiving the FIFA 2 Star Field Certification which is the fourth of its kind in the entire United States. He stated the Mayor and Council should be very proud of this certification.

Mayor Cordova thanked Taos Sports Alliance for their hard work in securing \$100,000 for the certification process to obtain the 2 Star rating.

Mr. Israel stated opening day of the Eco Park has been scheduled for April 16, 2011 and the University of New Mexico Lobos Men's Soccer Team will play against the University of Denver Pioneers Men's Soccer Team as the main event. Furthermore, four other soccer games are planned for the event as well as hot air balloon rides and other festivities.

Councilmember Sanchez thanked Mr. Israel for being at the field when the testing and inspecting was taking place and for ensuring that construction was being done properly.

B. Marietta Fambro, Finance Director

Consideration and approval of Resolution 11-14; Mid-year budget adjustment request for various departments. The mid-year budget adjustment process allows us to view what we have spent in the first six months and what we need to budget for the next six months of the fiscal year. Our GRT revenues have seen an increase of 13.23% through the first six months of the fiscal year. All other general fund revenues are on track as estimated at the beginning of the fiscal year. After reviewing each departments' budget in general fund we continue to have savings in personnel due to attrition within certain departments. Our net savings amongst all general fund departments is \$190,200, which will be reverted back to the unreserved fund balance in general fund. A summary of all other funds including the general fund have been included with the agenda packet.

Ms. Fambro presented Resolution 11-14 and explained the amount that will be returned to the General Fund between all the departments is \$190,200. She also requested that the Resolution be amended on page 5 by changing the Unreserved Fund Balance from \$11,789 to \$10,289.

Councilmember Sanchez stated when he calculated the amounts in the General Fund, he received a difference balance than what is shown on the Resolution. Ms. Fambro stated she will recheck her figures for accuracy.

Councilmember Sanchez made a motion to approve Resolution 11-14 as amended by Ms. Fambro. Councilmember Silva 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.

8. MATTERS FROM THE MAYOR AND COUNCIL/YOUTH COUNCILMEMBER

A. <u>Francisco "French" Espinoza, Public Works Director</u> Discussion regarding the realignment of Siler Road and Los Pandos Road.

Mayor Cordova stated he understands that there is a possibility that New Mexico Department of Transportation (NMDOT) may purchase the old Scheid Motors building, leaving the Town to finance the realignment of the road. He believes there is a crucial need to realign the road. He also explained that during the public hearing for the Conditional Use Permit for Smith's Gas Station, the Council approved the Conditional Use Permit with the condition that Smith's would assist financially with the realignment of the road.

Mr. Espinoza handed out an Executive Summary that was developed by the Public Works Department and asked the Mayor and Council if they would like for him to move forward with obtaining project costs for the realignment. He stated the preliminary engineer cost would be approximately \$105,800. He further stated he will meet with NMDOT as soon as he has been given the direction to do so.

There was a consensus from the Mayor and Council to allow Mr. Espinoza to meet with NMDOT and bring his findings back to the Council.

The meeting recessed briefly at 2:10 p.m. to allow the Mayor and Council to attend a meeting with Senator Bingaman at Town Hall regarding the natural gas outage.

B. Executive Session

1 2

The Council will adjourn to go into Executive Session to discuss the Brenner Parking Lot lease pursuant to NMSA 1978 Section 10-15-1.H (8). The Council will also discuss threatened or pending litigation in which the Town is or may become a participant regarding the following: 1) the Spring Ditch Acequia Association v. Town of Taos, Case 10-CIV 624; 2) the Matter of an Investigation into New Mexico Gas Company's Curtailments of Gas Deliveries to New Mexico Consumers, PRC Case No. 11-00039-UT; 3) Parker Excavating vs. Town of Taos; 4) Affordable Housing; 5) State of NM v. Abeyta (Taos Indian Water Rights litigation case, federal court, implementation).

Councilmember Quintana made a motion to go into Executive Session to discuss the Brenner Parking Lot lease pursuant to NMSA 1978 Section 10-15-1.H(8). The Council will also discuss threatened or pending litigation in which the Town is or may become a participant regarding the following: 1) the Spring Ditch Acequia Association v. Town of Taos, Case 10-CIV 624; 2) the Matter of an Investigation into New Mexico Gas Company's Curtailments of Gas Deliveries to New Mexico Consumers, PRC Case No. 11-00039-UT; 3) Parker Excavating vs. Town of Taos; 4) Affordable Housing; 5) State of NM v. Abeyta (Taos Indian Water Rights litigation case, federal court, implementation).

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

At 4:55 p.m., Councilmember Quintana made a motion to come out of Executive Session and stated discussion in the Executive Session was limited to the item as it was called for. Mayor Pro Tem Abeyta seconded the motion. The motion was confirmed by an affirmative vote. Those voting AYE were: Mayor Pro Tem Abeyta, and Councilmembers Sanchez, Quintana and Silva.

C. Lease of Brenner Parking Lot

Consideration and approval of proposed lease agreement between Town of Taos and Ann Brenner for municipal parking lot on Camino de la Placita.

Councilmember Silva made a motion to extend the Brenner Parking Lot Lease through May 31, 2011, under the current terms and allow staff to work out details of the lease and the Mayor to sign the lease. 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.

D. Other Matters

- Youth Councilmember Cisneros thanked the Mayor and Council for their support during the 2011 New Mexico Student Conference which was held at the Taos Convention Center. She stated 850 students attended the conference.
- Mayor Pro Tem Abeyta thanked Town staff for installing three Ledoux Street signs.
- Councilmember Silva stated he attended the New Mexico High School State Wrestling Championships and two local students achieved the state title Matthew Silva and Dakota Swinehart.

9. ADJOURNMENT

A motion was made by Councilmember Sanchez and seconded by Councilmember Silva to adjourn the meeting. The motion carried unanimously and the meeting adjourned at 5:05 p.m.

Darren M. Cordova, Mayo	
APPROVED:	

ATTEST:

Renee Lucero, Town Clerk

PLEASE NOTE: The Town of Taos records most Town Council Meetings via audio, 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 \$10.00 for video recordings.



Title:

March 8, 2011 Regular Meeting Minutes

Summary:

Background:

Attachments:

Click to download

Minutes

APPROVALS:

Date/Time: Approval: Department: 3/11/2011 4:07 PM Approved Town Clerk



MINUTES March 8, 2011 Regular Meeting Town Council Chambers - 120 Civic Plaza Drive 1:30 PM

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 1:35 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, Michael A. Silva Youth Councilmember, Brooke Cisneros

Also present were:

Assistant Town Manager, Abigail Adame Town Clerk, Renee Lucero Town Attorney, Allen Ferguson

Those absent/excused were:

Councilmember, Amy J. Quintana Town Manager, Daniel Miera

3. PLEDGE OF ALLEGIANCE

Councilmember Silva led the audience in the pledge of allegiance.

4. APPROVAL OF AGENDA

Add Executive Session before Adjournment: The Council will adjourn to go into

Executive Session to discuss threatened or pending litigation subject to attorney-client privilege regarding the La Serna Land Grant pursuant to NMSA 1978 10-15-1-H.7.

Mayor Pro Tem Abeyta made a motion to approve the Agenda as presented. 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.

5. APPROVAL OF MINUTES

A. February 8, 2011 Regular Meeting Minutes

Mayor Pro Tem Abeyta made a motion to approve the Minutes of February 8, 2011 as presented. 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.

6. AWARDS AND RECOGNITIONS

A. <u>Presentation of Certificate of Achievement to Matthew Silva and Dakota Swinehart</u>

Mayor Cordova presented Matthew Silva and Dakota Swinehart with certificates of achievement recognizing them for placing first in their levels at the 2011 New Mexico High School State Wrestling Championships.

B. <u>Presentation of Certificate of Achievement to David Martinez</u>
Mayor Cordova presented David Martinez, Town of Taos Building Code
Official, with a certificate of achievement recognizing him for attaining
his 1st Degree Black Belt from the American Taekwondo Association.

7. CITIZENS FORUM

No one came forward.

8. CONSENT AGENDA

A. Marietta Fambro, Finance Director (with Carol Valade, Fixed Assets Clerk)

Consideration and approval of Resolution 11-13; Approving the disposition of obsolete equipment owned by the Town of Taos. The items of property identified will be auctioned and have a value of \$2,500 or less: Samsung box monitor, HP business, Amida traffic sign, Xerox printer and assorted collection of used cell phones; Items of property identified will be auctioned and have a value of \$2,500 or more: 2 government generators.

B. <u>Marietta Fambro, Finance Director (with Carol Valade, Fixed Assets</u> Clerk)

Consideration and approval of Resolution 11-15; Approving the intergovernmental transfer of assorted used rental skates (estimated value: \$100) to be transferred to the City of Alamosa.

C. Mark Fratrick, Airport Manager

Consideration and approval to submit an application for Federal Assistance to the Federal Aviation Administration in the amount of \$167,725 and a New Mexico Department of Transportation Aviation Division Project application in the amount of \$4,414 for Pavement Maintenance Runway 4/22 Crack and Seal Repair. The Town Match amount for this project will be \$4,415 for a total project cost of \$176,554. This project is expected to be funded in late May, 2011. The Town currently has \$3,847 budgeted toward this project. The additionally required funding in the amount of \$568 will be transferred from the Airport Master Plan project.

Councilmember Silva asked that Item 8.A. be removed from the Consent Agenda for discussion.

Councilmember Silva made a motion to approve the Consent Agenda as amended. 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.

Item 8.A.

Councilmember Silva expressed concern that items listed for auction are being sold below their value. He stated a 1990 Ditch Witch trencher was recently auctioned because the Town no longer had use for it and was sold for \$3,301. He believes the trencher was worth closer to \$15,000 and stated the company who bought the trencher will profit from it. He asked Ms. Fambro to investigate the minimum dollar value of auction items in the future in order to obtain a more competitive bid.

Councilmember Silva further expressed his concern about the current resolution wherein two generators and a traffic sign are proposed to be auctioned.

Ms. Fambro stated the Finance Department follows a procedure when dealing with auction items in which they obtain information from the Department Heads in order to determine the minimum bid. She further stated they try to make the best judgment with the information that is provided to them to get the best deal for the Town.

Councilmember Silva stated as a public servant he offers his expertise and knowledge to assist in determining the minimum bid for equipment.

Mayor Cordova recommended approval of the resolution as proposed; however, he directed Ms. Fambro to meet with Abigail Adame, Assistant Town Manager, to determine if the generators and traffic signal should be removed for further evaluation of the minimum bids.

Mayor Pro Tem Abeyta stated in an effort to improve the auction process perhaps Councilmember Silva can be consulted so that he may offer his expertise. Ms. Adame stated staff will move forward in the future with Mayor Pro Tem Abeyta's recommendation.

Mayor Pro Tem Abeyta made a motion to approve the Resolution 11-13 as presented. 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.

9. MATTERS FROM STAFF

A. Matthew Foster, Long Range Planner

Rose Bauhs, Safe Routes to School Coordinator, presented the Action Plans for Enos Garcia Elementary, Taos Charter School, and Taos Middle School.

Mr. Foster and Ms. Bauhs gave a PowerPoint presentation regarding the purposes and expected outcomes of the Safe Routes to School Action Plan.

Mr. Foster stated the basic purposes of the plan are to encourage more children to walk and bike to school; to make walking and biking safer and more appealing; to reduce traffic congestion in and around schools; and to improve safety through increased enforcement and street improvements. He also emphasized that staying active promotes many health benefits. Mr. Foster further stated the next step would be for the Council to approve a Resolution adopting the plan.

Mayor Cordova thanked Mr. Foster and Ms. Bauhs for their presentation and recommended having a joint meeting with the Taos Municipal School Board to receive their input before the Council acts on a Resolution.

B. Amos Torres, Public Utilities Director

Amendment # 6 to Contract TT-10-192 to AUI Inc. was presented as an informational item, as the change order has already been accepted and approved. The reason for approval was contract had expired and additional days were requested and accepted. Amount requested on Change Order #6 is \$12,169.99 plus NMGRT for a total of \$13,037.10. The Change Order is for the joint repair on both aeration basins, weather days requested, and additional ARRA required documents. Additional time requested was 13 calendar day. Time was reviewed and approved.

Mr. Torres explained the substantial completion date was February 20, 2011; however, additional days were requested and approved, and the substantial completion date was extended to March 5, 2011. He also explained the contract has expired and the contractor has informed him that the expected completion date is now June 14, 2011. Furthermore, Mr. Torres stated staff will meet to review and consider action that may be taken.

10. MATTERS FROM THE MAYOR AND COUNCIL/YOUTH COUNCILMEMBER

A. Visitor Center

Councilmember Silva recognized the IT Department and the Convention & Visitor Center Department for the work they did at the Visitor Center after the pipes froze leading to the closure of the Visitor Center.

 Mayor Cordova asked Ms. Adame to schedule a walk-through of the Visitor Center for the Councilmembers.

Councilmember Sanchez stated he has been accused of being the reason for the closure of the Visitor Center and emphasized that Mother Nature was the cause.

B. Mobile Home Ordinance

Mayor Cordova asked Ms. Adame to evaluate the Town's Code (16.12.040.6.a.) that requires individuals who are planning to place a mobile home on their property to notify neighbors within two hundred feet of placement of the mobile home. He believes this ordinance is very burdensome and unfair to mobile home owners.

Councilmember Silva and Mayor Pro Tem Abeyta agreed that the ordinance is unfair to mobile home owners and should be evaluated.

Ms. Adame stated she will meet with staff on amending the ordinance.

11. EXECUTIVE SESSION

Councilmember Silva made a motion to go into Executive Session to discuss threatened or pending litigation subject to attorney-client privilege regarding the La Serna Land Grant pursuant to NMSA 1978 10-15-1-H.7.

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

At 3:37 p.m., Mayor Pro Tem Abeyta made a motion to come out of Executive Session and stated discussion in the Executive Session was limited to the item as it was called for. Councilmember Silva seconded the motion. The motion was confirmed by an affirmative vote. Those voting AYE were: Mayor Pro Tem Abeyta, and Councilmembers Sanchez and Silva.

12. ADJOURNMENT

A motion was made by Councilmember Silva and seconded by Councilmember Sanchez to adjourn the meeting. The motion carried unanimously and the meeting adjourned at 3:42 p.m.

APPROVED:		
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ATTEST:
Renee Lucero, Town Clerk

PLEASE NOTE: The Town of Taos records most Town Council Meetings via audio, 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 \$10.00 for video recordings.



Title:

Certificates of Achievement

Summary:

Mayor Cordova will present Certificates of Achievement to gymnasts who placed in their divisions at the 2011 New Mexico Gymnastics State Championships.

Background:

Attachments:

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No Attachments Available

APPROVALS:

Date/Time: Approval: Department: 3/14/2011 10:30 AM Approved Town Manager 3/14/2011 10:30 AM Approved Town Clerk



Title:

Certificates of Recognition

Summary:

Mayor Cordova will present Certificates of Recognition to departments and individuals who volunteered and helped out during the natural gas outage in February.

Background:

Attachments:

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No Attachments Available

APPROVALS:

Date/Time: Approval: Department: 3/14/2011 10:32 AM Approved Town Manager 3/14/2011 10:32 AM Approved Town Clerk



Title:

Daniel Miera, Town Manager

Summary:

Presentation by Judy Hoffer regarding UNM Literacy Program update.

Background:

Attachments:

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No Attachments Available

APPROVALS:

Date/Time: Approval: Department: 3/11/2011 1:48 PM Approved Town Clerk



March 22, 2011

Title:

Loretta Trujillo, Human Resources Director

Summary:

Consideration and approval of Resolution 11-16; Waiving the provisions of Town Code 3.80.070 with respect to hiring of an immediate family member of a current Town employee. The Town proposes to hire Ronald Montez as a Police Officer within the Police Department. Ronald is the father of current Police Officer Jacob Montez. The employment of Ronald Montez as a Police Officer would not (1) create a direct or indirect supervisor/subordinate relationship, or (2) create either an actual conflict of interest or the appearance of a conflict of interest.

Background:

Please see attached Town Code Section 3.80.070(B) for further clarification.

Attachments:

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Resolution

■ Town of Taos Ordinance 02-01

APPROVALS:

Date/Time: Approval: Department: 3/11/2011 4:05 PM Approved Town Manager 3/11/2011 4:05 PM Approved Town Clerk



Resolution 11-16

A Resolution of the Town of Taos Council waiving the Provisions of Town Ordinance Title 3, Section 3.80.070.

WHEREAS, Title 3, Section 3.80.070(B) states that no one in the immediate family of any other town employee shall be considered for employment in the Town; and

WHEREAS, Title 3, Section 3.80.070(B) also provides for a waiver by the Mayor, with the advice and consent of the Town Council, when it is in the best interest of the Town and does not present a conflict; and

WHEREAS, The Town of Taos has recommended for hire within the Police Department, Ronald Montez as a Police Officer, who is the father of Town employee Jacob Montez, who currently works in the Police Department as a Police Officer; and

WHEREAS, employment of Ronald Montez would not create a direct or indirect supervisor/subordinate relationship nor create an actual conflict of interest or the appearance of a conflict or interest and it is in the best interest of the Town to accept the recommendation for hire.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council that Section 3.80.070 be waived in the instance.

PASSED, APPROVED and ADOPTED, this 22nd day of March, 2011, at the Regular Meeting of the Town Council.

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

TOWN OF TAOS ORDINANCE 02-01

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TAOS AMENDING AND ADOPTING UNDER TITLE 3, CHAPTER 3.36 TOWN MANAGER AMENDING SAID CHAPTER TO ALLOW FOR INDEPENDENT MANAGERIAL CONTRACT; AND CHAPTER 3.80, SECTION .070, EMPLOYMENT OF RELATIVES - AUTHORITY OF MAYOR TO WAIVE PROHIBITION OF EMPLOYING RELATIVES WHEN SUCH ACTION IS WARRANTED IN THE BEST OF INTEREST OF THE TOWN AND DOES NOT CAUSE A CONFLICT.

WHEREAS, The amendment to allow contracting for a manager will provide greater flexibility and the potential for costs saving to the Town Council in managing human resources;

WHEREAS, In today's competitive market of management, contracting for management service for the Town will allow for innovative and dynamic means of obtaining qualified firms, entities, or companies to be brought in and help keep up with technological advances in management and cutting edge management services;

WHEREAS, The amendment to these Ordinances will allow the Town Council to delegate the authority to the mayor with the advice of the Town Manager in determining a waiver of the employment of relatives policy that is in the best interest of the town. The Town Council still has to approve the Mayor's hire or appointment;

WHEREAS, There are instances in our small community where the best person or most qualified person for a position is hindered by this ordinance. In instances where there is no conflict and the most appropriate person for the position is a relative of an employee the best interest of the Town is more appropriately served by hiring such person. The nepotism policy becomes a hindrance to employing the most qualified person to serve the community. This amendment allows the mayor to waive such hindrance to provide for more effective government; and

WHEREAS, The Mayor with the advice of manager is the most expedient yet effective means to screen potential employment applicants who are related to current employees and who do have a conflict with those applicants who are related to employees who do not have a conflict and are the most qualified; and

WHEREAS, The Town Council desires to adopt an ordinance that will serve the best interests of our community in attracting, retaining, and promoting the most qualified people for employment with the Town of Taos.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF TAOS, meeting in Regular Session, and after having held a public hearing on the matter, that the following Ordinance is hereby amended and adopted:

Chapter 3.36

TOWN MANAGER

Sections:

3.36.010 Creation of office.

3.36.020 Appointment and selection.

3.36.030 Powers and duties.

3.36.040	Limitation on appointment of elective officer of town as town manager.
3.36.050	Relationship with mayor and council.
3.36.060	Oath—Bond.
3.36.070	Appointment, dismissal of regular employees.
3.36.080	Acting town manager—Compensation.

3.36.010 Creation of office.

There is created the office of town manager of the town. (Ord. 98-2 § 1 (part), 1998: prior code § 2-81)

3.36.020Appointment and selection.

The town manager shall be appointed <u>or contracted</u> by the mayor with the approval of the majority of all members of the governing body. The town manager shall be appointed <u>or contracted</u> for solely on the basis of administrative qualifications and experience. (Ord. 98-2 § 1 (part), 1998: prior code § 2-82)

3.36.030Powers and duties.

Under the direct supervision authority of the mayor and town council, the town managers shall:

- A. Be responsible for the effective management of the administrative affairs of the town;
- B. Give general direction to the programs and activities of all town departments;
- C. Be responsible for the proper execution of the policies set by the governing body;
- D. Enforce and carry out all ordinances, rules and regulations enacted by the governing body;
- E. Keep the mayor and town council informed of the conditions and needs of the town and make such reports and recommendations as may be deemed desirable, or as may be requested by the mayor or the governing body;
- F. Attend all meetings of the governing body, and of committees thereof, and may make suggestions and/or recommendations but shall not have the right to vote;
- G. Prepare and submit an annual budget to the governing body;
- H. Supervise all employees of the municipality;
- I. Whenever it becomes necessary to employ or appoint any person to work for the town, the town manager shall recommend, to the mayor, the name of the person qualified for the office or position to be filled;
- J. Recommend, to the mayor and governing body, the discharge or suspending of any town employee when such action would appear to be in the best interest of the town;
- K. Perform such other duties appropriate to the office or as may be assigned by the mayor and the governing body. (Ord. 98-2 § 1 (part), 1998: prior code § 2-83)
- The town manager shall be under the authority of the mayor and town council who shall exercise, throughout the term town management, the ultimate authority, supervision, direction, and control over the business, policies, operation, and assets of the town, and shall retain the ultimate authority and responsibility regarding the powers, duties, and responsibilities vested in the town by applicable law and regulations. The mayor and town council shall retain the full responsibility for compliance by the town with all applicable federal, state and local laws.

3.36.040Limitation on appointment of elective officer of town as town manager.

No elective officer of the town shall be appointed town manager during the term for which he/she has been elected, nor within one year after the expiration of said term. (Ord. 98-2 § 1 (part), 1998: prior code § 2-84)

3.36.050Relationship with mayor and council.

The town manager shall be responsible, to the mayor and governing body, for the efficient administration of all branches and departments of Town government. The mayor and members of the town council shall deal with department heads and employees of the town solely through the town manager. Neither the mayor nor any member of the town council shall give any order directly to any department or employee, either publicly or privately. (Ord. 98-2 § 1 (part), 1998: prior code § 2-85)

3.36.060Oath-Bond.

The town manager shall take the oath prescribed by law and shall furnish a surety bond in the sum of fifty thousand dollars (\$50,000.00) to be approved by the governing body. Such bond or insurance shall be conditioned upon the faithful performance of his/her or the firm's, company's, or entity's duties. The premium of the bond shall be paid by the town. (Ord. 98-2 § 1 (part), 1998: prior code § 2-86)

- 3.36.070Appointment, dismissal of regular employees.
 - A. Whenever it becomes necessary to employ, or appoint, any person to fill a vacancy in any department or position of employment, the town manager shall submit, to the mayor, the name of the person qualified for the office or position to be filled. No appointment to any office or position shall be made without the town manager's recommendation, except by a majority vote of the entire council.
 - B. The town manager may remove or suspend any employee when such action would be in the best interests of the town. (Ord. 98-2 § 1 (part), 1998: prior code § 2-87)

3.36.080 Acting town manager—Compensation.

The town manager is authorized to appoint an acting town manager whenever he will be away from the office for an extended period of time due to attendance at conferences, training seminars, authorized leave, or other purposes. The acting town manager will have general supervisory authority over all department heads and staff, and will report to the mayor and town council. Employees appointed in such capacity shall be authorized a supplemental pay allowance of fifty dollars (\$50.00) per day, when such person is appointed to the acting manager's position for periods of three full days or longer. (Ord. 98-2 § 1 (part), 1998: prior code § 2-74)

3.80.070 Employment of relatives.

- A. Immediate relatives of an elected official, the town manager, town management services, town attorney or personnel director human resources director are disqualified from holding any appointive position or otherwise serving in the municipal service as an employee. Immediate relatives of any elected official and the town manager, town management services, town attorney or personnel administrator human resources director are disqualified from serving in the municipal service as an employee during the term for which the official was elected or during the tenure of such town manager, town management services, town attorney or personnel administrator human resources director unless such immediate relative was employed prior to the election of the related official or the appointment of the related town manager, town management services, town attorney or personnel administrator human resources director.
- B. Furthermore, no one in the immediate family of any other town employee (whether classified or unclassified) shall be considered for employment in the town. The mayor, with the advice and consent of the town council, may waive this provision when it is clearly in the interests of the town to do so. except the mayor with the advice of the town manager may waive this provision and consider an immediate family member when it is clearly in the best

interest of the Town and does not present a conflict and the council shall be notified of said appointment. The mayor may also waive this provision for temporary or seasonal employees. (This provision shall not apply to employees who have immediate relatives employed when this provision is adopted.) However, the mayor may not waive this requirement if the employment would:

- 1. Create either a direct or indirect supervisor/subordinate relationship with a family member; or
- 2. Create either an actual conflict of interest or the appearance of a conflict of interest.

These criteria will also be considered when assigning, transferring or promoting an employee. For purposes of this title, "immediate family" includes: the employee's spouse, brother, sister, parents, children, stepchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, and any other member of the employee's household and any member of the immediate family of the putative spouse.

- C. Employees who marry or become members of the same household may continue employment as long as there is not:
 - 1. A direct or indirect supervisor/subordinate relationship between the employees; or
 - 2. An actual conflict of interest or the appearance of a conflict of interest.

Should one of the above situations occur, the town will attempt to find a suitable position within the town to which one of the affected employees may transfer. If accommodations of this nature are not feasible, the employees will be permitted to determine which of them will resign. (Ord. 98-2 § 1 (part), 1998: prior code § 2-213)

ADOPTED this 22nd day of January 2002 by the following vote:

Councilwoman Erlinda Gonzales
Councilman Bobby Duran
Councilman Meliton Struck
Councilman Frank Cruz

YES

YES

FREDERICK A. PERALTA MAYOR

ATTEST:

LORRAINE GALLEGOS

TOWN CLERK

APPROVED:

TOMAS R. BENAVIDEZ

TOWN ATTORNEY



March 22, 2011

Title:

Loretta Trujillo, Human Resources Director

Summary:

Consideration and approval of Resolution 11-17; Waiving the provisions of Town Code 3.80.070 with respect to hiring of an immediate family member of a current Town employee. The Town proposes to hire Angel Martinez as a Communications Equipment Operator within the Communications Department. Angel is the step-son of current Police Employee, Lt. David Maggio. The employment of Angel Martinez would not (1) create a direct or indirect supervisor/subordinate relationship, or (2) create either an actual conflict of interest or the appearance of a conflict of interest.

Background:

Please see attached Town Code Section 3.80.070(B) for further clarification.

Attachments:

Click to download

REsolution 11-17

Ordinance 02-01

APPROVALS:

Date/Time: Approval: Department: 3/11/2011 4:06 PM Approved Town Manager 3/11/2011 4:06 PM Approved Town Clerk



Resolution 11-17

A Resolution of the Town of Taos Council waiving the Provisions of Town Ordinance Title 3, Section 3.80.070.

WHEREAS, Title 3, Section 3.80.070(B) states that no one in the immediate family of any other town employee shall be considered for employment in the Town; and

WHEREAS, Title 3, Section 3.80.070(B) also provides for a waiver by the Mayor, with the advice and consent of the Town Council, when it is in the best interest of the Town and does not present a conflict; and

WHEREAS, The Town of Taos has recommended for hire within the Communications Department, Angel Martinez as a Communications Equipment Operator, who is the step son of Town employee Lt. David Maggio who currently works in the Police Department; and

WHEREAS, employment of Angel Martinez would not create a direct or indirect supervisor/subordinate relationship nor create an actual conflict of interest or the appearance of a conflict or interest and it is in the best interest of the Town to accept the recommendation for hire.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council that Section 3.80.070 be waived in the instance.

PASSED, APPROVED and ADOPTED, this 22nd day of March, 2011, at the Regular Meeting of the Town Council.

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

TOWN OF TAOS ORDINANCE 02-01

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TAOS AMENDING AND ADOPTING UNDER TITLE 3, CHAPTER 3.36 TOWN MANAGER AMENDING SAID CHAPTER TO ALLOW FOR INDEPENDENT MANAGERIAL CONTRACT; AND CHAPTER 3.80, SECTION .070, EMPLOYMENT OF RELATIVES - AUTHORITY OF MAYOR TO WAIVE PROHIBITION OF EMPLOYING RELATIVES WHEN SUCH ACTION IS WARRANTED IN THE BEST OF INTEREST OF THE TOWN AND DOES NOT CAUSE A CONFLICT.

WHEREAS, The amendment to allow contracting for a manager will provide greater flexibility and the potential for costs saving to the Town Council in managing human resources;

WHEREAS, In today's competitive market of management, contracting for management service for the Town will allow for innovative and dynamic means of obtaining qualified firms, entities, or companies to be brought in and help keep up with technological advances in management and cutting edge management services;

WHEREAS, The amendment to these Ordinances will allow the Town Council to delegate the authority to the mayor with the advice of the Town Manager in determining a waiver of the employment of relatives policy that is in the best interest of the town. The Town Council still has to approve the Mayor's hire or appointment;

WHEREAS, There are instances in our small community where the best person or most qualified person for a position is hindered by this ordinance. In instances where there is no conflict and the most appropriate person for the position is a relative of an employee the best interest of the Town is more appropriately served by hiring such person. The nepotism policy becomes a hindrance to employing the most qualified person to serve the community. This amendment allows the mayor to waive such hindrance to provide for more effective government; and

WHEREAS, The Mayor with the advice of manager is the most expedient yet effective means to screen potential employment applicants who are related to current employees and who do have a conflict with those applicants who are related to employees who do not have a conflict and are the most qualified; and

WHEREAS, The Town Council desires to adopt an ordinance that will serve the best interests of our community in attracting, retaining, and promoting the most qualified people for employment with the Town of Taos.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF TAOS, meeting in Regular Session, and after having held a public hearing on the matter, that the following Ordinance is hereby amended and adopted:

Chapter 3.36

TOWN MANAGER

Sections:

3.36.010 Creation of office.

3.36.020 Appointment and selection.

3.36.030 Powers and duties.

3.36.040	Limitation on appointment of elective officer of town as town manager.
3.36.050	Relationship with mayor and council.
3.36.060	Oath—Bond.
3.36.070	Appointment, dismissal of regular employees.
3.36.080	Acting town manager—Compensation.

3.36.010 Creation of office.

There is created the office of town manager of the town. (Ord. 98-2 § 1 (part), 1998: prior code § 2-81)

3.36.020Appointment and selection.

The town manager shall be appointed <u>or contracted</u> by the mayor with the approval of the majority of all members of the governing body. The town manager shall be appointed <u>or contracted</u> for solely on the basis of administrative qualifications and experience. (Ord. 98-2 § 1 (part), 1998: prior code § 2-82)

3.36.030Powers and duties.

Under the direct supervision authority of the mayor and town council, the town managers shall:

- A. Be responsible for the effective management of the administrative affairs of the town;
- B. Give general direction to the programs and activities of all town departments;
- C. Be responsible for the proper execution of the policies set by the governing body;
- D. Enforce and carry out all ordinances, rules and regulations enacted by the governing body;
- E. Keep the mayor and town council informed of the conditions and needs of the town and make such reports and recommendations as may be deemed desirable, or as may be requested by the mayor or the governing body;
- F. Attend all meetings of the governing body, and of committees thereof, and may make suggestions and/or recommendations but shall not have the right to vote;
- G. Prepare and submit an annual budget to the governing body;
- H. Supervise all employees of the municipality;
- I. Whenever it becomes necessary to employ or appoint any person to work for the town, the town manager shall recommend, to the mayor, the name of the person qualified for the office or position to be filled;
- J. Recommend, to the mayor and governing body, the discharge or suspending of any town employee when such action would appear to be in the best interest of the town;
- K. Perform such other duties appropriate to the office or as may be assigned by the mayor and the governing body. (Ord. 98-2 § 1 (part), 1998: prior code § 2-83)
- The town manager shall be under the authority of the mayor and town council who shall exercise, throughout the term town management, the ultimate authority, supervision, direction, and control over the business, policies, operation, and assets of the town, and shall retain the ultimate authority and responsibility regarding the powers, duties, and responsibilities vested in the town by applicable law and regulations. The mayor and town council shall retain the full responsibility for compliance by the town with all applicable federal, state and local laws.

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3.36.060Oath-Bond.

The town manager shall take the oath prescribed by law and shall furnish a surety bond in the sum of fifty thousand dollars (\$50,000.00) to be approved by the governing body. Such bond or insurance shall be conditioned upon the faithful performance of his/her or the firm's, company's, or entity's duties. The premium of the bond shall be paid by the town. (Ord. 98-2 § 1 (part), 1998: prior code § 2-86)

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 - A. Whenever it becomes necessary to employ, or appoint, any person to fill a vacancy in any department or position of employment, the town manager shall submit, to the mayor, the name of the person qualified for the office or position to be filled. No appointment to any office or position shall be made without the town manager's recommendation, except by a majority vote of the entire council.
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- B. Furthermore, no one in the immediate family of any other town employee (whether classified or unclassified) shall be considered for employment in the town. The mayor, with the advice and consent of the town council, may waive this provision when it is clearly in the interests of the town to do so. except the mayor with the advice of the town manager may waive this provision and consider an immediate family member when it is clearly in the best

interest of the Town and does not present a conflict and the council shall be notified of said appointment. The mayor may also waive this provision for temporary or seasonal employees. (This provision shall not apply to employees who have immediate relatives employed when this provision is adopted.) However, the mayor may not waive this requirement if the employment would:

- 1. Create either a direct or indirect supervisor/subordinate relationship with a family member; or
- 2. Create either an actual conflict of interest or the appearance of a conflict of interest.

These criteria will also be considered when assigning, transferring or promoting an employee. For purposes of this title, "immediate family" includes: the employee's spouse, brother, sister, parents, children, stepchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, and any other member of the employee's household and any member of the immediate family of the putative spouse.

- C. Employees who marry or become members of the same household may continue employment as long as there is not:
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 - 2. An actual conflict of interest or the appearance of a conflict of interest.

Should one of the above situations occur, the town will attempt to find a suitable position within the town to which one of the affected employees may transfer. If accommodations of this nature are not feasible, the employees will be permitted to determine which of them will resign. (Ord. 98-2 § 1 (part), 1998: prior code § 2-213)

ADOPTED this 22nd day of January 2002 by the following vote:

Councilwoman Erlinda GonzalesNOCouncilman Bobby DuranYESCouncilman Meliton StruckYESCouncilman Frank CruzYES

FREDERICK A. PERALTA MAYOR

ATTEST:

LORRAINE GALLEGOS

TOWN CLERK

APPROVED:

TOMAS R. BENAVIDI

TOWN ATTORNEY



March 22, 2011

Title:

Matthew Foster, Long Range Planner

Summary:

Presentation of the draft summary Housing Plan. Housing Strategy Partners was hired to complete a comprehensive plan for providing affordable housing to low- and moderate-income families. Housing Strategy Partners will present the summary draft plan and discuss the barriers and opportunities for providing affordable housing.

Background:

Attachments:

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No Attachments Available

APPROVALS:

Date/Time: Approval: Department: 3/11/2011 4:08 PM Approved Town Manager 3/11/2011 4:08 PM Approved Town Clerk



March 22, 2011

Title:

Matthew Foster, Long Range Planner

Summary:

Presentation and update regarding the Energy Efficiency and Conservation Block Grant. The Town received \$490,490 for the installation of a solar photovoltaic system at Town Hall, energy assessment of seventeen town-owned buildings, a green house gas emissions inventory, public education, and staff training to implement the High Performance Building Ordinance. The Town's consultants and staff will update the Council on the status of these projects.

Background:

Attachments:

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No Attachments Available

APPROVALS:

Date/Time: Approval: Department: 3/11/2011 4:09 PM Approved Town Manager 3/11/2011 4:09 PM Approved Town Clerk