



VILLAGE COUNCIL REGULAR MEETING AGENDA
EDELWEISS LODGE CLUB ROOM
106 SUTTON PLACE
TAOS SKI VALLEY, NEW MEXICO
TUESDAY, NOVEMBER 13, 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 OCTOBER 9, 2018 VILLAGE COUNCIL REGULAR MEETING and the VILLAGE COUNCIL NOVEMBER 6, 2018 SPECIAL COUNCIL MEETING
5. CITIZEN'S FORUM – Limit to 5 minutes per person (please sign in)
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
 - A. Consideration to Appoint Jalmar Bowden as Building Official for the Village of Taos Ski Valley
10. STAFF REPORTS
11. OLD BUSINESS
 - A. **PUBLIC HEARING:** Consideration to Approve Resolution No. 2019-371 A Resolution to Join the North Central Regional Transit District as a Voting Member of the District and Participate in the Affairs of the District
12. NEW BUSINESS
 - A. Council Acknowledgement of the FY2019 1st Quarter Financial data submitted to the Department of Finance Local Government Division on October 30, 2018
 - B. Consideration to Approve Landseer Management as Property Management Company to Manage Rental of Village Apartments and Authorization for the Village Administrator to Negotiate Terms of the Contract
 - C. Consideration to Approve SageGIS, LLC as the Village GIS Services Firm and to Authorize the Village Administrator to Negotiate Terms and Initiate the Contract
13. MISCELLANEOUS
14. ANNOUNCEMENT OF THE DATE, TIME & PLACE OF THE NEXT MEETING OF THE VILLAGE COUNCIL
15. ADJOURNMENT



Village of Taos Ski Valley
 PO Box 100, 7 Firehouse Road, Taos Ski Valley, NM 87525
 (575) 776-8220 (575) 776-1145 Fax
 E-mail: vtsv@vtsv.org Website: www.vtsv.org
Mayor: Christof Brownell
Council: Jeff Kern, Roger C. Pattison,
 J. Christopher Stagg, Thomas Wittman
Administrator: Mark G. Fratrack,
Clerk: Ann M. Wooldridge, CMC
Finance Director: Nancy Grabowski

NOTICE OF MEETINGS

NOTICE IS HEREBY GIVEN of the following meetings of the Village of Taos Ski Valley, New Mexico and the dates, times and locations of the meetings:

MEETING	DATE & TIME	LOCATION
PUBLIC SAFETY COMMITTEE	Monday, November 5, 2018 10:00 a.m.	Martini Tree TSV Resort Center
FIREWISE COMMUNITY BOARD	Monday, November 5, 2018 11:00 a.m.	Martini Tree TSV Resort Center
PLANNING & ZONING REGULAR MEETING <i>PUBLIC HEARING: Consideration to Approve Application for Conditional Use for Wireless Communication Tower Installation near the Fraser Mine Outcropping on the Northside Property in the Village of Taos Ski Valley, by Pattison Trust, LLC</i>	Monday November 5, 2018 1:00 p.m.	Edelweiss Lodge Club Room
VILLAGE COUNCIL SPECIAL MEETING <i>Utility Rates Discussion</i>	Tuesday November 6, 2018 9:30 a.m.	Edelweiss Lodge Club Room
VILLAGE COUNCIL REGULAR MEETING <i>PUBLIC HEARING FOR CONSIDERATION TO JOIN THE NORTH CENTRAL REGIONAL TRANSPORTATION DISTRICT AND TO ADOPT RESOLUTION NO. 2019-371 A RESOLUTION TO JOIN THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT AS A VOTING MEMBER OF THE DISTRICT AND PARTICIPATE IN THE AFFAIRS OF THE DISTRICT</i>	Tuesday November 13, 2018 2:00 p.m.	Edelweiss Lodge Club Room
TIDD BOARD WORKSHOP Discussion of the Village's TIDD Project Priorities	Wednesday, November 14, 2018 10:00 a.m.	Edelweiss Lodge Club Room
TIDD BOARD REGULAR MEETING	Wednesday, November 14, 2018 1:00 p.m.	Edelweiss Lodge Club Room
TAOS SKI VALLEY CHAMBER OF COMMERCE MEETING TSVI Updates on Taos Air and Winter Resort Activities	Wednesday, November 14, 2018 5:15 – 6:00 p.m.	Edelweiss Lodge Club Room
PARKS & RECREATION COMMITTEE	Thursday November 29, 2018 3:00 p.m.	Edelweiss Lodge
LODGER'S TAX COMMITTEE	TBA	Snakedance Condominiums

These meetings will be public meetings to consider various items of business. A copy of the agenda for each meeting will be available for inspection 72 hours prior to the meeting. Persons wishing to comment on items listed on the proposed agendas may submit written comments to the Village offices on or before 5:00 p.m. on the day prior to the meeting. Persons with disabilities may request accommodations no later than 5:00 P.M. on the day prior to the meeting. This notice shall be posted at the Village Office, Box Canyon, Village Message Board in the TSV Chamber of Commerce and three other public places within the municipality as provided by Section 3-1-2 NMSA 1978. /s/ Ann M. Wooldridge, Village Clerk, posted October 15, 2018, amended October 30, 2018, November 7, 2018.



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**VILLAGE COUNCIL REGULAR MEETING
DRAFT MINUTES
EDELWEISS LODGE CLUB ROOM
106 SUTTON PLACE
TAOS SKI VALLEY, NEW MEXICO
TUESDAY, OCTOBER 9, 2018, 2:00 P.M.**

1. CALL TO ORDER & NOTICE OF MEETING

The regular meeting of the Village of Taos Ski Valley Council was called to order by Mayor Brownell at 2:00 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

Staff present:

Village Administrator Mark Fratrack
Village Clerk Ann Wooldridge
Finance Director Nancy Grabowski
Police Chief Sam Trujillo
Community Development Director Patrick Nicholson
Building Official Rich Willson
Building Inspector Jalmar Bowden
Administrative Assistant Christina Wilder
Village Attorney Dennis Romero

3. APPROVAL OF THE AGENDA

MOTION: To approve the agenda as presented

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

**4. APPROVAL OF THE MINUTES OF THE SEPTEMBER 11, 2018 VILLAGE COUNCIL
REGULAR MEETING**

MOTION: To approve the minutes as presented

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

5. CITIZENS' FORUM – Limit to 5 minutes per person (please sign in)

A. Homeowner Kathy Bennett asked the Council to address the fact that the Village medical transport vehicle is currently parked outside with no supplies except the gurney. She said that she had learned that two vehicles would now be required to be sent to a medical emergency call, as the medical supplies are now being stored in the new fire truck, which is parked in the garage where the transport vehicle was previously parked. Ms. Bennett also pointed out that it would be extremely difficult to clear snow from a vehicle parked outside in an emergency; it should be ready to go, cleared of snow, and warm.

Ms. Bennett also asked the Council to consider hiring two full-time, year-round, paid EMTs, who could possibly be lodged at the new Village Hall in Amizette.

B. David Norden, TSVI CEO, reported that TSVI has been working diligently on bringing air service to Taos, and that they will hopefully announce on Thursday the opening of Taos Air. This air service will operate similarly to a charter air service, between Dallas and Taos and between Austin and Taos. Flights would most likely occur on Thursdays, Saturdays, and Sundays, from December 20, 2018 until March 31, 2019. Round trip cost would be \$400. Mr. Norden explained that TSVI has the airplane and will be providing marketing services. Ultimate Jet would be the operator, providing the pilots and maintenance.

Mr. Norden also explained that TSVI is making huge strides forward in eliminating the use of plastic, by the corporation and by its visitors. TSVI will no longer sell plastic bottles of water. Mr. Norden asked that other establishments in the Village of Taos Ski Valley join in this effort, such as the hotels, and the Village. He asked that perhaps an ordinance requiring regulations on use of plastic could be considered. Councilor Stagg noted that it is a difficult issue, as the recycle center cannot generate any money on plastics, and also because the plastics must be rinsed and dried in order to be recycled.

C. Councilor Pattison announced that his uncle, Buell Pattison, had passed away that morning. The Council expressed its condolences. Services will be announced at a later time.

7. FINANCIAL REPORTS

Finance Director Grabowski reported that GRT remitted to the Village in September was \$80,877 compared to \$56,630 for September last year. Year-to-date GRT total is \$178,940 versus \$137,197 for last year. The TIDD received \$48,274 in GRT in September for July collections. Hold Harmless GRT for the month was \$11,319. Lodger's tax collections in September were \$15,936 versus \$11,226 for last year. Year-to-date total is \$42,420 for this year, compared to \$51,650 for last year.

Village Staff continues to work with Tyler Technologies concerning implementing a workable accounting system for the Village.

In Human Resources, searches are being conducted for the Village Administrator position, as well as for the Public Works Director position and another Public Works experienced operator. In the absence of a Public Works Director, Planner Patrick Nicholson will serve as interim Director. A new Public Works Superintendent has been hired, Anthony Martinez, who has the double level four certifications required to take on the running the wastewater treatment plant. Superintendent Mingo will move to other operations, including roads.

Building Inspector Bowden successfully passed the tests for certification as the Village Building Official. Congratulations to Inspector Bowden!

8. COMMITTEE REPORTS

A. **Planning and Zoning Commission** –Commission Chair Wittman reported on the October 1, 2018 P&Z meeting. Agenda items included:

- A Public Hearing for a conditional use permit application to install and operate a ropes course adventure tour on Tract L around the Pioneer Glade Ski Run Area, by TSV Inc. The course would be built in April 2019 and would be open for both summer and winter seasons. At the Public Hearing, five people spoke in favor and no one spoke against. The application was approved unanimously with a vote of 6-0.
- A presentation of a Subdivision Sketch Plat for Lots 1 & 2 of Block 2 and Block 4 of the Kachina Village Subdivision, by The Resort at Taos Ski Valley, LLC. Brain Rupp, with the Shopoff Group, explained that applications would need to be made for re-zoning of the area, which would require a public hearing. Work could potentially begin in 18-24 months.

The proposal includes two boutique luxury hotels and approximately 60 villas with resort access. The hotels will incorporate retail, food and beverage, and pool/spa amenities. Mr. Rupp said that the overall goal is to provide a sensitive development that unifies natural resource protection, trail access and recreation, while maintaining approximately 75% of the forested land as permanent open space.

The public expressed concern with traffic to the Kachina area.

The next P&Z meeting will be held November 5, 2018 at 1:00 p.m. at the Edelweiss Lodge Club Room.

B. **Public Safety Committee** –Committee Chair Pattison reported that the Committee met on October 1, 2018. Agenda items included:

- Chief Trujillo continues his search for cost-effective but accurate cameras for the Village entrance road.
- The Fire Substation relocation is progressing forward with the footers installed and the concrete pad to be poured in the next week. Relocation of the building will occur soon afterwards.

- The Committee recommends the hiring of paid EMTs, perhaps living at the new Village Hall. They recommend trying part-time employees at the beginning. Councilor Pattison said that they are asking Staff to investigate possible sources of funding for this.
- The Committee recommends that the emergency transport vehicle be supplied with the necessary items.
- The Committee is working on a test of the Text Alert system.

The Committee will meet again on November 5, 2018 at 10:00 a.m. at the Martini Tree in the TSV Resort Center.

C. Firewise Community Board of Directors – Committee Chair Pattison reported that the Committee met on October 1, 2018. Agenda items included:

- A presentation about the Ruidoso ordinance which requires that property owners perform Firewise thinning maintenance. Penalties for non-compliance include fines, liens, and foreclosure. Attorney Romero will consider a draft ordinance for the Village of Taos Ski Valley. He spoke with the Ruidoso attorney as well as the Ruidoso Fire Marshall. Various aspects would need to be modified for Taos Ski Valley terrain and vegetation. Homeowner Mike Fitzpatrick commented that it is most important to save lives before property and that the evacuation plan was the most important item to consider. He also noted that it is problematic to consider Firewise thinning, as the Village is surrounded by U.S. Forest Service forests as well as Bureau of Land Management forests.
- Councilor Pattison noted that slash must currently be taken to the landfill.
- The Board is making it a priority to get electric lines buried underground.

The Board will meet again on November 5, 2018 at 11:00 a.m. at the Martini Tree in the TSV Resort Center.

D. Parks & Recreation Committee – Mayor Brownell reported that the Committee was completing its work on the JR Trail, that the Kachina Vista Park were nearing completion, and that large logs would be installed for Kachina Vista Park benches.

E. Lodgers' Tax Advisory Board – there was no report

9. REGIONAL REPORTS

A. Update on Taos Airport

Councilor Stagg said that Mr. Norden had described the service in the Citizen's Forum item. They are waiting for Department of Transportation approval before commencing advertising.

Mayor Brownell reported that the Landfill Board hired a drone to film the landfill. He said that only 7% of trash is recycled. There was discussion of allowing other municipalities to take trash to the Taos Landfill for a fee, in order to support funding for the recycling program.

At the IGC, once the JPA is approved by all parties, the Enchanted Circle Trails Association will continue ahead with progress towards plans for bicycle trail enhancement from KTAO to Arroyo Seco, from Bull-of-the-Woods to Red River, and the widening of the highway shoulder on State Road 150 up to the Village of Taos Ski Valley.

10. MAYOR'S REPORT

The Mayor's items are discussed in various other parts of the meeting.

11. STAFF REPORTS

Administrator Fratrack reported on ongoing projects:

- Townsite Act – The Village has received the Quitclaim Deed and Purchase & Sale Agreement for the Mayor's signature. The U.S. Forest Service would like to close on the transfer of the property at the end of October.
- Current RFPs in process:
 - a. Legal Services: 4 proposals will be considered for interviews on October 17, 2018.
 - b. Property Management RFP: the RFP will be re-advertised.
 - c. Civil Engineering RFP: this item will be considered for approval later at this meeting
- Village Hall – Excavation is in full motion. Additional block is arriving for the remaining retaining walls. Building Official Willson presented an update.
- Kachina Water Tank – RMC will be finishing up trenching and lines and will be demobilizing the week of Oct 22, 2018.

- Fire Substation Relocation Project – The contractor is arranging for pouring the concrete. The building will soon thereafter be relocated.
- WWTP – Patrick O'Brien reported that one item increasing costs is the requirement to use only U.S.-made steel, which they are investigating further. FEI Engineers will meet with the USDA to insure that all requirements are being met and that there are no surprises further down the road. The plan is to advertise for a contractor in January, with bids submitted in February. An award could be made in March, with mobilization occurring in May. The hope is to have the new treatment plant completion in December 2019.

Administrator Fratrack reported that the final financing draw previously scheduled for October 2018 was delayed until April 2019. Concerning water and sewer rates, FY 2018 rates are in place as the FY 2019 rates were not approved by Council.

Councilor Stagg encouraged holding a rates workshop to continue discussion of water and sewer rates. He suggested that a better rates structure could be implemented that is more stable to meet the needs of the treatment plant budget, but that also reflects water-saving measures.

- Ernie Blake Road – The closing on the Sierra del Sol property has been finalized.
- Natural Gas Line – NM Gas Co. has completed all its work on the gas lines. TSVI will complete the gas line for Ernie Blake Road and might initiate the Thunderbird Road line and culvert crossing.
- Kachina Pump Station – This will be a project for FY2020. Timing wise, it will not be completed until spring or late summer 2020. Staff will pursue Drinking Water State Revolving Fund money in the amount of \$300,000.
- Legal Work/Discussions: Previously ten items, now down to four: 1. Townsite Act/WWTP TSVI's Easement request (on hold); 2. Property Management RFP (re-advertise); 3. Alpine Village Cabin Easement (underway); 4. Civil Engineering RFP (completed).
- **Department Briefs**
- Chief Trujillo reported on recent activity: Residential Alarms (5), Business Alarms (0), Suspicious Persons/Vehicles (3), Citizen Assists (73), Embezzlement (1), Traffic Enforcement Hours (81), Traffic Stops (16), Theft (0), Vehicle Theft (0), Larceny (3), Property Damage (1), Verbal Warnings (20), Written Warnings (14), Parking Citations (2), Written Citations (4), Assists to other Agencies (9), Foot Patrol Hours (47), Welfare Check (3), Animal calls (5), MVCs (2), B&E (0), Trespass Warnings (0), Found Property (1), Fire Calls (3), EMS Calls (2), SAR Hours (1). Chief Trujillo said that the officers are now using new software which is available from their vehicles.
- Community Development Director and Interim Public Works Director Nicholson announced the addition of a highly qualified Public Works Operator. Dust Abatement is occurring on weekends. Drop-inlet collars are being installed. The push for placement of underground electric lines will take place next spring/summer. In the Planning Department, the Source Water Plan Committee is continuing its work on a draft plan, which is near a draft completion. An evaluation of the Gunsite Spring has begun. An RFP for GIS services is underway, with a contract to be considered for approval at the next Council meeting. A Kachina Master Plan Open House took place on Saturday, September 22, 2018, with approximately 45 attendees. The Kachina Maser Plan Committee meets once a month and hopes to make significant progress in the next couple of months.

12. OLD BUSINESS

13. NEW BUSINESS

A. Consideration to Approve **Resolution No. 2019-372** Finding the Property at 20 Zap's Road to be Ruined, Damaged, and Dilapidated and Directing Staff to Take Further Corrective Actions

Director Nicholson explained that the present and long-standing condition of the property and structures at 20 Zap's Road is a public nuisance and presents a threat to the public's health, safety, and welfare. Staff seeks to take a proactive approach to address and remedy the situation. The current property owner has been notified via letter by the Village Attorney of the intent of the Village to take corrective action.

MOTION: To Approve Resolution No. 2019-372 Finding the Property at 20 Zap's Road to be Ruined, Damaged, and Dilapidated and Directing Staff to Take Further Corrective Actions

Motion: Councilor Wittman Second: Councilor Kern

Discussion took place and Attorney Romero said that he had spoken with Mr. Vigil and explained the process. The Village is considering hiring a contractor, the costs of which would be billed to the owner, with a lien then placed on the property for the dollar amount. The Village could foreclose on the lien. Or, Attorney Romero could obtain a court order requiring that the owner proceed with the work. Mr. Vigil said that he would like to keep some of the buildings to use for storage.

Members of the Council said that there could be an environmental hazard exposure for anyone entering the property. In addition, the property is an eyesore to the neighborhood. Building Inspector Bowden explained that dangerous conditions exist on the property, with trees having fallen on the propane tank, a basement open to the sky, multiple piles of firewood, and many dead trees.

The Mayor called for a vote.

Passed: 4-0

B. Consideration to Approve Resolution No. 2019-373, A Resolution Approving the Disposal of Assets from the Previous Taos Mountain Lodge Property Office/ Manager's Quarters, the Village of Taos Ski Valley New Village Hall
The Village purchased the Taos Mountain Lodge, and as part of the purchase, various items were acquired in the main office / manager's quarters. These items have been stored in some of the apartments but will not be of use to the Village. Staff is requesting that these items be removed from the Taos Mountain Lodge and disposed of through a garage sale, consignment, donation, or disposal at the landfill. The list of items includes sofas, pictures, chairs, and tables. The New Mexico Department of Finance (NMDFA) requires that Council approve any disposal of assets prior to their sale or disposal.

MOTION: To Approve Resolution No. 2019-373, A Resolution Approving the Disposal of Assets from the Previous Taos Mountain Lodge Property Office/ Manager's Quarters, the Village of Taos Ski Valley New Village Hall

Motion: Councilor Staggs

Second: Councilor Wittman

Passed: 4-0

C. Consideration to Approve Resolution No. 2019-374 A Resolution to Dispose of Capital Assets Consisting of Three (3) Military Vehicles Owned by the Village of Taos Ski Valley

In fiscal year 2016 the Village acquired three military vehicles from military surplus, with estimated values: a 1997 Stewart Stevenson #M10 Truck, \$12,000, a 1997 Stewart Stevenson #M10 Truck, \$12,000, and a 1986 AM General #M93 Truck, \$19,000. The only cost to the Village was the transportation to get the vehicles to Taos Ski Valley. There had been a perceived need for them and an anticipated usage, but none of the vehicles have been utilized. Staff is requesting to put the vehicles on state surplus for sale to outside parties and to remove them from the capital assets listing.

MOTION: To Approve Resolution No. 2019-374 A Resolution to Dispose of Capital Assets Consisting of Three (3) Military Vehicles Owned by the Village of Taos Ski Valley

Motion: Councilor Kern

Second: Councilor Pattison

Passed: 4-0

D. Consideration to Approve the On-Call Civil Engineering Services

The Village went out for an RFP and advertised for "On-Call" Professional Consulting Services and basic Engineering Services to include Civil, Electrical, Mechanical, Structural and Surveying. Three submittals were received for civil engineering (Atencio Engineering, Chavez-Grievies, and Souder Miller) and one for surveying (Red Tail). Staff will open up an "on-call" tasking with one, some, or all of the firms depending on the need, and which firm is best suited for a particular project. The "on-call" tasking will be less than \$25,000 annually for any one firm.

MOTION: To Approve of On-Call Civil Engineering Services

Motion: Councilor Wittman

Second: Councilor Kern

Passed: 4-0

E. Approval for the Mayor to sign the Quitclaim Deed and Purchase & Sale Agreement for Forest Service Townsite Act Land Conveyance, and Authorization for the Mayor to Negotiate an Agreement with TSVI Regarding its Special Use Permit (SUP)

The Forest Service (FS) has sent the Quitclaim Deed and Purchase & Sale Agreement to the Village for final approval and signature, for the Wastewater Treatment Plant property. The FS has requested that the Village set up a closing date near the end of October to close on the property and to finalize the conveyance process.

The FS reserved a 33-foot wide easement for its own use and purposes through the property. TSVI claims various rights under its Special Use Permit with the FS, and would like to preserve those rights and have priority of use over the property. Village staff has made it known that they are willing to work with TSVI on an MOU that would recognize some rights, but does not see the benefit to the Village to grant an easement as part of any agreement. TSVI has made it known that they feel an MOU is not substantial enough and are insisting on an easement as part of any agreement.

Village staff has contacted the FS to set up a meeting with the FS Superintendent to discuss the FS's interpretation of this issue, and TSVI said that they will now also try to coordinate a joint meeting with the FS. TSVI requested that the meeting take place prior to the Mayor signing the documents and the Village closing on the property.

Administrator Fratrack said that Staff is willing to meet and discuss this issue with the FS and TSVI, but would prefer not to delay the process. Staff requests that the Mayor be authorized and approved to sign the documents to move the process forward at the appropriate time, and try to meet the FS requested closing by the end of the month.

MOTION: To Approve the Mayor signing the Quitclaim Deed and Purchase & Sale Agreement for Forest Service Townsite Act Land Conveyance, and Authorization for the Mayor to Negotiate an Agreement with TSVI Regarding its Special Use Permit (SUP)

Motion: Councilor Kern

Second: Councilor Pattison

TSVI President David Norden thanked Administrator Fratrack for portraying the discussions accurately and said that TSVI would like to work collectively for a suitable outcome. He said that a proposed easement has been presented to the Village. Mr. Norden said that he understands that an MOU is not permanently binding on a piece of property. He said that TSVI needs the easement in order to park cars during the busiest times of ski season, and possibly to store cattle cars. Mayor Brownell said that the Village would allow overflow parking but that the Village does not want to give up its rights on the property. He said that eventually the Village will need more space for equipment or possibly parking bays for fire trucks.

More discussion took place concerning historic use of the property versus future use of the property, as well the overlapping rights of TSVI's Special Use Permit, the rights of the Village to operate the Treatment Plant, and the rights associated with the Townsite Act.

The Mayor called for a vote.

Passed: 4-0

14. MISCELLANEOUS

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

The next regular meeting of the Council will take place on Tuesday, November 13, 2018 at 2:00 p.m. at the Edelweiss Lodge Club Room.

16. ADJOURNMENT

MOTION: To Adjourn

Motion: Councilor Wittman

Second: Councilor Stagg

Passed: 4-0

The meeting adjourned at 4:20 p.m.

ATTEST: _____

Christof Brownell, Mayor

Ann M. Wooldridge, Village Clerk



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**VILLAGE COUNCIL SPECIAL MEETING
DRAFT MINUTES
EDELWEISS LODGE CLUB ROOM
106 SUTTON PLACE
TAOS SKI VALLEY, NEW MEXICO
TUESDAY, NOVEMBER 6, 2018 9:30 A.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 9:30 a.m. The notice of the special 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
Finance Director Nancy Grabowski
Police Chief Sam Trujillo
Administrative Assistant Renee Romero

3. APPROVAL OF THE AGENDA

MOTION: To approve the agenda

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

4. NEW BUSINESS

A. Consideration to Approve the Appointment of Mr. John Avila as Village Administrator

The current Village Administrator, Mark G. Fratrack, gave his official notice of retirement to the Mayor and Village Council on July 27, 2018 at a closed session of a Special Council meeting. Administrator Fratrack will officially retire on December 28, 2018. Once the announcement was made, an eight-member committee was organized to search for a replacement, consisting of the Mayor, a Council member, and several staff and residents-at-large. The position was advertised in a variety of newspapers and web sites, with approximately 25 applications being submitted. The committee evaluated the applications and determined the most qualified applicants to interview. After several days of interviews and reference checks, the committee determined the applicant that was the best choice, Mr. John Avila. Mr. Avila served as City Manager/Village Administrator for the Village of Corrales for nine years, and prior to that was the City Manager/Village Administrator for the City of Las Vegas for three years. He has many years of experience in municipal administration and will be an asset to the Village of Taos Ski Valley. Mr. Avila has accepted the position and would officially begin serving the Village on December 1, 2018.

MOTION: To Approve the Appointment of Mr. John Avila as Village Administrator

Motion: Councilor Kern Second: Councilor Wittman

Discussion took place on the selection process.

The Mayor called for a vote.

Passed: 4-0

5. OLD BUSINESS

A. Discussion of Water and Sewer Utility Rates

At the August 2018 Village of Taos Ski Valley Council meeting, the Council did not adopt the proposed increase in Water/Sewer rates that Staff presented as part of the final FY2019 Final Budget. Since the new rates were not adopted, the FY2018 rates remained in effect. However, Council indicated that they wanted Staff to come back with alternative rates and possibly have a work/study session to discuss the rates and possible alternative rate structures.

Previous Mayor Neal King, who has been very involved in developing various rate calculation tables and rate structure methods, presented a set of goals in setting water /sewer rates. These goals included that rates should cover the cost of operating the plant with a modest amount for reserves, that rates should not favor any subset of the community, that rates should reward people who seek to conserve, and increase if they add rooms or change rental usage, that the fixed rate should be kept as stable as possible, and that the fixed rate should account for variable snow years.

Councilor Stagg recommended that the fixed rate be stable and not go up and down with good or bad snow seasons. He noted that the challenge is to decide what is to be done right now, as well as to decide what should be done at budget time about looking at various rate structures in-depth and making a plan going forward. Councilor Stagg suggested having a rates workshop near budget time, but not at the budget workshop. Mayor King had presented six different alternatives for possible rate methods, and Councilor Stagg thought that all six alternatives had been tried by the Village in the past.

The current method uses the previous fiscal year's usage, by property, averages the usage out over the year, and makes a designation of number of EQRs based on 1,500 gallons per EQR. In the last fiscal year, July 1, 2017, to June 30, 2018, there was a drop in water usage so the overall number of EQRs decreased, which would have impacted the revenue to run the Village water and sewer services for the community. A small percentage increase was suggested, but a larger increase would have most likely have been needed to maintain sufficient revenues. The Village's General Fund, however, has not subsidized the Water and Sewer Enterprise Funds for at least the last three years, Finance Director Grabowski reported. Director Grabowski also said that adequate sewer revenues will be needed in order to service the current bonds and then the USDA loan, all of which are for the new treatment plant. She also reported that the \$350,000 Clean Water State Revolving Fund loan of \$350,000 requires payments from the Sewer Enterprise Fund. If there were to be an ending balance in the Water or Sewer Enterprise Funds funds at fiscal year-end, the balance would be carried forward to the next fiscal year.

It was recommended that a system for annual rate setting should reward plumbing changes which conserve water, but not fluctuate simply for low usage in an unusual year. If an addition were added to a building, the EQRs should be modified. Also, a system which would result in EQRs increasing rapidly, based on increases of usage or size of a building, but decrease slowly for less disruption to the Village revenue stream, would be desirable.

Other comments included concern about the Village's water sources, which are being studied. As the ski valley grows, there should be more usage year-round. A rates workshop will be held in early spring, before the budget workshop.

6. MISCELLANEOUS

A. Mayor Brownell announced that Christy Sports had purchased Cottam Ski Shops.

B. Homeowner Mike Fitzpatrick suggested that the Village use a system of fixed charges for water and sewer rates which would cover the fixed costs of running the plant, similar to what Kit Carson Electric does. Even when there is no usage, or a building is completely solar-powered, there is a fixed charge.

C. Councilor Pattison asked about the timeline for extending a sewer line to Amizette and whether a cost-benefit analysis has been conducted on costs versus revenues from potential customers. The Village's new Town Hall property in Amizette has been granted a variance by the NMED for holding tanks. The variance is allows another eight years, at which time the sewer line would most likely be extended. Discussion followed concerning a septic systems in Amizette.

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, November 13, 2018 at 2:00 p.m.
at the Edelweiss Lodge Club Room.

6. **ADJOURNMENT**

MOTION: To Adjourn

Motion: Councilor Stagg

Second: Councilor Wittman

Passed: 4-0

The meeting was adjourned at 10:30 a.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 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	\$363,786.69	\$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	\$68,130.86	\$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	\$243,419.70	\$35,925.42
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	\$1,522,794.24	\$1,558,719.66
FY2019	\$54,483.94	\$55,106.22	\$86,640.50	\$136,554.40								
YTD	\$54,483.94	\$109,590.16	\$196,230.66	\$332,785.06								

Current month GRT collections reflects money generated 2 months prior.

* NOTE: Feb 2007-Sept. 2012: Includes NMFA loan pay deduction- Note starts again Aug 2016

Lodger's Tax

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

LODGERS' TAX

	July	August	September	October	November	December	January	February	March	April	May	June
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	\$1,667.88	\$3,332.25
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	\$346,186.93	\$349,519.18
FY2019	\$8,692.23	\$17,791.85	\$15,936.00	\$15,977.48								
YTD	\$8,692.23	\$26,484.08	\$42,420.08	\$58,397.56								

Current month LT 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 \$10,172 in Late LT for FY2016
 July FY2018 includes \$17,455 Late lodgers tax For FY2017

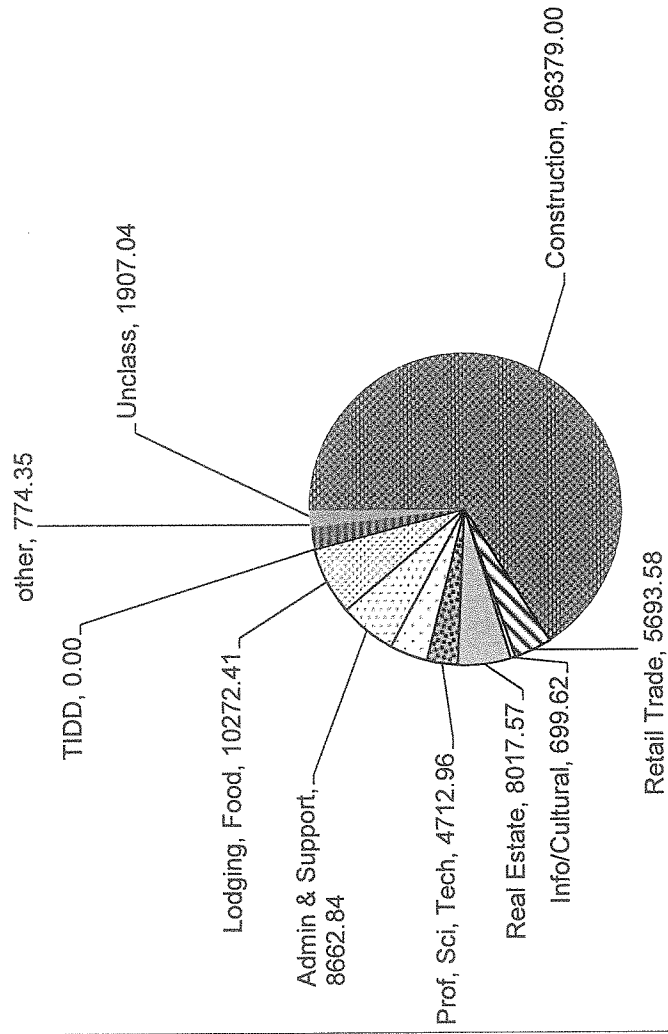
FY2019 TIDD GRT Distribution

Date	VTSV Increment	State Increment	Admin Fees	Total TIDD	NMFA Offset	Hold Harmless GRT	VTSV Cash Received/with HH GRT (NOT offset) minus NMFA
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
5/17/2018	59,594.75	47,132.00	(920.55)	105,806.20	5,763.47	28,367.80	243,419.70
6/15/2018	5,916.19	4,678.97	(91.38)	10,503.78	5,763.47	4,685.39	35,925.42
TOTAL FY18	110,000.71	86,851.34	(1,697.89)	195,154.16	69,161.64	156,529.54	1,501,084.96
7/18/2018	3,989.99	3,155.58	(61.63)	7,083.94	5,763.47	5,821.77	48,720.47
8/15/2018	18,157.01	14,359.92	(280.46)	32,236.47	5,763.47	7,322.71	49,342.75
9/15/2018	27,190.23	21,504.06	(420.00)	48,274.29	5,763.47	11,319.09	80,877.03
10/15/2018	-	-	-	-	5,763.47	13,722.09	130,790.93
TOTAL FY19	49,337.23	39,019.56	(762.09)	87,594.70	23,053.88	38,185.66	309,731.18
TOTAL FY16, FY17, FY18 & FY19	2,239,911.67	1,755,582.74	(34,726.13)	3,960,768.28	171,312.39	194,715.20	4,249,459.52

Village Baseline

Month GRT is Generated	Month GRT is Reported to State	Month GRT is 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	Total	Total	2,349,811.54	1,275,028.17	1,074,783.36

Village of Taos Ski Valley Gross Receipts Distribution October 2018



Construction	Retail Trade	Info/Cultural
Real Estate	Prof, Sci, Tech	NMFA Intercept
Admin & Support	Lodging, Food	TIDD
admin fee	other	Unclass

VILLAGE OF TAOS SKI VALLEY

Profit & Loss Prev Year Comparison

July through October 2018

Ordinary Income/Expense	Jul - Oct 18	Jul - Oct 17	\$ Change	% Change
Income				
4012 · REVENUE -Water Sales	91,361.27	235,405.21	-144,043.94	-61.2%
4013 · Revenue - Sewer	183,681.43	0.00	183,681.43	100.0%
4019 · Hold Harmless GRT Revenue	38,185.66	13,712.72	24,472.94	178.5%
4020 · REVENUE - GRT MUNICIPAL	134,015.84	90,446.50	43,569.34	48.2%
4021 · REVENUE - GRT- STATE	111,196.77	75,054.85	36,141.92	48.2%
4022 · REVENUE - GRT - ENVIRONMENT	5,487.19	3,703.99	1,783.20	48.1%
4023 · REVENUE - GRT - INFRASTRUCTURE	21,949.80	14,816.74	7,133.06	48.1%
4026 · REVENUE - BUSINESS LICENSE	585.00	0.00	585.00	100.0%
4027 · REVENUE - OTHER	12,288.78	42,759.15	-30,470.37	-71.3%
4028 · REVENUE - GASOLINE TAX	1,806.43	1,668.00	138.43	8.3%
4029 · REVENUE - LODGER'S TAX	58,397.65	60,609.76	-2,212.11	-3.7%
4031 · REVENUE - PARKING FINES	110.00	1,000.00	-890.00	-89.0%
4034 · REVENUE - MOTOR VEHICLE FEES	5,773.71	4,278.45	1,495.26	35.0%
4035 · REVENUE - BUILDING PERMITS	15,551.55	0.00	15,551.55	100.0%
4036 · REVENUE -Licenses/Permits Other	5,889.43	8,817.63	-2,928.20	-33.2%
4037 · REVENUE - GENERAL GRANTS	21,200.00	26,843.00	-5,643.00	-21.0%
4040 · REVENUE - WATER CONNECTION FEES	36,029.03	5,586.24	30,442.79	545.0%
4041 · REVENUE - SEWER CONNECTION FEES	41,867.46	8,054.34	33,813.12	419.8%
4046 · REVENUE - SOLID WASTE FEE	25,863.51	21,236.90	4,626.61	21.8%
4047 · REVENUE - OTHER OPERATING	1,187.40	3,669.45	-2,482.05	-67.6%
4049 · REVENUE - FIRE GRANTS	69,841.20	0.00	69,841.20	100.0%
4050 · REVENUE - IMPACT FEES	17,792.65	13,438.32	4,354.33	32.4%
4053 · REVENUE - GRT MUN CAP OUTLAY1/4	21,949.80	14,816.74	7,133.06	48.1%
4058 · Plan Review Fees	10,975.45	4,350.97	6,624.48	152.3%
4060 · WTB FY2016 revenue	751,141.72	0.00	751,141.72	100.0%
4100 · Miscellaneous Revenues				
4110 · Misc Revenue- TIDD reimburse	2,528.66	1,528.29	1,000.37	65.5%
Total 4100 · Miscellaneous Revenues	2,528.66	1,528.29	1,000.37	65.5%
7004 · REVENUE - FINANCE CHARGE ON W/S	421.17	406.36	14.81	3.6%
7005 · REVENUE - INTEREST INCOME	29,321.78	15,356.51	13,965.27	90.9%
7006 · REVENUE -INVESTMENT INTEREST	4,192.90	0.00	4,192.90	100.0%
7007 · REVENUE - INTEREST IMPACT FEES	71.59	51.68	19.91	38.5%
7010 · REVENUE - AD VALOREM TAX	10,607.24	15,406.56	-4,799.32	-31.2%
9000 · BEG. BALANCE	0.00	0.00	0.00	0.0%
Total Income	1,731,272.07	683,018.36	1,048,253.71	153.5%
Gross Profit	1,731,272.07	683,018.36	1,048,253.71	153.5%
Expense				
6100 · Salary and Benefits				
6112 · SALARIES - STAFF	372,616.42	330,668.05	41,948.37	12.7%
6113 · SALARIES - ELECTED	11,817.63	11,817.63	0.00	0.0%
6115 · Overtime salaries	1,492.93	0.00	1,492.93	100.0%

VILLAGE OF TAOS SKI VALLEY

Profit & Loss Prev Year Comparison

July through October 2018

	Jul - Oct 18	Jul - Oct 17	\$ Change	% Change
6121 · WORKER'S COMP INSURANCE	18,175.12	18,389.00	-213.88	-1.2%
6122 · HEALTH INSURANCE	63,182.18	64,279.59	-1,097.41	-1.7%
6125 · FICA EMPLOYER'S SHARE	29,056.30	25,770.76	3,285.54	12.8%
6126 · WORKMAN'S COMP PERSONAL ASSESS	86.00	81.70	4.30	5.3%
6127 · SUTA STATE UNEMPLOYEMENT	409.85	211.88	197.97	93.4%
6128 · PERA Employer Portion	29,619.78	28,197.56	1,422.22	5.0%
6130 · HEALTH INCENTIVE - SKI PASS/GYM	600.00	397.00	203.00	51.1%
6133 · Life Insurance	302.40	0.00	302.40	100.0%
6134 · Dental Insurance	3,936.94	0.00	3,936.94	100.0%
6135 · Vision Insurance	694.14	0.00	694.14	100.0%
Total 6100 · Salary and Benefits	531,989.69	479,813.17	52,176.52	10.9%
6220 · OUTSIDE CONTRACTORS	948,651.73	139,399.29	809,252.44	580.5%
6225 · ENGINEERING	22,838.63	204,583.71	-181,745.08	-88.8%
6230 · LEGAL SERVICES	19,727.95	19,162.53	565.42	3.0%
6242 · ACCOUNTING	771.44	664.02	107.42	16.2%
6244 · AUDIT	9,978.44	3,977.50	6,000.94	150.9%
6251 · WATER PURCHASE, STORAGE	75.51	81.36	-5.85	-7.2%
6253 · ELECTRICITY	7,827.69	7,500.48	327.21	4.4%
6254 · PROPANE	912.72	1,921.05	-1,008.33	-52.5%
6256 · TELEPHONE	5,264.39	5,731.82	-467.43	-8.2%
6257 · RENT PAID	657.31	576.00	81.31	14.1%
6258 · WATER CONSERVATION FEE	118.34	126.93	-8.59	-6.8%
6259 · Natural Gas	360.98	222.93	138.05	61.9%
6270 · LIABILITY & LOSS INSURANCE	35,034.51	32,992.35	2,042.16	6.2%
6310 · Advertising	1,703.18	0.00	1,703.18	100.0%
6311 · Uniforms and Safety Equipment	0.00	0.00	0.00	0.0%
6312 · CHEMICALS & NON DURABLES	2,328.56	4,735.75	-2,407.19	-50.8%
6313 · MATERIAL & SUPPLIES	39,080.63	42,172.61	-3,091.98	-7.3%
6314 · Dues/fees/registration/renewals	4,966.45	4,040.55	925.90	22.9%
6315 · BANK CHARGES	1,593.64	20.00	1,573.64	7,868.2%
6316 · Software	0.00	210.25	-210.25	-100.0%
6317 · Personal Protective Equipment	21,223.61	997.27	20,226.34	2,028.2%
6318 · Postage	481.00	757.00	-276.00	-36.5%
6320 · EQUIPMENT REPAIR & PARTS	2,844.30	5,982.44	-3,138.14	-52.5%
6321 · BUILDING MAINTENANCE	0.00	266.92	-266.92	-100.0%
6322 · SMALL EQUIP & TOOL PURCHASES	4,214.96	7,004.39	-2,789.43	-39.8%
6323 · SYSTEM REPAIR & PARTS	403.78	4,391.29	-3,987.51	-90.8%
6331 · OUTSIDE TESTING SERVICES	0.00	3,279.06	-3,279.06	-100.0%
6332 · EQUIPMENT RENTALS	7,370.35	5,123.12	2,247.23	43.9%
6335 · FINANCE CHARGE & MISCEL. TAX	0.00	11,104.34	-11,104.34	-100.0%
6417 · VEHICLE MAINTENANCE	1,133.72	16,187.56	-15,053.84	-93.0%
6418 · FUEL EXPENSE	5,495.51	6,430.97	-935.46	-14.6%
6432 · TRAVEL & PER DIEM	9,661.76	8,413.89	1,247.87	14.8%
6433 · Travel & PD Elected Officials	933.90	0.00	933.90	100.0%
6434 · TRAINING	5,875.88	2,491.66	3,384.22	135.8%

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11/08/18

Cash Basis

VILLAGE OF TAOS SKI VALLEY

Profit & Loss Prev Year Comparison

July through October 2018

	Jul - Oct 18	Jul - Oct 17	\$ Change	% Change
6435 · Training Elected Officials	300.00	0.00	300.00	100.0%
6560 · Payroll Expenses	0.00	-0.02	0.02	100.0%
6712 · LAB CHEMICALS & SUPPLIES	1,666.08	1,498.60	167.48	11.2%
6715 · LAB SMALL EQUIP & TOOL PURCHASE	596.25	0.00	596.25	100.0%
6716 · LAB TESTING SERVICES	3,689.47	3,272.75	416.72	12.7%
6720 · LAB OUTSIDE CONTRACTORS	0.00	0.00	0.00	0.0%
8322 · CAPITAL EXPENDITURES	94,682.86	12,748.28	81,934.58	642.7%
8323 · Capital Assets \$1000-\$4999	0.00	950.06	-950.06	-100.0%
8325 · EQUIPMENT & TOOL PURCHASE	314,406.24	31,444.57	282,961.67	899.9%
8425 · Hold Harmless Bond Interest pay	17,009.17	0.00	17,009.17	100.0%
8427 · Net Revenue Bond Interest pay	11,340.83	0.00	11,340.83	100.0%
Total Expense	2,137,211.46	1,070,276.45	1,066,935.01	99.7%
Net Ordinary Income	-405,939.39	-387,258.09	-18,681.30	-4.8%
Other Income/Expense				
Other Expense				
9001 · TRANSFER TO FUND	-304,441.89	-348,423.32	43,981.43	12.6%
9002 · TRANSFER FROM FUND	304,441.89	348,423.32	-43,981.43	-12.6%
Total Other Expense	0.00	0.00	0.00	0.0%
Net Other Income	0.00	0.00	0.00	0.0%
Net Income	-405,939.39	-387,258.09	-18,681.30	-4.8%

Monthly Public Safety Report
Oct-18

Law Enforcement	Hutter	Vigil	Trujillo	Totals
MVC's	1	1		2
Battery	0	0		
Embezzlement	0	0		
Residential Alarm	0		1	1
Business Alarm	0	0		
Property Damage	0			
Larceny	0			
Vehicle Theft	0	0		
Theft	0	0		
Suspicious Persons/Vehicles	1	2	1	4
Arrests	0	0		
Citizen Assists/Contacts	29	30	15	74
Traffic Enforcement Hours	40	35	3	78
Traffic Stops	6	6	2	14
Written Citations	0	2		2
Written Warnings	3	2		5
Verbal Warnings	2	20	2	24
Parking Citations	3	0		3
Assists to other Agencies	2	5		7
Tresspass Warnings	0	0		
Foot Patrol Hours	19	30	3	52
B & E	0	0		
Animal Calls	1	1		2
Welfare Check	1			1
Found Property	1			1
Fire/EMS				
Fire Calls	0	3		3
EMS Calls	0	1	1	2
SAR	0	1		1

Village of Taos Ski Valley
Village Council
Agenda Item

AGENDA ITEM TITLE: Consideration to Appoint Jalmar Bowden as Building Official for the Village of Taos Ski Valley

DATE: November 13, 2018

PRESENTED BY: Mark G. Fratrack

STATUS OF AGENDA ITEM: Mayor's Appointment with Council Approval

CAN THIS ITEM BE RESCHEDULED: Not recommended

BACKGROUND INFORMATION:

According to Village Ordinance No. 2017-10, the Building Official is the Village of Taos Ski Valley Administrator or a duly appointed representative. Building Official Rich Willson has fulfilled this position for the past three years.

Building Inspector Bowden satisfied the requirements of the International Code Council and was awarded certification as a Building Official on September 18, 2018. At that time Building Inspector Bowden pledged adherence to the ICC Code of Ethics, dedicating his training and knowledge to the protection of the health, safety and welfare of the public in the building environment. He meets the definition of Certified Building Official per Title 14 Chapter 5 Part 1.7B. of the New Mexico Administrative Code. Building Inspector Bowden has demonstrated this commitment as Village of Taos Ski Valley Building Inspector and has inspired confidence that this will continue as Building Official.

The appointment shall be made by the Mayor with the approval of a majority of all members of the governing body.

RECOMMENDATION: Motion to appoint Jalmar Bowden as Building Official for the Village of Taos Ski Valley

VILLAGE OF TAOS SKI VALLEY
Village Council
Agenda Item

AGENDA ITEM TITLE: PUBLIC HEARING: Consideration to Approve Resolution No. 2019-371 A Resolution to Join the North Central Regional Transit District as a Voting Member of the District and Participate in the Affairs of the District

DATE: November 13, 2018

PRESENTED BY: Mark G. Fratrack, Village Administrator

STATUS OF AGENDA ITEM: Old Business

CAN THIS ITEM BE RESCHEDULED: Not Recommended

BACKGROUND INFORMATION:

North Central Regional Transit District's (RTD) mission is to provide safe, secure and effective public transportation in North Central New Mexico in order to enhance the quality of life of our citizens by providing mobility options, and spur economic development throughout the region.

As part of the Village utilizing the RTD services, the Village has an MOU with the RTD for them to provide transportation service to the ski valley during the ski season. The Village has also opened up talks with RTD on possible summer service.

The RTD suggested that the Village become a board member of the RTD, which would allow for voting rights when items are presented to the RTD board for consideration.

This agenda item came before the Village Council at its September meeting and was tabled because the notice of Public Hearing had not been advertised in the newspaper for ten days previous to the meeting. Although NMSA 73-25-4 refers to regulations concerning creation of a district, the NCRTD has interrupted the law to require a public hearing when a new member is added, in essence creating a new district.

STAFF RECOMMENDATION: Staff recommends approval of Resolution No. 2019-371 A Resolution to Join the North Central Regional Transit District as a Voting Member

**VILLAGE OF TAOS SKI VALLEY
RESOLUTION NO. 2019-371**

**A RESOLUTION TO JOIN THE NORTH CENTRAL REGIONAL TRANSIT
DISTRICT AS A VOTING MEMBER OF THE DISTRICT AND PARTICIPATE
IN THE AFFAIRS OF THE DISTRICT**

WHEREAS, the purpose of the North Central Regional Transit District (the “District”) is to serve the residents within District boundaries by providing for the creation of the Regional Transit District; provide a choice of transportation alternatives for goods, services, jobs, and activities of the community; and finance, plan, construct, operate, maintain and promote a regional public transit system.

WHEREAS, the Legislature of the State of New Mexico has passed legislation and the Governor has signed into law, the “Regional Transit District Act;” and

WHEREAS, public transportation is a critical component of multimodal transportation systems; and

WHEREAS, statewide, multimodal transportation systems improve access to education and jobs and provide a foundation for New Mexico’s economic prosperity; and

WHEREAS, expanded public transit services help rural and urban New Mexico optimize available regional services; and

WHEREAS, a statewide connection of regional transit district would improve local and state connections; and

WHEREAS, regional public transit would enable increased federal investment in New Mexico; and

WHEREAS, multi-jurisdictional transportation systems would protect our environment and enhance energy efficiency, decrease congestion, decrease automobile accidents, reduce noise and air pollution and improve public health; and

WHEREAS, coordinated regional public transportation would help sustain New Mexico’s cultural diversity; and

WHEREAS, regional transit districts function to coordinate public transit services and connects all forms of existing and proposed transportation services provided by different levels of government and various jurisdictions; and

WHEREAS, improved public transportation services in New Mexico would extend the life of existing roads, highways, and regional transit services, and protect current and future investment in the region’s transportation infrastructure.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF
THE VILLAGE OF TAOS SKI VALLEY THAT:**

Section 1. The Village of Taos Ski Valley shall join the North Central Regional Transit District as a voting member of the District, and participate in the affairs of the District by appointing a representative, and a designee to the Board of Directors.

Section 2. The Village of Taos Ski Valley approves the Intergovernmental Agreement establishing the District, and any other relevant documents affecting the legal status of the District, and directs staff to actively work toward establishing funding for the said District in order to deliver ongoing regional public transportation services.

PASSED AND ADOPTED this ____ day of November, 2018

VILLAGE OF TAOS SKI VALLEY

**Christof Brownell
Mayor**

ATTEST:

**Ann M. Wooldridge
Village Clerk**



**Amended and Restated
Bylaws of the North Central
Regional Transit District**

**Approved by the NCRTD Board of
Directors on February 5, 2016**

Resolution No. 2016-06

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NORTH CENTRAL REGIONAL TRANSIT DISTRICT BYLAWS

Defined Terms. All terms capitalized herein for other than grammatical purposes shall have the definitions given to them in the Regional Transit District Act, NMSA 1978, Section 73-25-1 et seq. (hereinafter, "the Act"), the Intergovernmental Contract and these Bylaws

ARTICLE I NAME

The name of this transit district is the North Central Regional Transit District (hereinafter, "the District" or the "NCRTD"). The District is also frequently referred to as "The Blue Bus." The term "Board" shall mean the Board of Directors of the NCRTD as set forth in the Act, the Intergovernmental Contract and these Bylaws.

ARTICLE II PURPOSE

The District, is a governmental entity formed pursuant to the Act, The purposes of the NCRTD are as follows:

- 2.01. serve the public by providing for the creation of regional networks of safe and efficient public transit services;
- 2.02. allow multijurisdictional public transit systems to reduce the congestion of single-occupant motor vehicle traffic by providing transportation options for residents;
- 2.03. decrease automobile accidents by reducing traffic congestion on freeways and streets;
- 2.04. reduce noise and air pollution produced by motor vehicles;
- 2.05. prolong and extend the life of New Mexico's existing roadways by easing the traffic burden;
- 2.06. provide residents with a choice of transportation alternatives so that seniors, youth, low-income and mobility-impaired residents and others unable to drive or afford motor vehicles continue to have full access to the goods, services, jobs and activities of the community;
- 2.07. improve the New Mexico economy by increasing workforce and citizen access to education and higher paying jobs; and
- 2.08. prolong and extend petroleum resources.

In addition to these express purposes the NCRTD may from time to time set forth its explicit and current purposes in the form of a Mission Statement, a Vision Statement a Long Range Strategic Plan, a Short Range Service Plan, and by duly adopted resolutions of the NCRTD Board of Directors.

ARTICLE III SUPREMACY OF ESTABLISHING DOCUMENTS

The District shall be operated according to the provisions of the Act and other applicable laws of the State of New Mexico, the Intergovernmental Contract (hereinafter the "Contract"), these Bylaws, In the event of a conflict, the statutes shall govern, followed by the Contract, then the Bylaws. Nothing herein shall be deemed a violation of any law or agreement by and with the United States government and, notwithstanding the status of the NCRTD as a subdivision of the State of New Mexico, the

NCRTD recognizes its legal and contractual commitments to the federal government and that all federal requirements shall be in addition to the requirements of the State of New Mexico.

ARTICLE IV **POWERS OF THE DISTRICT**

Section 4.01. Corporate Entity. The District is a body politic and corporate which is exempt from taxation under the Act. The District shall have perpetual existence, except as otherwise provided in the Intergovernmental Contract or otherwise prescribed by law. The District as a corporation has the power to sue and be sued but all suits not involving traffic or toll violations shall be initiated by the Board. All powers, privileges and duties vested in or imposed upon the District shall be exercised and performed by the Board if not expressly delegated by the Board. All members of the Board in good standing shall have the right to participate in the discussion of, and vote upon, Board matters in which they have no conflict of interest but non-elected Board members are prohibited from voting on land purchase and sales, and the issuance of bonds.

Section 4.02 Non-Delegable Powers. The Board may not delegate the following powers of the Board:

- (a) adoption of board policies and procedures; and
- (b) ratification of acquisition of land by negotiated sale (by vote of elected officials only); and
- (c) initiation or continuation of legal action, not involving traffic or toll violations; and
- (d) establishment of policies regarding fees, tolls, rates or charges; and
- (e) approval of significant route or schedule changes affecting more than twenty-five percent of a regional transit system; and
- (f) issuance of bonds (by vote of elected officials only); and
- (g) adoption of bylaws; and
- (h) fixing the time and place of meetings and the method of providing notice of the meetings;
- (i) making and passing resolutions necessary for the government and management of the affairs of the District and the execution of the powers vested in the District; and
- (j) adopting and using a seal; and
- (k) maintaining offices at such places as the board may designate; and
- (l) prescribing, by way of its own procurement code and policies and in accordance with the Procurement Code (NMSA 1978 Section 13-1-28 et seq.) methods for auditing and allowing or rejecting claims and demands for:
 - (1) the awarding of contracts for the construction of improvements, works or structures;
 - (2) the acquisition of equipment; or
 - (3) the performance or furnishing of labor, materials or supplies as may be required for carrying out the purposes of the Act; and
- (m) appoint advisory committees and define the duties of the committees; and pledge all or a portion of the revenues to the payment of bonds of the district; and
- (n) finance, construct, operate or maintain regional transit systems within the boundaries of the district; and
- (o) purchase, trade, exchange, acquire, buy, sell, lease, lease with an option to purchase, dispose of and encumber real or personal property and interest therein, including easements and rights of way; and

- (p) accept real or personal property for the use of the district and accept gifts and conveyances upon the terms and conditions as the board may approve; and
- (q) if the District operates a commuter rail service it may employ commuter rail service law enforcement officers for the District and assign duties to the officers.

Section 4.03 Delegable Powers. The NCRTD has the following additional powers which may, in the Board's discretion, be delegated:

- (a) appoint, hire and retain employees, agents, engineers, attorneys, accountants, financial advisors, investment bankers and other consultants; and
- (b) sue and be sued; and
- (c) enter into contracts and agreements affecting the affairs of the district; and establish, collect and increase or decrease fees, tolls, rates or charges for the use of property of a regional transit system financed, constructed, operated or maintained by the district; except that fees, tolls, rates or charges imposed for the use of a regional transit system shall be fixed and adjusted to pay for bonds issued by the district; and
- (d) use the streets, highways and other public ways and, with permission of the owner, to relocate or alter the construction of streets, highways, other public ways, electric and telephone lines and properties, pipelines, conduits and other properties, whether publicly or privately owned, if deemed necessary by the district in the construction, reconstruction, repair, maintenance and operation of the system. Any damage that may occur to the property shall be borne by the district; and
- (e) perform all acts otherwise permitted by law.

Section 4.04 Cooperative Powers. The District may exercise the following powers in cooperation with other persons or entities:

- (a) accept legitimate contributions or liens securing obligations of the district from the person with respect to the financing, construction, operation or maintenance of a regional transit system and, in connection with a loan or advance, enter into contracts establishing the repayment terms; and
- (b) enter into contracts regarding the financing, construction, operation or maintenance of a specified regional transit system; and
- (c) enter into joint operating contracts concerning a regional transit system; and
- (d) acquire easements or rights of way for a regional transit system; and
- (e) designate a regional transit system as part of the state highway system, a county highway system or a municipal highway system if the person with jurisdiction over the applicable highway system consents to the designation; and
- (f) enter into agreements with a person for the joint financing, construction, operation or maintenance of a regional transit system. Upon compliance with applicable constitutional or charter limitations, the governmental unit may agree to make payments, without limitation as to amount except as set forth in the agreement, from revenues received from one or more fiscal years, to the district or a person to defray the costs of the financing, construction, operation or maintenance of a regional transit system; and
- (g) A district may contract with other law enforcement agencies to provide law enforcement services for the district.

Section 4.05. Taxation. The North Central Regional Transit District (NCRTD) pursuant to NMSA 1978, Section 7-20E-23, has the authority to request that the voters of the counties served by the

NCRTD impose a county regional gross receipts tax (GRT) which may not exceed one-half percent and dedicated to the purposes authorized by the Regional Transit District Act (73-25-1). Once approved the GRT shall be utilized as provided by law and may be reauthorized or modified pursuant to the law. Any fees, tolls, rates or charges for the use of property of a regional transit system authorized under the Act are not taxes and may be authorized by the Board pursuant to their authority under the law and these bylaws.

ARTICLE V **OFFICES**

The principal office of the District shall be located within the geographical boundaries of the District and shall be designated by the Board of Directors. The District may have other offices at such other places within the State as the Board of Directors may from time to time determine.

ARTICLE VI **MEMBERSHIP**

Governmental units, as defined in the Act , may become Members of the District upon following the mandatory procedures set forth in the Act and the subsequent approval of the new member by a 2/3 majority of the Board. Members may be permitted to join or leave the District pursuant to Article VIII of these Bylaws and Section 73-25-17 of the Act but may not avoid any legal or contractual obligations by joining or leaving the District. Members may join or leave the District only upon the execution of an amended Intergovernmental Contract. But nothing herein shall authorize individual Members to override the 2/3 majority or avoid their contractual obligations under a prior Intergovernmental Contract by failing to execute an amended Intergovernmental Contract adding a duly approved member. The preceding requirements for adding members are minimum requirements and the Board may impose such applications requirements or conditions upon membership as it determines are appropriate.

ARTICLE VII **POWERS OF MEMBERS**

A Member, may:

- (a) Exercise any and all of the powers authorized under Section 73-25-13 of the Act;
- (b) Enter into any Agreement with the District that is not prohibited by law;
- (c) Request additions, deletions or changes to District services;
- (d) Appoint a representative and an alternate to represent the Member on the Board and replace said representatives as the Member sees fit;
- (e) Participate in the deliberations, discussions and actions of the Board by attending Board meetings excepting only where such Member has a conflict with the District;
- (f) Members may request that the District provide reports and attend meetings and coordinate the District's planning and activities with the Member. The District will make reasonable efforts to accommodate individual Member requests and may make reciprocal requests where appropriate.
- (g) Ex-officio Members serve as monitors and advisors to the Board and do not have the power to cast a vote on Board matters.

ARTICLE VIII
ADDITION OR WITHDRAWAL OF TERRITORY AND PROPERTY

Section 8.01. **Joining the District.** A governmental unit adjacent to or contained within a governmental unit that is already part of the District may join the District as a Member. A two-thirds (2/3) affirmative vote by the Board of Directors shall be required before the governmental unit may join the District. The Board reserves the authority to deny any application to join the district and to condition approval for any new Members as the Board deems appropriate.

Section 8.02. **Withdrawing from the District.** A Member of the District may withdraw from the District by adopting a resolution to withdraw. The Member shall withdraw its representative from the Board of Directors immediately upon adoption of the resolution withdrawing from the District. Real property owned by the District within the boundaries of the withdrawing Member shall remain the property of the District. The provisions of withdrawal shall be negotiated and agreed to by the Board of Directors, the Member, and the Commission.

Section 8.03. **Inclusion or Exclusion of Property.** The Board of Directors may include or exclude property from the boundaries of the District, pursuant to Section 73-25-6 and Section 73-25-17 of the Act.

ARTICLE IX
BOARD OF DIRECTORS

Section 9.01. **Establishment of Powers.** The District shall be governed by a Board of Directors (hereinafter, the "Board") as described in the Act and as set forth above in Article IV of these Bylaws.

Section 9.02. **Powers of the Board.** In addition to all other powers conferred by the Act, the Board may exercise any powers permitted by law or required by law. The Board may delegate any of its powers so long as the delegation of authority is not expressly prohibited.

Section 9.03. **Selection of Directors.** The Board shall be composed of one (1) Director from each Member of the District. A Director shall be an elected official or official designee, Tribal Governor or Tribal Council Member. The Director and official designee (if any) shall be selected by the Member utilizing its own process for selection and the District will accept the decision of the Member as long as the Member represents to the District that the selection was lawful. The Director shall hold such office until removed by the appointing Member, or until the Director no longer holds elective office in the governing body of the appointing Member, or until the Director submits a written resignation to the Chairman. Directors shall not serve a term longer than 4 years unless re-appointed by their Member governing body.

Section 9.04 **Selection of Alternates.** Each Member shall be permitted but not required to designate an alternate Director who shall have the same powers as the Director selected under Section 9.03 when the Director is absent or unable to perform his duties.

Section 9.05. Majority Voting on the Board. A single Member shall not have a majority of votes on the Board.

Section 9.06. Voting Strength. Each Member of the District shall have a voting strength as determined by the Voting Strength Analysis, Appendix B, of the Intergovernmental Contract.

Section 9.07. Voting Requirements. Voting shall occur as described in Section IX of the Intergovernmental Contract.

Section 9.08. Conflict of Interest Policy. In addition to full compliance with state and federal laws, regulations and contract provisions pertaining to conflicts of interest, and including but not limited to the Governmental Conduct Act (NMSA 1978, Section 10-16-1 et seq.) the following shall apply to all Directors:

- (a) A Director of the Board shall disqualify him/herself from voting on any issue with which the Director has a potential conflict of interest. For the purpose of these Bylaws a "potential conflicting interest" exists where a Director owns or controls, directly or indirectly, a substantial interest in any non-governmental entity participant in a financial transaction with the District. A Director of the Board, Officer of the Board, or Employee of the Board, shall not:
 - (1) Acquire a financial interest in a new or existing business venture or business property of any kind when the Director believes or has reason to believe that the new financial interest will be directly affected by her/his official act;
 - (2) Use confidential information acquired by virtue of the Director office or employment for the Director's or another's private gain;
 - (3) Contract with the District without public notice and competitive bidding and full disclosure of the Director's financial or other interest in the business that is party to the contract.
- (b) Any conflict shall be made a matter of record in the minutes of the meeting of the Board at the time the transaction becomes a topic of Board action;
- (c) A Director with a potential conflict of interest may briefly state his position in the matter and answer pertinent questions of other Board Members since the Director's knowledge may be of great assistance;
- (d) This policy shall be reviewed from time to time, as new Directors are appointed; moreover, any new Directors shall be advised by the Executive Director of this policy upon entering into the duties of the position;
- (e) Violation of the conflict of interest provisions by a Director, Officer, or Employee of the Board is grounds for removal or suspension of the Director or Officer, and Dismissal, Demotion, or Suspension of the Employee.
- (f) Each Director shall be required to sign a disclosure form annually to ensure compliance with the NCRTD's ethical requirements.

Section 9.09. Performance of Duties. The Board shall promulgate and adhere to policies and procedures that govern its conduct. A Director shall perform the duties as a Director, including the duties as a member of any committee of the Board upon which he may serve, in good faith, in a manner he believes to be in the best interests of the District. Directors and Members shall refrain from using NCRTD logos, letterhead, titles and anything signifying or connoting NCRTD authority or approval when making statements or representations that have not received prior NCRTD Board approval.

Section 9.10. **Review of Performance.** The Executive Director shall annually review each Director's compliance with these Bylaws and each Director's attendance and report the information to the Board at the regular meeting in April of each year.

ARTICLE X

OFFICERS

Section 10.01. **Identification.** The Board shall elect or appoint a Chair, a Vice Chair, a Secretary, and a Treasurer as Officers of the Board.

Section 10.02. **Officers of the Board.** Officers of the Board shall be Tribal Governors, Tribal Council members or elected officials.

Section 10.03. **Election.** The Board shall elect Officers every other year at the April meeting of the Board. The currently elected Board shall elect Officers by simple majority vote after canvassing each member as to their interest in service, time availability, and qualifications.

Section 10.04 **Election of Chair and Vice Chair.** The election of the Board Chair and Vice Chair may alternate between Tribal and non-Tribal members.

Section 10.05. **Term.** Each Officer shall serve a two (2) year term commencing upon election or appointment by the Board. Each Officer shall serve until the end of their term or until a successor is elected or appointed or the Officer is lawfully removed pursuant to State law or these Bylaws. Officers may serve unlimited terms.

Section 10.06. **Removal of Officers.** Any Officer of the Board may be removed at any time upon the affirmative vote of a two-thirds majority of both the total number of Directors and the voting units of all Members of the Board. Such action shall be initiated by a motion made at a regular meeting, but the vote shall not be called for until the next regular meeting or at a special meeting called for the purpose of considering such motion. The Secretary shall cause to be delivered or shall mail a copy of the resolution to the affected Director at least seven (7) days prior to the meeting at which the motion is to be voted upon. The vote shall be by secret ballot and the Chair shall appoint two Board members other than the officer being voted upon to count the votes and report on the results.

Section 10.07. **Vacancies.** If a vacancy exists in any office, the Chair shall appoint a Director to fill such vacancy until the next regular meeting of the Board, when an election will be held to fill the vacancy. The term of the Office of Officers filling vacancies shall be until the next regular election of officers.

Section 10.08. **Duties of the Officers.**

(a) Chair. The Chair shall:

- (1) Have the power to call meetings of the Board and to preside over such meetings;
- (2) Have the power to execute, deliver, acknowledge, file and record on behalf of the District such documents as may be required by the Act or other applicable law;

- (3) Have the power to execute and deliver contracts, deeds and other instruments and agreements on behalf of the District as are necessary or appropriate in the ordinary course of its activities or as are duly authorized or approved by the Board;
 - (4) Have such additional authority, powers and duties as are appropriate and customary for the office of the Chair of the Board of Directors of entities such as the District, and as the Board may otherwise prescribe.
 - (5) The Chair is the first point of contact to the Executive Director on matters related to the District's business, personnel matters or in the execution of his/her duties.
 - (6) The Chair will facilitate ongoing meetings with the Executive Director to ensure the Board is kept informed about important issues in a timely manner.
 - (7) The Chair is the direct supervisor of the Executive Director and is authorized to provide advice and counsel but not to direct or interfere with operational or personnel matters that are the sole purview of the Executive Director.
 - (8) The Executive Director will annually provide to the Chair any information requested or needed for a performance evaluation of the Executive Director. The Chair may seek input from members of the Board as the Chair deems appropriate which shall normally include consulting with all standing committee chairs. The Chair will also make a recommendation for an appropriate performance increase for the Executive Director if warranted on an annual basis.
- (b) Vice Chair. The Vice Chair shall:
- (1) Be the Officer next in seniority after the Chair and, upon the death, absence, or disability of the Chair, shall have the authority, powers and duties of the Chair until such time as the Board elects a new Chair
 - (2) Have such additional authority, powers and duties as are prescribed by the Board.
- (c) The Secretary shall:
- (1) If a Treasurer has not been elected or appointed, the Secretary shall also serve as Treasurer and may use the title of Treasurer in performing the functions of Treasurer
 - (2) Have such other authority, powers and duties as are appropriate and customary for the office of Secretary of entities such as the District, and as the Board may otherwise prescribe.
 - (3) In the event of the absence, vacancy, disability, or death of the Chair and Vice-Chair; the Secretary shall serve as Chair until such time as the Board elects a new Chair or Vice-Chair.
- (d) Treasurer. If a Treasurer has not been elected or appointed, the Secretary shall also serve as Treasurer and may use the title of Treasurer in performing the functions of Treasurer. The Treasurer shall, subject to rules and procedures established by the Board:
- (1) Cosign any financial document requiring the signature of multiple Officers of the NCRTD.
 - (2) Have such additional authority, powers and duties as are appropriate and customary for the office of Treasurer of entities such as the District, and as the Board may otherwise prescribe.

ARTICLE XI

MEETINGS OF THE BOARD

Section 11.01. **Public Input.** The Board shall provide meaningful opportunities for public input through policies and procedures for calling meetings, including standards and procedures for calling emergency meetings, pursuant to the requirements of the Open Meetings Act (NMSA 1978 Chapter 10, Article 15).

Section 11.02. Regular Meetings. The Board of Directors shall meet at least quarterly, or more frequently as determined by a majority of the Board, for the purpose of transacting such business as may come before the Board.

Section 11.03. Special Meetings. Special meetings of the Board may be called, either by the Chair or whenever a special meeting is requested in writing by three or more voting Directors, and held at any time and in any place.

Section 11.04. Annual Board Advance Planning Meeting. At the beginning of each year but not later than March of each year, the Board may schedule an annual Board Advance Planning Meeting ("Retreat") lasting one or two days for the purpose of strategic planning and establishing annual Board priorities. The schedule for the annual Board Advance Planning Meeting will provide sufficient time to incorporate the meeting outcomes into initial phases of the District's budget planning cycle.

Section 11.05. Emergency Meetings. The Board may hold emergency meetings, to be held at any time and place; an "emergency", pursuant to the Open Meetings Act, refers to unforeseen circumstances requiring immediate attention from the Board to avoid likely injury or damage to persons or property or substantial financial loss to the District.

Section 11.06. Voting. The presence of Directors representing a majority of the total number of Members and a majority of the total number of voting units shall be necessary to constitute a quorum for the transaction of business. If a quorum is present, action by simple majority of both the Directors present and eligible to vote and voting units shall be the act of the Board, unless the act of a greater number is required by these Bylaws, the Intergovernmental Contract, or applicable law. A two-thirds (2/3) majority is required for the following actions:

- (a) Addition or withdrawal of territory or property, pursuant to Article VII of these Bylaws and Sections 73-25-6 and 73-25-17 of the Act;
- (b) Removal of Officers from the Board, pursuant to Section 10.06 of these Bylaws;
- (c) Amendment of these Bylaws, pursuant to Section 14.03 of these Bylaws.

Section 11.07. Public Meetings. Pursuant to the Open Meetings Act, all meetings of a quorum of members of the Board or any subordinate committee, held for the purpose of formulating public policy or taking any action within the authority or delegated authority of the Board, are open to the public at all times, except as otherwise provided in the Open Meetings Act or the Constitution of New Mexico. The Board, or a Committee, may meet in closed session upon a roll call vote of a majority of the authorized members of the board, or committee for the purpose of considering matters for which closed session is authorized under New Mexico State law. However, no vote or other formal action shall be taken at any session that is closed to the general public.

- (a) All persons desiring shall be permitted to attend and listen to Board meetings, pursuant to the Open Meetings Act. Reasonable efforts shall be made to accommodate the use of audio and video recording devices;
- (b) No public meeting of the Board, once convened, shall be closed or dissolved into small groups or committees for the purpose of permitting the closure of the meeting;

- (c) The Board may recess and reconvene a meeting to a subsequent time and place if notice of such change is properly posted, pursuant to the Open Meetings Act, prior to recessing. Only matters on the agenda of the original meeting may be discussed or transacted at the subsequent meeting;
- (d) If otherwise allowed by law or rule of the Board, a member of the Board may participate in a meeting of the Board by conference telephone or similar communications equipment when it is difficult or impossible for the member to attend in person provided that each member so participating is identified when speaking, all participants are able to hear each other at the same time, and members of the public attending the meeting are able to hear any member of the Board who speaks during the meeting.
- (e) Public hearings are public meetings at which the Board decides legal matters or resolves disputes or adjudicates property rights. Public Hearings shall be held within the boundaries of the District at any place designated by the Board and whenever a public hearing is either required by law or requested by a majority of the Board.

Section 11.08. Place of Meetings. The meetings of the Board or any committee designated by the Board shall be held at the principal office of the District or at any other place within or without the boundaries of the District that a majority of the Board or any such committee may designate so long as the meeting place is ADA accessible and has adequate facilities to allow for telephonic participation of any Director if and when a Director gives advanced notice of his/her intention to participate telephonically. When there is legitimate business need to conduct business in a location outside of the District, a Committee or Task Force may agree to meet outside the District. Such meeting of a Committee or Task Force shall be conducted in such a manner that allows for public participation and shall be open to the public.

Section 11.09. Notice of Meetings. All meetings of a quorum of members of the Board, and any closed meetings, held for the purpose of formulating public policy or taking any action within the authority or delegated authority of the Board shall be held only after reasonable notice to the public. Normally, the Board shall set its regularly scheduled monthly meetings at the beginning of the year in its Open Meetings Act Resolution. But nothing herein shall be deemed to alter or amend meeting dates and notices so long as the meetings are noticed legally and in compliance with the Open Meetings Act. To comply with the Open Meetings Act the Board shall:

- (a) determine at least annually in a public meeting what notice for a public meeting is reasonable;
- (b) such notice shall include broadcast stations licensed by the FCC and general circulation newspapers that have provided written request for such notice;
- (c) meeting notices shall include an agenda containing a list of specific items of business to be discussed or transacted at the meeting and information on how the public may obtain a copy of the agenda;
- (d) the agenda shall be available at least twenty-four (24) hours prior to the meeting, except for emergency meetings;
- (e) only items appearing on the agenda may be discussed at the meeting.

Section 11.10. Recesses and Adjournments. Nothing herein contained shall be construed to prevent the recess or adjournment of a regular or special meeting to any place within the District designated by the Board of Directors.

Section 11.11. Waiver of Notice. A Director may in writing waive notice to him/her of any meeting of the Board, either before, at, or after the meeting; and his waiver shall be deemed the equivalent of giving notice. Attendance of a Director at a meeting shall constitute waiver of notice of that meeting unless he/she attends for the express purpose of objecting to the transaction of business because the meeting has not been lawfully called or convened.

Section 11.12. Agenda Subjects.

- (a) Subjects may be placed on the agenda by the Board Chair, the Executive Director or in the Chair's discretion upon written request of any Director.
- (b) No action shall be taken by the Board on subject matters which were not stated on the agenda in the notice posted for the meeting. The Board may recite specific factual information or existing policy in response to an inquiry made at a meeting about a subject which was on the agenda. Any deliberation, discussion or decision with respect to the inquiry shall be limited to a proposal to place such a subject on the agenda for a subsequent meeting of the Board for which notice shall be provided. The Chair shall place on the subsequent meeting agenda any item requested by a majority of the Board.

Section 11.13. Minutes. The Board shall keep written minutes of all its meetings. The minutes shall include at a minimum:

- (a) The date, time, and place of the meeting;
- (b) The names of the members in attendance and those absent;
- (c) The substance of proposals considered and a record of any decisions and votes taken showing how each member voted.

All minutes are open to public inspection. Draft minutes shall be prepared within ten (10) working days after the meeting and shall be approved, amended, or disapproved at the next Board meeting where a quorum is present. Minutes are not official until approved by the Board and signed by the Secretary.

Section 11.14. Closed Meetings. The Any meeting closed pursuant to the Open Meetings Act must follow the following procedures:

- (a) If closed in open meeting, such closure shall be approved by majority vote of those present and voting. The authority to close shall be stated on the Agenda or verbally by the maker of the motion. The subject(s) to be discussed shall be stated with reasonable specificity, and the vote, taken in open meeting, shall be recorded indicating the vote of each member of the Board. Only those subjects announced or voted on prior to closure shall be discussed in closed meeting and no action shall be taken in the closed portion of a meeting;
- (b) If called when the Board is not in open meeting, the closed meeting shall not be held until appropriate public notice is given to the members of the Board and the general public stating the specific law authorizing closure and stating with reasonable specificity the subject(s) to be discussed;
- (c) Following completion of any closed meeting, the minutes of the open meeting that was closed or the minutes of the next open meeting, if the closed meeting was scheduled separately, shall state that the subjects discussed in the closed meeting were limited to those specified in the motion for closure or the notice of closed meeting and shall be approved by the Board as for all other minutes.

ARTICLE XII

ADVISORY COMMITTEES

Section 12.01. **Formation of Committees.** The Board may form committees as it deems appropriate. All committees of the NCRTD shall be advisory committees and shall have no independent authority to make decisions for the District. Committees will generally be formed by written Board resolutions or these Bylaws but may be formed by any formal action of the Board where the Board deems the formation of an advisory body expedient or necessary. Committee chairs shall be appointed by the Board chair or elected by the committee itself if the Board when so authorized by the Chair.

Section 12.02. **Types of Committees.** Committees of the Board shall be classified as standing or special and shall be advisory to the Board. In order to broaden input to the Board and encourage community involvement, the Board may appoint individuals who are not members of the Board to serve on any standing or special committee of the Board. Each committee shall have the power only as stated in these Bylaws or as conferred by the Board. The Executive Director shall serve as an *ex officio* member of each committee appointed by the Board, unless otherwise designated in these Bylaws or by the Board.

Section 12.03. **Standing Committees.** The following committees are designated as “standing committees” of the Board of Directors. Any Member of the Board is welcome to attend any committee meeting, but the actual regular members assigned to that committee will determine a quorum. All Standing Committees will be committees of the whole. As to all Board committees of the whole, a quorum will be reached with eight regular members participating.

- a) **Tribal Committee.** This committee will study, discuss and address issues related to the provision of transit services for Tribal Members of the District. The committee will consist of all tribal members of the District. The committee will meet on an as needed basis. The committee will keep minutes of its meetings and will forward all recommendations to the Board of Director’s for possible action.
- b) **Finance Subcommittee.** This committee may deal with all administrative, land and facility acquisition and financial matters that would require Board action as submitted by the Executive Director, but not limited to the budget, collective bargaining, and human resource policies. This committee will also meet and serve as the entry and exit committee for purposes of the annual audit. The actual duties, membership and functions of this committee will be prescribed by resolution of the Board of the Directors.
- c) **Sustainability Committee.** This committee is charged with holding meetings, performing analysis and providing recommendations to the Board on all issues pertaining to the NCRTD’s sustainability. The committee will meet on an as needed basis.

Section 12.04. **Special Committees.** The Board may also appoint Special Advisory Committees to advise the Board. The members of these Special Advisory Committees may include Directors, official designees, and Officers of the District as well as individuals not members of the Board. Special Advisory Committees shall not be authorized to exercise any power of the Board.

Section 12.05. **Committee Meetings.** A committee meeting may be called at any time by the committee chair or a simple majority of the committee members upon legal notice as required by

these Bylaws. Committees may propose rules of order and procedures to the Board which, if adopted by the Board, shall govern the matters addressed in the rules.

Section 12.06. **Telephone Conference.** Committee meetings may be held by telephone conference or use of similar equipment, pursuant to the requirements of the Open Meetings Act. Committee meetings held by teleconference are open meetings and such meeting will be held in a location where the public may listen to the proceedings. All committee meetings shall be held in ADA accessible locations.

ARTICLE XIII **EXECUTIVE DIRECTOR**

Section 13.01. **Executive Director.** The Board shall appoint an Executive Director who shall serve for such term and upon such conditions, including salary, as the Board of Directors, from time to time, may establish. The Board shall enter into an employment contract with such Executive Director which shall specify the terms and conditions of his or her employment.

Section 13.02. **Authority and Duties.** The Executive Director shall be the chief executive officer of the District, shall supervise the activities of the District, shall see that all policies, directions and orders of the Board are carried out and shall, under the supervision of the Board, have such other authority, powers, or duties as may be prescribed by the Board. The Executive Director shall:

- (a) Sign contracts or agreements with Vendors or service providers that are necessary to carry out the purposes of the District, provided however that they involve less than \$100,000, and are included in a duly approved budget. Expenses over \$100,000 shall be approved by the Board and signed by the appropriate officers and agents of the District;
- (b) Appoint, hire, discharge and retain employees, agents, engineers, attorneys, accountants, financial advisors, investment bankers, and other consultants as approved through the budget process;
- (c) Dispose of assets of the District, provided, however that the assets are no longer useful to the District and have a nominal market value and that any asset disposal is expressly approved by the Board or its Committees where the law so requires;
- (d) Sign contracts or agreements when authorized to do so by the Board regardless of the contract amount;
- (e) Report to the Board at the monthly meeting on the operations and progress of the projects of the District and upon all other matters within his or her knowledge which may be of concern to the Board of Directors of the District;
- (f) Prepare an annual budget and maintenance of financial records and books of account, and preparation of a monthly financial statement.
- (g) Negotiate collectively bargained agreements as required.
- (h) Staff and attend such Committee meetings as may be required.
- (i) Perform any other duties legally delegated to the NCRTD staff by the Board.

ARTICLE XIV **GENERAL PROVISIONS**

Section 14.01. **Fiscal year.** The Fiscal year of the District and its affiliate organizations shall begin on the first day of July and end on the last day of June of each year. Because of the extensive

involvement of federal government in transit, the federal fiscal year may be utilized internally or for reporting purposes where so required by grants or agreements with the federal government but the District, as a subdivision of the State of New Mexico, shall nevertheless maintain its finances at all times in compliance with New Mexico law.

Section 14.02. Ownership of Documents. Written records and other documents relating to the District are the property of the District and shall be filed and maintained under the authority of the Executive Director and shall be maintained in accordance with New Mexico laws including but not limited to the various public records laws contained in Chapter 14 of the New Mexico statutes.

Section 14.03. Review, Approval and Amendments. These Bylaws shall be reviewed from time to time, with any amendments approved by an affirmative vote of no less than two thirds of the voting units of the members.

Section 14.04. Annual Budget. The Board shall approve an annual budget and submit the annual budget to the State each year for approval in a timely fashion.

- (a) The Executive Director shall prepare annually a preliminary budget, including therein operation and maintenance expenses, debt service, and provision for capital expenditures for the ensuing fiscal year. In the preparation of such preliminary budget and every annual budget the classifications and divisions into which such budget shall be divided shall conform to rules and regulations issued by the Local Government Division (LGD) of the Department of Finance and Administration (DFA), State of New Mexico. Every preliminary budget shall also set forth a statement of the sources of funds and estimated revenues available to defray such expenditures. Every preliminary budget shall be based as a minimum on a five (5) year long term financial plan.
- (b) The Board of Directors shall hold a public hearing on the preliminary budget in accordance with State law.
- (c) As provided by State law the Board of Directors shall adopt the annual budget for each succeeding fiscal year by or before May 15. Copies of the annual budget shall be filed in the office of the District and as designated by State statutes and furnished to any interested party upon request or made available online.
- (d) The Board may, by an affirmative vote of the majority of the Directors in attendance, adopt an amended annual budget when reasonable and necessary, subject to contractual conditions or requirements existing at the time the need for such an amendment arises. The Board must approve all increases or decreases to the net operating expense line, total capital budget line and total operating revenue line of the District's operating and capital budgets.

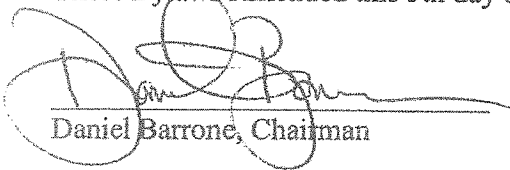
Section 14.06 Appropriations. The Executive Director may approve all revisions to departmental budgets or between departmental budgets without reporting such changes to the Board provided that the revisions do not result in any changes to the net operating expense line or total revenue line of the Districts operating and capital budgets.

Section 14.07 Annual Audit. The Board of Directors shall cause an annual examination of the District's financial statements to be made in accordance with generally accepted auditing standards and New Mexico statutes following the end of the each fiscal year. The audit shall be performed by an independent Certified Public Accountant retained by the Board of Directors at their sole discretion for this or any other purpose they deem necessary. The auditor shall provide a signed auditor's

opinion as to the fair presentation of the financial position of the District, the results of District operations and changes in its financial position for the fiscal year ended. The annual audit shall be open to public inspection when release for such by the Office of the State Auditor.

Section 14.08 Annual Report. The Board shall publish an annual report setting forth in sufficient scope and detail the more important acts concerning the business and services of the District, the regional transit system being provided, and how it is being financed.

These Bylaws Amended this 5th day of February, 2016.



Daniel Barrone, Chairman

**NORTH CENTRAL
REGIONAL TRANSIT DISTRICT**

**AMENDED
INTERGOVERNMENTAL
CONTRACT**

**APPROVED
BY
NCRTD BOARD
November 3, 2017**

**NORTH CENTRAL REGIONAL TRANSIT DISTRICT
INTERGOVERNMENTAL CONTRACT**

By and among:

**VILLAGE OF CHAMA
TOWN OF EDGEWOOD
CITY OF ESPAÑOLA
COUNTY OF LOS ALAMOS
PUEBLO OF NAMBE
PUEBLO OF OHKAY OWINGEH
PUEBLO OF POJOAQUE
COUNTY OF RÍO ARRIBA
PUEBLO OF SAN ILDEFONSO
PUEBLO OF SANTA CLARA
CITY OF SANTA FE
COUNTY OF SANTA FE
COUNTY OF TAOS
TOWN OF TAOS
AND
PUEBLO OF TESUQUE**

Dated as of November 3rd, 2017.

**Providing for the creation and operation of
the “North Central Regional Transit District” as a Regional Transit District
pursuant to the New Mexico Regional Transit District Act,
Chapter 73, Article 25, Sections 1-18, NMSA 1978 (2003)**

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**NORTH CENTRAL REGIONAL TRANSIT DISTRICT
INTERGOVERNMENTAL CONTRACT**

THIS NORTH CENTRAL REGIONAL TRANSIT DISTRICT INTERGOVERNMENTAL CONTRACT (hereinafter, this "Contract") is entered into as of the date indicated on page 2 of this Contract by and among the **VILLAGE OF CHAMA, TOWN OF EDGEWOOD, CITY OF ESPAÑOLA, COUNTY OF LOS ALAMOS, PUEBLO OF NAMBÉ, PUEBLO OF OHKAY OWINGEH, PUEBLO OF POJOAQUE, COUNTY OF RÍO ARriba, PUEBLO OF SAN ILDEFONSO, PUEBLO OF SANTA CLARA, CITY OF SANTA FE, COUNTY OF SANTA FE, COUNTY OF TAOS, THE TOWN OF TAOS, AND PUEBLO OF TESUQUE.**

RECITALS

WHEREAS, pursuant to the Regional Transit District Act, Chapter 73, Article 25, Sections 1-18, NMSA 1978, (hereinafter the "Act"), New Mexico governmental units are authorized to establish, by contract, regional transit districts, which, upon the satisfaction of the conditions set forth in Article II hereof, are authorized to finance, construct, operate, maintain, and promote regional transit systems; and

WHEREAS, governmental units may contract with one another to provide any function, service, or facility lawfully authorized to each of the contracting units and any such contract may provide for the joint exercise of the function, service, or facility, including the establishment of a separate legal entity to do so; and

WHEREAS, the Initial Members were governmental units located in North Central New Mexico, which desire to form a regional transit district pursuant to the Act for the purpose of financing, Constructing, operating, maintaining, and promoting regional transit systems; and

WHEREAS, transit services promote independent living for the frail, the elderly, the disabled, and those without access to automobiles by providing essential links to a variety of medical, social, and other services, and the region recognizes the need to improve mobility options for this growing segment of the population; and

WHEREAS, the Initial Members began working together on the goal of forming a regional transit district in the Spring of 2003; and

WHEREAS, the Initial Members formed a working group in September 2003, which has met regularly to consider the interests of the Initial Members; and

WHEREAS, the working group has specified the terms of this Contract and other necessary documents based on comments received from and extensive discussions with the Governing Bodies of each of the Initial Members; and

WHEREAS, the Initial Members have duly voted for and approved the addition of new members whose Governmental Units are within the boundaries of the district; and

WHEREAS, new members have been added since the formation of the NCRTD in 2004 whose memberships and voting rights should be acknowledged and ratified by a novation of this Contract.

AGREEMENT

NOW, THEREFORE, for and in consideration of the mutual covenants set forth below, the Initial Members along with the new members hereby agree to a novation of this Contract

thereby confirming and amending the membership and voting rights of all the members listed herein as follows:

ARTICLE I DEFINITIONS

Section 1.01. Definitions from the Act. The following terms shall, when capitalized, have the meanings assigned to them in Section 73-25-3 of the Act:

"*Board*" means the board of directors of a district;

"*Bond*" means a revenue bond;

"*Combination*" means two or more governmental units that exercise joint authority;

"*Commission*" means the New Mexico state transportation commission;

"*Construct*", "*Constructing*", or "*Construction*" means the planning, designing, engineering, acquisition, installation, construction, or reconstruction of a regional transit system;

"*District*" means a regional transit district that is a political subdivision of the state created pursuant to the Act;

"*Governmental Unit*" means the state, a county or a municipality of the state, or an Indian nation, tribe or pueblo located within the boundaries of the state;

"*Regional Transit System*" means a property, improvement, or system designed to be compatible with established state and local transportation plans that transports or conveys passengers within a region by means of a high-occupancy vehicle, including an automobile, truck, bus, van, or railcar; and

"*Revenues*" means tolls, fees, rates, charges, assessments, grants, contributions, or other income and revenues received by the district.

Section 1.02. Other Definitions. The following terms shall, when capitalized, have the following meanings:

"*Act*" is defined in the Recitals hereto.

"*Advisory Committee*" means two or more persons appointed by the Board, pursuant to Article VI, Section 3 hereof, for the purpose of providing advice to the Board and includes the Citizen Advisory Committee.

"*Boundaries*" means the boundaries of the District determined in accordance with, Appendix A hereto, as such Appendix and term may be amended from time-to-time in accordance with Articles IX and XI hereof.

"*Citizen Advisory Committee*" means the special Advisory Committee described as such in Article III, Section 3 hereof.

"*Contract*" means this North Central Transit District Intergovernmental Contract, as amended from time to time in accordance with the terms hereof.

"*Director*" means any person appointed as a Director pursuant to Article 4 hereof.

Whenever the person appointed as a Member's Director pursuant to Article 4 hereof is absent from a Board meeting, the term "Director" shall mean the Official Designee, if any, appointed by such Member pursuant to Article 4 hereof.

“*Governing Body*” means, when used with respect to a Member, the city council, board of trustees, board of commissioners, pueblo council, or other legislative body, as appropriate, of such Member.

“*Initial Boundaries*” means the Boundaries of the District on the date the District is originally certified pursuant to Article II hereof, as such Initial Boundaries are determined in accordance with Appendix A hereto.

“*Initial Members*” means the initial signatories who become Members on the date on which the District is originally certified pursuant to Section 2 hereof.

“*Member*” means the Initial Members and any Governmental Unit that becomes a member of the District pursuant to Article XI hereof.

“*NCRTD*” is defined in the Recitals hereto.

“*Officer*” means the Chair, Vice Chair, Secretary, or Treasurer of the District, and any subordinate officer or agent appointed and designated as an officer of the District by the Board.

“*Official Designee*” means any person appointed as an official designee, pursuant to Article VII hereof.

“*Regional Transit Services*” means the transit services described in Appendix D.

ARTICLE II

NAME AND PURPOSE OF THE DISTRICT AND THE REGIONAL TRANSIT SYSTEMS TO BE PROVIDED

Section 2.01. Name. The name of this transit district is the North Central Regional Transit District (hereinafter, “the District”).

Section 2.02. Purpose. The purpose of the District, being a multimodal public transit district formed pursuant to the Act, recognizes as its purpose to finance, Construct, operate, maintain, and promote an efficient, sustainable, and regional multi-modal transportation system at any location or locations, subject to compliance with the Act.

Section 2.03. Members. Membership in the District is open to Governmental Units within or containing the boundaries of Los Alamos, Río Arriba, Taos or Santa Fe Counties. Members may be added or deleted pursuant to Section 73-25-17 of the Act and Article XI hereof.

Section 2.04. Establishment. The North Central Regional Transit District shall be established as a separate political subdivision and body corporate of the State pursuant to the Act and as a separate legal entity created by a contract among the Initial Members, effective upon satisfaction of the following conditions:

- (a) Each Initial Member and new member has held at least one public hearing on the subject of this Contract in accordance with Section 73-25-4 of the Act including relevant attention to requirements for public notice; and
- (b) Each Initial Member has executed the original Contract.

Section 2.05. Regional Transit Systems to Be Provided.

The NCRTD will provide, but not be limited to, the type of regional transit services described in Appendix D, “Regional Transit Mobility Concept for the North Central Regional Transit District.”

Section 2.06. Specific Responsibilities. In addition to the general powers described in Article V hereof, the District shall have the responsibilities described in this Section and shall

have all powers necessary to carry out such responsibilities, subject to the availability of funds and, to the extent required by law, annual appropriation of funds by the Board. The description of specific responsibilities and powers in this Section shall not, however, limit the general powers of the District described in Article V hereof.

- (a) **Regional Transit Planning.** The District shall work in coordination with the New Mexico Department of Transportation (NMDOT), Regional Planning Organizations (RPOs), and Metropolitan Planning Organizations (MPOs) to provide regional transit planning services needed to plan and direct the Regional Transit Services of the District, to pursue state and federal funding, and to coordinate overall transportation policy within the area in which it provides Regional Transit Services.
- (b) **Regional Transit Services.** The District shall use its best efforts to provide the Regional Transit Services described in Appendix D hereto.
- (c) **Contract Transit Services.** The District may enter into contracts with any Member or other Person for the provision of transit services in the manner and subject to the terms of such contracts.
- (d) **Local Service.** The District may fund Regional Transit Services that serve the residents and businesses of a Member (as distinguished from regional services) but, except as otherwise specifically provided herein, only pursuant to an agreement in which such Member pays the District for the services provided on the same fully allocated cost basis used to determine costs of District services throughout the District's service area.

ARTICLE III BOUNDARIES

Section 3.01. Original Boundaries. Membership in transit districts is open to Governmental Units, which means the State, a County or Municipality of the State, or an Indian Nation, Tribe, or Pueblo located within the boundaries of the State. The North Central Regional Transit District may include any Governmental Unit within or containing the boundaries of Los Alamos, Río Arriba, Taos or Santa Fe Counties, as described in Appendix A.

Section 3.02. Amendments to Boundaries. The original boundaries of the NCRTD may be amended according to the process described in Article XI of this Contract.

ARTICLE IV CONTRACT

Section 4.01. Effective Date. The term of the original Contract began when the New Mexico State Transportation Commission certified the creation of the District.

Section 4.02. Termination. The term of this Contract shall end when all the current Members agree in writing to terminate this Contract; provided, however, that this Contract may not be terminated so long as the District has any Bonds outstanding.

Section 4.03. Amendments. Any amendment to the Contract shall be made only by the execution in writing of each of the governmental units that entered into the Contract.

Section 4.04. Parties of Interest. Nothing expressed or implied herein is intended or shall be construed to confer upon any Person other than the Members any right, remedy or claim

under or by reason of this Contract; this Contract being intended for the sole and exclusive benefit of the Members.

Section 4.05. No Personal Liability. No covenant or agreement contained in this Contract or any resolution or Bylaw issued by the Board shall be deemed to be the covenant or agreement of an elected or appointed official, officer, agent, servant or employee of any Member in his or her individual capacity.

Section 4.06. Tort Claims. In accordance with the requirements and limitations of liability set forth in the New Mexico Tort Claims Act, NMSA 1978, Sections 41-4-1 through 41-4-27, the District shall cover every risk for which immunity has been waived under the provisions of the Tort Claims Act.

Section 4.07. Notices. Except as otherwise provided in this Contract, all notices, certificates, requests, requisitions, or other communications by the District, any Member, any Director, any Official Designee, any Officer, or any member of a Committee to any other such person pursuant to this Contract shall be in writing; shall be sufficiently given, and shall be deemed given when actually received:

- (a) In the case of the District and Officers of the District, at the last address designated by the District for such purpose; and
- (b) In the case of such other persons, at the last address specified by them in writing to the Secretary of the District.

Unless a certain number of days is specified, notice shall be given within a reasonable period of time.

Section 4.08. Assignment. None of the rights, benefits, duties, or obligations of any Member may be assigned or delegated without the express written consent of all the Members.

Section 4.09. Severability. If any clause, provision, subsection, Section, or Article of this Contract shall be held to be invalid, illegal, or unenforceable for any reason, the invalidity, illegality, or enforceability of such clause, provision, subsection, Section or Article shall not affect any of the remaining provisions of this Agreement.

Section 4.10. Interpretation. Subject only to the express limitations set forth herein, this Contract shall be liberally construed:

- (a) To permit the District and the Members to exercise all powers that may be exercised by a regional transit district pursuant to the Act and by a separate legal entity created by a contract among the Members;
- (b) To permit the Members to exercise all powers that may be exercised by them with respect to the subject matter of this Contract pursuant to the Act and other applicable law; and
- (c) To permit the Board to exercise all powers that may be exercised by the board of directors of a regional transit district pursuant to the Act and by the governing body of a separate legal entity created by a contract among the Members.

In the event of any conflict between the Act or any other law with respect to the exercise of any such power, the provision that permits the broadest exercise of the power consistent with the limitations set forth in this Contract shall govern.

Section 4.11. Governing Law. The laws of the State of New Mexico shall govern the development and enforcement of this Contract.

Section 4.12. Counterparts. This Contract may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original; but such counterparts shall together constitute but one and the same Agreement.

ARTICLE V

POWERS OF THE DISTRICT

Section 5.01. Powers of the District. A district is a body politic and corporate. In addition to other powers granted to the district pursuant to the Regional Transit District Act [73-25 NMSA 1978], the district may:

- (a) Have perpetual existence, except as otherwise provided in the contract;
- (b) Finance, construct, operate, maintain, or promote regional transit systems within the boundaries of the district;
- (c) Enter into contracts and agreements affecting the affairs of the district;
- (d) Establish, collect, and increase or decrease fees, tolls, rates, or charges for the use of property of a regional transit system financed, constructed, operated, maintained, or promoted by the district; except that fees, tolls, rates, or charges imposed for the use of a regional transit system shall be fixed and adjusted to pay for bonds issued by the district;
- (e) Pledge all or a portion of the revenues to the payment of bonds of the district;
- (f) Provide transit services outside the boundaries of the district.
- (g) Purchase, trade, exchange, acquire, buy, sell, lease, lease with an option to purchase, dispose of, and encumber real or personal property and interest therein, including easements and rights of way;
- (h) Accept real or personal property for the use of the district and accept gifts and conveyances upon the terms and conditions as the board may approve;
- (i) Use the streets, highways, rail rights-of-way, and other public ways and, with permission of the owner, to relocate or alter the construction of streets, highways, rail rights-of-way, other public ways, electric and telephone lines and properties, pipelines, conduits, and other properties, whether publicly or privately owned, if deemed necessary by the district in the construction, reconstruction, repair, maintenance, and operation of the system. Any damage that may occur to the property shall be borne by the district; and
- (j) Sue and be sued;

Section 5.02. Limitations on Powers of the District. The District shall be limited as follows:

- (a) The district may only finance, construct, operate, maintain, or promote Regional Transit Systems;
- (b) Advisory Committees may only be appointed and may only exercise the powers as provided in Article III hereof;
- (c) A notice of the imposition of or any change in any fee or the issuance of Bonds shall be sent to the Division of Local Government and shall be filed with the State Transportation Commission in accordance with the Act.

ARTICLE VI

BOARD OF DIRECTORS

Section 6.01. Establishment and Powers. The District shall be governed by a Board of Directors (hereinafter, the "Board") as described in Section 73-25-5 of the Act. The Board shall

exercise and perform all powers, privileges and duties vested in or imposed upon the District. Subject to the exceptions in the Act, the Board may delegate any of its powers to an Officer or agent of the Board.

Section 6.02. Powers of the Board. The Board shall, subject to the limitations set forth herein and relevant State law, have all powers that may be exercised by the board of directors of a regional transit district pursuant to the Act and all powers that may be exercised by the governing body of a separate legal entity created by a contract among the Members. Such powers shall include, but shall not be limited to:

- (a) Adopt Bylaws;
- (b) Fix the time and place of meetings and the method of notice of the meetings;
- (c) Make and pass orders and resolutions necessary for the government and management of the affairs of the District and the execution of the powers vested in the District;
- (d) Appoint, hire, or retain an Executive Director;
- (e) Maintain offices at a place the Board may designate;
- (f) Prescribe financial and procurement policies and procedures in accordance with relevant State and Federal laws and policies;
- (g) Adopt other policies as may be deemed necessary for the functioning of the District; and
- (h) Appoint advisory committees and define the duties of the committees.
- (i) Board may add ex-officio members as needed.

Section 6.03. Advisory Committees. The Board may appoint and maintain a Citizen Advisory Committee to advise the Board with respect to policy and service matters. The Board may also appoint other Advisory Committees to advise the Board. The members of the Citizen Advisory Committee shall not be Directors, Official Designees, or employees of the District. The members of Advisory Committees other than the Citizen Advisory Committee may include Directors, Official Designees, and Officers of the District. Advisory Committees shall not be authorized to exercise any power of the Board.

Section 6.04. Bylaws and Rules. The Board, acting by resolution adopted as provided in Article IX hereof, may adopt bylaws or rules governing the activities of the District and the Board, including, but not limited to, bylaws or rules governing the conduct of Board meetings, voting procedures, and the type of resolutions that must be in writing.

Section 6.05. Budget. The Board shall approve an annual budget pursuant to the legal requirement to submit an annual budget to the State.

ARTICLE VII DIRECTORS

Section 7.01. Appointment of Directors and Official Designees. Pursuant to Section 73-25-5 of the Act, the Board shall be composed of one (1) Director from each Member of the District. A Director shall be an elected official, Official Designee or Tribal Council Member. The Director or Official Designee (if any) shall be nominated by the chief elected official of the Member and approved by the Governing Body of the Member.

Section 7.02. Terms of Office. The term of office of each Director and Official Designee shall commence with the first meeting of the Board following his or her appointment and shall continue until removed by the appointing Member, or until she or he no longer holds