



VILLAGE COUNCIL REGULAR MEETING AGENDA
SNAKEDANCE CONDOMINIUMS HONDO RESTAURANT
110 SUTTON PLACE
TAOS SKI VALLEY, NEW MEXICO
TUESDAY, MAY 15, 2018 2:00 P.M.

1. CALL TO ORDER AND NOTICE OF MEETING
2. ROLL CALL
3. APPROVAL OF THE AGENDA
4. APPROVAL OF THE MINUTES OF THE MAY 4, 2018 VILLAGE COUNCIL BUDGET WORKSHOP and the MAY 4, 2018 VILLAGE COUNCIL SPECIAL MEETING
5. CITIZEN'S FORUM – Limit to 5 minutes per person (please sign in)
 - A. Presentation of Ready, Set, Go Program by Committee Members
6. FINANCIAL REPORTS
7. COMMITTEE REPORTS
 - A. Planning & Zoning Commission
 - B. Public Safety Committee
 - C. Firewise Community Board
 - D. Parks & Recreation Committee
 - E. Lodger's Tax Advisory Board
8. REGIONAL REPORTS
9. MAYOR'S REPORT
10. STAFF REPORTS
11. OLD BUSINESS
 - A. Consideration to approve Memorandum of Understanding (MOU) and Agreement Regarding Re-Alignment of Ernie Blake (EB) Road
12. NEW BUSINESS
 - A. Introduction of FY2019 Draft Budget
 - B. Council Acknowledgement of the 3rd Quarter Financial Data Submitted to the Department of Finance, Local Government Division in March 2018
 - C. Consideration to Approve Resolution No. 2018-356 Approving the Permanent Budget Adjustment Acknowledging the Bond Proceeds Revenue Received in April 2018 for the Interim Financing for the Wastewater Treatment Plant
 - D. Consideration to Approve Resolution No. 2018-357 Requesting Approval of the Disposition of Assets Acquired by the Village of Taos Ski Valley Upon Purchasing the Taos Mountain Lodge
 - E. Presentation and Request for Support of Village converting to the National Incident-Based Reporting System (NIBRS) replacing Uniform Crime Reporting (UCR) system
 - F. Presentation of the POMS & Associates Risk Services Program and Acknowledgement by Council of Village Participation
 - G. Presentation and Information Regarding the 2018 Wildland Urban Fire Summit in Santa Fe
13. MISCELLANEOUS

-- Providing infrastructure & services to a World Class Ski Resort Community --

14. ANNOUNCEMENT OF THE DATE, TIME & PLACE OF THE NEXT MEETING OF
THE VILLAGE COUNCIL
15. ADJOURNMENT

-- Providing infrastructure & services to a World Class Ski Resort Community --



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VILLAGE COUNCIL
BUDGET WORKSHOP
DRAFT MINUTES
SNAKEDANCE CONDOMINIUMS HONDO RESTAURANT
110 SUTTON PLACE
TAOS SKI VALLEY, NEW MEXICO
FRIDAY, MAY 4, 2018, 9:00 A.M.

1. **CALL TO ORDER & NOTICE OF MEETING**

The workshop of the Village of Taos Ski Valley Council was called to order by Mayor Brownell at 9:05 a.m. The notice of the meeting was properly posted.

2. **ROLL CALL**

Ann Wooldridge, Village Clerk, called the role and a quorum was present.

Governing body present:

Mayor Christof Brownell
Councilor Jeff Kern
Councilor Roger Pattison
Councilor Chris Stagg
Councilor Tom Wittman, Mayor Pro Tem

Staff present:

Village Administrator Mark Fratrack
Village Clerk Ann Wooldridge
Finance Director Nancy Grabowski
Public Works Director Ray Keen
Administrative Assistant Christina Wilder

3. **APPROVAL OF THE AGENDA**

MOTION: To approve the agenda as presented

Motion: Councilor Wittman **Second:** Councilor Stagg **Passed:** 4-0

4. **BUDGET WORKSHOP**

Finance Director Grabowski introduced the FY 2019 budget. The final budget will be due to the Department of Finance by July 31, 2018. At that time, the ending FY 2018 balances will be fixed.

Administrator Fratrack explained that both revenues and expenses will increase from FY 2018 to FY 2019. This is due to the Village receiving grant and loan funds, and expending them, for the Village's capital projects. The three significant projects for this coming year, and the following, are the construction of the new Kachina water tank, the new wastewater treatment plant, and improvements to the Taos Mountain Lodge property.

The budget remains conservative on revenue projections and maintains expenses in most areas. A summary net income total increase of three million dollars is forecasted due to debt service funding becoming available but perhaps not being expended until FY 2020 when the large capital projects are completed. Estimated revenue increments not expended on operations or capital projects will be placed in reserves to be used at later dates and to supplement future loan payments for capital projects and capital purchases.

Fund 01 water and sewer operating will be split into two funds, creating a 01 water enterprise fund, and a 02 sewer enterprise fund. This was a prerequisite to fulfill requirements for the USDA loan for the wastewater treatment plant. These funds are required to be self-sustaining. The budget shows an increase in the water and sewer rates of 4% to keep up with inflation and rising materials cost. Trash fees will remain the same and there are efforts to improve the recycling program in the Village and throughout Taos County. Fund 05 roads continues to be a challenge as the Village receives limited revenues from GRT, gasoline tax, and vehicle registrations to be designated to this fund.

Transfers have been budgeted to cover bond and loan payments. It was recommended that Staff pay scales and job descriptions be evaluated. It was also recommended that funds for EMS personnel be expended from the general fund as with other public safety departments. Contract services should be evaluated to maintain impartiality on the part of the contractors. As there remains a substantial fund in the electric franchise fees, Village Staff will meet with Kit Carson Electric to plan steps for moving forward with installation of underground lines. \$50,000 has been added back into the budget for execution of a Kachina Master Plan.

5. ADJOURNMENT

MOTION: To Adjourn.

Motion: Councilor Wittman

Second: Councilor Kern

Passed: 4-0

The workshop was adjourned at approximately 12:00 noon.

Christof Brownell, Mayor

ATTEST: _____
Ann M. Wooldridge, Village Clerk



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**VILLAGE COUNCIL SPECIAL MEETING
DRAFT MINUTES
SNAKEDANCE CONDOMINIUMS HONDO
RESTAURANT
110 SUTTON PLACE
TAOS SKI VALLEY, NEW MEXICO
FRIDAY, MAY 4, 2018 1:00 P.M.**

1. CALL TO ORDER & NOTICE OF MEETING

The special meeting of the Village of Taos Ski Valley Council was called to order by Mayor Brownell at 1:00 p.m. The notice of the meeting was properly posted.

2. ROLL CALL

Ann Wooldridge, Village Clerk, called the role and a quorum was present.

Governing Body Present

Mayor Christof Brownell
Councilor Jeff Kern
Councilor Roger Pattison
Councilor Chris Stagg
Councilor Tom Wittman, Mayor Pro Tem

Village Staff Present

Administrator Mark Fratrack
Clerk Ann Wooldridge
Building Inspector Rich Willson
Attorney Dennis Romero
Public Works Director Ray Keen
Administrative Assistant Christina Wilder

3. APPROVAL OF THE AGENDA

MOTION: To approve the agenda

Motion: Councilor Wittman **Second:** Councilor Stagg **Passed:** 4-0

4. APPROVAL OF THE MINUTES OF THE APRIL 10, 2018 VILLAGE COUNCIL REGULAR MEETING

MOTION: To approve the minutes with the typo amendments noted

Motion: Councilor Wittman **Second:** Councilor Kern **Passed:** 4-0

5. OLD BUSINESS

A. Consideration to approve Agreement in Lieu of Condemnation between the Village of Taos Ski Valley and Sierra del Sol Condominiums Homeowners Association

Village Staff met with representatives of the Sierra del Sol Homeowners Association and it was agreed the Village costs associated with the sale would be capped at \$8,000 for property surveys, closing costs, and legal fees. The Agreement will be presented to the homeowners for approval at their May 19, 2018 meeting.

MOTION: To approve the Agreement in Lieu of Condemnation between the Village of Taos Ski Valley and Sierra del Sol Condominiums Homeowners Association minutes with the typo amendments noted

Motion: Councilor Stagg

Second: Councilor Wittman

Passed: 4-0

B. Consideration to approve Memorandum of Understanding (MOU) and Agreement Regarding Re-Alignment of Ernie Blake Road

The Village Mayor, staff, and attorney worked with TSVI management and attorney to draft an MOU that encompasses the stipulation that Ernie Blake Road be constructed within a two year period of the land purchase. TSVI would be allowed to proceed with work before all of the easements and land purchases had been completed. TSVI will fund the road project as part of the TIDD infrastructure plan. TSVI attorney Canepa explained that it is in the best interest of TSVI, the Village, citizens and visitors to have the road re-aligned and improved. Thunderbird Road will also be improved at the same time.

MOTION: To Approve the Memorandum of Understanding (MOU) and Agreement Regarding Re-Alignment of Ernie Blake Road

Motion: Councilor Stagg

Second: Councilor Wittman

Concerns were brought forth by Council about whether the Village would be reimbursed for the \$300,000 purchase price for the necessary property acquired to move the project forward, and whether TSVI would indemnify the Village if, because of TSVI's inability to get the project done within the specified timeframe the Village were assessed additional fees from the land owners in question.. TSVI is concerned that the project could take longer than two years if the Village has difficulty obtaining the necessary easements.

The Mayor called for a vote.

Failed: 0-4

If further negotiations took place to refine several details in the MOU, this item will be brought to Council at the May 15, 2018 regular meeting.

6. NEW BUSINESS

A. Discussion and Acknowledgement of Out-of-State Travel by Fire Department (fund 18) to Dallas, TX for Officer Leadership Training

The State requires that out-of-state travel be approved by the Village Council. The training is not available in New Mexico.

MOTION: To Approve and Acknowledge Out-of-State Travel by Four Fire Department volunteers to Dallas, TX for Officer Leadership Training

Motion: Councilor Stagg

Second: Councilor Pattison

Passed: 4-0

Fire Chief Daniels announced that the Carson National Forest would be implementing Stage 1 fire restrictions on May 7, 2018. He urged all citizens to be vigilant in helping to prevent a forest fire.

7. ANNOUNCEMENT OF THE DATE, TIME AND PLACE OF THE NEXT MEETING OF THE VILLAGE COUNCIL

The next regular meeting of the Village Council is scheduled for Tuesday, May 15, 2018 at 2:00 p.m. at the Snakedance Condominiums Hondo Restaurant.

6. ADJOURNMENT

MOTION: To Adjourn

Motion: Councilor Bennett

Second: Councilor Stagg

Passed: 4-0

The meeting was adjourned at 2:30 p.m.

Christof Brownell, Mayor

ATTEST:

Ann M. Wooldridge, Village Clerk

VILLAGE OF TAOS SKI VALLEY

GROSS RECEIPTS & LODGER'S TAX COLLECTION SUMMARY

Gross Receipts Tax
CURRENT RATE = 9.25%

GROSS RECEIPTS

	July	August	September	October	November	December	January	February	March	April	May	June
FY 2007	\$49,871.45	\$34,078.55	\$36,243.65	\$49,758.67	\$39,527.57	\$35,791.82	\$34,561.38	\$149,069.79	\$134,953.15	\$155,909.24	\$169,491.55	\$43,203.86
YTD	\$49,871.45	\$83,950.00	\$120,193.65	\$169,952.32	\$209,479.89	\$245,271.71	\$279,833.09	\$428,902.88	\$563,856.03	\$719,765.27	\$889,256.82	\$932,460.68
FY 2008	\$20,214.64	\$49,552.50	\$30,529.91	\$18,716.47	\$24,225.26	\$23,499.17	\$50,734.80	\$146,293.94	\$160,211.63	\$167,362.79	\$212,589.13	\$20,102.55
YTD	\$20,214.64	\$69,767.14	\$100,297.05	\$119,013.52	\$143,238.78	\$166,737.95	\$217,472.75	\$363,766.89	\$523,978.32	\$691,341.11	\$903,930.24	\$924,032.79
FY 2009	\$5,978.98	\$31,604.97	\$36,411.72	\$34,168.28	\$36,755.21	\$36,869.62	\$81,443.70	\$194,410.32	\$178,012.59	\$176,315.78	\$191,892.82	\$36,332.99
YTD	\$5,978.98	\$37,583.95	\$73,995.67	\$108,163.95	\$144,919.16	\$181,788.78	\$263,232.48	\$457,642.80	\$635,655.39	\$811,971.17	\$1,003,863.99	\$1,040,196.98
FY 2010	\$32,800.00	\$38,773.70	\$39,381.43	\$61,759.08	\$56,887.02	\$54,858.12	\$42,174.35	\$223,797.16	\$189,376.01	\$176,576.34	\$221,448.63	\$59,190.36
YTD	\$32,800.00	\$71,573.70	\$110,955.13	\$172,714.21	\$229,601.23	\$284,459.35	\$326,633.70	\$550,430.86	\$739,806.87	\$916,383.21	\$1,137,831.84	\$1,197,022.20
FY 2011	\$31,002.86	\$62,982.96	\$26,127.83	\$33,610.96	\$60,913.74	\$74,949.02	\$42,282.39	\$171,246.82	\$139,053.09	\$142,336.03	\$154,287.41	\$27,928.23
YTD	\$31,002.86	\$93,985.82	\$120,113.65	\$153,724.61	\$214,638.35	\$289,587.37	\$331,869.76	\$503,116.58	\$642,169.67	\$784,505.70	\$938,793.11	\$966,721.34
FY 2012	\$64,073.01	\$26,203.38	\$23,181.89	\$42,430.30	\$60,186.45	\$32,954.89	\$47,797.29	\$207,267.40	\$162,805.78	\$182,358.83	\$200,924.87	\$42,673.54
YTD	\$64,073.01	\$90,276.39	\$113,458.28	\$155,888.58	\$216,075.03	\$249,029.92	\$296,827.21	\$504,094.61	\$666,900.39	\$849,259.22	\$1,050,184.09	\$1,092,857.63
FY 2013	\$36,835.14	\$20,863.12	\$45,705.38	\$27,699.69	\$66,674.98	\$48,677.59	\$50,727.81	\$178,549.60	\$163,125.28	\$166,032.40	\$203,817.88	\$21,818.85
YTD	\$36,835.14	\$57,698.26	\$103,403.64	\$131,103.33	\$197,778.31	\$246,455.90	\$297,183.71	\$475,733.31	\$638,858.59	\$804,890.99	\$1,008,708.87	\$1,030,527.72
FY 2014	\$32,785.51	\$20,399.76	\$33,382.63	\$32,521.83	\$42,153.17	\$47,625.85	\$41,859.55	\$187,697.06	\$165,940.26	\$157,119.60	\$217,538.39	\$33,070.40
YTD	\$32,785.51	\$53,185.27	\$86,567.90	\$119,089.73	\$161,242.90	\$208,868.75	\$250,728.30	\$438,425.36	\$604,365.62	\$761,485.22	\$979,023.61	\$1,012,094.01
FY 2015	\$50,101.37	\$20,302.81	\$45,180.40	\$67,963.83	\$54,978.94	\$102,903.79	\$88,137.83	\$228,895.80	\$200,123.07	\$208,944.00	\$231,566.84	\$70,845.96
YTD	\$50,101.37	\$70,404.18	\$115,584.58	\$183,548.41	\$238,527.35	\$341,431.14	\$429,568.97	\$658,464.77	\$858,587.84	\$1,067,531.84	\$1,299,098.68	\$1,369,944.64
FY 2016	\$37,891.82	\$20,239.04	\$97,742.38	\$25,839.07	\$197,397.64	\$95,985.99	\$224,614.99	\$103,161.00	\$166,682.00	\$180,838.00	\$201,624.53	\$38,366.93
YTD	\$37,891.82	\$58,130.86	\$155,873.24	\$181,712.31	\$379,109.95	\$475,095.94	\$699,710.93	\$802,871.93	\$969,553.93	\$1,150,391.93	\$1,352,016.46	\$1,390,383.39
FY 2017	\$119,909.94	\$55,423.48	\$87,873.13	\$142,357.47	\$41,995.22	\$148,618.10	\$142,636.32	\$187,613.18	\$204,129.97	\$165,451.68	\$208,890.93	\$76,774.96
YTD	\$119,909.94	\$175,333.42	\$263,206.55	\$405,564.02	\$447,559.24	\$596,177.34	\$738,813.66	\$926,426.84	\$1,130,556.81	\$1,296,008.49	\$1,504,899.42	\$1,581,674.38
FY 2018	\$29,864.17	\$48,702.07	\$58,630.68	\$75,354.62	\$89,599.77	\$118,550.59	\$207,717.57	\$250,972.85	\$212,959.98	\$187,022.24		
YTD	\$29,864.17	\$78,566.24	\$137,196.92	\$212,551.54	\$302,151.31	\$420,701.90	\$628,419.47	\$879,392.32	\$1,092,352.30	\$1,279,374.54		

Current month GRT collections reflects money generated 2 months prior. * NOTE: Feb 2007-Sept. 2012: Includes NMIFA loan pay deduction- Note starts again Aug 2016

Lodger's Tax

LODGERS' TAX

CURRENT RATE = 5% 7/01/04 thru Current the tax rate is 5%; 2/97 thru 6/04 tax rate was 4.5%

	July	August	September	October	November	December	January	February	March	April	May	June
FY 2007	\$2,598.88	\$3,062.11	\$6,699.35	\$4,995.65	\$2,000.12	\$5,337.46	\$40,954.80	\$41,957.59	\$67,487.55	\$72,949.07	\$9,581.32	\$4,404.89
YTD	\$2,598.88	\$5,660.99	\$12,360.34	\$17,355.99	\$19,356.11	\$24,693.57	\$65,648.37	\$107,605.96	\$175,093.51	\$248,042.58	\$257,623.90	\$262,028.79
FY 2008	\$2,722.84	\$5,440.23	\$4,285.04	\$2,754.53	\$3,901.84	\$577.12	\$51,173.76	\$59,427.24	\$69,853.67	\$77,642.16	\$6,257.25	\$6,805.31
YTD	\$2,722.84	\$8,163.07	\$12,448.11	\$15,202.64	\$19,104.48	\$19,681.60	\$70,855.36	\$130,282.60	\$200,136.27	\$277,778.43	\$284,035.68	\$290,840.99
FY 2009	\$2,308.21	\$17,029.81	\$4,613.37	\$1,998.89	\$2,683.42	\$2,329.41	\$69,821.07	\$48,658.30	\$64,074.56	\$63,514.05	\$2,163.00	\$1,019.51
YTD	\$2,308.21	\$19,338.02	\$23,951.39	\$25,950.28	\$28,633.70	\$30,963.11	\$100,784.18	\$149,442.48	\$213,517.04	\$277,031.09	\$279,194.09	\$280,213.60
FY 2010	\$6,555.17	\$6,692.88	\$6,626.34	\$2,464.04	\$3,071.98	\$3,065.62	\$58,358.23	\$53,226.27	\$63,632.42	\$73,788.32	\$5,154.71	\$2,591.00
YTD	\$6,555.17	\$13,248.05	\$19,874.39	\$22,338.43	\$25,410.41	\$28,476.03	\$86,834.26	\$140,060.53	\$203,692.95	\$277,481.27	\$282,635.98	\$285,226.98
FY 2011	\$3,799.08	\$5,779.40	\$4,203.94	\$4,540.58	\$826.80	\$4,048.19	\$48,139.08	\$38,771.02	\$56,737.62	\$53,736.46	\$1,376.99	\$1,907.76
YTD	\$3,799.08	\$9,578.48	\$13,782.42	\$18,323.00	\$19,149.80	\$23,197.99	\$71,337.07	\$110,108.09	\$166,845.71	\$220,582.17	\$221,959.16	\$223,866.92
FY 2012	\$5,123.77	\$5,559.34	\$7,292.78	\$3,573.23	\$2,125.17	\$25,832.86	\$57,242.46	\$54,829.42	\$66,115.91	\$72,972.48	\$6,978.68	\$4,665.17
YTD	\$5,123.77	\$10,683.11	\$17,975.89	\$21,549.12	\$23,674.29	\$49,507.15	\$106,749.61	\$161,579.03	\$227,694.94	\$300,667.42	\$307,646.10	\$312,311.27
FY 2013	\$3,611.20	\$6,647.21	\$6,362.49	\$6,914.30	\$3,587.06	\$4,412.71	\$41,548.72	\$58,051.35	\$69,819.08	\$65,779.34	\$2,387.53	\$1,223.37
YTD	\$3,611.20	\$10,258.41	\$16,620.90	\$23,535.20	\$27,122.26	\$31,534.97	\$73,083.69	\$131,135.04	\$200,954.12	\$266,733.46	\$269,120.99	\$270,344.36
FY 2014	\$2,832.98	\$7,754.90	\$7,045.56	\$19,777.25	\$4,319.60	\$4,888.83	\$54,643.19	\$58,342.34	\$68,032.70	\$67,580.97	\$4,688.03	\$1,953.28
YTD	\$2,832.98	\$10,587.88	\$17,633.44	\$37,410.69	\$41,730.29	\$46,619.12	\$101,262.31	\$159,604.65	\$227,637.35	\$295,218.32	\$299,906.35	\$301,859.63
FY 2015	\$2,492.93	\$6,804.83	\$15,377.68	\$9,451.74	\$6,196.45	\$7,739.68	\$48,605.50	\$66,074.56	\$67,834.16	\$75,221.00	\$5,450.60	\$1,138.28
YTD	\$2,492.93	\$9,297.76	\$24,675.44	\$34,127.18	\$40,323.63	\$48,063.31	\$96,668.81	\$162,743.37	\$230,577.53	\$305,798.53	\$311,249.13	\$312,387.41
FY 2016	\$3,159.70	\$22,368.20	\$9,450.74	\$5,746.17	\$4,197.87	\$9,297.58	\$53,807.00	\$72,513.85	\$76,593.23	\$71,244.05	\$3,250.86	\$2,501.47
YTD	\$3,159.70	\$25,527.90	\$34,978.64	\$40,724.81	\$44,922.68	\$54,220.26	\$108,027.26	\$180,541.11	\$257,134.34	\$328,378.39	\$331,629.25	\$334,130.72
FY 2017	\$3,312.79	\$6,428.45	\$20,520.20	\$6,104.38	\$4,731.31	\$5,975.60	\$52,006.45	\$57,922.20	\$70,032.91	\$81,036.07	\$5,683.84	\$3,145.21
YTD	\$3,312.79	\$9,741.24	\$30,261.44	\$36,365.82	\$41,097.13	\$47,072.73	\$99,079.18	\$157,001.38	\$227,034.29	\$308,070.36	\$313,754.20	\$316,899.41
FY 2018	\$26,463.06	\$13,960.76	\$11,225.88	\$8,960.06	\$6,207.19	\$6,521.15	\$71,990.70	\$56,655.53	\$68,454.45	\$74,080.27		
YTD	\$26,463.06	\$40,423.82	\$51,649.70	\$60,609.76	\$66,816.95	\$73,338.10	\$145,328.80	\$201,984.33	\$270,438.78	\$344,519.05		

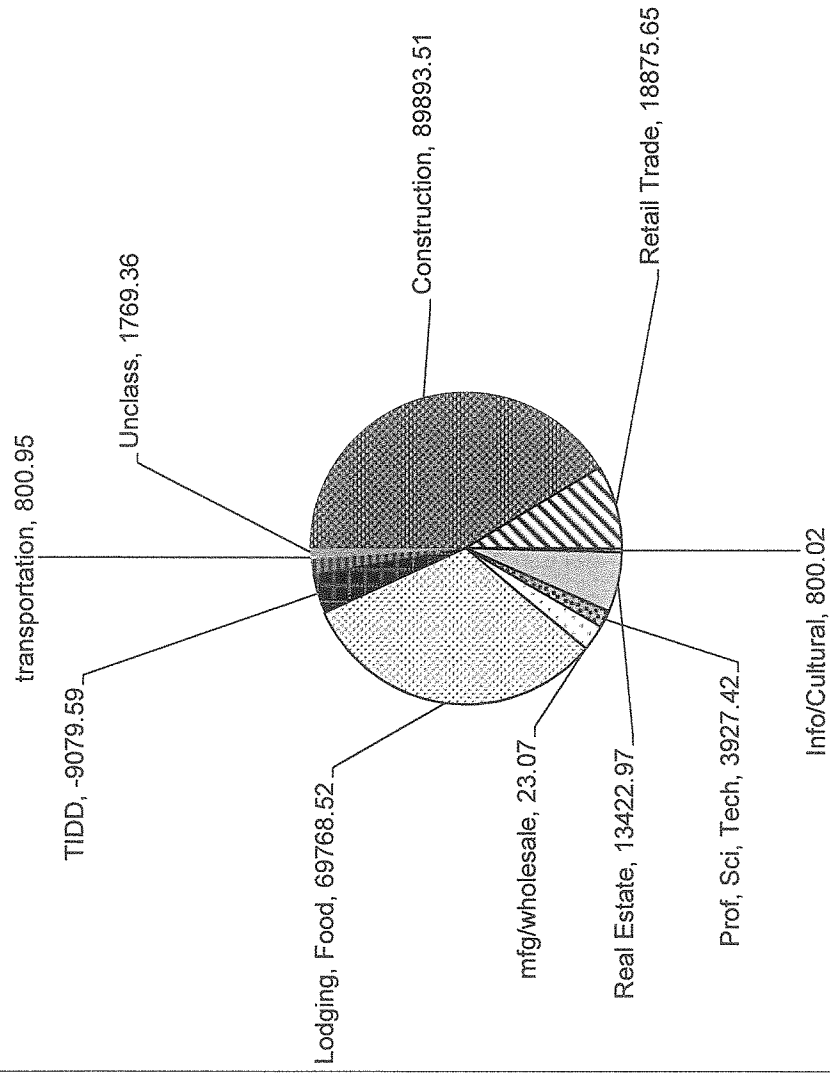
Current month L.T collections reflects money generated in the previous month.

Aug FY2016 includes \$15K late LT Sept 2016-Approx \$3,261 is for Late Lodgers Tax

Sept 2016 includes \$10,472 in Late LT for FY2016

July FY2018 includes \$17,455 Late lodgers tax For FY2017

Village of Taos Ski Valley Gross Receipts Distribution April 2018



Construction	Retail Trade	Info/Cultural
Real Estate	Prof. Sci, Tech	NMFA Intercept
mfg/wholesale	Lodging, Food	TIDD
fees	transportation	Unclass

FY2018 TIDD GRT Distribution

Date	VTSV Increment	State Increment	Admin Fees	Total TIDD	NMFA Offset	Hold Harmless GRT	VTSV Cash Received/with HH GRT (NOT offset)
7/15/2016	227,768.50	180,136.30	(3,518.29)	404,386.51			119,909.94
8/23/2016	129,583.78	102,484.51	(2,001.66)	230,066.63	7,507.77		55,423.48
9/15/2016	127,005.96	100,445.77	(1,961.85)	225,489.88	7,507.77		80,365.36
10/15/2016	174,220.52	137,786.57	(2,691.14)	309,315.95	7,507.77		142,357.47
11/18/2016	-	-	-	-	7,507.77		34,487.45
12/15/2016	103,076.05	81,520.23	(1,592.19)	183,004.09	7,507.77		141,110.33
1/18/2017	142,524.81	112,719.24	(2,201.55)	253,042.50	7,507.77		135,128.55
2/17/2017	15,477.59	12,240.84	(239.08)	27,479.35	7,507.77		180,105.41
3/16/2017	83,359.40	65,926.82	(1,287.82)	147,998.40	7,507.77		196,622.20
4/15/2017	56,296.56	44,523.50	(869.59)	99,950.47	7,507.77		157,943.00
5/16/2017	35,609.26	28,162.46	(550.05)	63,221.67	5,763.47		208,890.93
6/16/2017	133,716.69	105,753.13	(2,065.50)	237,404.32	5,763.47		71,011.49
TOTAL FY17	1,228,639.12	971,699.37	(18,978.72)	2,181,359.77	79,096.87		1,523,355.61
7/15/2017	-	-	-	-	5,763.47		24,100.70
8/15/2017	-	-	-	-	5,763.47	375.39	42,938.60
9/15/2017	1,963.78	1,553.10	(30.32)	3,486.56	5,763.47	6,313.93	52,867.21
10/15/2017					5,763.47	7,023.40	69,591.15
11/17/2017	19,717.45	15,594.02	(304.57)	35,006.90	5,763.47	10,664.15	83,836.30
12/15/2017					5,763.47	11,907.89	112,787.12
1/16/2018					5,763.47	20,438.47	201,954.10
2/17/2018	9,639.99	7,478.59	(147.66)	16,970.92	5,763.47	26,140.24	245,209.38
3/17/2018	4,088.96	3,233.85	(63.16)	7,259.65	5,763.47	21,753.62	207,196.51
4/18/2018	9,079.59	7,180.81	(140.25)	16,120.15	5,763.47	18,859.26	181,258.77
TOTAL FY18	44,489.77	35,040.37	(685.96)	78,844.18	57,634.70	123,476.35	1,221,739.84
TOTAL FY16, FY17 & FY18	2,125,063.50	1,664,752.21	(32,952.11)	3,756,863.60	136,731.57		3,660,383.22

Village Baseline

Month GRT is Generated	Month GRT is Reported to State	h GRT is distributed fr State to Entiti	Total	State	Village
December	January	February	371,622.37	201,645.53	169,976.84
January	February	March	328,741.64	178,378.07	150,363.57
February	March	April	310,404.18	168,428.01	141,976.17
March	April	May	429,910.95	233,273.42	196,637.53
April	May	June	64,234.89	34,854.41	29,380.48
May	June	July	93,353.53	50,654.43	42,699.09
June	July	August	40,142.02	21,781.41	18,360.61
July	August	September	89,560.14	48,596.11	40,964.03
August	September	October	134,697.23	73,087.89	61,609.34
September	October	November	108,590.92	58,922.38	49,668.54
October	November	December	204,035.98	110,711.70	93,324.28
November	December	January	174,517.70	94,694.82	79,822.88
Total			2,349,811.54	1,275,028.17	1,074,783.36

VILLAGE OF TAOS SKI VALLEY

Profit & Loss Prev Year Comparison

July 2017 through April 2018

	Jul '17 - Apr 18	Jul '16 - Apr 17	\$ Change	% Change
Ordinary Income/Expense				
Income				
4012 · REVENUE - Combined Water-Sewer	744,687.08	754,001.49	-9,314.41	-1.2%
4019 · Hold Harmless GRT Revenue	123,476.35	0.00	123,476.35	100.0%
4020 · REVENUE - GRT MUNICIPAL	526,147.91	594,678.73	-68,530.82	-11.5%
4021 · REVENUE - GRT - STATE	436,049.20	490,815.25	-54,766.05	-11.2%
4022 · REVENUE - GRT - ENVIRONMENT	21,521.94	24,224.12	-2,702.18	-11.2%
4023 · REVENUE - GRT - INFRASTRUCTURE	86,089.57	96,899.08	-10,809.51	-11.2%
4027 · REVENUE - OTHER	88,025.94	47,335.80	40,690.14	86.0%
4028 · REVENUE - GASOLINE TAX	4,188.07	4,170.00	18.07	0.4%
4029 · REVENUE - LODGER'S TAX	344,519.05	308,060.36	36,458.69	11.8%
4031 · REVENUE - PARKING FINES	1,090.00	1,340.00	-250.00	-18.7%
4034 · REVENUE - MOTOR VEHICLE FEES	11,755.40	12,508.88	-753.48	-6.0%
4036 · REVENUE - Licenses/Permits	24,230.95	59,047.61	-34,816.66	-59.0%
4037 · REVENUE - GENERAL GRANTS	142,456.51	161,833.00	-19,376.49	-12.0%
4040 · REVENUE - WATER CONNECTION FEES	209,986.83	165,235.41	44,751.42	27.1%
4041 · REVENUE - SEWER CONNECTION FEES	55,401.64	41,611.19	13,790.45	33.1%
4046 · REVENUE - SOLID WASTE FEE	55,996.34	52,319.06	3,677.28	7.0%
4047 · REVENUE - OTHER OPERATING	6,899.68	4,687.60	2,212.08	47.2%
4049 · REVENUE - FIRE GRANTS	107,072.00	102,216.00	4,856.00	4.8%
4050 · REVENUE - IMPACT FEES	301,621.22	248,391.57	53,229.65	21.4%
4053 · REVENUE - GRT MUN CAP OUTLAY1/4	86,089.57	96,899.08	-10,809.51	-11.2%
4056 · REVENUE - LEGISLATIVE APPROPRI.	20,977.84	0.00	20,977.84	100.0%
4058 · Plan Review Fees	11,971.69	65,222.01	-53,250.32	-81.6%
4059 · Proceed NMFA Issuance of Debt	0.00	973,542.14	-973,542.14	-100.0%
4060 · WTB FY2016 revenue	51,638.24	6,616.11	45,022.13	680.5%
4061 · Bond Proceeds	1,900,000.00	0.00	1,900,000.00	100.0%
4070 · CWSRF 2016 Revenue	161,473.19	231,907.67	-70,434.48	-30.4%
4100 · Miscellaneous Revenues				
4110 · Misc Revenue- TIDD reimburse	3,982.39	0.00	3,982.39	100.0%
Total 4100 · Miscellaneous Revenues	3,982.39	0.00	3,982.39	100.0%
7004 · REVENUE - FINANCE CHARGE ON W/S	2,502.05	1,811.32	690.73	38.1%
7005 · REVENUE - INTEREST INCOME	45,228.35	19,374.37	25,853.98	133.4%
7007 · REVENUE - INTEREST IMPACT FEES	186.20	84.43	101.77	120.5%
7010 · REVENUE - AD VALOREM TAX	362,161.58	377,777.73	-15,616.15	-4.1%
9000 · BEG. BALANCE	0.00	0.00	0.00	0.0%
Total Income	5,937,426.78	4,942,610.01	994,816.77	20.1%
Gross Profit	5,937,426.78	4,942,610.01	994,816.77	20.1%
Expense				
4082 · DEBT SERV - 2007 WWTP LOAN PRIN	82,112.16	79,720.54	2,391.62	3.0%
4083 · DEBT SERV. - 2007 WWTP LOAN INT	28,239.72	30,631.34	-2,391.62	-7.8%
6100 · Salary and Benefits				
6112 · SALARIES - STAFF	804,473.07	754,841.61	49,631.46	6.6%
6113 · SALARIES - ELECTED	27,497.40	28,887.54	-1,390.14	-4.8%
6121 · WORKER'S COMP INSURANCE	34,794.00	24,546.00	10,248.00	41.8%
6122 · HEALTH & LIFE INSURANCE	156,234.32	146,689.98	9,544.34	6.5%
6125 · FICA EMPLOYER'S SHARE	62,682.00	58,981.35	3,700.65	6.3%

VILLAGE OF TAOS SKI VALLEY

Profit & Loss Prev Year Comparison

July 2017 through April 2018

	Jul '17 - Apr 18	Jul '16 - Apr 17	\$ Change	% Change
6126 · WORKMAN'S COMP PERSONAL ASSESS				
6127 · SUTA STATE UNEMPLOYEMENT	275.20	309.60	-34.40	-11.1%
6128 · PERA Employer Portion	1,194.51	1,423.61	-229.10	-16.1%
6129 · SUTA Expense Temporary Offset	65,018.76	62,629.35	2,389.41	3.8%
6130 · HEALTH INCENTIVE - SKI PASS/GYM	0.00	0.00	0.00	0.0%
	1,782.00	2,494.37	-712.37	-28.6%
Total 6100 · Salary and Benefits	1,153,951.26	1,080,803.41	73,147.85	6.8%
6220 · OUTSIDE CONTRACTORS	469,880.49	537,201.19	-67,320.70	-12.5%
6225 · ENGINEERING	303,721.70	319,292.25	-15,570.55	-4.9%
6230 · LEGAL SERVICES	77,539.09	61,389.08	16,150.01	26.3%
6242 · ACCOUNTING	3,193.47	3,298.55	-105.08	-3.2%
6244 · AUDIT	22,037.50	21,350.63	686.87	3.2%
6251 · WATER PURCHASE, STORAGE	235.95	697.29	-461.34	-66.2%
6253 · ELECTRICITY	23,656.29	21,763.57	1,892.72	8.7%
6254 · PROPANE	18,748.50	15,304.49	3,444.01	22.5%
6256 · TELEPHONE	13,219.52	13,648.09	-428.57	-3.1%
6257 · RENT PAID	576.00	1,183.48	-607.48	-51.3%
6258 · WATER CONSERVATION FEE	312.29	351.93	-39.64	-11.3%
6259 · Natural Gas	2,143.69	847.41	1,296.28	153.0%
6270 · LIABILITY & LOSS INSURANCE	63,753.13	65,226.75	-1,473.62	-2.3%
6310 · Advertising	4,310.13	0.00	4,310.13	100.0%
6311 · Uniforms and Safety Equipment	0.00	0.00	0.00	0.0%
6312 · CHEMICALS & NON DURABLES	26,398.21	30,884.24	-4,486.03	-14.5%
6313 · MATERIAL & SUPPLIES	92,720.20	122,308.21	-29,588.01	-24.2%
6314 · Dues/fees/registration/renewals	6,128.82	5,625.50	503.32	9.0%
6315 · BANK CHARGES	24,551.01	89.73	24,461.28	27,261.0%
6316 · Software	37,942.37	31,347.08	6,595.29	21.0%
6317 · Personal Protective Equipment	3,061.65	1,046.26	2,015.39	192.6%
6318 · Postage	1,647.17	1,809.27	-162.10	-9.0%
6319 · Election Expense	2,669.94	0.00	2,669.94	100.0%
6320 · EQUIPMENT REPAIR & PARTS	22,752.64	8,823.96	13,928.68	157.9%
6321 · BUILDING MAINTENANCE	882.95	1,435.26	-552.31	-38.5%
6322 · SMALL EQUIP & TOOL PURCHASES	15,942.17	11,530.91	4,411.26	38.3%
6323 · SYSTEM REPAIR & PARTS	4,391.29	3,532.76	858.53	24.3%
6331 · OUTSIDE TESTING SERVICES	3,207.87	442.44	2,765.43	625.0%
6332 · EQUIPMENT RENTALS	5,123.12	2,489.66	2,633.46	105.8%
6335 · FINANCE CHARGE & MISCEL. TAX	11,104.34	0.00	11,104.34	100.0%
6417 · VEHICLE MAINTENANCE	22,037.90	21,927.72	110.18	0.5%
6418 · FUEL EXPENSE	18,336.26	25,275.54	-6,939.28	-27.5%
6432 · TRAVEL & PER DIEM	11,986.06	18,284.90	-6,298.84	-34.5%
6434 · TRAINING	7,757.81	8,928.12	-1,170.31	-13.1%
6560 · Payroll Expenses	-0.02	0.00	-0.02	-100.0%
6712 · LAB CHEMICALS & SUPPLIES	5,814.25	6,042.43	-228.18	-3.8%
6714 · LAB EQUIPMENT REPAIR & PARTS	0.00	933.77	-933.77	-100.0%
6715 · LAB SMALL EQUIP & TOOL PURCHASE	465.99	0.00	465.99	100.0%
6716 · LAB TESTING SERVICES	13,669.73	11,915.43	1,754.30	14.7%
6720 · LAB OUTSIDE CONTRACTORS	0.00	1,017.00	-1,017.00	-100.0%
8322 · CAPITAL EXPENDITURES	18,543.28	1,048,673.00	-1,030,129.72	-98.2%
8323 · Capital Assets \$1000-\$4999	8,567.07	5,526.35	3,040.72	55.0%
8325 · EQUIPMENT & TOOL PURCHASE	31,444.57	7,561.12	23,883.45	315.9%

VILLAGE OF TAOS SKI VALLEY

Profit & Loss Prev Year Comparison

July 2017 through April 2018

	Jul '17 - Apr 18	Jul '16 - Apr 17	\$ Change	% Change
8421 • NMFA Interest TML #TAOS55	20,326.70	13,640.38	6,686.32	49.0%
8423 • CWSRF 052 Interest	7,914.21	0.00	7,914.21	100.0%
8425 • Hold Harmless Bond Interest pay	416.67	0.00	416.67	100.0%
8427 • Net Revenue Bond Interest pay	416.67	0.00	416.67	100.0%
Total Expense	2,693,851.79	3,643,801.04	-949,949.25	-26.1%
Net Ordinary Income	3,243,574.99	1,298,808.97	1,944,766.02	149.7%
Other Income/Expense				
Other Expense				
9001 • TRANSFER TO FUND	-998,218.95	-945,849.11	-52,369.84	-5.5%
9002 • TRANSFER FROM FUND	998,218.95	945,849.11	52,369.84	5.5%
Total Other Expense	0.00	0.00	0.00	0.0%
Net Other Income	0.00	0.00	0.00	0.0%
Net Income	3,243,574.99	1,298,808.97	1,944,766.02	149.7%

Village of Taos Ski Valley
Village Council
Agenda Item

AGENDA ITEM TITLE: Consideration to approve Memorandum of Understanding (MOU) and Agreement Regarding Re-Alignment of Ernie Blake (EB) Road

DATE: May 15, 2018

PRESENTED BY: Mark G. Fratrack, Village Administrator

STATUS OF AGENDA ITEM: Old Business

CAN THIS ITEM BE RESCHEDULED: Not Recommended

BACKGROUND INFORMATION:

Improvement to Ernie Blake (EB) Road is a public improvement priority. It was understood that Taos Ski Valley, Inc., (TSVI) would design and construct the EB Road improvements. Thunderbird Road connects to EB road and also needs to be improved. These two roads, because of their connectivity, are considered one TIDD construction project. As the Village proceeded with finalizing closing documents to allow the Village to acquire the needed land for EB Road re-alignment, one condition was that EB road be constructed within a two-year period. The Village Mayor, staff, and attorney worked with TSVI management and attorney to draft an MOU that encompasses the stipulations of a Letter of Intent, to commit to completing the construction within a two year period once properties and required easements have been obtained.

At the May 5, 2018 Council meeting, concerns were brought forth by Council for two items: 1. would the Village be reimbursed for the purchase price (approximately \$300,000) for the necessary property acquired to move the project forward, and 2. would TSVI indemnify the Village if, because of TSVI's inability to get the project done within the specified timeframe, the Village were assessed additional fees from the land owners in question.

TSVI agreed to include an indemnification clause in this MOU rewrite, but they have indicated that the purchase prices reimbursement would not be included in this MOU. However, TSVI has indicated they are willing to discuss reimbursement costs with the Village outside of this MOU.

Approval of this MOU is contingent upon Village approval of proposed water line improvements, Exhibit C.

Recommendation:

Staff recommends that Council approve the Memorandum of Understanding and Agreement Regarding Re-Alignment of Ernie Blake Road.

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**MEMORANDUM OF UNDERSTANDING
AND AGREEMENT REGARDING RE-ALIGNMENT OF ERNIE BLAKE ROAD**

**[For Taos Ski Valley, Inc.'s
Construction of Re-Aligned Ernie Blake Road
Within Two (2) Years Under Certain Conditions and as Part of
Its Connected Thunderbird Road Improvements and Utility
Extensions to the Village at Large]**

THIS MEMORANDUM OF UNDERSTANDING AND AGREEMENT REGARDING RE-ALIGNMENT OF ERNIE BLAKE ROAD ("MOU and Agreement") is entered into this ____ day of _____, 2018 (the "Effective Date") between the VILLAGE OF TAOS SKI VALLEY, an incorporated New Mexico municipal corporation (the "Village"), and TAOS SKI VALLEY, INC., a New Mexico corporation ("TSVI"). The Village and TSVI are collectively referred to hereinafter as "the Parties." This MOU and Agreement is entered into by the Parties for the purpose of defining the rights and obligations of the Parties for TSVI's construction, at its expense, of the "Re-alignment of Ernie Blake Road" within two (2) years under certain conditions precedent and as part of the Thunderbird Road water line improvements to include a fire hydrant relocation and utility service extensions improvements to the Village at large for the extension of natural gas, electric, phone and fiber optic utilities to the rest of the Village through Thunderbird Road and this Re-Aligned Ernie Blake Road, all for the mutual benefit of the Parties and for the health, safety, and benefit of the public and residents in the Village of Taos Ski Valley.

RECITALS

A. WHEREAS, the Village adopted Resolution/Ordinance No. 2016-289 on July 14, 2015, adopting the Roadway Improvements Element of the Village Master Plan (Master Plan), which Master Plan provides for the "Re-alignment of Ernie Blake Road" (the "EBR Re-alignment") within the Core Village of the Village of Taos Ski Valley; and

B. WHEREAS, the Village, at a Special Meeting held June 29, 2017 authorized the initiation of condemnation proceedings to accomplish said EBR Re-Alignment; and

C. WHEREAS, the Village has concluded this condemnation process by entering into a settlement in lieu of condemnation pursuant to NMSA 1978, § 42A-1-3 (Taking of Re-alignment Land for New Road), § 3-49-2 and § 3-49-2 (Exchange of Remnant Parcels) with St. Bernard Expansion II, LLC for its "Beausoleil Property" for the New "EBR Re-Alignment" and has executed the "Agreement in Lieu of Condemnation for Re-Alignment of Ernie Blake Road" as shown (in relevant part) on attached Exhibit A (hereafter "Beausoleil Condemnation Agreement") and;

D. WHEREAS, the Beausoleil Condemnation Agreement provides for Temporary Construction and Access Easements over the Beausoleil Condemnation Property and the Remnant Property for up to two (2) years to enable construction of the EBR Re-alignment; and

E. WHEREAS, TSVI has agreed to construct this proposed EBR Re-Alignment at its expense in accordance with the Russell Engineering drawings/specification attached as Exhibit B hereto within two (2) years and pursuant to the insurance and indemnity provisions of the Beausoleil Condemnation Agreement Section 1.5 and Sections 12 (Insurance) and 13 (Indemnity) of both the "Temporary TCP (Construction) Easement Agreement" (Exhibit C-1) and "Temporary VROW Easement Agreement" (Exhibit C-2) thereto, contingent upon and under certain conditions precedent, all as set forth hereafter and agreed to hereby, by the Parties; and

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F. WHEREAS, TSVI has agreed to otherwise indemnify and hold the Village harmless for any liability arising out of said Beausoleil Condemnation Agreement as a result of TSVI's construction of the EBR Re-Alignment work on the Temporary Construction Easement Area extending beyond two (2) years after the Closing Date of said Beausoleil Condemnation Agreement (Section 1.5) not otherwise caused by the Village itself under Section 2e) hereafter; and

G. WHEREAS, TSVI has also agreed to construct certain improvements including improved water lines (Exhibit C hereto) and extend utilities in and through Thunderbird Road (Exhibit B hereto) connecting to and through the Re-Aligned Ernie Blake Road in order to provide access to for the extension of natural gas, electric, telephone, and fiber optics utility services to the rest of the Village and whereas such Thunderbird Road utility infrastructure construction needs to be coordinated with this EBR Re-Alignment construction project;

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AGREEMENT

NOW, THEREFORE, for consideration of the mutual covenants and agreements contained herein and for other good and valuable considerations, the receipt of which are hereby acknowledged, the Parties, intending to be legally bound, do hereby covenant and agree as follows:

The Parties Stipulate and Agree That:

1. Recitals. The foregoing recital clauses are true and correct in all respects and form an integral part of this MOU and Agreement, the same as if they were set forth in numbered paragraphs herein.

2. Construction of EBR Re-Alignment / Thunderbird Road Utility Service Extensions by TSVI. TSVI will construct the EBR Re-Alignment to include water, sewer and utility improvements and the Thunderbird Road water line improvements and utility service extensions of natural gas, electric, telephone and fiber optics to enable service to the rest of the Village at its expense within two (2) years after the following conditions precedent agreed hereto by the Village have been met.

2.1 Conditions Precedent.

a). The Beausoleil Condemnation Agreement is Executed by the Village. The Beausoleil Condemnation Agreement (Exhibit A) shall be adopted and executed and closed upon with Beausoleil by the Village in the form attached in Exhibit A hereto.

b). Russell Engineering Drawings and Specifications for the EBR Re-Alignment (Exhibit B) and for the Thunderbird Road Water Line Improvements and Utility Service Extension Are Agreed to by the Village (Exhibit C). The Village agrees and has approved by signature on the attached drawings that the EBR Re-Alignment Improvements and the Thunderbird Road Water Line Improvements and Utility Service Extensions will be built by TSVI according to the Russell Engineering Drawings and Specifications at the designated property locations, all as set forth in Exhibit B (EBR Re-Alignment) and Exhibit C (Water Line Thunderbird Road) hereto. Changes to these approved plans and specifications shall only be made by the written approval of both Parties.

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c). TIDD Reimbursement. The Village agrees that all work and expenses and costs paid by TSVI for the construction of the EBR Re-Alignment and the Thunderbird Road Water Line Improvements and for all Utility / Infrastructure Extension Project connecting thereto, all as set forth in Russell Engineering drawings and specifications (Exhibit B hereto for EBR Re-Alignment and Exhibit C hereto for Water Line Thunderbird Road) are eligible for and will be subject to TIDD reimbursement to TSVI without objection by the Village so long as there is no material substantive change or modification in the scope of work and construction of these TIDD projects as defined in the Russell Engineering drawings and specifications therefor (Exhibit B and Exhibit C hereto) and as certified as to completion by a qualified, licensed civil engineer.

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d). All ROWs and/or Easements for the Utility, Sidewalk, River Restoration and Road Improvements Are at the Village's Cost. The Village agrees to secure at the Village's costs all necessary utility, road, river restoration and sidewalk easements and ROWs from any neighboring third parties along Thunderbird Road and Re-Aligned Ernie Blake Road.

e). Additionally, TSVI's Two (2) Year Construction Period Begins When All Necessary Thunderbird Road and EBR Re-Alignment Utility, Sidewalk, Rio Hondo River restoration work Easements and ROWs Are Obtained by the Village. Additionally, the two-year (2 year) term shall commence immediately after the Village provides evidence that it has acquired all of the necessary easement/ROW rights for expanded sidewalks (subject to the sole discretion of the Village as to the installation of any such sidewalk and acquisition of any such sidewalk easement/ROW rights therefor) and for the utility extensions and relocations and for Rio Hondo River restoration work across the following neighboring third party properties on Thunderbird Road and Re-Aligned Ernie Blake Road:

- 1) Brownell Property (along Thunderbird Road) –for Kit Carson and CenturyLink utility facilities and for temporary Rio Hondo River restoration work;

- 2) Alpine Suites (Thunderbird Road) – for sidewalk encroachment and for temporary Rio Hondo River restoration work;
- 3) Village property in front of Sierra del Sol (intersection of Thunderbird Road / Re-Aligned Ernie Blake Road) – for Kit Carson sectionalizer and 100 KVA transformer and CenturyLink facilities relocation;
- 4) Al's Run property (Re-Aligned Ernie Blake Road) – for new Kit Carson switch at corner of Ernie Blake Road and Twining Road and for new Village Pressure Reducing Station (if required); and,
- 5) The Cottam Log Cabin property (Re-Aligned Ernie Blake Road) – for sidewalk encroachment on Re-Aligned Ernie Blake Road.

3. TSVI's Insurance and Indemnification Agreements to the Village for Construction Work on the EBR Re-Alignment. TSVI hereby agrees to:

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a) Cause all its construction contractors to maintain under their construction contracts the required insurance and issue the required certificates of insurance and provide the required indemnities as set forth in Sections 12 (Insurance) and Section 13 (Indemnity) of the Temporary TCP Easement Agreement (Exhibit C-1) and the Temporary VROW Easement Agreement (Exhibit C-2) to the Beausoleil Condemnation Agreement (Exhibit A hereto); and to,

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b) Otherwise indemnify and hold the Village harmless for any liability arising out of said Beausoleil Condemnation Agreement as a result of TSVI's construction of the EBR Re-Alignment work on the Temporary Easement Areas (Exhibit C-1 and Exhibit C-2) extending beyond two (2) years after the Closing Date of said Beausoleil Condemnation Agreement (Section 1.5) provided that the delay is not otherwise caused by the Village itself under Section 2e) hereinabove.

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43. Severability; Exception. Invalidation of any of the provisions contained in this Agreement shall in no way affect any of the other provisions hereof or the application thereof to any other person or entity, and the remainder of this MOU and Agreement shall remain in full force and effect.

54. Binding Effect. The terms of this MOU and Agreement shall inure to the benefit of and be binding upon the Parties and their respective successors and assigns.

65. Applicable Law. It is expressly understood and agreed that this MOU and Agreement and all questions arising hereunder shall be construed according to the laws of the State of New Mexico.

76. Counterparts. This MOU and Agreement may be executed in any number of identical counterparts, any or all of which may contain signatures of fewer than all of the Parties but all of which taken together shall constitute a single instrument.

28. Termination. This MOU and Agreement shall remain in force until terminated by the Parties, or superseded by another written Agreement.

IN WITNESS WHEREOF, the Village has caused this MOU and Agreement to be executed in its corporate name and the seal of the Village affixed and attested by its duly authorized officers; and TSVI has executed this MOU and Agreement in its respective corporate name and, as applicable, attested by its respective duly authorized officer.

VILLAGE OF TAOS SKI VALLEY,
A New Mexico Municipal Corporation
NEW MEXICO

By: Christof Brownell,
Its Mayor

ATTEST:

Ann Wooldridge, Village Clerk

Per Resolution of Council

STATE OF NEW MEXICO)
)ss.
COUNTY OF TAOS)

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by Christof Brownell, Mayor of the Village of Taos Ski Valley, an incorporated New Mexico municipality, New Mexico.

My commission expires:

Notary Public

TAOS SKI VALLEY, INC., a New
Mexico corporation

By: _____
David Norden
Its CEO

STATE OF NEW MEXICO)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____,
2018, by David Norden, CEO of Taos Ski Valley, Inc. in said capacity and on behalf of Taos Ski
Valley, Inc.

Notary Public

My commission expires:

With changes incorporated

**MEMORANDUM OF UNDERSTANDING
AND AGREEMENT REGARDING RE-ALIGNMENT OF ERNIE BLAKE ROAD**

**[For Taos Ski Valley, Inc.'s
Construction of Re-Aligned Ernie Blake Road
Within Two (2) Years Under Certain Conditions and as Part of
Its Connected Thunderbird Road Improvements and Utility
Extensions to the Village at Large]**

THIS MEMORANDUM OF UNDERSTANDING AND AGREEMENT REGARDING RE-ALIGNMENT OF ERNIE BLAKE ROAD ("MOU and Agreement") is entered into this ____ day of _____, 2018 (the "Effective Date") between the VILLAGE OF TAOS SKI VALLEY, an incorporated New Mexico municipal corporation (the "Village"), and TAOS SKI VALLEY, INC., a New Mexico corporation ("TSVI"). The Village and TSVI are collectively referred to hereinafter as "the Parties." This MOU and Agreement is entered into by the Parties for the purpose of defining the rights and obligations of the Parties for TSVI's construction, at its expense, of the "Re-alignment of Ernie Blake Road" within two (2) years under certain conditions precedent and as part of the Thunderbird Road water line improvements to include a fire hydrant relocation and utility service extensions improvements to the Village at large for the extension of natural gas, electric, phone and fiber optic utilities to the rest of the Village through Thunderbird Road and this Re-Aligned Ernie Blake Road, all for the mutual benefit of the Parties and for the health, safety, and benefit of the public and residents in the Village of Taos Ski Valley.

RECITALS

A. WHEREAS, the Village adopted Resolution/Ordinance No. 2016-289 on July 14, 2015, adopting the Roadway Improvements Element of the Village Master Plan (Master Plan), which Master Plan provides for the "Re-alignment of Ernie Blake Road" (the "EBR Re-alignment") within the Core Village of the Village of Taos Ski Valley; and

B. WHEREAS, the Village, at a Special Meeting held June 29, 2017 authorized the initiation of condemnation proceedings to accomplish said EBR Re-Alignment; and

C. WHEREAS, the Village has concluded this condemnation process by entering into a settlement in lieu of condemnation pursuant to NMSA 1978, § 42A-1-3 (Taking of Re-alignment Land for New Road), § 3-49-2 and § 3-49-2 (Exchange of Remnant Parcels) with St. Bernard Expansion II, LLC for its "Beausoleil Property" for the New "EBR Re-Alignment" and has executed the "Agreement in Lieu of Condemnation for Re-Alignment of Ernie Blake Road" as shown (in relevant part) on attached Exhibit A (hereafter "Beausoleil Condemnation Agreement") and;

D. WHEREAS, the Beausoleil Condemnation Agreement provides for Temporary Construction and Access Easements over the Beausoleil Condemnation Property and the Remnant Property for up to two (2) years to enable construction of the EBR Re-alignment; and

E. WHEREAS, TSVI has agreed to construct this proposed EBR Re-Alignment at its expense in accordance with the Russell Engineering drawings/specification attached as Exhibit B hereto within two (2) years and pursuant to the insurance and indemnity provisions of the Beausoleil Condemnation Agreement Section 1.5 and Sections 12 (Insurance) and 13 (Indemnity) of both the “Temporary TCP (Construction) Easement Agreement” (Exhibit C-1) and “Temporary VROW Easement Agreement” (Exhibit C-2) thereto, contingent upon and under certain conditions precedent, all as set forth hereafter and agreed to hereby, by the Parties; and

F. WHEREAS, TSVI has agreed to otherwise indemnify and hold the Village harmless for any liability arising out of said Beausoleil Condemnation Agreement as a result of TSVI’s construction of the EBR Re-Alignment work on the Temporary Construction Easement Area extending beyond two (2) years after the Closing Date of said Beausoleil Condemnation Agreement (Section 1.5) not otherwise caused by the Village itself under Section 2e) hereafter; and

G. WHEREAS, TSVI has also agreed to construct certain improvements including improved water lines (Exhibit C hereto) and extend utilities in and through Thunderbird Road (Exhibit B hereto) connecting to and through the Re-Aligned Ernie Blake Road in order to provide access to for the extension of natural gas, electric, telephone, and fiber optics utility services to the rest of the Village and whereas such Thunderbird Road utility infrastructure construction needs to be coordinated with this EBR Re-Alignment construction project.

AGREEMENT

NOW, THEREFORE, for consideration of the mutual covenants and agreements contained herein and for other good and valuable considerations, the receipt of which are hereby acknowledged, the Parties, intending to be legally bound, do hereby covenant and agree as follows:

The Parties Stipulate and Agree That:

1. Recitals. The foregoing recital clauses are true and correct in all respects and form an integral part of this MOU and Agreement, the same as if they were set forth in numbered paragraphs herein.

2. Construction of EBR Re-Alignment / Thunderbird Road Utility Service Extensions by TSVI. TSVI will construct the EBR Re-Alignment to include water, sewer and utility improvements and the Thunderbird Road water line improvements and utility service extensions of natural gas, electric, telephone and fiber optics to enable service to the rest of the Village at its expense within two (2) years after the following conditions precedent agreed hereto by the Village have been met.

2.1 Conditions Precedent.

a). The Beausoleil Condemnation Agreement is Executed by the Village. The Beausoleil Condemnation Agreement (Exhibit A) shall be adopted and executed and closed upon with Beausoleil by the Village in the form attached in Exhibit A hereto.

b). Russell Engineering Drawings and Specifications for the EBR Re-Alignment (Exhibit B) and for the Thunderbird Road Water Line Improvements and Utility Service Extension Are Agreed to by the Village (Exhibit C). The Village agrees and has approved by signature on the attached drawings that the EBR Re-Alignment Improvements and the Thunderbird Road Water Line Improvements and Utility Service Extensions will be built by TSVI according to the Russell Engineering Drawings and Specifications at the designated property locations, all as set forth in Exhibit B (EBR Re-Alignment) and Exhibit C (Water Line Thunderbird Road) hereto. Changes to these approved plans and specifications shall only be made by the written approval of both Parties.

c). TIDD Reimbursement. The Village agrees that all work and expenses and costs paid by TSVI for the construction of the EBR Re-Alignment and the Thunderbird Road Water Line Improvements and for all Utility / Infrastructure Extension Project connecting thereto, all as set forth in Russell Engineering drawings and specifications (Exhibit B hereto for EBR Re-Alignment and Exhibit C hereto for Water Line Thunderbird Road) are eligible for and will be subject to TIDD reimbursement to TSVI without objection by the Village so long as there is no material substantive change or modification in the scope of work and construction of these TIDD projects as defined in the Russell Engineering drawings and specifications therefor (Exhibit B and Exhibit C hereto) and as certified as to completion by a qualified, licensed civil engineer.

d). All ROWs and/or Easements for the Utility, Sidewalk, River Restoration and Road Improvements Are at the Village's Cost. The Village agrees to secure at the Village's costs all necessary utility, road, river restoration and sidewalk easements and ROWs from any neighboring third parties along Thunderbird Road and Re-Aligned Ernie Blake Road.

e). Additionally, TSVI's Two (2) Year Construction Period Begins When All Necessary Thunderbird Road and EBR Re-Alignment Utility, Sidewalk, Rio Hondo River restoration work Easements and ROWs Are Obtained by the Village. Additionally, the two-year (2 year) term shall commence immediately after the Village provides evidence that it has acquired all of the necessary easement/ROW rights for expanded sidewalks (subject to the sole discretion of the Village as to the installation of any such sidewalk and acquisition of any such sidewalk easement/ROW rights therefor) and for the utility extensions and relocations and for Rio Hondo River restoration work across the following neighboring third party properties on Thunderbird Road and Re-Aligned Ernie Blake Road:

- 1) Brownell Property (along Thunderbird Road) –for Kit Carson and CenturyLink utility facilities and for temporary Rio Hondo River restoration work;

- 2) Alpine Suites (Thunderbird Road) – for sidewalk encroachment and for temporary Rio Hondo River restoration work;
- 3) Village property in front of Sierra del Sol (intersection of Thunderbird Road / Re-Aligned Ernie Blake Road) – for Kit Carson sectionalizer and 100 KVA transformer and CenturyLink facilities relocation;
- 4) Al's Run property (Re-Aligned Ernie Blake Road) – for new Kit Carson switch at corner of Ernie Blake Road and Twining Road and for new Village Pressure Reducing Station (if required); and,
- 5) The Cottam Log Cabin property (Re-Aligned Ernie Blake Road) – for sidewalk encroachment on Re-Aligned Ernie Blake Road.

3. TSVI's Insurance and Indemnification Agreements to the Village for Construction Work on the EBR Re-Alignment. TSVI hereby agrees to:

a) Cause all its construction contractors to maintain under their construction contracts the required insurance and issue the required certificates of insurance and provide the required indemnities as set forth in Sections 12 (Insurance) and Section 13 (Indemnity) of the Temporary TCP Easement Agreement (Exhibit C-1) and the Temporary VROW Easement Agreement (Exhibit C-2) to the Beausoleil Condemnation Agreement (Exhibit A hereto); and to,

b) Otherwise indemnify and hold the Village harmless for any liability arising out of said Beausoleil Condemnation Agreement as a result of TSVI's construction of the EBR Re-Alignment work on the Temporary Easement Areas (Exhibit C-1 and Exhibit C-2) extending beyond two (2) years after the Closing Date of said Beausoleil Condemnation Agreement (Section 1.5) provided that the delay is not otherwise caused by the Village itself under Section 2e) hereinabove.

4. Severability; Exception. Invalidity of any of the provisions contained in this Agreement shall in no way affect any of the other provisions hereof or the application thereof to any other person or entity, and the remainder of this MOU and Agreement shall remain in full force and effect.

5. Binding Effect. The terms of this MOU and Agreement shall inure to the benefit of and be binding upon the Parties and their respective successors and assigns.

6. Applicable Law. It is expressly understood and agreed that this MOU and Agreement and all questions arising hereunder shall be construed according to the laws of the State of New Mexico.

7. Counterparts. This MOU and Agreement may be executed in any number of identical counterparts, any or all of which may contain signatures of fewer than all of the Parties but all of which taken together shall constitute a single instrument.

8. Further Assurances. Without additional consideration, the Parties will sign, acknowledge and deliver any other documents and take any other action necessary or appropriate, and reasonably requested by the other, to carry out the intent and purpose of this MOU and Agreement.

9. Termination. This MOU and Agreement shall remain in force until terminated by the Parties, or superseded by another written Agreement.

10. Remedies. Either Party may institute legal proceedings in the Taos County District Court (8th Judicial District Court, State of New Mexico), as may be necessary to compel specific performance and/or for damages for breach of any and all obligations of the Parties hereunder, with the prevailing party being entitled to receive its reasonable attorneys' fees and costs from the non-prevailing Party.

IN WITNESS WHEREOF, the Village has caused this MOU and Agreement to be executed in its corporate name and the seal of the Village affixed and attested by its duly authorized officers; and TSVI has executed this MOU and Agreement in its respective corporate name and, as applicable, attested by its respective duly authorized officer.

Date: _____

VILLAGE OF TAOS SKI VALLEY,
A New Mexico Municipal Corporation
NEW MEXICO

By: _____
Christof Brownell,
Its Mayor

[SEAL]

ATTEST:

Ann Wooldridge, Village Clerk

Per Resolution of Council _____

STATE OF NEW MEXICO)
)ss.
COUNTY OF TAOS)

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by Christof Brownell, Mayor of the Village of Taos Ski Valley, an incorporated New Mexico municipality, New Mexico.

My commission expires:

Notary Public

TAOS SKI VALLEY, INC., a New
Mexico corporation

By: _____
David Norden
Its CEO

STATE OF NEW MEXICO)
)ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,
2018, by David Norden, CEO of Taos Ski Valley, Inc. in said capacity and on behalf of Taos Ski
Valley, Inc.

My commission expires:

Notary Public

Village of Taos Ski Valley
Village Council
Agenda Item

AGENDA ITEM TITLE: Introduction of FY2019 Draft Budget

DATE: May 15, 2018

PRESENTED BY: Nancy Grabowski, Finance Director

STATUS OF AGENDA ITEM: New Business

CAN THIS ITEM BE RESCHEDULED: Not Recommended

BACKGROUND INFORMATION: As per State Statute, the Village needs to have an introduction of the draft FY2019 budget. Discussion of the budget took place at an open Council Workshop held on May 4, 2018. A public hearing will be held at a July Village Council meeting to hear comments from citizens. No discussion is needed at this time.

RECOMMENDATION: No action is required until the July Village Council meeting.

-- Providing infrastructure & services to a World Class Ski Resort Community --

Village of Taos Ski Valley
Village Council
Agenda Item

**AGENDA ITEM TITLE: Council Acknowledgement of the 3rd Quarter Financial Data
Submitted to the Department of Finance, Local Government
Division in March 2018**

DATE: May 15, 2018

PRESENTED BY: Nancy Grabowski, Finance Director

STATUS OF AGENDA ITEM: New Business

CAN THIS ITEM BE RESCHEDULED: Not Recommended

BACKGROUND INFORMATION: As per the Department of Finance, Local Government Division, it is required to have quarterly financial information submitted no later than 30 days after the close of each quarter. Staff is submitting this report to the Council for their review and acknowledgement of the financial status of the Village as of March 31, 2018.

RECOMMENDATION: A motion from the Council is requested to acknowledge the FY2018 3rd quarter report.

MUNICIPALITY: Village of Tao:

DEPARTMENT OF FINANCE AND ADMINISTRATION
LOCAL GOVERNMENT DIVISION

Period Ending: 3/31/2018

SUBMIT TO LOCAL GOVERNMENT DIVISION NO LATER THAN 30 DAYS
AFTER THE CLOSE OF EACH QUARTER

Prepared By: N Grabowski

Nancy Grabowski

4/20/18

I HEREBY CERTIFY THAT THE CONTENTS IN THIS REPORT ARE TRUE AND CORRECT TO THE BEST OF
MY KNOWLEDGE AND THAT THIS REPORT DEPICTS ALL FUNDS.

Signature

Date

YEAR-TO-DATE TRANSACTIONS

Fund #	FUND NAME	BEGINNING CASH BALANCE CURRENT FY (1)	REVENUES TO DATE (2)	TRANSFERS TO DATE (3)	EXPENDITURES TO DATE (4)	ADJUSTMENTS (5)	QTR ENDING CASH BALANCE (1)+(2)-(3)+(4)+(5) (6)	INVESTMENTS (7)	CASH + INVESTMENTS (8)	REQUIRED RESERVES (9)	AVAILABLE CASH (8) - (9)
101	GENERAL FUND (GF)	\$2,420,498	1,516,557	(250,942)	864,588	55,096	\$2,876,621	746,000	\$3,622,621	72,049	\$3,550,572
201	CORRECTION	\$0	0	0	0	0	\$0	0	\$0		\$0
202	ENVIRONMENTAL GRT	\$154,797	68,899	0	33,422	0	\$190,274	0	\$190,274		\$190,274
206	EMS	\$1,320	5,043	8,051	11,956	0	\$2,458	0	\$2,458		\$2,458
207	ENHANCED 911	\$0	0	0	0	0	\$0	0	\$0		\$0
209	FIRE PROTECTION FUND	\$338,390	68,723	0	43,177	0	\$363,935	0	\$363,935		\$363,935
211	LEPF	\$1,447	21,800	0	0	0	\$23,247	0	\$23,247		\$23,247
214	LODGERS' TAX	\$354,745	270,439	(6,351)	245,550	0	\$373,283	0	\$373,283		\$373,283
216	MUNICIPAL STREET	\$98,060	119,645	75,000	217,691	0	\$75,014	0	\$75,014		\$75,014
217	RECREATION	\$85	0	4,300	3,967	0	\$418	0	\$418		\$418
218	INTERGOVERNMENTAL GRANT	\$0	0	0	0	0	\$0	0	\$0		\$0
219	SENIOR CITIZEN	\$0	0	0	0	0	\$0	0	\$0		\$0
223	DWI PROGRAM	\$0	0	0	0	0	\$0	0	\$0		\$0
299	OTHER	\$444,226	309,199	0	4,776	0	\$748,649	0	\$748,649		\$748,649
300	CAPITAL PROJECT FUNDS	\$263,100	660,336	104,616	431,641	0	\$596,410	0	\$596,410		\$596,410
401	G. O. BONDS	\$0	0	0	0	0	\$0	0	\$0		\$0
402	REVENUE BONDS	\$0	0	0	0	0	\$0	0	\$0		\$0
403	DEBT SERVICE OTHER	\$27,478	0	173,574	139,426	13,640	\$75,266	0	\$75,266		\$75,266
500	ENTERPRISE FUNDS										
	Water Fund	\$265,900	658,759	(333,247)	466,892	0	\$124,520	0	\$124,520		\$124,520
	Solid Waste	\$0	0	0	0	0	\$0	0	\$0		\$0
	Waste Water	\$0	0	0	0	0	\$0	0	\$0		\$0
	Airport	\$0	0	0	0	0	\$0	0	\$0		\$0
	Ambulance	\$0	0	0	0	0	\$0	0	\$0		\$0
	Cemetery	\$0	0	0	0	0	\$0	0	\$0		\$0
	Housing	\$0	0	0	0	0	\$0	0	\$0		\$0
	Parking	\$0	0	0	0	0	\$0	0	\$0		\$0
	Other Enterprise: O&M Maint	\$182,385	0	55,000	0	0	\$237,385	0	\$237,385		\$237,385
	Other Enterprise: CWSRF Lc	\$1,903	1,549	0	10	(2,000)	\$1,442	195,000	\$196,442		\$196,442
	Other Enterprise: Water Dept	\$65,081	0	60,000	0	0	\$125,081	0	\$125,081		\$125,081
	Other Enterprise: Sewer Dept	\$78,550	0	110,000	0	0	\$188,550	0	\$188,550		\$188,550
600	INTERNAL SERVICE FUNDS	\$0	0	0	0	0	\$0	0	\$0		\$0
700	TRUST AND AGENCY FUNDS	\$0	0	0	0	0	\$0	0	\$0		\$0
GRAND TOTAL		\$4,697,965	\$3,700,948	\$0	\$2,463,096	\$66,736	\$6,002,554	\$941,000	\$6,943,554	\$72,049	\$6,871,505

FORM MODIFIED 12/09/08

LAST UPDATE: 5/9/18 4:52 PM

**Village of Taos Ski Valley
Village Council
Agenda Item**

AGENDA ITEM TITLE: Consideration to Approve Resolution No. 2018-356 Approving the Permanent Budget Adjustment Acknowledging the Bond Proceeds Revenue Received in April 2018 for the Interim Financing for the Wastewater Treatment Plant

DATE: May 15, 2018

PRESENTED BY: Nancy Grabowski, Finance Director

STATUS OF AGENDA ITEM: New business

CAN THIS ITEM BE RESCHEDULED: Not recommended

BACKGROUND INFORMATION:

The Village of Taos Ski Valley entered into a bond financing agreement in December 2017 for interim financing of the Wastewater Treatment Plant. There are two bond issues; the \$4.2M bond guaranteed by Hold Harmless GRT revenues, and the \$2.8M net revenue bond guaranteed by net revenues from the sewer and water utilities. The bond proceeds are being distributed in semi-annual disbursements to the Village. The bond proceeds were not included in the original budget submitted to the Department of Finance in July 2017. The Village has now received the second disbursement of funds and is adjusting the budget for these proceeds accordingly. The Hold Harmless bond proceeds received in April totaled \$1,089,999. The net revenue bond proceeds totaled \$709,999. The bond proceeds that the Village will receive in FY2019 are already included in the preliminary budget, along with the estimated expenses from the engineers.

STAFF RECOMMENDATION: Staff recommends approval of Resolution No. 2018-356 acknowledging the receipt of these funds and the adjustment to the revenue budget accordingly.

**VILLAGE OF TAOS SKI VALLEY
RESOLUTION NO. 2018-356**

**A RESOLUTION REQUESTING A PERMANENT BUDGET ADJUSTMENT TO
ACKNOWLEDGE THE BOND PROCEEDS REVENUE RECEIVED IN APRIL 2018
FOR THE INTERIM FINANCING FOR THE WASTE WATER TREATMENT PLANT**

WHEREAS, it is hereby resolved that the Village of Taos Ski Valley having met in a regular meeting on May 15, 2018 proposes to make an adjustment to the Fiscal 2017-18 budget in the Sewer Depreciation fund (42) as follows:

<u>FUND</u>	<u>ACCOUNT/DESCRIPTION</u>	<u>AMOUNT</u>
42-Sewer Dep.	1033 Hillcrest/Cash #5020 Hold Harmless	\$1,089,999
42-Sewer Dep.	4061 Bond Proceeds Hold Harmless	(\$1,089,999)
42-Sewer Dep.	1034 Hillcrest/Cash #3254 Net Rev	\$ 709,999
42- Sewer Dep.	4061 Bond Proceeds Net Rev.	(\$ 709,999)

WHEREAS, at the regular meeting of the Village of Taos Ski Valley Governing body on May 15, 2018, it considered adjustments to its budget for the Fiscal Year 2017-2018; and

WHEREAS, said budget was developed on the basis of need and through cooperation with all user departments, elected officials and other department supervisors; and

WHEREAS, the official meetings for the review of said documents were duly advertised and posted in compliance with the State of New Mexico Open Meetings Act; and

WHEREAS, it is the majority opinion of this Council that the proposed budget adjustments meet the requirements as currently determined for Fiscal Year 2017-2018.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the governing body of the Village of Taos Ski Valley, State of New Mexico hereby approves, authorizes and directs that the Village of Taos Ski Valley budget for Fiscal Year 2017-2018 be amended accordingly.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2018.

THE VILLAGE OF TAOS SKI VALLEY

By: _____
Christof Brownell, Mayor

(Seal)

ATTEST:

Ann M. Wooldridge, Village Clerk

VOTE: For _____ Against _____

VILLAGE OF TAOS SKI VALLEY
Village Council
Agenda Item

AGENDA ITEM TITLE: Consideration to Approve Resolution No. 2018-357 Requesting Approval of the Disposition of Assets Acquired by the Village of Taos Ski Valley Upon Purchasing the Taos Mountain Lodge

DATE: May 15, 2018

PRESENTED BY: Mark G. Fratrack, Village Administrator

STATUS OF AGENDA ITEM: New Business

CAN THIS ITEM BE RESCHEDULED: Not Recommended

BACKGROUND INFORMATION:

As part of the repair and remodeling of the Taos Mountain Lodge, certain items have been pulled from the structures and have little, if any, value to the Village. To meet New Mexico Department of Finance requirements for disposal of items, it is mandatory to have Council approval by resolution prior to disposal of assets. The fireplace inserts have been pulled out from the rental units and will not be reused. There will be no fireplaces in the remodeled buildings. In addition, the water heaters and boilers are either damaged or do not meet current standards.

There will be more items recommended for disposal once a final inventory has been completed. The fireplace inserts, water heaters, and boilers are the items that Village Staff would like to get approval to dispose of at this time.

RECOMMENDATION: Staff recommends approval of Resolution No. 2018-357 regarding disposal of fireplace inserts, fireplace piping, water heaters, and boilers.

STATE OF NEW MEXICO
VILLAGE OF TAOS SKI VALLEY

RESOLUTION NUMBER 2018-357

**A RESOLUTION OF THE VILLAGE OF TAOS SKI VALLEY COUNCIL
REQUESTING APPROVAL OF THE DISPOSITION OF ASSETS ACQUIRED BY THE
VILLAGE OF TAOS SKI VALLEY UPON PURCHASING THE TAOS MOUNTAIN
LODGE**

WHEREAS, the Village of Taos Ski Valley owns certain property which the Village cannot utilize in daily operations or items are obsolete; and,

WHEREAS, The Village has specifically identified such property herein; and,

WHEREAS, following the requirements of the New Mexico Department of Finance, it is mandatory to have Council approval by resolution prior to disposal of any assets; and,

WHEREAS, Village staff believes it is in the best interest of the Village to dispose of the obsolete property pursuant to state and village requirements.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Village of Taos Ski Valley Council:

The following items listed below will be donated to a non-profit agency or disposed of at the Taos Landfill:

___ Fireplace units removed from the Taos Mountain Lodge
Fireplace piping units removed from the Taos Mountain Lodge
Old water heaters and boilers that were removed and replaced

NOW, THEREFORE, BE IT FURTHER RESOLVED that the property:

1. Is worn-out, unsafe to use, unusable and or obsolete to the extent that the items are of no economic value to the Village; and
2. Items will be disposed of through donation or disposal at landfill; these items will be taken to the landfill or recycled if not donated to a valid non-profit agency.

PASSED, ADOPTED, AND APPROVED this 15^h day of May 2018.

VOTES: ___ Yes ___ No

MUNCIPAL GOVERNING BOARD OF
VILLAGE OF TAOS SKI VALLEY, NEW MEXICO

Mayor

ATTEST:

Village Clerk

VILLAGE OF TAOS SKI VALLEY
Village Council
Agenda Item

AGENDA ITEM TITLE: Presentation and Request for Support of Village converting to the National Incident-Based Reporting System (NIBRS) replacing Uniform Crime Reporting (UCR) system

DATE: May 15, 2018

PRESENTED BY: Sammy Trujillo, Police Chief

STATUS OF AGENDA ITEM: New Business

CAN THIS ITEM BE RESCHEDULED: Not Recommended

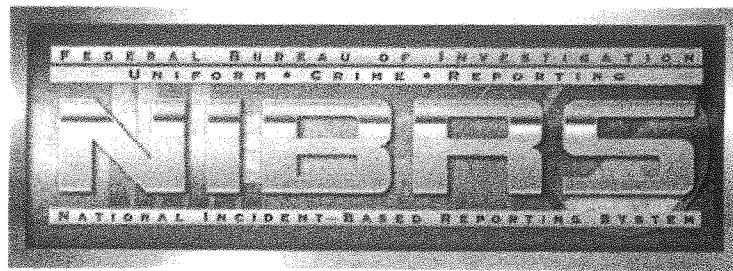
BACKGROUND INFORMATION:

There is nationwide push by law enforcement agencies to move to the National Incident-Based Reporting System (NIBRS). Discussions about this have taken place over the past several months at the Taos County E911 meetings. At present the Village is using Uniform Crime Reporting (UCR) which will not integrate with the NIBRS. The Village will be required to fully convert over to the NIBRS, and this will allow the Village to share information with nationwide law enforcement and FBI. It will likewise allow all other law enforcement agencies and the FBI to share information with the Village when required.

By 2020, there will be a requirement for all law enforcement entities to convert to NIBRS. The Village, along with all the surrounding communities, is taking the initiative to convert sooner rather than later.

Taos County will be fronting the funding to purchase the system and will request reimbursement from the participating entities. Total cost for the system is \$20,648, which will be divided evenly by Taos County, Town of Taos, Questa, Taos Pueblo, and the Village of Taos Ski Valley. Each entity's share will be \$4,129 each. There is a yearly maintenance cost for the system of \$1,834, but this will be part of the Taos County E911 joint budget. As part of the Village's FY2019 budget, there is a line item for NIBRS in the Police fund.

RECOMMENDATION: Staff recommends that Council vote to approve support of the Village converting to the National Incident-Based System (NIBRS).



The National Incident-Based Reporting System, or NIBRS, implemented to improve the overall quality of crime data collected by law enforcement, captures details on each single crime incident—as well as on separate offenses within the same incident—including information on victims, known offenders, relationships between victims and offenders, arrestees, and property involved in the crimes.

Unlike data reported through UCR's traditional Summary System—an aggregate monthly tally of crimes—the NIBRS data goes much deeper because of its ability to provide circumstances and context for crimes. It includes all offenses within a single incident and additional aspects about each event, like location, time of day, and whether the incident was cleared. Ultimately, NIBRS will improve the detail and overall quality of crime data, which will help law enforcement and communities around the country use resources more strategically and effectively.

However, only about a third of all U.S. law enforcement agencies currently participate in NIBRS. Transitioning to the new system can be somewhat costly, and—because of the greater level of reporting specificity in NIBRS—it can initially appear that an agency has higher levels of crime after switching to NIBRS. But because the NIBRS can provide more useful statistics that will promote constructive discussion, measured planning, and informed policing, FBI Director James Comey has made nationwide implementation of the NIBRS a top priority.

The UCR program is actively working to increase NIBRS participation by partnering with the Bureau of Justice Statistics on the National Crime Statistics Exchange, working with advocacy groups to emphasize the importance of NIBRS data for the public and the law enforcement community, and transitioning the UCR program to a NIBRS only data collection by 2021.

The vision for the NIBRS is for it to become the law enforcement community's standard for quantifying crime, further supporting the mission of the FBI UCR Program to generate reliable information for use in law enforcement administration, operation, and management.

Learn more about the transition to NIBRS and the proactive measures two states are taking to prepare for the shift:

Village of Taos Ski Valley
Village Council
Agenda Item

AGENDA ITEM TITLE: Presentation of the POMS & Associates Risk Services Program
and Acknowledgement by Council of Village Participation

DATE: May 15, 2018

PRESENTED BY: Ann Marie Wooldridge, Village Clerk

STATUS OF AGENDA ITEM: New Business

CAN THIS ITEM BE RESCHEDULED: Not Recommended

BACKGROUND INFORMATION:

POMS & Associates Risk Services offers a program titled POMS Connects which provides training and consulting on human resource management, risk management, best practices, safety compliance, and more. Senior members of the company are well-respected experts in these fields and have presented many seminars at New Mexico Municipal League conferences, institutes, and academies. Since Village staff remains extremely busy managing Village projects, this program appears to offer many advantages in assisting with personnel management.

POMS & Associates acts as an insurance broker and is able to provide services at no additional cost to the Village. The fee would be included as a portion of the insurance premium that the Village pays to the New Mexico Self Insurers' Fund for workers compensation, liability, property, and other coverage. The Village would need to send a letter to the New Mexico Self Insurers' Fund in June as official notification of Village of Taos Ski Valley participation in the POMS program.

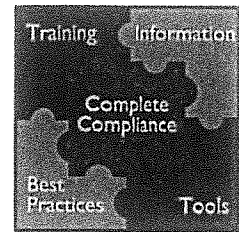
Recommendation:

Staff recommends that Council approve and acknowledge Village participation in the POMS Connects program.

Human Resources Training and Consulting

Human Resources is a particularly volatile area in the workplace, with an almost constant stream of changing rules and regulations. You have your hands full just trying to manage your employees, so keeping up with the details of every new piece of information can be quite the daunting task.

With Poms & Associates as your partner, you benefit from the knowledge and experience of our HR experts who play a very "hands-on" role working with you to resolve your HR issues – we have your back. We keep tabs on new developments so that when you run into a question you don't have an answer for, you can contact us and receive the guidance you need to feel confident that your workplace policies are accurate and up to date. We work with you on potentially risky human resources situations to develop:



1. Strategies and action steps to prevent HR problems from occurring; and
2. Planned responses for risk HR situations that do occur.

Poms & Associates experts work with management and employees on all HR-related issues as needed, for substantially less than providing the same services in-house with a full-time employee. We provide off-site and on-site human resources consulting services in a number of areas, including but not limited to the following:

- Employee Handbooks, Policies and Procedures
- Audit for Employee Exemption Classification and Other Wage & Hour Issues
- Industry-Specific Injury and Illness Prevention
- Employee Benefits & Wellness Programs
- Leadership, Supervisory, and Management Development Training & Coaching
- Internal Investigations
- Human Capital Talent Management and Retention
- Industry-Specific Job Analysis and Job Descriptions
- Compensation & Classification Programs
- Workplace Culture, Communication and Organizational Design
- Work Group Interactions, Team-building
- Legal Compliance – ADA, FMLA, FLSA, etc.
- Audit of HR Department and Core Functions for Legal and Regulatory Compliance
- Audit for Health, Safety, Security and OSHA Compliance
- California Mandated AB1825 Sexual and Other Unlawful Harassment Training
- Hiring, On-Boarding, Termination, Reduction in Force and Suspension of Employees
- Performance Management Disciplinary Actions
- Conflict Management, and Mediation
- Employee Satisfaction and Climate Surveys
- Facilitation and Process Consulting
- Strategic Workforce Planning
- EEO and Affirmative Action Programs
- Best Practices in HR & Organizational Management

Further, as a Poms client, you have a free membership to *Poms Connects*, giving you access to our team of experts who are able to quickly respond with guidance on any critical Human Resources or other risk management issue. Through our *HR-on-Call Service*, our team will be on hand to answer your queries and calls, to give you practical advice and help when you need it.

Through *Poms Connects*, you will have access to training programs or webinars, library materials, and alerts on the latest issues and topics in Human Resource Management, and discounts on other consulting and training services not covered by the Poms Connects membership.

Poms Connects provides you, our clients and members, with access to educational opportunities, technical assistance, and information resources to help meet the challenges you face in today's work environment. *Poms Connects* gives you access to services in key business areas including:

- Human Resource Management
- Employee Benefits
- Safety and Security
- Risk Management & Loss Control
- Organizational Effectiveness
- ...and much more!

Poms Connects will improve and develop the competency and capabilities of managers and organizations in the private, public and nonprofit sectors by sharing knowledge, policies, practices, sample forms and manuals, computer-based training, and myriad other resources with different member professionals and organizations.

POMS CONNECTS PROGRAMS, SERVICES AND PRODUCTS:

Poms Connects focuses on the sharing of vital knowledge as a strategic asset, so that organizations and professionals meet the challenges of increased **growth, productivity, and profitability**. Our programs and services include:

- ✓ Webinars - *cover timely topics and gives you practical knowledge that you can immediately use in the workplace. We deliver dynamic, content-rich sessions that are engaging; they facilitate the learning process by encouraging participants to interact with the presenters.*
- ✓ E-Learning On Demand - *We maintain a catalog of more than 1000 premium quality and interactive e-Learning On Demand courses in subjects ranging from human resources to desktop computer skills, and safety compliance regulations to leadership and communication skills. We will work proactively with you to develop courses and curricula to meet the specific needs of your employees.*
- ✓ Consistent and Industry-Specific E-mail Updates and Bulletins - *we advise organizations about current workplace issues such as employment law developments, management tools and loss control techniques.*
- ✓ Topical Blogs - *discussion of new material, using content experts and site moderators who guarantee quality of content.*
- ✓ Video Tips of the Week - *exclusive video tips on current and important topics in HR, safety, and more.*
- ✓ A Library of Management Reference Materials and Resources - *sample personnel policies, forms, manuals, white papers, research reports, assessment and self-audit tools, etc. which can be reviewed and downloaded for immediate use.*
- ✓ Web Links to Other Resource Sites - *from our partner organizations, government web sites and multiple resources.*

Poms Connects notifies you regarding important information with specifically tailored services and events offered such as:

- ✓ Training Seminars & Workshops (Live and customized for you)— *offering learning opportunities on timely topics, including public seminars and reoccurring events such as "Annual Institutes" with current updates on HR, employment law, legislative changes and updates, etc.*
- ✓ "Best Practices" Research - *scholarly educational expertise involving university faculty and expert practitioners who conduct "best practices" research solutions to workplace problems and challenges.*
- ✓ Publications, and Information Dissemination - *timely information is an essential part of Poms Connects. In addition to research reports, we produce periodic electronic and print newsletters, policy updates and a variety of other archived publications.*
- ✓ Topical Institutes and Conferences - *opportunities to address management "hot button" topics on an in-depth basis, in various formats and locations.*
- ✓ "Ask Poms" - *an invaluable service which allows members and clients to submit questions to our resource experts from diverse business and management disciplines.*

Safety and Compliance Audits / Assessments

Identifying facility, operational, and procedural loss exposures is the first step toward mitigation. Poms & Associates Risk Services can help you to determine whether your organization is fully compliant with regulatory mandates and "best practices" methods.

- Security and Safety Audit
- Human Resource Management Audit
- Annual and Semiannual Facility Audits
- Regulatory Compliance Audits
- Alarms & Areas of Rescue
- Crisis Planning
- Food Service Safety
- Fire Protection
- Workers' Compensation Rates Review Audit
- Review New Buildings – *Audit buildings before you sign a lease!*
- Review Playground Layouts (Help Design Equipment Layout)
- Playground Audits
- Ergonomic Audits
- Gang Recognition

Don't see what you need? Let us know your audit / assessment needs, and we will conduct the audit.

Training Programs

Poms & Associates offers the experience, talent and expertise necessary to develop training packages that address Environmental Safety & Health, and Employment Practices Liability requirements. This experience includes developing material, lesson plans, and presenting classes in areas such as:

- Hazard Communication/ Right-to-Know Law
- Chemical Hygiene and Laboratory Safety
- Bloodborne Pathogens
- Personal Protective Equipment (PPE)
- Ladder Safety
- Introduction to Ergonomics
- Playground Safety
- Electrical Safety
- NFPA Life Safety Code
- Back Safety/Lifting Techniques
- Behavior Management
- Disciplinary Procedures
- Wrongful Termination
- Development of Safety Policies
- OSHA Certification Training
- Housekeeping and Storage Practices
- Accident Investigations
- Drug Free Workplace
- Discrimination
- Sexual Harassment
- Sexual Molestation and Assaults
- ADA and The Rehab Act
- Family & Medical Leave Act (FMLA)
- Fair Labor Standards Act (FLSA)
- Ergonomics
- HIPAA/FERPA
- Gang Recognition
- Drug Physiology
- Reasonable Suspicion
- Leadership Development, Management, and Supervision
- Security/Intruder Assessment
- School Violence
- Workplace Violence
- Cyber/Bullying Prevention
- Active Shooter
- Suicide Prevention 101
- Hazmat Spill Response
- Verbal De-escalation
- Emergency Planning Review
- Emergency Response Review
- Identifying a Predator
- Internet Safety
- Incident Report Writing
- Bomb Threat Response
- Targeted Violence Assessment
- Mental Health Awareness - (Crisis Intervention)

***Don't see what you need? Design your own training topic; or
You pick the topic; we design the training program to suit your need.***

Call the Poms & Associates Albuquerque office to design and schedule your training sessions, today!

Safety, Risk Management and Loss Control

Insuring against loss is smart ...

but preventing losses from ever happening is unquestionably smarter.

Our experienced Risk Control Specialists are noted for their dynamic knowledge of regulations, employment issues, current litigation and liability trends as well as the behavioral aspects of loss control and accident prevention.

Using inventive, participatory consultation techniques, we help our clients protect their organizations from expected and unexpected sources of loss. Poms & Associates Risk Services offers you support in several important Risk Control Service categories:

- **Plan Review and Development** - Whether you are interested in a comprehensive safety policy or specific areas such as disaster preparedness, chemical inventory or fleet safety, we will ensure that you have a program that fits. More importantly, it will be communicated in a way that promotes employee understanding and that can be readily adopted by your management team.
- **Safety and Compliance Audits** - Identifying facility and procedural loss exposures is the first step toward mitigation. With a focus on Environmental Health & Safety issues, our consultants observe clients' premises and processes to determine whether they're fully compliant with regulatory mandates and "best practices" methods. We assist in setting priorities to optimize your short and long range strategies. And while we're taking a close look, we're also noting the things you're doing well.
- **Training Programs** - Another indispensable tool in an effective risk control program is the training provided to your managers and employees. We offer customized, memorable and effective training programs covering specific industries and issues. Our concise and enjoyable format encourages the retention and use of the information conveyed.

Poms & Associates Risk Services offers comprehensive experience in developing plans and managing activities associated with, but not limited to:

- Safety Program Development
- Property & Liability Programs
- Ergonomics & Work Process Assessment
- Safety Engineering and Management
- Workplace Violence: Threat Assessment
- Accident Prevention
- OSHA 500 Construction
- OSHA 501 General Industry
- NSC Defensive Driving
- Workers' Compensation
- Playground Design & Safety
- Americans with Disabilities Act
- Job Hazard Analysis (JHA)
- Security Officer Procedures
- Employment Practices Liability
 - ✓ Sexual Harassment
 - ✓ Civil Rights
 - ✓ Employee Training
 - ✓ Workplace Violence

The result? Your workplace is a safer, more risk-savvy place.

Village of Taos Ski Valley
Village Council
Agenda Item

AGENDA ITEM TITLE: Presentation and Information Regarding the 2018 Wildland Urban Fire Summit in Santa Fe

DATE: May 15, 2018

PRESENTED BY: Kathy Bennett and Sheila Duffy

STATUS OF AGENDA ITEM: New Business

CAN THIS ITEM BE RESCHEDULED: Not Recommended, due to current fire danger

BACKGROUND INFORMATION:

Kathy Bennett and Sheila Duffy attended the 2018 Wildland Urban Fire Summit held in Santa Fe April 10 – 12, 2018. April 11, 2018 was an all-day field trip by bus to the Santa Fe watershed. This presentation will include pictures of the watershed and methods that Santa Fe is using to protect the watershed including the installation of around the clock security guards, as this watershed has been closed to the public since 1932. The presentation will include details on Santa Fe's management program involving education and outreach to its citizens, as well as information about what could be done in the Village to prepare for smoke in the event of a wildland fire.

RECOMMENDATION:

This presentation is informational only. The Village should continue to educate residents, businesses, and visitors about firewise defensible space, and should be aggressive about it. Protection of the water system is essential. Whether a water system is above ground, or below ground like the Village infiltration gallery, it needs to be protected. The presentation will be shared with the Source Water Protection Plan Committee and hopefully the Committee will be able to use the information in a positive manner.