



VILLAGE COUNCIL REGULAR MEETING AGENDA
MEETING TO BE HELD VIA ZOOM TELECONFERENCE
TAOS SKI VALLEY, NEW MEXICO
TUESDAY, APRIL 14, 2020 2:00 P.M.

1. CALL TO ORDER AND NOTICE OF MEETING
2. ROLL CALL
3. APPROVAL OF THE AGENDA
4. CANVASS OF MUNICIPAL OFFICER ELECTION RETURNS AND DISCUSSION OF ORGANIZATIONAL MEETING
5. APPROVAL OF THE MINUTES OF THE MARCH 10, 2020 VILLAGE COUNCIL REGULAR MEETING and the MARCH 16, 2020 EMERGENCY COUNCIL MEETING
6. CITIZEN'S FORUM –for non-agenda items only. Limit to 5 minutes per person (please email awooldridge@vtsv.org to sign up)
7. COMMITTEE REPORTS
 - A. Planning & Zoning Commission
 - B. Public Safety Committee
 - C. Firewise Community Board
 - D. Parks & Recreation Committee
 - E. Lodger's Tax Advisory Board
8. REGIONAL REPORTS
9. MAYOR'S REPORT
10. STAFF REPORTS
 - A. Administrator Avila
 - B. Finance Director Grabowski
 - C. Police Chief Trujillo
 - D. Fire Chief Molina
 - E. Building Official Bowden
 - F. Planning Director Nicholson
 - G. Public Works Director Martinez
 - H. Clerk Wooldridge
 - I. Attorney Baker
11. OLD BUSINESS
12. NEW BUSINESS
 - A. Introduction of Ordinance 2020-64 CONCERNING THE MUNICIPAL JOINT WATER AND SEWER SYSTEM OF THE VILLAGE OF TAOS SKI VALLEY, NEW MEXICO; PROVIDING FOR THE PERMANENT FINANCING OF THE EXTENSION, ENLARGEMENT, BETTERMENT, REPAIR AND OTHER IMPROVEMENT OF SUCH SYSTEM, AS PREVIOUSLY FINANCED BY INTERIM REVENUE BONDS (INTERIM BONDS) ISSUED TO A CONSTRUCTION LENDER, THROUGH THE ISSUANCE TO (OR ASSIGNMENT TO, AND AMENDMENT AND RESTATEMENT OF) THE UNITED STATES OF AMERICA ACTING THROUGH THE UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) OF REVENUE BONDS IN THE AGGREGATE MAXIMUM AMOUNT OF \$8,500,000 CONSISTING OF THE VILLAGE'S JOINT WATER AND SEWER REVENUE BOND, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$3,500,000, AND ITS GROSS RECEIPTS TAX REVENUE BOND IN THE MAXIMUM PRINCIPAL AMOUNT OF \$5,000,000; DECLARING THE NECESSITY FOR ISSUING (OR PERMITTING THE ASSIGNMENT, AMENDMENT AND RESTATEMENT OF) SUCH BONDS WHICH SHALL BE PAYABLE SOLELY OUT OF THE NET REVENUES TO BE DERIVED FROM THE OPERATION OF SUCH SYSTEM (AS TO THE SYSTEM REVENUE BOND) AND CERTAIN GROSS RECEIPTS TAX RECEIPTS

PLEDGED FOR SUCH PURPOSE (AS TO THE GRT REVENUE BOND), RESPECTIVELY, AS PROVIDED HEREIN; APPROVING THE DELEGATION OF AUTHORITY TO MAKE CERTAIN DETERMINATIONS REGARDING THE SALE OF THE BONDS PURSUANT TO THE SUPPLEMENTAL PUBLIC SECURITIES ACT; PROVIDING FOR THE COLLECTION AND DISPOSITION OF THE REVENUES TO BE DERIVED FROM THE OPERATION OF SUCH SYSTEM AND THE COLLECTION AND DISPOSITION OF SUCH GROSS RECEIPTS TAX, RESPECTIVELY; PROVIDING THE FORM, TERMS AND CONDITIONS OF SUCH REVENUE BONDS, THE METHOD OF PAYING SUCH AND THE SECURITY THEREFOR; AUTHORIZING THE USE OF A SINGLE REGISTERED BOND FOR EACH SUCH SERIES; PRESCRIBING OTHER DETAILS CONCERNING SUCH SYSTEM REVENUES, GROSS RECEIPTS TAX, BONDS AND SYSTEM, INCLUDING BUT NOT LIMITED TO COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AUTHORIZING THE REDEMPTION AND REPAYMENT (OR ACQUISITION BY WAY OF ASSIGNMENT) OF THE INTERIM BONDS; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION THEREWITH; AND REPEALING ALL ORDINANCES IN CONFLICT HERewith

B. Consideration to Direct Staff to Begin the Process for Donation of Pattison Trust Properties

C. Consideration to Approve Resolution No. 2020-429 to Update the Village Personnel Policy, section 6.13 "Call back and stand by time" to include 6.13-A. "On-Call and Call Back Staff Pay"

D. Consideration to Approve Resolution No. 2020-431 Approving the Updated Purpose of Fund #63 for the Required Reserve Funds for the Waste Water Treatment Plant Financing, to Also Include the USDA Debt Service Principal and Interest Payments and Required Transfers from the Water Fund (01), Sewer Fund (02), and General Fund (03), to Make These Payments and Build the Required Reserves

E. Consideration to Approve Resolution No. 2020-430 to Approve Change of the Fund Type of Environmental/Solid Waste Fund (07) into the New Solid Waste Enterprise fund (77/50200)

F. Review and Discussion of the FY2020 3rd Quarter Financial Report and the FY2021 Draft Budget

G. Consideration to Approve a Change Order Request to the RMCI Contract of \$81,000 for Work to Upgrade the Existing Kachina Booster Pump Station

H. Review and Discussion of Ordinance No. 2007-44 Adopting the International Urban-Wildland Interface Code and possible Village update from the 2003 edition to the 2015 edition

I. Consideration to Develop a Resolution for the Firewise Community

J. Review and Discussion of Resolution No. 2020-428, Declaration of an Emergency for COVID-19 Pandemic 0

13. MISCELLANEOUS

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

15. ADJOURNMENT

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



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, Neal King,
J. Christopher Stagg, Thomas Wittman
Administrator: John Avila
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:

These meetings will be held electronically and without a live audience, consistent with the Public Health Orders and State of Emergency declared by the Governor of the State of New Mexico and the Health Secretary and will be available for public participation through emailed questions, consistent with the guidelines of the Attorney General of the State of New Mexico for conducting public meetings under the Open Public Meetings Act during this emergency.

These bodies shall conduct their meetings consistent with the New Mexico statutes as prescribed by the Open Public Meetings Act and the Inspection of Public Records Act.

PUBLIC PARTICIPATION Members of the public wishing to participate can view the meeting live by logging into Zoom once the meeting information has been obtained from the Village of Taos Ski Valley by emailing vtsv@vtsv.org. Questions for the meeting can be emailed to Village Clerk Ann M. Wooldridge at awooldridge@vtsv.org prior to the meeting or during the meeting. Persons wishing to speak in the Citizens Forum may also email the Village Clerk.

MEETING	DATE	LOCATION
VILLAGE COUNCIL REGULAR MEETING	Tuesday, April 14, 2020 2:00 p.m.	Via Zoom Teleconference
TIDD BOARD REGULAR MEETING	Wednesday April 22, 2020 2:00 p.m.	Via Zoom Teleconference
PUBLIC SAFETY COMMITTEE	TBA	TBA
FIREWISE COMMUNITY BOARD	TBA	TBA
PLANNING & ZONING COMMISSION REGULAR MEETING	TBA	TBA
PARKS & RECREATION COMMITTEE	TBA	TBA
LODGER'S TAX COMMITTEE	TBA	TBA

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 at the Trash/Recycling area, and three other public places within the municipality as provided by Section 3-1-2 NMSA 1978. /s/ Ann M. Wooldridge, Village Clerk, posted April 10, 2020

VILLAGE OF TAOS SKI VALLEY
Village Council
Agenda Item

AGENDA ITEM TITLE: Canvass of Municipal Officer Election Returns and Discussion of Organizational Meeting

DATE: April 14, 2020

PRESENTED BY: Mayor Brownell/Clerk Wooldridge

STATUS OF AGENDA ITEM: Discussion

CAN THIS ITEM BE RESCHEDULED: Not Recommended

BACKGROUND INFORMATION:

The Village of Taos Ski Valley March 3, 2020 Municipal Officer Election Results were presented to the Taos County Commission as Canvassing Board, on March 17, 2020. The Commission approved the Canvass presented by Clerk Wooldridge. The canvass was sent to the NM Secretary of State, who issued the Certificates of Election to Neal King and Tom Wittman, as the candidates who were elected.

The newly elected officials were administered their Oaths of Office by Clerk Wooldridge on March 16, 2020 in the Village Office, and they took office on April 1, 2020.

As soon as is practical after an election the governing body must hold an organizational meeting to elect a Mayor Pro Tem and to appoint and affirm staff members. Since the agenda for this Council meeting is lengthy and holding the Council meeting via Zoom will be new to everyone, it was decided to wait on holding the organizational portion of the meeting.

STAFF RECOMMENDATION: This item is to report on the canvass of election results, to notify the Council and the public that the two Councilors have taken office, and to report that the governing body will hold its organizational meeting in May.

Summary for: All Contests, All Districts, All Tabulators, Election Day, Early, Absentee
Municipal Officer Election
March 3, 2020
Village of Taos Ski Valley
Election Totals

Precincts Reported: 1 of 1 (100.00%)
Registered Voters: 107 of 0 (N/A)
Ballots Cast: 107

COUNCILOR AT LARGE TAOS SKI VALLEY MUNICIPAL DISTRICT 414 (Vote
for 2)

Precincts Reported: 1 of 1 (100.00%)

		Total	
Times Cast		107 / 0	N/A
Candidate	Party	Total	
RENATO BASTOS DE CARVALHO FRIMM		3	
NEAL KING		60	
ROGER C PATTISON		39	
THOMAS P WITTMAN		60	
BENJAMIN K COOK		45	
		Total	

CERTIFICATE OF ELECTION
2020 MUNICIPAL OFFICER ELECTION

I, the Secretary of State of New Mexico, certify that the Taos County Canvassing Board has approved the Report of the Village of Taos Ski Valley Canvass for the election held on the 3rd day of March, 2020, and do hereby find and declare that

NEAL KING

has been duly and lawfully elected to the office of Councilor At-Large, Village of Taos Ski Valley. Given under my hand and the Great Seal of the State of New Mexico, in Santa Fe, New Mexico, this 27th day of March, 2020.

Maggie Toulouse Oliver

Maggie Toulouse Oliver
Secretary of State



VILLAGE OF TAOS SKI VALLEY

OATH OF OFFICE

I, NEAL KING
(name) having been elected to the
office of Councilor of the Village of Taos Ski Valley
of Taos County, State of New Mexico, do solemnly affirm
that I will uphold the Constitution of the United States, the
Constitution and laws of the State of New Mexico, and the laws
of the Village of Taos Ski Valley, and will faithfully and impartially
discharge the duties of said office to the best of my ability.

Neal King
(signature)

Administered this 16 day of MARCH 2020.

Ann M. Wooldridge, Clerk

CERTIFICATE OF ELECTION
2020 MUNICIPAL OFFICER ELECTION

I, the Secretary of State of New Mexico, certify that the Taos County Canvassing Board has approved the Report of the Village of Taos Ski Valley Canvass for the election held on the 3rd day of March, 2020, and do hereby find and declare that

THOMAS P WITTMAN

has been duly and lawfully elected to the office of Councilor At-Large, Village of Taos Ski Valley. Given under my hand and the Great Seal of the State of New Mexico, in Santa Fe, New Mexico, this 27th day of March, 2020.

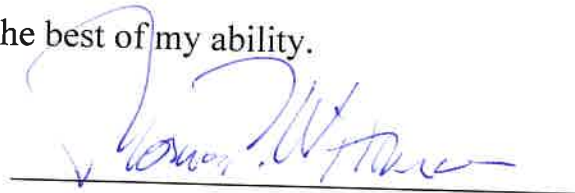
Maggie Toulouse Oliver
Maggie Toulouse Oliver
Secretary of State



VILLAGE OF TAOS SKI VALLEY

OATH OF OFFICE

I, TOM WITTMAN
(name) having been elected to the
office of Councilor of the Village of Taos Ski Valley
of Taos County, State of New Mexico, do solemnly affirm
that I will uphold the Constitution of the United States, the
Constitution and laws of the State of New Mexico, and the laws
of the Village of Taos Ski Valley, and will faithfully and impartially
discharge the duties of said office to the best of my ability.


(signature)

Administered this 16TH day of MARCH 20 20.

Ann M. Wooldridge, Clerk



Village of Taos Ski Valley
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(575) 776-8220 (575) 776-1145 Fax
E-mail: vtsv@vtsv.org Website: www.vtsv.org

VILLAGE COUNCIL REGULAR MEETING
DRAFT MINUTES
EDELWEISS LODGE CLUB ROOM
106 SUTTON PLACE
TAOS SKI VALLEY, NEW MEXICO
TUESDAY, MARCH 10, 2020 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 John Avila
Village Clerk Ann Wooldridge
Finance Director Nancy Grabowski
Building Official Jalmar Bowden
Public Works Director Anthony Martinez
Police Chief Sam Trujillo
Public Works Superintendent Olaf Mingo
Village Attorney Susan Baker

3. **APPROVAL OF THE AGENDA**

MOTION: To approve the agenda as presented

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

Mayor Brownell asked for a moment of silence to observe the passing of an Edelweiss Lodge employee who passed away recently in an automobile accident.

4. **APPROVAL OF THE MINUTES OF THE FEBRUARY 11, 2020 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 Mike Fitzpatrick said that several Amizette residents have developed a plan for hooking up to underground power. He distributed the plan to the Mayor and Council and asked that everyone pull together to make this a top priority. He asked that the Village coordinate private land hookups. He said that the Village Ordinance requires property owners to connect within 45 days of the underground power being at the property line.

B. Homeowner Francie Parker asked the Council to consider whether there are enough infrastructure services for the entire Village, including the Kachina area. She said that existing users must be considered as they will continue to need services as well as any new development.

6. **FINANCIAL REPORTS**

Finance Director Grabowski reported that GRT remitted to the Village in February for December filings was \$319,336 compared to \$323,306 for last year. Year-to-date is \$836,744 versus \$1,245,517 for last year. The low number is a result of a lack of distributions in August and in October, along with a withdrawal of GRT by NM Tax & Revenue for re-payment of funds which it determined should have gone to the TIDD.

The TIDD received GRT in January of \$309,179. Hold Harmless GRT for the month was \$50,172. A total of \$583,172 has been collected in Hold Harmless GRT since its implementation.

Lodger's tax collections in February for January were \$111,590 versus \$100,794 for last year. Fiscal year-to-date total is \$313,558 versus \$278,757 for last year.

Property tax collections for FY2020 are now up by 9% from last year.

A GRT take-back summary from the Village to the TIDD based on NM Tax & Revenue's assessment was presented. The amount paid back from August – November 2019 was \$280,700.85, with an additional \$186,958.84 to be paid back monthly over six years. Based on discussions with David Monteith at NM Tax & Revenue, no additional amounts are owed to the TIDD from the Village.

TSVI Chaz Rockey asked if better executive-level reports could be created about the financial status of the Village, in order to portray a more detailed financial picture. He asked about information concerning liquidity, and what the cash basis looked like. Director Grabowski said that she will take a look at QuickBooks to see what reports can be created.

7. **COMMITTEE REPORTS**

A. Planning and Zoning Commission –Commission Chair Wittman reported that the P&Z Commission had met on March 2, 2020. Agenda items included:

- An application for variance to the riparian setback for a residential bridge on a lot by the river in Amizette. The item was presented by Director Nicholson, Building Official Bowden, and Douglas Patterson of Living Designs Group. The comments from the Army Corps of Engineers were nonchalant, he said. The application for variance was approved unanimously, 7-0.
- A presentation from the Source Water Protection Plan Committee. This was an introduction of the plan, to be voted on at a subsequent meeting. The Plan is a 70-page document, which will be considered for adoption as an amendment to the Village's Comprehensive Plan.
- Under Miscellaneous, there was discussion of a request to get back on-course with developing a Kachina Master Plan. Commission Chair Wittman thought that the plan was approximately 60% complete, from the work conducted previously, a couple of years ago.

The next meeting of the P&Z Commission is scheduled for April 6, 2020 at the Edelweiss Lodge Club Room at 1:00 p.m. (Note: this meeting was later cancelled due to the Declaration of Emergency for the Village of Taos Ski Valley and the concern about public meetings due to the Coronavirus.)

TSVI CEO David Norden said that many Village residents wanted to get together to discuss creating a pedestrian-friendly Village. To facilitate this discussion, a community meeting is planning to be held on Saturday, April 4, 2020 from 4:30-6:00 p.m.

B. Public Safety Committee –Committee Chair Pattison reported that the Committee met on March 2, 2020. The Committee discussed improving communication on the mountain, and there were some suggestions for better inter-community communication

The next meeting will take place on April 6, 2020 at 10:00 a.m. at the Inn at Taos Valley. (Note that all Village meetings have been postponed.)

C. Firewise Community Board of Directors – Committee Chair Pattison reported that the Committee met on March 2, 2020.

The Board is planning its May 2, 2020 Firewise Community Day. Next year, a County-wide emergency drill is being planned. The Board recommends that the Village hire a part-time, or full-time, grant writer. The Town of Taos has experienced success by using a grant writer, he said. J.R. Logan is very familiar and knowledgeable about various grants. Some grants make an allowance for use of 10% of funds for administrative expenses.

The next meeting will take place on April 4, 2020 at 11:00 a.m. at the Inn at Taos Valley. (Note that all Village meetings have been postponed.)

D. Parks & Recreation Committee – Committee Chair Katherine Kett reported that the Committee had been working on its list of future projects to be used in the impact fee study and for use in the ICIP. A Village Clean-up

day is planned for Thursday, May 21, 2020, with lunch provide at the Village Firehouse. The Blake plans to open on May 22, 2020. She hopes that all of the new electors in the recent election will become involved and aware of Village committees and initiatives.

Chairperson Kett said that the Committee is hoping and planning for a good summer of activities, and is conducting on-going trails meetings. The Committee can work with efforts to create a more pedestrian-friendly Village, being already familiar with the parcels along the river possibly to be used for trails. She said that the Committee would be able to work with TSVI on river crossings, and would work to delineate maintenance of private parcel boundaries. Homeowner Neal King requested some efforts to improve the Hiker Parking port-a-potty situation, and Homeowner Henry Caldwell asked for assistance in providing bathrooms and a doggie station by the RV parking in the lower parking lot.

The next meeting is planned for March 25, 2020 at 11:00 a.m. at the JR Ramming Trail entrance on Firehouse Road

E. **Lodger's Tax Advisory Board** – No report

8. **REGIONAL REPORTS**

Planning Director Nicholson was out and there was no report.

9. **MAYOR'S REPORT**

Mayor Brownell reported that at the IGC meeting, the Town of Taos' Karina Armijo had made a presentation about the Town's concern with short-term rentals. Some new ordinances are being considered for adoption, especially concerning these rentals in and around the historic district. The Town of Taos has hired a firm to monitor short-term rentals.

There was no Landfill meeting or ECOG meeting.

The NCRTD is looking into the use of electric buses. Service to Taos Ski Valley will continue through the World Pro Ski Tour in early April.

Mayor Brownell congratulated the newly elected Village Councilors. He reported that 107 ballots had been cast, compared to 83 ballots at the 2018 election. Mayor Brownell said that he had heard of complaints of new voter registrations, which he thought had created a feeling of mistrust in this small community.

Homeowner King mentioned that the rules in the NM Statutes for electors, construed as "intent to reside", which is different than for candidates.

10. **STAFF REPORTS**

Administrator Avila reported on ongoing projects:

- **WWTP** – The updated substantial completion date estimate has had to be extended into March because of additional repair. Preparations are being made for demobilization of the temporary MBR Plant on March 9, 2020. USDA substantial completion site review now scheduled for the week of March 23rd.
- **Kachina Water Tank** – Planning for spring completion of the tank requires that Kit Carson fiber be included for a cost review of connection to existing facilities versus installation of tank-specific fiber and electric.
- **Village Hall Complex** – Landseer Management has three units rented and a fourth under contract soon. Rents are running around \$1,000 a month. EMS personnel still have units to use. A temporary ambulance garage will be placed at the Village Complex and a budget will need to be created around this project.
- **Underground fiber**- Long-term planning is underway with KCEC on the Village of Taos Ski Valley infrastructure. KCEC does not have definitive long-term plans in place for electrical facilities, and for easements on private property. The Village's Franchise Agreement, as well as the expired Village Ordinance 2015-51, was discussed. KCEC committed to providing mapping of underground facilities in neighborhoods where only a few connections stand between completing underground service and eliminating overhead lines. The plan is for underground fiber connectivity to be placed in joint trenching with KCEC electric lines. Whenever possible, joint trenching will be conducted with NM Gas. Additional planning with the relevant companies will continue, and additional meetings with public participation will be announced.
- **Other Items:**
 - Staff has participated in NM Department of Health state-wide conference calls on readiness for the Corona virus emergency. With the new connection to fiber optic at the Village office, staff would be able to work remotely if this were to become necessary.
 - Staff will be attending seminars to better understand workforce housing options at the Village Complex.

- The contractor bid process is underway for the Thunderbird Road/Ernie Blake Road construction project this summer. The Village is meeting with TSVI on the project and meetings are occurring with Kit Carson and NM Gas on the project.

TSVI Chaz Rockey asked whether there had been budget overruns on the WWTP project and the Kachina Water Tank project. Administrator Avila responded that the WWTP project had exceeded the budget by about \$20,000 and that the Kachina Tank project had exceeded the amended budget numbers. A temporary pump will be used for the tank for the next couple of years but a request has been made by the Village for legislative outlay funds for a new permanent pump.

Department Briefs

- The February Public Safety report: 911 Hang Up (1), Abandoned Vehicle (1), Animal calls (0), Arrests (1), Assists to other Agencies (11), B&E (0), Battery or Assault (1), Business Alarms (1), Civil Stand-by (1), Citizen Assists (161), Disorderly (0), Domestic Calls (0), Embezzlement (0), Foot Patrol Hours (75), Found/Lost Property (2), Larceny (1), Missing Person (2), MVCs (5), Narcotics Adult (1), Parking Citations (25), Private Property Crash (2), Property Damage (0), Reckless Driver (4), Residential Alarms (1), Shots Fired (0), Suspicious Persons/Vehicles (2), Theft (3), Traffic Enforcement Hours (100), Traffic Hazard (7), Traffic Stops (33), Trespass Warnings (0), Trespassing (0), Unattended Death (0), Vehicle Alarm (0), Vehicle Theft (1), Verbal Warnings (33), Welfare Check (2), Written Citations (12), Written Warnings (7), Fire Calls (3), Fire Alarms (2), EMS Calls (6), SAR Calls (0). Chief Trujillo said that he is working with NMDOT to get speed limits reduced to 35 mph in Amizette. Amizette resident Henry Caldwell thanked him for monitoring speeding on Highway 150.
- Building Official Bowden reported that one permit was issued for a condominium remodel, with three to four new residence permits expected in the near future. Framing completions for The Blake Residences will be occurring soon with almost daily inspections upcoming as mechanical, plumbing, and electrical contractors secure inspections from the State of New Mexico.
- Public Works Director Martinez said that staff is continuing to work through processes at the new treatment plant. The numbers are much improved, he said. Public Works staff will be working on lower Twining Road and is working on a dust control plan beginning in May. The application will be different than the previously used magnesium chloride.
- Clerk Wooldridge reported that the results of the Municipal Officer Election held on March 3, 2020 would be canvassed by the Taos County Commission at the Commission meeting on March 17, 2020 at 9:00 a.m. The voting results showed that candidates Neal King and Tom Wittman received the most votes and have been elected for the two outstanding Councilor positions. The candidates take office on April 1, 2020.
- Attorney Baker reported that work continues on the Shopoff development agreements. Hearing for the applications has been postponed until May, most likely. Consideration to adopt the Source Water Protection Plan has been postponed until at least April. She has been working on a water-sharing agreement with TSVI for Beaver Pond water diversion. Attorney Baker said that a mutual-aid agreement is needed for providing emergency services. Grant funds should be sought for Village strategic planning, she said. An advisory committee will need to be appointed with a minimum of five members to participate in the development of the needs assessment report for the updated development impact fees. Attorney Baker said that the committee would work with the Planning & Zoning Commission over a period of eight months to develop the report. Committee members cannot be elected officials or staff members. She said that an advertisement would go out the following week, that the Mayor and staff would review applications, and that the Mayor would appoint the committee members at the April Council meeting.

11. OLD BUSINESS

A. PUBLIC HEARING: Consideration to Approve **Ordinance No. 2020-69** Village of Taos Ski Valley Wildfire Prevention and Protection Ordinance

PUBLIC HEARING: Speaking in favor was Councilor Pattison, saying that the Firewise Board and the Public Safety Committee were in favor of approval. Speaking against was homeowner Kathy Bennett who said that it would take time to make the Village firewise-compliant, but that the basic need is to eliminate dead, down, and dying trees on properties. She said that this would be a simple way to get things moving and that it would present a very noticeable difference. Implementing an ordinance is too much and is an unnecessary step at this time, she said. Volunteers and members of the Village staff could go out and assist property owners with information on conducting firewise thinning on their properties. The ordinance implies that there would be threats and bullying to property owners, she said. Ms. Bennett said that this would be an expensive way to achieve the goal, and that if there was money in the Village budget for hiring a forester, then why wouldn't the Village pay for EMT staffing. Homeowner Mike Fitzpatrick said that it would be premature to adopt an ordinance as the first step would be to have someone advise homeowners on Firewise compliance, then regulate actions with a public nuisance ordinance. Homeowner Neal King said that the intent is good but that

making this into an ordinance was too much. Property owner Henry Caldwell said that this would be onerous for property owners and wasn't appropriate at this time. Property owner Kerrie Pattison said that for someone who was proposing to build a home, the lack of initiative on the part of property owners to thin dead and down trees was dangerous and she was in favor of approval. Building Official Bowden said that he was not speaking in favor or against but wanted to advise the Council that there is a Wildland Urban Interface ordinance in place for the Village which has not been enforced. The two parts which regulate new construction and then existing structures could be workable and enforceable. If he were to work in partnership with the Firewise Board, this effort would make the community safer in Firewise compliance. There is a newer version of the WUI code which could be adopted and fine-tuned for the Village if necessary. The Public Hearing was closed.

MOTION: To Approve Ordinance No. 2020-69 Village of Taos Ski Valley Wildfire Prevention and Protection Ordinance

Motion: Councilor Pattison Second: Councilor Wittman

Discussion took place including comments from Councilors about some ambiguous terms in the ordinance. There were items in the ordinance that are mandated that perhaps should not be mandated. Since an election has recently occurred, the current Council would be forcing the new Council to regulate and pay for this ordinance. It is necessary to trend towards regulations that are enforceable, and the P&Z Commission voted against adoption of the ordinance by a vote of 1-6. The Commission's recommendation was to make this into a resolution.

The Mayor called for a vote. Failed: 1-3 (Councilors Kern, Stagg, and Wittman dissenting)

12. NEW BUSINESS

A. Consideration to Adopt Resolution No. 2020-426 Requesting Acceptance and Approval of the FY2019 Audit
The fiscal year 2019 audit was submitted to the State Auditor's office in January 2020. The audit has now been approved and finalized by the Office of the State Auditor. Copies of the audit were distributed to the Council along with the letter from the auditors with a discussion of the financial status of the Village of Taos Ski Valley. The Village received an unmodified opinion. Ron Schranz from Burt & Company presented the audit saying that there were two findings but that the Village had a strong balance sheet with total liabilities less than total assets and more revenues than expenses.

MOTION: To Adopt Resolution No. 2020-426 Requesting Acceptance and Approval of the FY2019 Audit

Motion: Councilor Wittman Second: Councilor Kern

Director Grabowski said that although there remains \$6 million in reserves after the WWTP reserve amount, some reserve amounts are committed for certain allowable expenditures. There had been instances of the Village having to borrow funds in the first few years after incorporation due to cash-flow being tight in the fall because of the reduced GRT being collected at that time.

The Mayor called for a vote. Passed: 4-0

B. Consideration to Approve a Letter of Support for the Taos Valley Watershed Coalition's Rio Lucero Watershed Restoration Proposal

Councilor Pattison said that this would support the neighboring community near the Rio Lucero.

MOTION: To Approve a Letter of Support for the Taos Valley Watershed Coalition's Rio Lucero Watershed Restoration Proposal

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

C. Consideration to Adopt Resolution No. 2020-422 requesting a Permanent Budget Adjustment (BAR) to the FY2020 Budget to Increase Hold Harmless GRT Revenues in the General Fund (03) and the Transfer Out of General fund and into the Sewer Depreciation Fund (42). Hold Harmless GRT revenues are pledged to the waste water treatment plant debt service repayment

The Village submitted its fiscal year 2019-20 budget in July of 2019. At that time it was estimated and budgeted that the Village would receive \$200,000 in hold harmless GRT revenues. In fiscal year 2020 the Village general fund has already received and transferred \$156,911.35 to the sewer depreciation fund. Note that in August and October the distributions of revenue were not recorded as there was no cash received, however the required transfers were made to the sewer depreciation fund. There is an additional four months remaining in the fiscal year. Based on collections year to date the Village anticipates receiving more than the budgeted revenue. The additional revenue will then need to be transferred to the sewer depreciation fund. Since the increase in a transfer out is considered an expense, a BAR is required by the Department of Finance to increase the expense. Staff estimates that as much as an additional \$200,000 may be received and require a transfer to the Sewer Fund.

MOTION: To Adopt Resolution No. 2020-422 requesting a Permanent Budget Adjustment (BAR) to the FY2020 Budget to Increase Hold Harmless GRT Revenues in the General Fund (03) and the Transfer Out of General fund and into the Sewer Depreciation Fund (42)

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

D. Consideration to Adopt Resolution No. 2020-423 Requesting a Permanent Budget Adjustment (BAR) to the FY2020 budget to Account for the Local Government Transportation Project Fund Grant Agreement Awarded to the Village and Accepted in October 2019

The Village submitted its fiscal year 2019-20 budget in July of 2019 but at that time the LGTPFGA had not been awarded to the Village. A request for funding to begin assessing the needs on Twining Road was submitted in the spring of 2019. In October 2019 the award was made to the Village and accepted by the Council by Resolution No. 2020-415. The award was for \$261,725.00 with a 5% Village match of \$13,775.00.

The award is now being recognized via a budget adjustment (BAR) to the Roads Fund (05) and is being added to the FY2019-2020 budget. Since it is later in the fiscal year staff does not anticipate utilizing the entire amount in this fiscal year so a rough estimate of possible expenses is being added to the budget along with the Village match. The remaining balances will be carried forward into the FY2020-21 budget.

Without Planner Nicholson in attendance, a plan was not able to be presented for next steps. Director Grabowski said that an RFP would be conducted soon for a contractor to begin assessing the needs.

MOTION: To Adopt Resolution No. 2020-423 Requesting a Permanent Budget Adjustment (BAR) to the FY2020 budget to Account for the Local Government Transportation Project Fund Grant Agreement Awarded to the Village and Accepted in October 2019

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

E. Consideration to Adopt Resolution No. 2020-424 Requesting a Permanent Budget Adjustment (BAR) to the FY2020 Budget to Increase the Expense Budget in Lodger's Tax fund (15)

On February 10, 2020 the Lodger's Tax Committee met to review a new proposal from Taos Ski Valley (TSVI) requesting funding for the World Pro Ski Tour Championship event planned for April 10-12, 2020. TSVI requested \$50,000.00 for promotional expenses for the event which will be held in Taos Ski Valley.

The Lodger's Tax Committee reviewed the proposal and voted 3-0 to fund the request by TSVI. Documentation of expenses including invoices and payments will be required for reimbursement as any normal grant request. A budget adjustment is required by the Department of Finance, Local Government Division to add the \$50,000 expense to the FY19-20 budget. On October 9, 2019, the Lodger's tax committee also agreed to increase revenue collections by \$50,000.00 based on increased year to date revenue collections.

MOTION: To Adopt Resolution No. 2020-424 Requesting a Permanent Budget Adjustment (BAR) to the FY2020 Budget to Increase the Expense Budget in Lodger's Tax fund (15)

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

F. Consideration to Adopt Resolution No. 2020-425 Adopting the Village of Taos Ski Valley Building Permit Fee Schedules

Building Official Bowden explained that the purpose of adopting this resolution was to provide contractors, design professionals, and prospective homeowners public information on the process of determining fees for construction in the Village. This is primarily to formalize the process as the practice will not be any different. He said that Building Valuation Data is provided semi-annually and the intention is that the jurisdiction would make updates accordingly. Once the valuation is established the total is then referred to an appendix L for fee determination.

The intention is that the Building Department expenses versus fee income would equalize and would be reviewed annually for any adjustments.

MOTION: To Adopt Resolution No. 2020-425 Adopting the Village of Taos Ski Valley Building Permit Fee Schedules

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

G. Consideration to Adopt Resolution No. 2020-427 Approving Application to the NMDOT FY 2020/2021 Local Government Road Program

The New Mexico Department of Transportation has a yearly application process for municipalities to request grant funding on a 25% match basis. The funds can be used for a number of projects identified in the Local Government Road Program Handbook. The Village has been able to use in-kind costs to match the grant funding and would plan to do so this year.

The Village has a number of streets where the funding would be of use and will use the funding if awarded to have the highest beneficial use.

MOTION: To Adopt Resolution No. 2020-427 Approving Application to the NMDOT FY 2020/2021 Local Government Road Program

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

H. Discussion and Direction in Consideration of Village of Taos Ski Valley Fire Board Action to Combine Fire Fighting and Emergency Medical Services

Fire Chief Molina explained that there would be better coverage for the community if the departments were combined. The Taos Ski Valley Fire Department met with the Taos Ski Valley Fire Board on February 24, 2020 and voted to combine the Taos Ski Valley Fire Department and the Taos Ski Valley EMS Department. Councilor Stagg said that he would support the wishes of the department, and Councilor Wittman and Mayor Brownell agreed. There might be opportunities to obtain some of the Governor's \$5 million in grant funding soon to be available. The Fire Department is under the authority of the NM State Fire Marshal, and the state oversees the EMS Department. Funding of the two would remain separate. Chief Molina said that many smaller municipalities are combining departments.

13. MISCELLANEOUS

A. Councilor Stagg reported that the Taos County Commission had approved the 3/16th GRT allotment for Holy Cross Hospital. The vote on the mill levy dedication will take place in November.

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

The next Regular Village Council Meeting will be on Tuesday, April 14, 2020 at 2:00 p.m. at the Edelweiss Lodge Club Room. (Note: an Emergency Council meeting was held on Monday March 16, 202 at 2:00 p.m. outside at the Edelweiss Lodge Patio for a declaration of emergency in the Village.) A Council budget workshop will be scheduled for late April, date to be determined.

15. ADJOURNMENT

MOTION: To Adjourn

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

The meeting adjourned at 5:00 p.m.

Christof Brownell, Mayor

ATTEST: _____
Ann M. Wooldridge, Village Clerk



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

VILLAGE COUNCIL EMERGENCY MEETING
DRAFT MINUTES
EDELWEISS LODGE PATIO
106 SUTTON PLACE
TAOS SKI VALLEY, NEW MEXICO
MONDAY, MARCH 16, 2020 2:00 P.M

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

The emergency 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 emergency 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 Tom Wittman, Mayor Pro Tem
Councilor Jeff Kern
Councilor Roger Pattison, by phone
Councilor Chris Stagg

Village Staff Present

Administrator John Avila
Clerk Ann Wooldridge
Public Safety Director Sam Trujillo
Building Official Jalmar Bowden
Public Works Director Anthony Martinez
Planning Director Patrick Nicholson

3. **APPROVAL OF THE AGENDA**

MOTION: To approve the agenda as presented

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

4. **NEW BUSINESS**

A. Discussion, Consideration, and Possible Approval of **Resolution 2020-428**, Declaration of Emergency for the Village of Taos Ski Valley
Administrator Avila explained that based on the evidence of the World Health Organization, Federal order by the President and declaration by the NM Governor and Department of Health, the Village is required by formal Declaration of Emergency, to evoke preventive and containment measures. The President has directed all states to activate Office of Emergency Management operations under Federal Emergency Management Agency and Department of Homeland Security guidelines.
This declaration also invokes the powers that allow for assistance under Federal and State order for continuity of operations and Village administrative continuity. The emergency activities may evolve as needs are identified but the Village is held to those within the responsibilities of local

government. The Village is responsible for the basic critical services of water, wastewater, solid waste, public safety, roads/drainage, and administration of these.

To operate the Village there must be plans to meet contingencies such as overtime, operations contracts, PPE/HAZMAT, additional laptops/remote desks, VPN/IT, emergency provisions and housing, to name a few. We must plan for funding the resources during the emergency and record and report through our OEM. The Village will be required to conduct financial planning, segregate funds for the emergency expenses, and track those under the resolution to become eligible for assistance.

As all persons may not always be available, succession precautions for signature and command authority will be implemented as part of the resolution. There may be a need to be flexible with staffing for different shifts, attendance requirements, and absence coverage.

MOTION: To approve Resolution 2020-428, Declaration of Emergency for the Village of Taos Ski Valley

Motion: Councilor Wittman Second: Councilor Kern

Questions from the audience concerned why the amount of an emergency contract could be up to \$100,000, and why, if the Mayor were unable to sign a contract, the order of succession for signing authority would be Mayor Pro Tem Wittman first, and Councilor Stagg second. It was explained that contracts can be revocable and also that emergency procurement procedures may be necessary. Mayor Brownell said that Councilor Stagg was the appropriate choice for second signatory as he is the most senior Councilor after the Mayor Pro Tem. TSVI's Peter Talty made it clear that Councilor Stagg has no ownership in TSVI.

The Mayor called for a vote. Passed: 4-0

5. 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, April 14, 2020 at 2:00 p.m. at a location or by a method to be determined.

6. ADJOURNMENT

MOTION: To Adjourn

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

The meeting was adjourned at 2:15 p.m.

Tom Wittman, Mayor Pro Tem

ATTEST: _____
Ann M. Wooldridge, Village Clerk

Ann Marie Wooldridge

From: Katherine Kett <katkett@hotmail.com>
Sent: Thursday, April 9, 2020 11:56 AM
To: Ann Marie Wooldridge; Kerrie Pattison; Jon Mudder; christof brownell; Nancy Grabowski; Christina Wilder; nealkingtsv; Kelly grossetete; John Avila
Subject: REVISED APRIL UPDATE

Greetings council members, mayor, and public.

1. Spring Clean-Up

While we are all taking advantage of good weather and walking about...this is a great opportunity to carry a plastic bag with you and collect trash.

We will **postpone** our Spring Clean-Up picnic that was scheduled for Thursday, May 21st *and schedule a date for later in the summer when we can have a proper gathering.*

2. Hanging Baskets on Sutton Place

We are remaining hopeful that TSV will have summer business and we are planning on hanging our flower baskets on Sutton Place by July 1st. If we have to rethink that...we will. Kat will be in contact with Petrees to find out more details and timing.

3. Both Kat and Kerrie have spoken with **Carl Colonias ECTA**...to review presentation, add input, and understand process to ensure that VTSV projects have the potential to move forward and steps to progress are in place. Regular “trail” meetings with Patrick through the winter months have helped in planning our agenda for the summer ahead.

4. Conversations with **Rocky Mountain Youth Corps** has been initiated for trail maintenance (FYI...They reached out to us) For example: JR Trail and Kachina Wetlands/Picnic area. Waiting to hear back from them.

5. Disc Golf, per myself, committee chair....am planning to set up by July 1st....subject to change if needed. This can be a social distancing responsible game.

6. Volleyball: easy set-up when restrictions on gathering are removed and conditions permit...regardless of TSVinc scenic chair ride.

7. All other projects will be updated as we move forward into spring and PARC has officially met.

8. NEXT MEETING: TBD

Thank you, committee chair,
Katherine Kett

John Avila
Village Administrator
Village of Taos Ski Valley Council
Monthly Briefing
April 14, 2020

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

*** Ongoing & Past Projects ***

WWTP –

Project management for the Waste Water Treatment Plant includes scheduling for month end the regular progress meetings with USDA to coincide with the Village's pay application process. Refinancing of the project is an agenda item.

To be discussed at each monthly progress meetings are the guide list item. These will be discussed at monthly construction meetings, the last week of the month and addressed in the owner's monitoring report to Rural Development. The updated substantial completion date estimate because of additional repair has had to be extended to March 18. Final Completion is pending after USDA review and includes punch list of items to finish.

Some draft change orders have been modified as follows based on Village requests:

IWS used a 10% markup instead of 15%;

COR No. 5 has been reduced by 50 %, and it is my understanding that IWS will not seek a COR for re-installing the replacement AIS-compliant valves.

COR No. 4 for replacing lighting in the existing building will be reduced further once the number of LED replacement fixtures has been reduced.

As we discussed, both IWS and Plummer consider these to require additional refinement due to the need to finalize the scope and equipment pricing in several instances. We are pushing forward finalizing the cost reduction change orders, but do not have the scope fully designed and the equipment/construction costs developed for these

Deductive – cost reduction associated with utilizing an existing section of 8" piping and valves at the EQ tank, eliminating the need for excavation, shoring, and installation of a tank penetration hardware

Deductive– cost reduction associated with saw cutting an opening in the existing baffle wall in Basin 4 instead of demolishing the wall; elimination of 1 -2 concrete cores in Basin 1; and eliminating the requirement to cut off the approximate 3- 6" pipe protrusions remaining after eliminating and filling the existing pipe penetrations between the basins.

Pinch Valve – potential cost reduction associated with valve supply by a supplier that meets AIS requirements with a shorter lead time.

Work Completed: Demobilization of temporary plant 3/9/20 saved + \$50,000 of delay request by coordination with traffic safety, • Developed punch list

Work in progress: • Punch List, Remove old transformer and finish fiber install – KCEC. USDA substantial completion site review now scheduled for the week of the 23rd.

Anthony Martinez, Director of Public Works (field report)

Kachina Water Tank –

Planning for season completion of the Kachina Tank project includes that the temporary pumping solution including electrical and communication be prepared. The project planning call last month and again this week is now to include Kit Carson Fiber and KCEC for a costing review of connection to existing facilities Vs installation of Tank specific fiber and electric.

Closing project funding documentation is completed with the Water Trust Board but they will continue to monitor the project until final completion. The Tank construction portion is substantially complete. There remains planning additional work to make it operational with the completion of pipe testing after the Temporary Pumping station is updated. The RMCI contract Change Order for Temporary Pumping Station work is an agenda item.

An agreement for assignment and removal of extra material from the site by TSVI upon completion of construction still needs to be completed however TSVI has provided a letter to that affect. This will generate an RMCI credit back to the project once the project site is backfilled and revegetation is confirmed. It requires that TSVI accepts responsibility for the NPDES/SWPPP until stockpiled materials are removed. TSVI can use the materials to their liking. RMCI would like to leave the roadway as is after backfill is completed. RMCI is scheduled to install culvert pipes, rip rap and a base course roadway as a part of the project. We need confirmation that this work can be deleted and credits can be offered if the roadway is to be left as currently constructed or made part of a Public Works project.

Anthony Martinez, Director of Public Works (field report)

Village Hall Complex –

The Market survey by the Landseer has long term rental rates in the area ranging from \$1,000 – 1,500. Better pricing for septic is researched by LM. In FY2021 budget process we treat the apartment portion of the project as an enterprise fund (13) since we were planning on a revenue and expense process. LM has 4 units currently rented and a fifth under contract to start next month.

Still to accomplish before the units are 100%: CID permit with list of repairs to be completed by Contractor. CID has been on site to review repair work and have passed fire wall repair to remove unit common doors. Completion of tasks; including external rails, snow diverters, electrical conduit installation, are required, if the Village Complex Apartments are to be rentable after inspection.

Other completed tasks:

Kit Carson installed fiber connection between the Village Office server and other Village facilities are now possible, including the Office Building cameras. At approximately 100% of readiness budget Wall repairs painted and readiness cleaning completed for all units.

The EMS reserve units will remain in service after repairs and cleaning by LM and Village preparation. Observation of construction planning by Building Official Bowden is valuable as repairs progress.

Facility Undergrounding

Last week we were able to have a call with some of the residents from the Amizette area of the Village concerning plans for underground electrical lines. We reviewed some of the information the Village had developed from project meetings with Kit Carson Electric and Fiber representatives held on 2/28, 3/3 and 3/24, in order to understand the long term planning underway with KCEC infrastructure in the Village of Taos Ski Valley. Some of the take away from last week's call with residents is that they would rather the Village first send a survey to residents before creating a project map with KCEC. The mapping is taking a while to put together, so the survey can be done right after the next meeting with KCEC. Hopefully the survey input will inform the best routes and connection points to make with the project. The information that the residents would like from the collaboration between KCEC and VTSV are understanding of likely fees, cost of materials, equipment and trenching.

Other topics with KCEC are about continuing the organized plan for undergrounding Electric and Fiber in the Village:

Ensuring that permit application is supported for construction on Thunderbird Road/Ernie Blake
KCEC made commitment of notification for permit support of impromptu requests/inquiries by individuals in the Village.

Some of the neighborhoods that are near ready for undergrounding have one or two residents not in compliance and can go forward once these are corrected. .

We reviewed with KCEC, the Franchise agreement Ordinance and our Ordinance 2015-51, that refers to the Franchise agreement and emphasized the urgency of a plan for coordinated undergrounding of utilities. KCEC does not have definitive long term planning for the Village Electrical facilities and appreciates the VTSV participation in planning facilities for the Village. The subject of access to utility easements on private property was discussed and how these would be implemented with the undergrounding plan is important to know.

Additional planning meeting with NM Gas and KCEC are needed

Additional meetings for more public participation from this planning effort are to be announced.

KCEC has also helped plan; Removal of Electric line at the Waste Water plant and refitting conduit with fiber, Kachina Tank Project, Village Fiber connectivity between facilities.

Items

- COVID -19 Pandemic Emergency: Staff has participated in NM Department of Health, Federal webinar, emergency management calls and ongoing calls and meetings regarding the COVID -19 emergency and are taking reasonable precautions. With internet connectivity, we are able to allow staff to work from home. The accountability for working from home requires more detailed tracking than normal and is part of the reporting requirements for the emergency. Our Police and Fire Departments have been keeping a presence in the community in order to help people that are in residence. Under the ruling by the State Fire Marshal and FEMA, during the emergency public departments can provide assistance to individuals affected by the emergency. Communication with the public has also accomplished through email and Regroup services.
- Thunderbird/Ernie Blake Road project communication with TSVI has progressed, with documents for temporary construction license being sought and the Contractor in place. Meetings with TSVI, Kit Carson and NM Gas have provided project updates. Accommodation of ongoing building construction and public access is still scheduled and are subjects addressed in the preconstruction meeting.
- Application for the 2020 Hazardous Fuel Treatment on Non-Federal Lands (NFL) was drafted with assistance from J.R. Logan and Jalmar Bowden and submitted by mail as the Santa Fe offices were closed for COVID -19
- Staff has been preparing draft budget projections for the upcoming Fiscal Year as well as updating the annual ICIP to accurately reflect Village infrastructure assets required.

C-625 - CERTIFICATE OF SUBSTANTIAL COMPLETION

Owner: Village of Taos Ski Valley
Contractor: Integrated Water Services
Engineer: Alan Plummer Associates
Project: Wastewater Treatment Plant Expansion

This Certificate of Substantial Completion applies to:

☒ All Work ☐ The following specified portions of the Work:

March 18, 2020

Date of Substantial Completion

The Work to which this Certificate applies has been inspected by authorized representatives of Owner, Contractor, and Engineer, and found to be substantially complete. The Date of Substantial Completion of the Work or portion thereof designated above is hereby established, subject to the provisions of the Contract pertaining to Substantial Completion. The date of Substantial Completion in the final Certificate of Substantial Completion marks the commencement of the contractual correction period and applicable warranties required by the Contract.

A punch list of items to be completed or corrected is attached to this Certificate. This list may not be all-inclusive, and the failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract.

The responsibilities between Owner and Contractor for security, operation, safety, maintenance, heat, utilities, insurance, and warranties upon Owner's use or occupancy of the Work shall be as provided in the Contract, except as amended as follows:

Amendments to Owner's responsibilities: ☒ None ☐ As follows:

Amendments to Contractor's responsibilities: ☒ None ☐ As follows:

The following documents are attached to and made a part of this Certificate:

Substantial Completion Punch List

This Certificate does not constitute an acceptance of Work not in accordance with the Contract Documents, nor is it a release of Contractor's obligation to complete the Work in accordance with the Contract.

RECOMMENDED:

By: M. A. John
Engineer (Authorized Signature)
Print Name: Mark Dahm
Title: Engineering Director - Treatment
Date: April 8, 2020

ACCEPTED:

By: [Signature]
Owner (Authorized Signature)
Print Name: John Avila
Title: Village Administrator
Date: 4-8-20

RECEIVED:

By: [Signature]
Contractor (Authorized Signature)
Print Name: Todd Brunetti
Title: Senior Project Manager
Date: 4-13-20



Punch List

IWS

1. Install chemical system 90% complete
2. Flume install, concrete, etc. (Still in design)
3. Npw system. (Still in Design)
4. As-Build's
5. Final clean up 95 % complete
6. Remove and dispose of demo junk pile (95 % complete)
7. Stair Railing and Landing CO (Still in Design)

L4 New Bldg.

1. Finish wall vinyl
2. Remove and replace caulk around windows

L4 Existing Bldg.

1. Finish new insulation wall, ceiling, and vinyl exterior walls
2. New exterior wall panel s end

Anchor built

1. Install shower



2. Install frp
3. Install doors and hard ware
4. Plumbing and HVAC
5. Drop ceiling
6. New BLDG. Finishing Installing Radiant heat North side of bldg.

National coatings

1. Existing bldg.
 2. Finish Painting pipe and pipe stands
 3. Sealer on Lab, break room and bathroom floors
 4. Paint new dry wall
 5. Paint all piping
 6. Seal floor
- (Note this work should be 90% complete by 3/20/2020)

Espl

1. Louver electrical
2. Existing Bldg.
3. Install lights Break room and lab

FACT SHEET

Coronavirus (COVID-19) Pandemic: Eligible Emergency Protective Measures

Consistent with the President's national emergency declaration for the coronavirus (COVID-19) pandemic on March 13, 2020, FEMA urges officials to, without delay, take appropriate actions that are necessary to protect public health and safety pursuant to public health guidance and conditions and capabilities in their jurisdictions. FEMA provides the following guidance on the types of emergency protective measures that may be eligible under FEMA's Public Assistance Program in accordance with the COVID-19 Emergency Declaration in order to ensure that resource constraints do not inhibit efforts to respond to this unprecedented disaster.

FEMA Public Assistance Program

In accordance with section 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"), eligible emergency protective measures taken to respond to the COVID-19 emergency at the direction or guidance of public health officials may be reimbursed under Category B of FEMA's Public Assistance program. *FEMA will not duplicate assistance provided by the U.S. Department of Health and Human Services (HHS), to include the Centers for Disease Control and Prevention (CDC), or other federal agencies.*

State, territorial, tribal, and local government entities and certain private non-profit organizations are eligible to apply for Public Assistance. FEMA assistance will be provided at a 75 percent federal cost share. This assistance will require execution of a FEMA-State/Tribal/Territory Agreement, as appropriate, and execution of an applicable emergency plan. Local governments and other eligible PA applicants will apply through their respective state, tribal or territorial jurisdictions.

Eligible Assistance

Under the COVID-19 Emergency Declaration described above, FEMA may provide assistance for emergency protective measures including, but not limited to, the following, if not funded by the HHS/CDC or other federal agency. *While some activities listed may be eligible for funding through HHS/CDC, final reimbursement determinations will be coordinated by HHS and FEMA. FEMA will not duplicate any assistance provided by HHS/CDC):*

- Management, control and reduction of immediate threats to public health and safety:
 - Emergency Operation Center costs



- Training specific to the declared event
- Disinfection of eligible public facilities
- Technical assistance to state, tribal, territorial or local governments on emergency management and control of immediate threats to public health and safety
- Emergency medical care:
 - Non-deferrable medical treatment of infected persons in a shelter or temporary medical facility
 - Related medical facility services and supplies
 - Temporary medical facilities and/or enhanced medical/hospital capacity (for treatment when existing facilities are reasonably forecasted to become overloaded in the near term and cannot accommodate the patient load or to quarantine potentially infected persons)
 - Use of specialized medical equipment
 - Medical waste disposal
 - Emergency medical transport
- Medical sheltering (e.g. when existing facilities are reasonably forecasted to become overloaded in the near future and cannot accommodate needs)
 - All sheltering must be conducted in accordance with standards and/or guidance approved by HHS/CDC and must be implemented in a manner that incorporates social distancing measures
 - Non-congregate medical sheltering is subject to prior approval by FEMA and is limited to that which is reasonable and necessary to address the public health needs of the event, is pursuant to the direction of appropriate public health officials and does not extend beyond the duration of the Public Health Emergency
- Household pet sheltering and containment actions related to household pets in accordance with CDC guidelines
- Purchase and distribution of food, water, ice, medicine, and other consumable supplies, to include personal protective equipment and hazardous material suits
- Movement of supplies and persons
- Security and law enforcement
- Communications of general health and safety information to the public
- Search and rescue to locate and recover members of the population requiring assistance
- Reimbursement for state, tribe, territory and/or local government force account overtime costs

More Information

Further information about eligible emergency protective measures can be found in the [Public Assistance Program and Policy Guide](#), FP 104-009-2 (April 2018).

For more information, visit the following federal government websites:

- [Coronavirus \(COVID-19\) \(CDC\)](#)
- [Centers for Medicare & Medicaid Services](#)

Council Notes for April 14, 2020 Meeting:

Revenues:

GRT :

This month last year: \$301,671 This month this Year: \$239,931

Last Year YTD: \$1,547,188 This Year YTD: \$1,076,675

The TIDD received \$ 286,512 in March

Lodgers Tax:

This month last year: Last year \$105,205 This Month this year: \$111,413

YTD Last year: \$ 383,961 YTD This year YTD: \$424,972

REVENUES:

- We received 42,129 in hold harmless GRT revenue. A total of \$625,301 has been collected in HH GRT
- GRT collections are down 31%
- Lodger's tax collections are up 10% from last fiscal year.
- General Grants are down...road co-op was not submitted this year
- We received \$9,170 in March for property tax. Up 10.6%
- Note that as of this report all bank statements have not all been received and reconciled for March

EXPENSES:

- Overtime expense is up...police have been doing more training, good snow year
- Propane expense is down because of natural gas conversion
- Natural gas is up...we had a hefty invoice from building the plant as the outdoors was being heating during construction
- Fuel expense continues up by 127%. PW Director and Police chief need to review these department expenses.

OTHER:

None

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 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	\$429,588.97	\$658,464.77	\$858,587.84	\$1,067,531.84	\$1,299,098.68	\$1,369,944.64
FY 2016	\$37,891.82	\$20,239.04	\$97,742.38	\$25,839.07	\$197,397.64	\$95,985.99	\$224,614.99	\$103,161.00	\$166,682.00	\$180,838.00	\$201,624.53	\$38,366.93
YTD	\$37,891.82	\$58,130.86	\$155,873.24	\$181,712.31	\$379,109.95	\$475,095.94	\$699,710.93	\$802,871.93	\$969,553.93	\$1,150,391.93	\$1,352,016.46	\$1,390,383.39
FY 2017	\$119,909.94	\$55,423.48	\$87,873.13	\$142,357.47	\$41,995.22	\$148,618.10	\$142,636.32	\$187,613.18	\$204,129.97	\$165,451.68	\$208,890.93	\$76,774.96
YTD	\$119,909.94	\$175,333.42	\$263,206.55	\$405,564.02	\$447,559.24	\$596,177.34	\$738,813.66	\$926,426.84	\$1,130,556.81	\$1,296,008.49	\$1,504,899.42	\$1,581,674.38
FY 2018	\$29,864.17	\$48,702.07	\$58,630.68	\$75,354.62	\$89,599.77	\$118,550.59	\$207,717.57	\$250,972.85	\$212,959.98	\$187,022.24	\$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	\$141,644.03	\$189,464.82	\$258,317.57	\$323,305.93	\$301,671.26	\$252,340.78	\$319,694.92	\$86,838.09
YTD	\$54,483.94	\$109,590.16	\$196,230.66	\$332,785.06	\$474,429.09	\$663,893.91	\$922,211.48	\$1,245,517.41	\$1,547,188.67	\$1,799,529.45	\$2,119,224.37	\$2,206,062.46
FY2020	\$73,181.77		\$83,775.61		\$88,409.53	\$146,106.99	\$125,934.38	\$319,335.98	\$239,931.17			
YTD	\$73,181.77	\$73,181.77	\$156,957.38	\$156,957.38	\$245,366.91	\$391,473.90	\$517,408.28	\$836,744.26	\$1,076,675.43			

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

LODGERS' TAX

CURRENT RATE = 5%

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

	July	August	September	October	November	December	January	February	March	April	May	June
FY 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	\$66,737.62	\$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	\$68,051.35	\$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	\$68,342.34	\$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	\$11,905.77	\$18,256.86	\$89,403.18	\$100,794.38	\$105,205.05	\$122,892.45	\$12,426.36	\$5,097.57
YTD	\$8,692.23	\$26,484.08	\$42,420.08	\$58,397.56	\$70,303.33	\$88,559.19	\$177,962.37	\$278,756.75	\$383,961.80	\$506,854.25	\$519,280.61	\$524,378.18
FY2020	\$9,107.40	\$23,176.76	\$18,926.00	\$18,538.79	\$15,121.36	\$16,682.78	\$100,415.47	\$111,589.79	\$111,413.82			
YTD	\$9,107.40	\$32,284.16	\$51,210.16	\$69,748.95	\$84,870.31	\$101,553.09	\$201,968.56	\$313,558.35	\$424,972.17			

VILLAGE OF TAOS SKI VALLEY
Profit & Loss Prev Year Comparison
July 2019 through March 2020

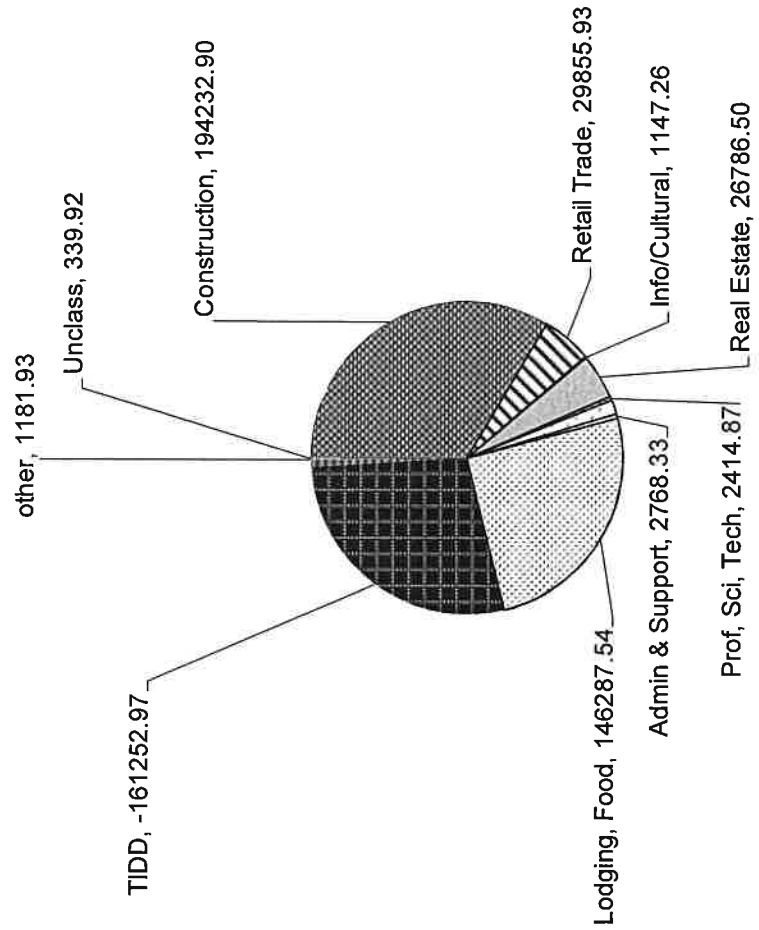
	Jul '19 - Mar 20	Jul '18 - Mar 19	\$ Change	% Change
Ordinary Income/Expense				
Income				
4012 · REVENUE -Water Sales	147,282.45	174,768.95	-27,486.50	-15.7%
4013 · Revenue - Sewer	588,991.80	517,038.72	71,953.08	13.9%
4018 · REVENUE- GRT HB 6	379.98	0.00	379.98	100.0%
4019 · REVENUE-Hold Harmless GRT	182,897.21	184,626.10	-1,728.89	-0.9%
4020 · REVENUE - GRT MUNICIPAL	427,899.68	628,123.60	-200,223.92	-31.9%
4021 · REVENUE - GRT- STATE	365,455.03	520,574.70	-155,119.67	-29.8%
4022 · REVENUE - GRT - ENVIRONMENT	18,636.77	25,683.38	-7,046.61	-27.4%
4023 · REVENUE - GRT - INTFRASTRUCTURE	74,549.68	102,735.73	-28,186.05	-27.4%
4025 · REVENUE -LIQUOR LICENSES	250.00	0.00	250.00	100.0%
4026 · REVENUE - BUSINESS LICENSE	735.00	1,020.00	-285.00	-27.9%
4027 · REVENUE - OTHER	92,388.62	59,451.59	32,937.03	55.4%
4028 · REVENUE - GASOLINE TAX	4,119.42	4,061.89	57.53	1.4%
4029 · REVENUE - LODGER'S TAX	424,972.17	383,961.89	41,010.28	10.7%
4031 · REVENUE - PARKING FINES	705.00	450.00	255.00	56.7%
4034 · REVENUE - MOTOR VEHICLE FEES	12,423.16	12,344.39	78.77	0.6%
4035 · REVENUE - BUILDING PERMITS	16,339.39	23,096.51	-6,757.12	-29.3%
4036 · REVENUE -Licenses/Permits Other	60.00	6,114.43	-6,054.43	-99.0%
4037 · REVENUE - GENERAL GRANTS	111,800.00	146,296.33	-34,496.33	-23.6%
4040 · REVENUE - WATER CONNECTION FEES	0.00	42,670.70	-42,670.70	-100.0%
4041 · REVENUE - SEWER CONNECTION FEES	0.00	47,215.67	-47,215.67	-100.0%
4046 · REVENUE - SOLID WASTE FEE	54,370.96	51,570.67	2,800.29	5.4%
4047 · REVENUE - OTHER OPERATING	3,320.60	2,388.12	932.48	39.1%
4049 · REVENUE - FIRE GRANTS	97,736.80	93,121.60	4,615.20	5.0%
4050 · REVENUE - IMPACT FEES	0.00	18,365.25	-18,365.25	-100.0%
4053 · REVENUE - GRT MUN CAP OUTLAY1/4	74,549.68	102,735.57	-28,185.89	-27.4%
4056 · REVENUE - LEGISLATIVE APPROPRI.	1,316,022.16	0.00	1,316,022.16	100.0%
4058 · Plan Review Fees	3,674.47	12,957.80	-9,283.33	-71.6%
4060 · WTB FY2016 revenue	461,437.95	967,362.85	-505,924.90	-52.3%
4100 · Miscellaneous Revenues				
4101 · Sale of Fixed Assets	26,591.00	0.00	26,591.00	100.0%
4110 · Misc Revenue- TIDD reimburse	11,061.38	6,163.06	4,898.32	79.5%
Total 4100 · Miscellaneous Revenues	37,652.38	6,163.06	31,489.32	510.9%
4190 · Rental Fees	2,153.22	0.00	2,153.22	100.0%
7004 · REVENUE - FINANCE CHARGE ON W/S	1,606.96	1,107.78	499.18	45.1%
7005 · REVENUE - INTEREST INCOME	74,834.04	72,506.56	2,327.48	3.2%
7006 · REVENUE -INVESTMENT INTEREST	3,501.46	13,820.72	-10,319.26	-74.7%
7007 · REVENUE - INTEREST IMPACT FEES	267.74	194.95	72.79	37.3%
7010 · REVENUE - AD VALOREM TAX	362,405.50	327,588.47	34,817.03	10.6%
7090 · REVENUE - SALE OF ASSETS	0.00	16,100.00	-16,100.00	-100.0%
9000 · BEG. BALANCE	0.00	0.00	0.00	0.0%
Total Income	4,963,419.28	4,566,217.98	397,201.30	8.7%
Gross Profit	4,963,419.28	4,566,217.98	397,201.30	8.7%
Expense				
4082 · DEBT SERV - 2007 WWTP LOAN PRIN	93,173.13	90,976.59	2,196.54	2.4%
4083 · DEBT SERV. - 2007 WWTP LOAN INT	8,114.00	10,310.54	-2,196.54	-21.3%
6100 · Salary and Benefits				
6112 · SALARIES - STAFF	840,465.78	895,966.44	-55,500.66	-6.2%
6113 · SALARIES - ELECTED	26,261.40	26,261.40	0.00	0.0%
6115 · Overtime salaries	13,410.49	6,626.05	6,784.44	102.4%
6121 · WORKER'S COMP INSURANCE	18,724.00	28,661.12	-9,937.12	-34.7%
6122 · HEALTH INSURANCE	153,517.08	143,174.99	10,342.09	7.2%
6125 · FICA EMPLOYER'S SHARE	66,320.51	69,574.83	-3,254.32	-4.7%
6126 · WORKMAN'S COMP PERSONAL ASSE...	184.90	275.20	-90.30	-32.8%
6127 · SUTA STATE UNEMPLOYEMENT	1,235.53	1,500.60	-265.07	-17.7%
6128 · PERA Employer Portion	72,066.08	67,320.62	4,745.46	7.1%
6130 · HEALTH INCENTIVE - SKI PASS/GYM	1,551.88	1,041.05	510.83	49.1%
6133 · Life Insurance	743.21	682.50	60.71	8.9%
6134 · Dental Insurance	9,751.36	8,982.74	768.62	8.6%
6135 · Vision Insurance	1,643.51	1,583.57	59.94	3.8%
Total 6100 · Salary and Benefits	1,205,875.73	1,251,651.11	-45,775.38	-3.7%
6220 · OUTSIDE CONTRACTORS	6,560,706.07	1,416,716.80	5,143,989.27	363.1%
6225 · ENGINEERING	322,768.95	179,861.20	142,907.75	79.5%
6230 · LEGAL SERVICES	70,683.31	28,855.87	41,827.44	145.0%
6242 · ACCOUNTING	11,236.72	4,120.85	7,115.87	172.7%
6244 · AUDIT	26,143.45	22,114.38	4,029.07	18.2%
6251 · WATER PURCHASE, STORAGE	287.04	264.93	22.11	8.4%
6252 · INTERNET	243.32	0.00	243.32	100.0%
6253 · ELECTRICITY	20,353.45	22,235.48	-1,882.03	-8.5%
6254 · PROPANE	1,373.46	21,954.11	-20,580.65	-93.7%
6256 · TELEPHONE	13,860.32	12,481.79	1,378.53	11.0%

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04/07/20
Cash Basis

VILLAGE OF TAOS SKI VALLEY
Profit & Loss Prev Year Comparison
July 2019 through March 2020

	Jul '19 - Mar 20	Jul '18 - Mar 19	\$ Change	% Change
6257 · RENT PAID	4,549.77	4,069.65	480.12	11.8%
6258 · WATER CONSERVATION FEE	300.67	178.45	122.22	68.5%
6259 · Natural Gas	7,121.64	1,284.17	5,837.47	454.6%
6270 · LIABILITY & LOSS INSURANCE	65,816.56	66,807.75	-791.19	-1.2%
6310 · Advertising	476.31	5,140.91	-4,664.60	-90.7%
6312 · CHEMICALS & NON DURABLES	9,542.62	21,980.93	-12,438.31	-56.6%
6313 · MATERIAL & SUPPLIES	54,778.51	81,770.50	-26,991.99	-33.0%
6314 · Dues/fees/registration/renewals	5,212.68	6,351.77	-1,139.09	-17.9%
6315 · BANK CHARGES	1,498.22	2,394.75	-896.53	-37.4%
6316 · Software	9,325.06	13,763.88	-4,438.82	-32.3%
6317 · Personal Protective Equipment	1,595.58	22,922.81	-21,327.23	-93.0%
6318 · Postage	1,493.75	1,825.90	-332.15	-18.2%
6319 · Election Expense	3,663.00	0.00	3,663.00	100.0%
6320 · EQUIPMENT REPAIR & PARTS	38,336.82	10,514.67	27,822.15	264.6%
6321 · BUILDING MAINTENANCE	435.88	1,436.81	-1,000.93	-69.7%
6322 · SMALL EQUIP & TOOL PURCHASES	11,832.21	16,374.33	-4,542.12	-27.7%
6323 · SYSTEM REPAIR & PARTS	135.10	9,606.41	-9,471.31	-98.6%
6331 · OUTSIDE TESTING SERVICES	67.65	91.00	-23.35	-25.7%
6332 · EQUIPMENT RENTALS	0.00	7,370.35	-7,370.35	-100.0%
6417 · VEHICLE MAINTENANCE	26,097.96	8,128.86	17,969.10	221.1%
6418 · FUEL EXPENSE	21,808.91	9,577.93	12,230.98	127.7%
6432 · TRAVEL & PER DIEM	3,767.32	14,254.22	-10,486.90	-73.6%
6433 · Travel & PD Elected Officials	478.43	2,343.14	-1,864.71	-79.6%
6434 · TRAINING	3,294.51	8,409.34	-5,114.83	-60.8%
6435 · Training Elected Officials	350.00	380.00	-30.00	-7.9%
6560 · Payroll Expenses	1.64	0.00	1.64	100.0%
6570 · Other Operations Expenses	19,558.33	0.00	19,558.33	100.0%
6580 · Rental Management Expense	629.25	0.00	629.25	100.0%
6712 · LAB CHEMICALS & SUPPLIES	5,139.90	1,795.53	3,344.37	186.3%
6714 · LAB EQUIPMENT REPAIR & PARTS	334.00	0.00	334.00	100.0%
6715 · LAB SMALL EQUIP & TOOL PURCHASE	1,162.94	596.25	566.69	95.0%
6716 · LAB TESTING SERVICES	8,425.85	8,244.31	181.54	2.2%
6720 · LAB OUTSIDE CONTRACTORS	1,171.00	0.00	1,171.00	100.0%
8322 · CAPITAL EXPENDITURES	3,450,236.38	608,096.86	2,842,139.52	467.4%
8323 · Capital Assets \$1000-\$4999	10,155.78	4,852.83	5,302.95	109.3%
8325 · EQUIPMENT & TOOL PURCHASE	33,291.08	321,314.24	-288,023.16	-89.6%
8421 · NMFA Interest TML #TAOS55	19,965.28	20,169.91	-204.63	-1.0%
8422 · CWSRF 052 Principal	69,160.12	68,340.04	820.08	1.2%
8423 · CWSRF 052 Interest	3,379.92	4,200.00	-820.08	-19.5%
8425 · Hold Harmless Bond Interest pay	63,000.00	17,009.17	45,990.83	270.4%
8427 · Net Revenue Bond Interest pay	42,000.00	11,340.83	30,659.17	270.3%
Total Expense	12,334,409.58	4,444,282.15	7,890,127.43	177.5%
Net Ordinary Income	-7,370,990.30	121,935.83	-7,492,926.13	-6,145.0%
Other Income/Expense				
Other Expense				
9001 · TRANSFER TO FUND	-1,419,992.77	-787,102.59	-632,890.18	-80.4%
9002 · TRANSFER FROM FUND	1,419,992.77	787,102.59	632,890.18	80.4%
Total Other Expense	0.00	0.00	0.00	0.0%
Net Other Income	0.00	0.00	0.00	0.0%
Net Income	-7,370,990.30	121,935.83	-7,492,926.13	-6,145.0%

Village of Taos Ski Valley
Gross Receipts Distribution
March 2020



FY2020 TIDD GRT Distribution

Date	VTSV Increment	State Increment	Admin Fees	Pay Backs	Total TIDD	NMFA Offset	Hold Harmless GRT	VTSV Cash	
								Received/with HH GRT (NOT offset)	HH GRT (NOT offset)
1/24/2019	85,423.85	67,532.82	452.03		153,408.70	5,763.47	37,977.11	258,317.57	
2/21/2019	65,952.73	52,160.25	(1,018.75)		117,094.23	5,763.47	38,688.65	317,542.46	
3/21/2019	68,670.32	54,309.62	(1,060.74)		121,919.20	5,763.47	37,624.44	295,907.79	
4/15/2019	80,788.06	63,893.32	(1,247.93)		143,433.45	5,763.47	33,803.25	246,577.31	
5/15/2019	39,083.17	30,909.84	(603.70)		69,389.31	5,763.47	36,362.37	313,931.45	
6/15/2019	66,441.34	51,740.62	(1,019.53)		117,162.43	5,763.47	15,719.76	86,838.09	
TOTAL FY19	473,500.25	373,646.41	(5,535.72)		841,610.94	69,161.64	270,511.47	2,148,427.76	
7/15/2019	-	-	-		-	5,763.47	5,858.88	73,181.77	removed negative/show 0
8/15/2019	272,687.44	215,661.55	(4,212.13)	(36,366.03)	447,770.83	0	8,105.89	83,775.61	
9/15/2019	30,265.12	23,935.84	(431.54)		53,769.42	5,763.47	12,253.08		
10/15/2019	141,503.60	111,911.70	(2,017.63)		251,397.67		12,227.32		removed negative/show 0
11/15/2019	108,856.25	86,091.61	(1,552.12)		193,395.74	5,763.47	22,260.26	88,409.53	
12/15/2019	128,456.56	101,593.02	(1,831.61)		228,217.97	5,763.47	28,259.38	146,106.99	
1/15/2020	42,657.99	33,737.63	(608.24)		75,787.38	5,763.47	17,729.60	125,934.38	
2/15/2020	173,971.75	137,687.40	(2,479.55)		309,179.60	5,763.47	50,171.94	319,335.98	
3/15/2020	161,252.97	127,558.09	(2,298.94)		286,512.12	5,763.47	40,865.62	239,931.17	
TOTAL FY20	1,059,651.68	838,176.84	(15,431.76)	(36,366.03)	1,846,030.73	40,344.29	197,731.97	1,076,675.43	Actual cash

TOTAL FY16, FY17, FY18 & FY19 3,723,726.37 2,928,386.43 6,560,815.25 257,764.44 624,772.98 7,164,831.53

Village Baseline

Month GRT is Generated	Month GRT is Reported to State	Mth GRT is distributed fr State to Entities	Total	
			State	Village
December	January	February	371,622.37	169,976.84
January	February	March	328,741.64	150,363.57
February	March	April	310,404.18	141,976.17
March	April	May	429,910.95	196,637.53
April	May	June	64,234.89	29,380.48
May	June	July	93,353.53	42,699.09
June	July	August	40,142.02	18,360.61
July	August	September	89,560.14	40,964.03
August	September	October	134,697.23	61,609.34
September	October	November	108,590.92	49,668.54
October	November	December	204,035.98	93,324.28
November	December	January	174,517.70	79,822.88
Total			2,349,811.54	1,074,783.36

	Monthly Public Safety Report		Mar-20		Totals
	Hutter	Vigil	Trujillo	Cooper	
Law Enforcement					
911 Hang Up	0	0	0	0	0
Abandoned Vehicle	0	0	0	0	0
Alcohol Offense - Adult	0	0	0	0	0
Animal Calls	0	0	0	0	0
Arrests	0	1	0	0	1
Assists to other Agencies	3	5	2	0	10
B & E / Burglary	0	0	0	0	0
Battery or Assault	0	1	0	0	1
Business Alarm	1	0	0	0	1
Citizen Assists/Contacts	58	85	25	5	173
Civil Stand-by/Civil Complaint	1	1	0	0	2
Disorderly	0	2	1	0	3
Domestic Calls	1	0	1	0	2
Embezzlement	0	0	0	0	0
Foot Patrol Hours	11	15	5	7	38
Found/Lost Property	0	1	0	0	1
Harassment	0	0	1	0	1
Larceny	0	0	0	0	0
MVC's	0	1	0	0	1
Narcotics Adult	0	0	0	0	1
Parking Citations	1	0	0	0	1
Private Property Crash	1	0	0	0	1
Property Damage	0	0	0	0	0
Reckless Driver	1	0	0	0	1
Residential Alarm	2	1	0	0	3
Shots Fired	0	0	0	0	0
Suspicious Persons/Vehicles	1	0	0	0	1
Theft	0	0	0	1	1
Traffic Enforcement Hours	45	15	7	13	80
Traffic Hazard	1	2	0	0	3
Traffic Stops	14	3	2	14	33
Tresspass Warnings	0	2	0	0	2
Unattended Death	0	1	0	0	1
Vehicle Alarm	0	1	0	0	1
Vehicle Theft	0	0	0	0	0
Verbal Warnings	6	3	0	10	19
Welfare Check	1	2	1	1	5
Written Citations	6	0	1	3	10
Written Warnings	4	3	0	3	10
Missing Adult/Person	0	0	0	0	0
Fire/EMS					
Fire Calls	0	1	0	0	1
EMS Calls/Assist	0	2	0	0	2
Fire Alarm	1	0	0	1	2

Building Official Village Council Report 4-14-20

As reported last month, three to four new residences permits were expected for the months of March and April. Building Permits reviewed the past month are; 1 residential for a condo remodel, 1 for improvements to Resort Center Loading Dock and 1 for addition of a Bike Shop at rear level of the Phoenix. These approved permits are not yet issued to the contractor in order for the projects to begin.

Conversations with contractors generally reveal that the COVID-19 has affected these projects' starting dates. A permit issued last fall for constructing a roof over an existing entry to a residence has also not commenced work. Some contractors have started requiring COVID-19 work procedures. It appears that guidelines provided from Bradbury Stamm for their project sites are being adhered to at the Blake Residences project.

Blake Residences are in process of installing power and plumbing in the framed interior walls. Recently I have performed two inspections per week for documentation of interior fire and sound assemblies framing completions. This means I will soon be performing almost daily inspections as mechanical, plumbing and electrical contractors secure their inspections from the State of New Mexico.

I have been at the Village Complex apartments periodically in March and February guiding the contractor's progress toward completion.

Review and recommendations for Department related Ordinances and Resolutions has been ongoing.

Assistance in preparing the Hazardous Fuel Grant Application was requested and provided for the Fire Wise effort.

Thank you Mayor, Council Members and public for allowing me to be of service.



Village of Taos Ski Valley

Building Official

Jalmar Bowden

575-776-8220 X4

JBowden@vtsv.org

575-776-4277

Planning & Community Development Department
Monthly Report to Village Council
April 2020

Key Initiatives and Projects of Interest:

Twining Road Improvement Project – The Village secured a highly competitive NM DOT grant last fall in the amount of \$263,000 to perform community consultation and outreach, preliminary engineering, surveying, and ROW acquisition. The release of the RFP for engineering consulting services awaits completion. We would like to get this project started to take advantage of the next State funding cycle opportunity. In addition, there could potentially be substantial new federal stimulus funding for shovel-ready infrastructure projects later this year.

VTSV Region SWPP - Plan completed; pending final adoption by the Village P&Z Commission at a Public Hearing tentatively scheduled for June.

Resort at TSV (Shopoff) - Public Hearing on Preliminary Plat and Zoning Change request postponed until summer, with a July date most likely. Most recent discussions indicate a strong desire to continue with the entitlement process. Postponement due to the current state of affairs limiting direct and fluid public participation.

Update to the Village System Development & Impact Fees Study and Ordinance Revision - Draft report 50-60% complete. Appointments to Capital Improvement Plan Advisory Committee necessary to review draft report. Analysis and capital project selection proceeding, although slowed to reassess current financial crisis impact.

Thunderbird and Ernie Blake Roads Reconstruction Project - collaboration with TSVI, TIDD developer, for permitting and project oversight. Awaiting final signed easement and temporary construction license agreement documents to be provided by TSVI. Awaiting a pre-con meeting to be scheduled by TSVI with the selected project General Contractor.

Gunsite Springs Development Project - Draft Assessment & Monitoring Report completed. Site acquisition by VTSV related to ongoing RTSV negotiations. Preparing for land title survey and conveyance. Preparing preliminary design and Spring collection infrastructure RFP.

Next P&Z Agenda - Variance request for a side yard setback on a private residential lot; Wildlands Protection Ordinance; and CUP for a Temporary Structure.

GIS Office - GPS location of key Village Capital Assets field work continues, updates to Village infrastructure maps and official Zoning Map.

Federal Economic Stimulus Covid Grants - It will become increasingly essential for the Village to aggressively identify and apply for Federal Economic Stimulus Covid Grants to expand and maintain critical Village infrastructure. This rare opportunity for federal funds will also generate additional tax revenue to aid in maintaining the Village budget.

PUBLIC WORKS UPDATE

April 9, 2020

- Water:
 - No issues to report
 - Water Sold
 - Total 1,136,950 gallons
 - Residential 226,370 gallons
 - Commercial 910,580 gallons
- WWTP:
 - No Compliance issues to report for March 2020

Date	BOD Data		pH	TSS		NH ₃ (Ammonia)		Total P		Flow, MGD	E.Coli	Fecal	Total N: mg/L	Total N: lb/d
	mg/L	lb/d		mg/L	lb/d	mg/L	lb/d	mg/L	lb/d	Daily	CFU	CFU	TKN + NO3 + NO2	TKN + NO3 + NO2
4	2.00	1.97	7.19	0.20	1.97	0.24	1.97	0.08	1.97	0.118			2.81	5.90
10			7.21							0.085	1.00	3.00	0.00	0.00
12			7.18			0.24	1.55	0.07	1.55	0.093			1.19	4.65
18	3.10	2.09	7.23	5.50	3.72	1.10	1.35	0.43	1.35	0.081			4.51	4.39
24			7.24			0.47	0.40	0.16	0.40	0.024			1.84	1.20
30			7.07							0.031	1.00	3.00	0.00	0.00
31			7.00			0.24	0.38	0.05	0.38	0.023			8.57	2.36
7 Day	2.55	2.03	7.00	2.85	2.84	0.46	1.13	0.16	1.13	1.957	1.00	3.00	8.57	5.9
30 Day Avg (AVG)	2.55	2.03		2.85	2.84	0.46	1.13	0.16	1.13	March Total			3.78	3.70

- Construction Update
 - Main contractor is continuing to do site cleanup and managing sub-contractors
 - No Out of State contractors are on site currently due to COVID-19
 - Internal walls, Air Ventilation systems are being finalized, Painting on replaced check valves and walls, Ovivo working on a couple of issues
 - New parshall flume and Non-potable pumps need to be installed along with Lighting in a couple of places.
- Roads:
 - Continue to maintain roadways
 - Drop inlet maintenance for spring runoff (blade roads, unplug DI's, maintain ditches)
 - Pothole maintenance
 - Clean up of snow storage area
 - Contacting vendors for Dust control price and availability
- Equipment
 - Routine equipment maintenance
 - Working on loader with bad fuel system components
- Kachina Tank
 - Opened the road to the tank to facilitate accessibility to the site
 - Starting to look at remaining scope of work so we can work with the existing contractor to finish the work.
 - Communication and power (Kit Carson and RMCI)
 - Upgrade booster station to supply water to tank (RMCI and Plummer)
 - Finish water testing and backfilling of tank (RMCI)

DMR Copy of Record

Permit
Permit #: NM0022101
Major: Yes

Permitted Feature:
001
External Outfall

Report Dates & Status
Monitoring Period:
Considerations for Form Completion

Principal Executive Officer
First Name: Anthony
Last Name: Martinez
No Data Indicator (NOD)
Form NOD:

Permittee:
Permittee Address:
Discharge:

DMR Due Date:

Title:

Facility:
Facility Location:

Status:

Telephone:

TAOS SKI VALLEY, VILLAGE OF
7 FIREHOUSE RD.
TAOS SKI VALLEY, NM 87525

TAOS SKI VALLEY, VILLAGE OF
7 FIREHOUSE RD.
TAOS SKI VALLEY, NM 87525

001-A
TREATED MUNICIPAL WASTEWATER TO THE RIO HONDO

04/15/20

Public Works Director

Need MVR Validated
575-776-8220

Code	Parameter Name	Monitoring Location Season & Param. NOD	Quantity or Loading	Qualifier 1	Value 1	Qualifier 2	Value 2	Qualifier 3	Value 3	Units	# of Ex.	Frequency of Analysis	Sample Type
00310	BOD, 5-day, 20 deg. C	1 - Effluent Gross	0	Sample = 2.03 Permit Req. <= 23.8 Value NOD	2.03	Qualifier 2 = <=	35.77 DA AVG 26 - lbd	Qualifier 3 = <=	3.1	18 - mg/L	0	0230 - Twice Per Month	24 - COMP24
00400	pH	1 - Effluent Gross	0	Sample = 1.96 Permit Req. <= 23.8 Value NOD	2.09	Qualifier 2 = <=	35.77 DA AVG 26 - lbd	Qualifier 3 = <=	7.45	12 - SU	0	050W - 5 Days Every Week	GR - GRAB
00500	Solids, total suspended	1 - Effluent Gross	0	Sample = 1.75 Permit Req. <= 13.65 Value NOD	3.72	Qualifier 2 = <=	35.77 DA AVG 26 - lbd	Qualifier 3 = <=	5.5	19 - mg/L	0	0230 - Twice Per Month	24 - COMP24
00600	Nitrogen, total (as N)	1 - Effluent Gross	0	Sample = 0.26 Permit Req. <= 5.34 Value NOD	3.05	Qualifier 2 = <=	26.57 DA AVG 26 - lbd	Qualifier 3 = <=	8.57	19 - mg/L	0	0107 - Weekly	24 - COMP24
00610	Nitrogen, ammonia total (as N)	1 - Effluent Gross	0	Sample = 0.09 Permit Req. <= 0.8 Value NOD	0.74	Qualifier 2 = <=	26 - lbd	Qualifier 3 = <=	1.1	19 - mg/L	0	0230 - Twice Per Month	24 - COMP24
00680	Phosphorus, total (as P)	1 - Effluent Gross	0	Sample = 0.08 Permit Req. <= 0.8 Value NOD	0.28	Qualifier 2 = <=	26 - lbd	Qualifier 3 = <=	0.43	19 - mg/L	0	0230 - Twice Per Month	24 - COMP24
50050	Flow, in conduit or thru treatment plant	1 - Effluent Gross	0	Sample = 0.053 Permit Req. <= 0.053 Value NOD	0.053	Qualifier 2 = <=	26 - lbd	Qualifier 3 = <=	0.118	03 - MGD	0	0101 - Daily	TM - TOTALZ
50060	Chlorine, total residual	1 - Effluent Gross	0	Sample = 1.0 Permit Req. <= 1.0 Value NOD	1.0	Qualifier 2 = <=	26 - lbd	Qualifier 3 = <=	1.0	29 - ug/L	0	050W - 5 Days Every Week	GR - GRAB
51040	E. coli	1 - Effluent Gross	0	Sample = 1.26 Permit Req. <= 1.26 Value NOD	1.26	Qualifier 2 = <=	26 - lbd	Qualifier 3 = <=	1.26	32 - CFU/100mL	0	0230 - Twice Per Month	GR - GRAB
74050	Coliform, fecal general	1 - Effluent Gross	0	Sample = 3.0 Permit Req. <= 3.0 Value NOD	3.0	Qualifier 2 = <=	26 - lbd	Qualifier 3 = <=	3.0	32 - CFU/100mL	0	0230 - Twice Per Month	GR - GRAB
81010	BOD, 5-day, percent removal	1 - Effluent Gross	0	Sample = 98.26 Permit Req. <= 98.26 Value NOD	98.26	Qualifier 2 = <=	26 - lbd	Qualifier 3 = <=	98.26	23 - %	0	0130 - Monthly	CA - CALCTD
81011	Solids, suspended percent removal	1 - Effluent Gross	0	Sample = 95.82 Permit Req. <= 95.82 Value NOD	95.82	Qualifier 2 = <=	26 - lbd	Qualifier 3 = <=	95.82	23 - %	0	0130 - Monthly	CA - CALCTD

Submission Note

If a parameter row does not contain any values for the Sample nor Effluent Trading, then none of the following fields will be submitted for that row: Units, Number of Excursions, Frequency of Analysis, and Sample Type.

Edit Check Errors

No errors.

Comments

Attachments

No attachments.

Report Last Saved By

User: AMARTINEZ@VTSV.ORG
Name: Anthony Martinez
E-Mail: amartinez@vtsv.org
Date/Time: 2020-04-13 10:55 (Time Zone: -05:00)
Report Last Signed By
User: AMARTINEZ@VTSV.ORG
Name: Anthony Martinez
E-Mail: amartinez@vtsv.org
Date/Time: 2020-04-13 11:08 (Time Zone: -05:00)

Village of Taos Ski Valley

Village Council Agenda Item

AGENDA ITEM TITLE: **Introduction of Ordinance 2020-64** CONCERNING THE MUNICIPAL JOINT WATER AND SEWER SYSTEM OF THE VILLAGE OF TAOS SKI VALLEY, NEW MEXICO; PROVIDING FOR THE PERMANENT FINANCING OF THE EXTENSION, ENLARGEMENT, BETTERMENT, REPAIR AND OTHER IMPROVEMENT OF SUCH SYSTEM, AS PREVIOUSLY FINANCED BY INTERIM REVENUE BONDS (INTERIM BONDS) ISSUED TO A CONSTRUCTION LENDER, THROUGH THE ISSUANCE TO (OR ASSIGNMENT TO, AND AMENDMENT AND RESTATEMENT OF) THE UNITED STATES OF AMERICA ACTING THROUGH THE UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) OF REVENUE BONDS IN THE AGGREGATE MAXIMUM AMOUNT OF \$8,500,000 CONSISTING OF THE VILLAGE'S JOINT WATER AND SEWER REVENUE BOND, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$3,500,000, AND ITS GROSS RECEIPTS TAX REVENUE BOND IN THE MAXIMUM PRINCIPAL AMOUNT OF \$5,000,000; DECLARING THE NECESSITY FOR ISSUING (OR PERMITTING THE ASSIGNMENT, AMENDMENT AND RESTATEMENT OF) SUCH BONDS WHICH SHALL BE PAYABLE SOLELY OUT OF THE NET REVENUES TO BE DERIVED FROM THE OPERATION OF SUCH SYSTEM (AS TO THE SYSTEM REVENUE BOND) AND CERTAIN GROSS RECEIPTS TAX RECEIPTS PLEDGED FOR SUCH PURPOSE (AS TO THE GRT REVENUE BOND), RESPECTIVELY, AS PROVIDED HEREIN; APPROVING THE DELEGATION OF AUTHORITY TO MAKE CERTAIN DETERMINATIONS REGARDING THE SALE OF THE BONDS PURSUANT TO THE SUPPLEMENTAL PUBLIC SECURITIES ACT; PROVIDING FOR THE COLLECTION AND DISPOSITION OF THE REVENUES TO BE DERIVED FROM THE OPERATION OF SUCH SYSTEM AND THE COLLECTION AND DISPOSITION OF SUCH GROSS RECEIPTS TAX, RESPECTIVELY; PROVIDING THE FORM, TERMS AND CONDITIONS OF SUCH REVENUE BONDS, THE METHOD OF PAYING SUCH AND THE SECURITY THEREFOR; AUTHORIZING THE USE OF A SINGLE REGISTERED BOND FOR EACH SUCH SERIES; PRESCRIBING OTHER DETAILS CONCERNING SUCH SYSTEM REVENUES, GROSS RECEIPTS TAX, BONDS AND SYSTEM, INCLUDING BUT NOT LIMITED TO COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AUTHORIZING THE REDEMPTION AND REPAYMENT (OR ACQUISITION BY WAY OF ASSIGNMENT) OF THE INTERIM BONDS; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION THEREWITH; AND REPEALING ALL ORDINANCES IN CONFLICT HERewith

DATE: April 14, 2020

PRESENTED BY: John Avila

STATUS OF AGENDA ITEM: New Business

CAN THIS ITEM BE RESCHEDULED: Not Recommended

BACKGROUND INFORMATION:

This Ordinance outlines the mechanism for the Village to obtain permanent financing for the Village's upgraded wastewater treatment plant, through the USDA Rural Development.

This is first reading of Ordinance No. 2020-64 to the Mayor and Council, at the Village's regularly scheduled April 14, 2020 council meeting.

The Village's financial advisor from Stifel Financial Corporation, Mr. Brad Angst, and Parker Schenken from Sherman & Howard, the Village's bond attorney, are in attendance to answer any questions.

Recommendation: This is the initial reading of this ordinance. No action is required by council at this time. The second reading of this ordinance will take place on May 5, 2020 at 2PM in a special council meeting. Vote by council will be required at that time.



John Avila, Village Administrator
Nancy Grabowski, Finance Director

Brad Angst, Director
Stifel Nicolaus

Re: USDA Loan Structure Summary

With substantial completion of the construction of the wastewater treatment plant it is now time to complete the fixed-rate long term financing through the USDA and payoff the construction loan with TIB.

- For as long as Stifel (formerly GKB) has worked with the Village, going back to the fall of 2011, a need for WWTP upgrades pursuant to EPA requirements has been part of the capital improvement plan. With the growth of TSVI and with the creation of the TIDD the Village committed to making the WWTP project a priority.
- In 2016, the Village requested Stifel evaluate financing options for the Village and a USDA RUS loan was ultimately the choice due to the 40 year structure and low interest rates which provided a feasible annual debt service figure.
- After an application to the USDA was approved and a Letter of Conditions issued, an interest only construction loan was entered in to with TIB.
- The USDA commitment and loan will be used to pay off the construction loan with TIB and provide reimbursement to the Village for preapproved expenditures for the project.
- The USDA loan needs to close by June 30, 2020 to lock in new terms on the loan, **40 years at a 2.375% interest rate**. A significant decrease from the 3.25% interest rate locked in at the time of the 2017 USDA approval **providing nearly \$60k in annual savings** to the Village.
- Due to the COVID 19 Crisis, the Village is experiencing significant declines in economic activities and subsequent revenues. The debt structure assumes reduced projected revenues in the coming fiscal year and the need for liquidity to provide for upcoming debt payments.

Anticipated USDA Debt Structure - Summary:

Sources

- Estimated Loan Amount:	\$7,500,000
- Village HHGRT Fund Release:	<u>\$ 500,000</u>
- Total Sources:	\$8,000,000

Uses

- Construction Loan Payoff:	\$7,000,000
- Debt Service Reserve Fund:	\$ 285,000
- Village Reimbursement	\$ 565,000
o Liquidity reserves for payment shortfalls	
- Cost of Issuance	<u>\$ 150,000</u>
- Total Uses:	\$8,000,000

STIFEL

Anticipated USDA Debt Structure (cont'd):

		2021	
		Annual	Monthly
45%	Water/Sewer Sys Revs		
	Principal	\$ 47,024.37	\$ 3,918.70
	Interest	\$ 82,383.24	\$ 6,865.27
	Reserve	<u>\$ 22,368.58</u>	<u>\$ 1,864.05</u>
		\$ 151,776.19	\$ 12,648.02
55%	HH GRT		
	Principal	\$ 57,474.22	\$ 4,789.52
	Interest	\$ 100,690.63	\$ 8,390.89
	Reserve	<u>\$ 27,339.38</u>	<u>\$ 2,278.28</u>
		\$ 185,504.23	\$ 15,458.69
100%	Total Payment		
	Principal	\$ 104,498.59	\$ 8,708.22
	Interest	\$ 183,073.87	\$ 15,256.16
	Reserve	<u>\$ 49,707.96</u>	<u>\$ 4,142.33</u>
		\$ 337,280.42	\$ 28,106.70

STATE OF NEW MEXICO)
COUNTY OF TAOS) ss.
VILLAGE OF TAOS SKI VALLEY)

The Village Council (the “Council”) of the Village of Taos Ski Valley (the “Village”), in the County of Taos and State of New Mexico, met in open session in full conformity with law and the ordinances and rules of the Village, at [ALTERNATIVE MEETING METHOD (TELEPHONE, VIDEO, ETC.) AND CORRESPONDING LEGAL AUTHORITY TO BE DISCUSSED, AS APPLICABLE] [_____], Taos Ski Valley, NM 87525, being the regular meeting place of the Council, at the hour of 2:00 o’clock p.m., on May 5, 2020.

Upon roll call, the following were found to be present, constituting a quorum:

- Mayor: Christof Brownell
- Council Members: Jeffrey Kern
Neal King
Chris Stagg
Tom Wittman
- Absent: None

constituting all the members of the Council.

There were also present:

- Village Administrator: John Avila
Village Attorney: Susan C. Baker
Village Clerk: Ann M. Wooldridge

Thereupon the following proceedings, among others, were had and taken, to wit:

The Village Clerk announced that the United States of America Acting through the United States Department of Agriculture, has approved a Letter of Conditions relating to the permanent financing of certain improvements to the Village’s wastewater treatment facilities; that pending construction of such improvements and closing of such permanent financing, the Village incurred interim bank financing for such improvements through the issuance of the Village’s revenue bonds; the improvements have been completed (or are expected to be completed prior to the issuance of the bonds herein authorized), and the remaining conditions set out in the Letter of Conditions have been satisfied (or are expected to be satisfied prior to the issuance of the bonds herein authorized); and the Village desires to issue its long-term revenue bonds as provided herein (which may include the assignment, amendment and restatement of the interim revenue bonds) for the purpose of providing permanent financing for the project. The Mayor announced that the Council at this meeting is to consider the adoption of the bond ordinance providing for the issuance (or assignment, amendment and restatement) of such revenue bonds and authorizing the same.

The Village Clerk announced that the first reading of the proposed ordinance took place on April 14, 2020, and also announced that copies of a draft of such proposed ordinance previously were filed with her on April 28, 2020.

Thereupon, there was officially filed with the Village Clerk, the Mayor and each Council Member, a copy of the ordinance in its final form which is in substantially the form filed with the Village Clerk on April 28, 2020. Council Member _____ thereupon introduced the ordinance, which is as follows:

ORDINANCE NO. 2020-64

CONCERNING THE MUNICIPAL JOINT WATER AND SEWER SYSTEM OF THE VILLAGE OF TAOS SKI VALLEY, NEW MEXICO; PROVIDING FOR THE PERMANENT FINANCING OF THE EXTENSION, ENLARGEMENT, BETTERMENT, REPAIR AND OTHER IMPROVEMENT OF SUCH SYSTEM, AS PREVIOUSLY FINANCED BY INTERIM REVENUE BONDS (INTERIM BONDS) ISSUED TO A CONSTRUCTION LENDER, THROUGH THE ISSUANCE TO (OR ASSIGNMENT TO, AND AMENDMENT AND RESTATEMENT OF) THE UNITED STATES OF AMERICA ACTING THROUGH THE UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) OF REVENUE BONDS IN THE AGGREGATE MAXIMUM AMOUNT OF \$8,500,000 CONSISTING OF THE VILLAGE'S JOINT WATER AND SEWER REVENUE BOND, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$3,500,000, AND ITS GROSS RECEIPTS TAX REVENUE BOND IN THE MAXIMUM PRINCIPAL AMOUNT OF \$5,000,000; DECLARING THE NECESSITY FOR ISSUING (OR PERMITTING THE ASSIGNMENT, AMENDMENT AND RESTATEMENT OF) SUCH BONDS WHICH SHALL BE PAYABLE SOLELY OUT OF THE NET REVENUES TO BE DERIVED FROM THE OPERATION OF SUCH SYSTEM (AS TO THE SYSTEM REVENUE BOND) AND CERTAIN GROSS RECEIPTS TAX RECEIPTS PLEDGED FOR SUCH PURPOSE (AS TO THE GRT REVENUE BOND), RESPECTIVELY, AS PROVIDED HEREIN; APPROVING THE DELEGATION OF AUTHORITY TO MAKE CERTAIN DETERMINATIONS REGARDING THE SALE OF THE BONDS PURSUANT TO THE SUPPLEMENTAL PUBLIC SECURITIES ACT; PROVIDING FOR THE COLLECTION AND DISPOSITION OF THE REVENUES TO BE DERIVED FROM THE OPERATION OF SUCH SYSTEM AND THE COLLECTION AND DISPOSITION OF SUCH GROSS RECEIPTS TAX, RESPECTIVELY; PROVIDING THE FORM, TERMS AND CONDITIONS OF SUCH REVENUE BONDS, THE METHOD OF PAYING SUCH AND THE SECURITY THEREFOR; AUTHORIZING THE USE OF A SINGLE REGISTERED BOND FOR EACH SUCH SERIES; PRESCRIBING OTHER DETAILS CONCERNING SUCH SYSTEM REVENUES, GROSS RECEIPTS TAX, BONDS AND SYSTEM, INCLUDING BUT NOT LIMITED TO COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AUTHORIZING THE REDEMPTION AND REPAYMENT (OR ACQUISITION BY WAY OF ASSIGNMENT) OF THE INTERIM BONDS; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION THEREWITH; AND REPEALING ALL ORDINANCES IN CONFLICT HERewith.

Capitalized terms in the following preambles have the same definitions as set forth in Section 1 unless the content provides otherwise.

(1) WHEREAS, the Village of Taos Ski Valley, in the County of Taos and State of New Mexico (herein the "Village"), is a legally and regularly created, established,

organized and existing municipal corporation under its territorial charter and the general laws of the State of New Mexico; and

(2) WHEREAS, the Village now owns, operates and maintains a joint public utility constituting a joint water and sanitary sewer system (the "System"); and

(3) WHEREAS, pursuant to Ordinance No. 05-41 of the Village, NMSA Sections 3-31-1 et seq. (the "Revenue Bond Act") and NMSA Sections 74-6A-1 et seq (the "Wastewater Facility Construction Loan Act"), the Village previously entered into a Final Loan Agreement dated as of May 5, 2005, as amended by Amendment No. 1 thereto (together, the "2005 Loan Agreement") under which the Village issued to the New Mexico Environment Department ("NMED") its Final Promissory Note dated December 5, 2006, in the original principal amount of \$1,641,757.25, of which there is now outstanding principal in the amount of \$941,320.88 (the "2006 Note"); under the terms of Ordinance No. 05-41, the 2005 Loan Agreement, the New Mexico Gross Receipts and Compensating Tax Act, Sections 7-9-1 et seq, and the Municipal Local Option Gross Receipts Taxes Act (collectively, the "GRT Act") and the Wastewater Facility Construction Loan Act, the 2006 Note is secured by a pledge of "Net Revenues", which is defined in Ordinance No. 05-41 as all income and revenues directly or indirectly derived by the Village from the operation of the System, LESS the operation and maintenance expenses of the System, parity obligations and other approved debt(s) herein indicated, approved indirect charges, any amounts expended for capital replacements and repair of System, and the required set asides for debt and replacement reserves and revenues derived from the 0.25% increase in Municipal Capital Outlay Gross Receipts Tax (as authorized by Ordinance No. 04-39 and the GRT Act, the "Capital Outlay GRT"); and

(4) WHEREAS, pursuant to Ordinance No. 2016-54, the Revenue Bond Act and the Wastewater Facility Construction Loan Act, the Village previously entered into an Interim Loan Agreement (Loan Number CWSRF 052) dated as of March 24, 2016 (the "2016 Loan Agreement") under which the Village issued to NMED its Interim Promissory Note dated March 17, 2016, in the maximum principal amount drawable of \$350,000.00, of which there is now outstanding principal in the amount of \$212,499.84 (the "2016 Note"); under the terms of Ordinance No. 2016-54, the 2016 Loan Agreement, the GRT Act and the Wastewater Facility Construction Loan Act, the 2016 Note is secured by a pledge of:

1. "Net Revenues", which is defined in Ordinance No. 2016-54 as Gross Revenues (defined as all income and revenues directly or indirectly derived by the Village from the operation and use of the System) LESS the following expenses (capitalized terms being defined in the 2016 Loan Agreement): (1) Operation and Maintenance expenses, (2) Parity Bonds or Parity Obligations, (3) approved indirect charges, (4) any amounts expended for capital replacements of the System, and (5) the required set asides for Debt Service Reserve Requirement and Replacement Reserve Requirement; and

2. The "Municipal Gross Receipts Tax", which is defined in the 2016 Ordinance as an excise tax equal to one-quarter percent (0.25%) of the gross receipts reported or required to be reported by the person pursuant to the New Mexico Gross Receipts and Compensating Tax Act as it now exists or may be amended and as defined

in Ordinance Number 97-1 as an excise tax equal to one-half percent of the gross receipts reported or required to be reported by the person pursuant to the New Mexico Gross Receipts and Compensating Tax Act as it now exists or as it may be amended (as authorized by Ordinance 97-1 and the GRT Act, the “Municipal GRT”); and

(5) WHEREAS, the Village, by Ordinance No. 2017-60 passed, approved and adopted on February 14, 2017, and the GRT Act, has imposed a municipal hold harmless gross receipts tax (the “Hold Harmless GRT”) consisting of an excise equal to 0.375% of the gross receipts reported or required to be reported by the person pursuant to the GRT Act for the purpose of general operations of the Village, including securing of debt and revenue bonds, debt service, and funding Enterprise Fund projects; and

(6) WHEREAS, the United States of America Acting through the United States Department of Agriculture (“USDA”), pursuant to a letter of conditions between it and the Village dated as of July 13, 2017 (as the same may be amended, the “USDA Letter of Conditions”), has agreed to provide permanent financing for the Project by acquiring from the Village its revenue bond or bonds in an amount of up to \$8,300,000 (collectively, the “USDA Bonds” as defined in the Prior Ordinance, referred to in this Ordinance as the “Bonds”), on the terms described in the USDA Letter of Conditions; and

(7) WHEREAS, pending construction of the Project and satisfaction of the conditions to the acquisition of the Bonds by USDA as provided in the USDA Letter of Conditions, TIB The Independent Bankers Bank, N.A. provided temporary construction financing for the Project through the purchase of the Village’s Joint Sewer and Water System Draw Down Revenue Bond (Interim Bank Bond), Series 2017A, in the principal amount of \$2,800,000, now drawn and outstanding in the principal amount of \$2,800,000 (the “Interim System Revenue Bond”) and its Gross Receipts Tax Revenue Bond (Interim Bank Bond), Series 2017B, in the principal amount of \$4,200,000, now drawn and outstanding in the principal amount of \$4,200,000 (the “Interim GRT Bond”; and, together with the Interim System Revenue Bond, the “Interim Bonds”) issued pursuant to Ordinance No. 2018-64 (the “Prior Ordinance”); and

(8) WHEREAS, under the terms of the Prior Ordinance, the Interim Bonds are secured by a pledge of the Net Revenues and the Hold Harmless GRT, respectively, and by their terms may assigned and transferred to another Holder, or may be paid and redeemed prior to maturity at any time at a redemption price equal to 100% of the outstanding principal amount thereof, plus accrued interest; and

(9) WHEREAS, the construction of the Project has been completed (or is expected to be completed prior to the issuance of the bonds herein authorized), and the remaining conditions set out in the USDA Letter of Conditions have been satisfied (or are expected to be satisfied prior to the issuance of the bonds herein authorized), and the Council has determined and does hereby determine and declare that the issuance (or the assignment, amendment and restatement) of the Bonds should be authorized for the purpose of providing permanent financing for the Project; and

(10) WHEREAS, as continuing security for the Bonds, the Village desires to affirm and ratify the pledges made in the Prior Ordinance, and to continue such pledges in favor

USDA, pursuant to the terms of the Revenue Bond Act, as follows: (a) a lien on the Net Revenues of the system securing the System Revenue Bond on an equal and ratable basis with the lien on such Net Revenues in favor of NMED which secures the 2006 Note and the 2016 Note; and (b) a lien on the Hold Harmless GRT securing the GRT Revenue Bond; and

(11) WHEREAS, under HB 479 (2019), as clarified by HB 326 (2020), any municipal or county local option enactments of repealed or consolidated gross receipts tax rates required by provisions of HB479 are considered to be continuous enactments of currently allowed local option enactments; and

(12) WHEREAS, Section 3-31-6C, NMSA 1978, provides as follows:

“C. Any law which authorizes the pledge of any or all of the pledged revenues to the payment of any revenue bonds issued pursuant to Sections 3-31-1 through 3-31-12 NMSA 1978 or which affects the pledged revenues, or any law supplemental thereto or otherwise appertaining thereto, shall not be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair adversely any such outstanding revenue bonds, unless such outstanding revenue bonds have been discharged in full or provision has been fully made therefor.”; and

(13) WHEREAS, Section 7-19D-18, NMSA 1978 (as in effect at the time of the Prior Ordinance and the initial issuance of the Interim Bonds), provides as follows:

“D. Any law that imposes or authorizes the imposition of a municipal hold harmless gross receipts tax or that affects the municipal hold harmless gross receipts tax, or any law supplemental thereto or otherwise appertaining thereto, shall not be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair adversely any outstanding revenue bonds that may be secured by a pledge of such municipal hold harmless gross receipts tax unless such outstanding revenue bonds have been discharged in full or provision has been fully made therefor.”; and

(14) WHEREAS, the details of the Bonds are to be established in the Sale Certificate pursuant to this Ordinance and the USDA Letter of Conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF TAOS SKI VALLEY, NEW MEXICO:

Section 1. Definitions. The terms in this section defined for all purposes of this Ordinance and of any ordinance amendatory hereof or supplemental hereto, or relating hereto, and of any instrument or document appertaining hereto, except where the context by clear implication herein otherwise requires, shall have meanings herein specified:

“Bond Fund” means the Bond Fund maintained within the Income Fund and referred to in Section 21B hereof.

“Bonds” means, collectively, the System Revenue Bond and the GRT Revenue Bond.

“Council” means the Village Council of the Village (defined below).

“Finance Director” means the person serving as Treasurer and Finance Director of the Village.

“Fiscal Year” for the purposes of this Ordinance means the twelve months commencing on the first day of July of any calendar year and ending on the last day of June of the next calendar year; but it may mean any other 12-month period which any appropriate authority hereafter may establish for the System.

“GRT Revenue Bond” means the Gross Receipts Tax Revenue Bond authorized to be issued to USDA as provided in Section 5 of this Ordinance, and may include the Interim GRT Bond, as assigned to USDA and amended and restated as provided herein.

“Herein,” “hereby,” “hereunder,” “hereof,” “hereinbefore” and “hereafter” refer to this ordinance and not solely to the particular portion thereof in which such word is used.

“Holder” means the registered owner(s) of the Bonds as they appear on the registration records kept by the Village.

“Income Fund” means the Income Fund referred to in Section 20 of this Ordinance.

“Independent Accountant” means any registered or certified public accountant or firm of such accountants duly licensed to practice and practicing as such under the laws of the State of New Mexico, appointed and paid by the Village, who (1) is, in fact, independent and not under the domination of the Village, (2) does not have any substantial interest, direct or indirect, with the Village, and (3) is not connected with the Village as an officer or employee of the Village, but who may be regularly retained to make annual or similar audits of the books or records of the Village; and Independent Accountant also means the State Auditor of the State of New Mexico.

“Insured Bank” means a bank qualified to accept public deposits under state law which is a member of the Federal Deposit Insurance Corporation.

“Interim Bonds” has the meaning provided in the Recitals.

“issue,” “issued,” “issuance,” “issuing” and words of similar import may include, as the context requires with respect to the Bonds, the assignment, amendment and restatement of the Interim Bonds.

“Net Revenues” means the “revenues” (defined below) after deducting “operation and maintenance expenses” (defined below).

“operation and maintenance expenses” (or a phrase of similar import) means all reasonable and necessary current expenses of the Village, paid or accrued, of operating, maintaining and repairing the System, and shall include, without limiting the generality of the foregoing, legal and overhead expense of the various Village departments directly related and reasonably allocable to the administration of the System, insurance premiums, the reasonable charges of depository banks and paying agents, contractual services, professional services required by this Ordinance, salaries and administrative expenses, labor, the cost of materials and supplies used for current operation, but shall not include any allowance for depreciation, liabilities incurred by the Village as the result of its negligence in the operation of the System, extensions, enlargements or betterments, or any charges for the accumulation of reserves for capital replacements.

“Operation and Maintenance Fund” means the Operation and Maintenance Fund referred to in Section 21A of this Ordinance.

“Ordinance” means, collectively, the Prior Ordinance, Form RD 1942-47 “Loan Resolution”, and this Ordinance No. 2020-64 of the Village authorizing the issuance (or assignment, amendment and restatement) of the Bonds, as adopted on May 5, 2020.

“Outstanding Bond Funds” means any fund or funds created by the Village from which revenues are held and applied to the 2006 Note and the 2016 Note.

“Parity GRT Lien Bonds” means the any other bonds, warrants, notes, securities, leases or other contracts evidencing borrowings and payable from receipts from the Hold Harmless GRT issued with a lien on the receipts from the Hold Harmless GRT on a parity with the lien thereon securing the GRT Revenue Bond.

“Parity System Lien Bonds” means the 2006 Note, the 2016 Note and any other bonds, warrants, notes, securities, leases or other contracts evidencing borrowings and payable from revenues of the System issued with a lien on the Net Revenues on a parity with the lien thereon securing the 2006 Note and the 2016 Note and the System Revenue Bond.

“Paying Agent” means the office of the Finance Director of the Village, or any successor thereto.

“Project” means extending, enlarging, bettering, repairing or otherwise improving the System (as described in Section 5A of this Ordinance) and all costs incidental to the foregoing and to the issuance of the Bonds.

“Purchaser” means USDA, as purchaser of the Bonds.

“Registrar” means the office of the Finance Director of the Village, or any successor thereto.

“Reserve Fund” means the Reserve Fund referred to in Section 21C hereof and established under Section 23 hereof.

“Reserve Requirement” means an amount equal to one year of debt service on the Bonds.

“revenues,” “gross revenues,” “income” or “gross income” means all income and revenues derived by the Village from the operation of the System, or any part thereof, whether resulting from extensions, enlargements or betterments to the System, or otherwise, and includes all revenues received by the Village or any municipal corporation succeeding to the rights of the Village from the System and from the sale and use of water, water service and facilities, sanitary sewer service and facilities or any combination thereof to the inhabitants of what is now the Village (including all territorial annexations which may be made while any of the Bonds are outstanding), or from the sale and use of water, water service and facilities, sanitary sewer service and sewer facilities or any combination thereof, by means of the System owned and operated by the Village as the same may at any time exist to serve customers outside the Village limits as well as customers within the Village limits, and also means all income derived from the investment of any money in any of the funds established herein or contained herein even though such investment income is to be credited to the particular fund from which such investment is made, as further provided by Section 27 hereof.

“Sale Certificate” means one or more certificates executed by the Mayor or Village Administrator dated on or before the date of delivery of the Bonds, setting forth the following final terms of the Bonds: (i) the interest and principal payment dates; (ii) the principal amounts, denominations and maturity amortization; (iii) the sale prices (not less than par); (iv) the interest rate or rates; (v) the interest payment periods and payment dates; (vi) the redemption and tender provisions; (vii) the creation of any capitalized interest fund, including the size and funding of such fund(s); (viii) the amount of underwriting discount, if any (not greater than 1%); and (ix) the final terms of agreements, if any, with agents or service providers required for the purchase, sale, issuance and delivery of the Bonds, all subject to the parameters and conditions contained in this Ordinance.

“Supplemental Act” means the Supplemental Public Securities Act, Section 6-14-8 et seq., NMSA 1978, as amended by Senate Bill 43 adopted by the New Mexico Legislature during the 2017 Regular Legislative Session.

“System” means the municipally owned joint public utility designated as the Village’s water system and sanitary sewer system consisting of all properties, real, personal, mixed or otherwise, now owned or hereafter acquired by the Village through purchase, construction or otherwise, and used in connection with said water system and sanitary sewer system of the Village and in anyway appertaining thereto, whether situated within or without the limits of the Village (for the avoidance of doubt, “System” includes the Project).

“System Revenue Bond” means the Joint Sewer and Water System Revenue Bond authorized to be issued to USDA as provided in Section 5 of this Ordinance, and may include the Interim System Revenue Bond, as assigned to USDA and amended and restated as provided herein.

“USDA” means The United States of America Acting through the United States Department of Agriculture.

“Village” means the municipal corporate body corporate and politic known as the Village of Taos Ski Valley, Taos County, New Mexico.

Definitions include both singular and plural. Pronouns include both singular and plural and cover all genders. Definitions of other terms appear throughout this Ordinance.

Section 2. Ratification. All action heretofore taken (not inconsistent with the express provisions of this Ordinance) by the Council and officers of the Village directed toward the Project, the approval of the USDA Letter of Conditions, the issuance of the Interim Bonds and the pledges of System Revenues and the Hold Harmless GRT as security therefor, and the authorization, sale and issuance (and, as applicable, the assignment, amendment and restatement) of the Bonds as herein authorized be, and the same hereby is ratified, approved and confirmed.

Section 3. Public Utility. The municipal water facilities or system and the municipal sanitary sewer facilities or system shall constitute a joint public utility and shall be operated and maintained as such System.

Section 4. Approval of USDA Letter of Conditions. The terms of the USDA Letter of Conditions for the purchase by USDA of the Bonds, which was received by the Village as authorized by State law, be, and the same hereby is, accepted.

Section 5. Authorization of Project and Bonds.

A. Authorization of Project. The Project has been authorized at a total cost of not exceeding \$8,500,000 and the necessity thereof has been and is hereby declared. The Project has been completed. The Village has authorized (and hereby authorizes) the issuance of the Bonds to defray a part of such total cost through the redemption and repayment (or acquisition, amendment and restatement) of the Interim Bonds. The Project, briefly and generally described, consists of the improvement, extension and betterment of the System, consisting of the replacement and upgrade of the Village’s existing wastewater treatment facility with a Membrane Bio Reactor System, and all other equipment, appurtenances and land necessary or convenient thereof or (including all necessary sites, rights-of-way and easements), all as more particularly described in the preliminary engineering report, plans and specifications which have heretofore been prepared and filed by the Consulting Engineer, which are available for public inspection in the office of the Village Clerk.

B. Authorization of Bonds. For the purpose of protecting the public health, conserving the property and advancing the general welfare of the citizens of the Village, and for the purpose of defraying the cost of the Project through the payment and satisfaction in full of the Interim Bonds (or the assignment of the Interim Bonds to USDA), it is hereby declared that the interest or necessity of the Village and the inhabitants thereof demand the issuance (or assignment, amendment and restatement, as applicable) of the Bonds by the Village and the purchase thereof by USDA as provided in the USDA Letter of Conditions, said Bonds to consist of its fully registered revenue bonds without coupons to be designated:

1. “Village of Taos Ski Valley Joint Sewer and Water System Revenue Bond” in the aggregate principal amount of not to exceed \$3,500,000, to be payable and

collectible, both as to principal and interest solely from the Net Revenues and constituting a special obligation of the Village; and

2. “Village of Taos Ski Valley Gross Receipts Revenue Bond” in the aggregate principal amount of not to exceed \$5,000,000, to be payable and collectible, both as to principal and interest solely from receipts from the Hold Harmless GRT and constituting a special obligation of the Village.

Section 6. Bond Details. Each of the Bonds shall be issued in fully registered form, i.e., registered as to both principal and interest and the regulations of the Secretary of the Treasury thereunder, as follows:

A. System Revenue Bond. The System Revenue Bond shall be dated initially as of the date of delivery thereof to USDA, and shall be issued as a single bond in the principal amount of not to exceed \$3,500,000. The Village’s indebtedness as represented by the System Revenue Bond shall be up to \$3,500,000, together with interest on the principal amount outstanding from time to time as provided in this Section 6 (as finally determined pursuant to the Sale Certificate authorized in Section 40 below). The System Revenue Bond shall bear interest from the date of delivery at the rate of not to exceed 7.5% per annum on the unpaid balance of the total principal amount from the date of issuance thereof until the principal thereof is paid in full. Principal and interest on the System Revenue Bond shall be paid in equal monthly installments to be set out in the System Revenue Bond, amortized over the term of the System Revenue Bond, determined as provided in the USDA Letter of Conditions, payable on the days of each month to be set out in the System Revenue Bond, determined as provided in the USDA Letter of Conditions (each such day is referred to herein as a “Payment Date”). All outstanding principal and accrued and unpaid interest on the System Revenue Bond shall be due and payable in full on the Payment Date identified in the Sale Certificate which is not later than forty (40) years following the first Payment Date (the “Maturity Date”). Except as otherwise provided herein, every payment on the System Revenue Bond shall be applied first to interest computed to the date of payment and then to principal.

B. GRT Revenue Bond. The GRT Revenue Bond shall be dated initially as of the date of delivery thereof to USDA, and shall be issued as a single bond in the principal amount of not to exceed \$5,000,000. The Village’s indebtedness as represented by the GRT Revenue Bond shall be up to \$5,000,000, together with interest on the principal amounts outstanding from time to time as provided in this Section 6 (as finally determined pursuant to the Sale Certificate authorized in Section 40 below). The GRT Revenue Bond shall bear interest from the date of delivery at the rate of not to exceed 7.5% per annum on the unpaid balance of the total principal amount from the date of issuance thereof until the principal thereof is paid in full. Principal and interest on the GRT Revenue Bond shall be paid in equal monthly installments to be set out in the System Revenue Bond, determined as provided in the USDA Letter of Conditions, payable on each Payment Date. All outstanding principal and accrued and unpaid interest on the GRT Revenue Bond shall be due and payable in full on the Maturity Date. Except as otherwise provided herein, every payment on the GRT Revenue Bond shall be applied first to interest computed to the date of payment and then to principal.

C. Establishment of Terms. The exact principal amounts of each of the Bonds, the maturity and payment dates, interest rates, payment terms, prepayment and redemption terms, sale prices, and other terms described in the definition of "Sale Certificate" and in Section 40 of this Ordinance and necessary to complete and deliver the Bonds, will be established in the Sale Certificate, but in no event shall the net effective interest rate on the Bonds exceed the lesser of (i) the maximum rate of interest applicable to the Bonds as provided in Section 6.A or 6.B above, or (ii) twelve percent (12%) per annum as required by Section 6-14-3, NMSA 1978. The form, terms, and provisions of the Bonds, as set forth or referred to in this Ordinance, are hereby approved with only such changes therein as are not inconsistent with this Ordinance and the Sale Certificate

Section 7. Payment of Bonds; Paying Agent and Registrar.

A. The principal of and interest on any Bond shall be payable to the registered owner thereof as shown in the registration records kept by the Registrar, in installments as provided herein and upon maturity and presentation and surrender thereof at the office of the Paying Agent. If, upon any Payment Date or presentation of any Bond at or after its maturity, payment is not made as herein provided, interest thereon shall continue at the same rate per annum until the principal thereof is paid in full. Payment of installments of principal and interest on any Bond shall be made to the registered owner thereof by check or draft mailed by the Paying Agent on or before each Payment Date (or, if such Payment Date is not a business day, on or before the next succeeding business day), to the registered owner thereof at his address as shown on the registration records kept by the Registrar at the close of business on the fifteenth day (whether or not a business day) of the calendar month preceding the Payment Date (the "Record Date"); but any such installment not so timely paid or duly provided for shall cease to be payable to the person who is the registered owner thereof at the close of business on the Record Date and shall be payable to the person who is the registered owner thereof at the close of business on a special record date for the payment of any defaulted installment fixed by the Registrar whenever moneys become available for payment of the defaulted installment (each such date, a "Special Record Date"), and notice of the Special Record Date shall be given to the registered owners of the Bonds not less than ten days prior to the Special Record Date by first-class mail to each such registered owner as shown on the registration records on a date selected by the Registrar, stating the date of the Special Record Date and the date fixed for the payment of such defaulted installment. The Paying Agent may make payments by such alternative means (including payment by ACH) as may be mutually agreed to between the owner of any Bond and the Paying Agent. All such payments shall be made in lawful money of the United States of America without deduction for the services of the Paying Agent or the Registrar.

B. If any installment is not paid when due, then in addition to installments thereafter becoming due, the Village shall pay interest on the unpaid balance of the total principal amount from the due date of the delinquent installment to the date of payment of the delinquent installment, provided, that interest accruing by reason of any such delinquency shall not include any interest applicable to such delinquency period in any installment subsequently paid.

C. So long as USDA is the registered owner of the Bonds, payment of installments of principal and interest shall be made at an office designated in writing by USDA,

or at such other address as USDA may designate in writing. During the time any registered assign is the registered owner of the Bonds, payment shall be made at the address shown on the registration book kept by the Registrar. The Bond must be registered by any registered owner, and may be assigned in the manner and with the effect set forth in the provisions for registration contained in the form of the Bonds hereinafter set forth, and as herein further provided. The principal and interest of the Bonds shall be payable only to, or upon the order of, the registered owner or his legal representative. Upon issuance, the Bonds shall be registered in the name of USDA. The Village is authorized to execute Form RD 3550-28, "AUTHORIZATION Agreement for Preauthorized Payments" which shall provide for the means of making payments on the Bonds to USDA.

Section 8. Prior Redemption.

A. The Village hereby reserves the right, at its option, to prepay the principal amount of the Bonds outstanding, in whole or in part, at any time. Prepayments may be made on any date and shall be made in the manner provided herein for making regularly scheduled installments. No prepayment of an installment shall extend or postpone the due date of any subsequent installment. Any prepayments shall be in the amount of principal being prepaid, together with accrued interest thereon to the date of prepayment, and shall be made without penalty or without additional interest charges.

B. Notice of prepayment shall be mailed at least ten days prior to the redemption date to each person whose name and address appears on the registration books. The Holder of any Bond may waive any requirement of notice. The notice shall identify the bonds to be redeemed, by name and series, specify the redemption date, and state that on such date the principal amount thereof and accrued interest to the redemption date will become due and payable, and thereafter interest shall cease to accrue. After such notice and presentation of said Bonds, the Bonds called for redemption will be paid.

Section 9. Negotiability. Subject to the provisions specifically made or necessarily implied herein, the Bonds shall be fully negotiable, and shall have all the qualities of negotiable paper, and the registered owner or owners thereof shall possess all rights enjoyed by the holders of negotiable instruments under the provisions of the Uniform Commercial Code.

Section 10. Execution.

A. Filing Manual Signatures. If necessary in connection with the use of any facsimile signatures, prior to the execution and authentication of any Bond pursuant to Sections 6-9-1 through 6-9-6, both inclusive, NMSA 1978, the Mayor, Village Clerk and Village Treasurer (Finance Director) may each forthwith file with the Secretary of State of New Mexico, his or her manual signature certified by him or her under oath; provided, that such filing shall not be necessary for any officer where any previous such filing may have legal application to the Bonds or in the event the Bonds are manually executed.

B. Method of Execution. Each Bond (including any Interim Bonds, as assigned, amended and restated) shall be signed and executed by the manual or facsimile signature of the Mayor under the manual or facsimile of the seal of the Village, which shall be

printed, stamped, engraved or otherwise placed thereon; each Bond shall be executed and attested with the manual or facsimile signature of the Village Clerk and countersigned with the manual or facsimile signature of the Village Treasurer (Finance Director); and each Bond shall be authenticated by the manual signature by an authorized officer of the Registrar as hereafter provided. The Bonds bearing the facsimile signatures of the officers in office at the time of the authorization thereof shall be the valid and binding obligations of the Village (subject to the requirement of authentication by the Registrar as hereinafter provided) notwithstanding that before the delivery thereof and payment therefor, or before the issuance thereof upon transfer or exchange, any or all of the persons whose facsimile signatures appear thereon shall have ceased to fill their respective offices. The Mayor, Village Clerk and Village Treasurer (Finance Director) of the Village shall, by the execution of a signature certificate pertaining to the Bonds, adopt as and for their respective signatures the facsimiles thereof appearing on the Bonds; and, at the time of the execution of said signature certificate, said Mayor, Village Clerk and Village Treasurer (Finance Director) may each adopt as and for his or her facsimile signature the facsimile signature of his or her predecessor in office in the event that such facsimile signature appears upon any of the Bonds.

C. Certificate of Authentication. No Bond shall be valid or obligatory for any purpose unless the certificate of authentication, substantially in the form provided in the forms of the Bonds attached hereto, has been duly executed by the Registrar. The Registrar's certificate of authentication shall be deemed to have been duly executed by it if manually signed by the Registrar (or as applicable an authorized officer of the Registrar), but it shall not be necessary that the same officer sign the certificate of authentication on all of the Bonds issued hereunder.

Section 11. Registration, Transfer and Exchange.

A. Registration Books - Transfer and Exchange Authentication. Books for the registration and transfer of the Bonds shall be kept by the Registrar. Upon the surrender for transfer of any Bonds at the Registrar, duly endorsed for transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing, the Registrar shall authenticate and deliver in the name of the transferee or transferees a new Bond or Bonds of a like series, aggregate principal amount and of the same maturity, bearing a number or numbers not contemporaneously outstanding. Bonds may be exchanged at the Registrar for an equal aggregate principal amount of Bonds of the same series, maturity of other authorized denominations. The Registrar shall authenticate and deliver a Bond or Bonds which the registered owner making the exchange is entitled to receive, bearing a number or numbers not contemporaneously outstanding. Exchanges and transfers of Bonds as herein provided shall be without charge to the owner or any transferee, but the Registrar may require the payment by the owner of any Bond requesting exchange or transfer of any tax or other governmental charge required to be paid with respect to such exchange or transfer.

B. Transfer Restrictions. Notwithstanding any provision in this Ordinance or in the Bonds to the contrary, no Holder may transfer any Bond in whole or in part or transfer any interest therein without compliance with all applicable federal and state securities laws. In addition, the Bonds must at all times be held by the same Holder (i.e., the System Revenue Bond and the GRT Revenue Bond may not be held by separate Holders).

C. Times When Transfer or Exchange Not Required. The Registrar shall not be required to transfer or exchange all or a portion of any Bond subject to prepayment at any time following the mailing of notice to the registered owners calling any Bonds for prepayment pursuant to Section 8B hereof.

D. Payment - Registered Owners. The person in whose name any Bond shall be registered, on the registration books kept by the Registrar, shall be deemed and regarded as the absolute owner thereof for the purpose of making payment thereof and for all other purposes except as may otherwise be provided with respect to payment of principal and interest as is provided in Section 7 hereof; and payment of or on account of either principal or interest on any Bond shall be made only to or upon the written order of the registered owner thereof or his legal representative, but such registration may be changed upon transfer of such Bond in the manner and subject to the conditions and limitations provided herein. All such payments shall be valid and effectual to discharge the liability upon such Bond to the extent of the sum or sums so paid.

E. Replacement Bonds. If any Bond shall be lost, stolen, destroyed or mutilated, the Registrar shall, upon receipt of such evidence, information or indemnity relating thereto as it may reasonably require, authenticate and deliver a replacement Bond or Bonds of a like aggregate principal amount and of the same series, maturity, bearing a number or numbers not contemporaneously outstanding. If such lost, stolen, destroyed or mutilated Bond shall have matured, the Registrar may direct the Paying Agent to pay such Bond in lieu of replacement.

F. Delivery of Bond Certificates to Registrar. The officers of the Village are authorized to deliver to the Registrar fully executed but unauthenticated Bonds in such quantities as may be convenient to be held in custody by the Registrar pending use as herein provided.

G. Cancellation of Bonds. Whenever any Bond shall be surrendered to the Paying Agent upon payment thereof, or to the Registrar for transfer, exchange or replacement as provided herein, such Bond shall be promptly cancelled by the Paying Agent or Registrar, and counterparts of a certificate of such cancellation shall be furnished by the Paying Agent or Registrar to the Village.

Section 12. Successor Registrar or Paying Agent. If the Registrar or Paying Agent initially appointed hereunder shall resign, or if the Village shall reasonably determine that said Registrar or Paying Agent has become incapable of fulfilling its duties hereunder, the Village may, upon notice mailed to each registered owner of Bonds at the address last shown on the registration books, appoint a successor Registrar or Paying Agent, or both. Every such successor Registrar or Paying Agent shall be a bank or trust company located in and in good standing in the United States and having a shareholders equity (e.g., capital stock, surplus and undivided profits), however denominated, not less than \$10,000,000. It shall not be required that the same institution serve as both Registrar and Paying Agent hereunder, but the Village shall have the right to have the same institution serve as both Registrar and Paying Agent hereunder.

Section 13. Special Obligations.

A. System Revenue Bond. The System Revenue Bond, together with the interest accruing thereon, shall be payable and collectible solely out of the Net Revenues, which

are irrevocably so pledged on an equal and ratable basis for the System Revenue Bond and for the Parity System Lien Bonds. The registered owner or owners of the System Revenue Bond may not look to any general or other fund for the payment of the principal of or interest on such obligations, except the designated special funds pledged. The System Revenue Bond shall not constitute an indebtedness or a debt within the meaning of any constitutional or statutory provision or limitation; nor shall it be considered or held to be a general obligation of the Village. The System Revenue Bond shall recite on its face that it is payable and collectible solely from the Net Revenues, the income from which is so pledged, and that the registered owner thereof may not look to any general or other fund for the payment of principal and interest on, and prior redemption premium due in connection with, the System Revenue Bond.

B. GRT Revenue Bond. The GRT Revenue Bond, together with the interest accruing thereon, shall be payable and collectible solely out of the revenues from the Hold Harmless GRT, which are irrevocably so pledged. The registered owner or owners of the GRT Revenue Bond may not look to any general or other fund for the payment of the principal of or interest on such obligations, except the designated special funds pledged. The GRT Revenue Bond shall not constitute an indebtedness or a debt within the meaning of any constitutional or statutory provision or limitation; nor shall it be considered or held to be a general obligation of the Village. The GRT Revenue Bond shall recite on its face that it is payable and collectible solely from the revenues of the Hold Harmless GRT, the income from which is so pledged, and that the registered owner thereof may not look to any general or other fund for the payment of principal and interest on, and prior redemption premium due in connection with, the GRT Revenue Bond.

Section 14. Use of Single Bond. USDA has requested, and the Village has agreed, that the obligations of the Village hereunder shall be represented in the form of a single registered revenue bond for each series.

Section 15. Forms of Single Bond. Subject to this provision of this Ordinance, the Bonds, the registration panels and the forms of assignment therefor, shall be in substantially forms attached hereto as Exhibit "A" (with respect to the System Revenue Bond) and Exhibit "B" (with respect to the GRT Revenue Bond), with such changes, modifications, and completions as the Village Administrator shall approve.

Section 16. Graduation. As provided in the Loan Resolution (described in the definition of "Ordinance"), the Village agrees to refinance the unpaid balance, in whole or in part, of the Bonds upon the request of the Government if at any time it shall appear to the Government that the Village is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U. S. C. 1983(c)).

Section 17. Period of Improvement Project's Usefulness. It is hereby determined and recited that the period of usefulness of the facilities to be acquired with the proceeds of the Bonds (i.e. the Project) is not less than 40 years from the date of the Bonds.

Section 18. Sale and Delivery of Bonds; Initial Registration. The Village hereby agrees to sell the Bonds (or to effect the assignment, amendment and restatement of the Interim Bonds) to USDA on the terms set forth herein. The Registrar shall initially register the Bonds in the name of USDA. When the Bonds have been duly executed, authenticated, registered and sold, the Village Treasurer (Finance Director) shall deliver them to USDA on receipt of the agreed purchase price unless otherwise provided in writing by USDA.

Section 19. Disposition of Bond Proceeds.

A. Application of Proceeds. Except as herein otherwise specifically provided or otherwise specifically permitted by USDA, the proceeds derived from the sale of the Bonds shall be used and paid solely for the purpose of permanently financing the Project.

B. Purchaser Not Responsible. The validity of the Bonds is not dependent on nor affected by the validity or regularity of any proceedings related to the completion of the Project. USDA, and any subsequent Holder of any Bonds, shall in no manner be responsible for the application or disposal by the Village or by any officer or any employee or other agent of the Village of the moneys derived from the sale of the Bonds or of any other moneys herein designated

Section 20. Income Fund and Hold Harmless GRT Fund.

A. Income Fund. So long as any of the System Revenue Bond or any Parity System Lien Bonds shall be outstanding, either as to principal or interest, or both, the revenues of the System shall continue to be set aside and deposited monthly into the separate account known as the "Income Fund" (currently consisting of enterprise funds 01 water and 02 sewer, the establishment of which is hereby affirmed and ratified).

B. Hold Harmless GRT Fund. So long as the GRT Revenue Bond or any Parity GRT Lien Bonds shall be outstanding, either as to principal or interest or both, receipts from the Hold Harmless GRT received from time to time shall continue to be set aside and deposited monthly into the separate account known as the "Hold Harmless GRT Fund" (the establishment of which is hereby affirmed and ratified).

Section 21. Administration of Income Fund. So long as any of the System Revenue Bond or any Parity System Lien Bonds shall be outstanding, either as to principal or interest or both, the following payments shall be made from the Income Fund:

A. Operation and Maintenance Fund. First, as a first charge thereon, there shall continue to be set aside monthly from moneys in the Income Fund from time to time in, and credited to an account known as the "Operation and Maintenance Fund" (which may consist of existing operation and maintenance account(s), being one or several separate funds and/or accounts consistent with Village policies), amounts sufficient to pay the operation and maintenance expenses as they become due and payable, and thereupon they shall be promptly paid. Any surplus remaining at the end of the Fiscal Year and not needed for operation and maintenance expenses (which may include amounts carried forward to cover reasonably anticipated future operation and maintenance expenses as determined by the Village), shall be transferred back to the Income Fund and used for the purposes thereof as herein provided.

B. Bond Fund. Second, subject to the aforesaid provisions, from any moneys remaining in the Income Fund, i.e., from the Net Revenues, there shall be credited pro rata on a monthly basis to the System Revenue Bond sub-account in the Bond Fund and any other fund funds for any additional Parity System Lien Bonds, amounts necessary, together with any moneys therein and available therefor, to pay the installments of principal and interest on the System Revenue Bond and any other Parity System Lien Bonds on the first Payment Date and on each Payment Date thereafter. Nothing herein shall prevent the Village, in its discretion, from making the foregoing deposits from other legally available funds. If prior to any Payment Date, there has been accumulated in the Bond Fund the entire amount necessary to pay the next maturing installment of interest or principal, or both, the payment required in this paragraph B may be appropriately reduced; but the required monthly amounts again shall be so credited to such account commencing on the next Payment Date. The moneys in the Bond Fund shall be used only to pay the principal of and interest on the System Revenue Bond and any Parity System Lien Bonds as the same become due, except as otherwise provided in Section 21.C.

C. Reserve Fund. Third, subject to paragraphs A and B of this section, amounts on deposit in the Income Fund shall be credited to the Reserve Fund and the Short-Lived Asset Reserve Fund, as and to the extent required under Section 23 of this Ordinance.

Section 22. Administration of Hold Harmless GRT Fund. So long as any of the GRT Revenue Bond or any Parity GRT Lien Bonds shall be outstanding, either as to principal or interest or both, the following payments shall be made monthly from the Hold Harmless GRT Fund:

A. Hold Harmless GRT Fund. First, from moneys on hand in the Hold Harmless GRT Fund, i.e., from collection of the Hold Harmless GRT, the Village shall pay the installments of principal and interest on the GRT Revenue Bond on the first Payment Date and on each Payment Date thereafter and to pay any Parity GRT Lien Bonds in accordance with their respective terms. Nothing herein shall prevent the Village, in its discretion, from making the foregoing deposits from other legally available funds. If prior to any Payment Date, there has been accumulated in the Hold Harmless GRT Fund the entire amount necessary to pay the next maturing installment of interest or principal, or both, the payment required in this Section 22 may be appropriately reduced; but the required monthly amounts again shall be so credited to such account commencing on the next Payment Date. The moneys in the Hold Harmless GRT Fund shall be used only to pay the principal of and interest on the GRT Revenue Bond and any Parity GRT Lien Bonds as the same become due, except as otherwise provided in Section 22.B.

B. Reserve Fund. Second, subject to paragraph A of this section, amounts on deposit in the Hold Harmless GRT Fund shall be credited to the Reserve Fund, as and to the extent required under Section 23 of this Ordinance.

Section 23. Reserve Fund and Short-Lived Asset Reserve Fund.

A. Reserve Fund. The Village shall on each Payment Date deposit into the Reserve Fund, which is hereby created: (1) from excess Net Revenues available after making required payments on and deposits related to the System Revenue Bond and the other Parity System Lien Bonds ("Excess Net Revenues"), and (2) from excess receipts from the Hold

Harmless GRT after making required payments on and deposits related to the GRT Revenue Bond and other Parity GRT Lien Bonds, if any, as described in Section 30 ("Excess GRT Receipts"), an amount equal to ten percent (10%) of each payment for a period of ten (10) years, until the accumulated amount on deposit in the Reserve Fund is equal to the Reserve Requirement. The moneys in the Reserve Fund shall be maintained as a continuing reserve to be used to make payments of principal and interest on the Bonds in the event that the Net Revenues or Hold Harmless GRT, respectively, to prevent a default. As long as the Reserve Fund is funded to the Reserve Requirement, Excess Net Revenues and Excess GRT Receipts may be applied in any other manner permitted by this Ordinance.

B. Short-Lived Asset Reserve Fund. In addition to its obligations to fund the Reserve Fund, the Village will establish a short-lived asset reserve fund, into which the Village shall deposit from Excess Net Revenues and Excess GRT Receipts the sum of at least \$49,708 annually through the Maturity Date to pay for repairs and/or replacement of major system assets. The Village will assess its asset needs on a regular basis and adjust the amount deposited to meet those needs. The Short-Lived Asset Reserve Fund is not pledged as security for the Bonds.

Section 24. Termination of Deposits. Payment need not be made into the funds discussed in Section 21 and 22 if the total amount in both funds (together with funds on hand in the Reserve Fund) at least equals the principal and interest requirements of the then outstanding Bonds to maturity. In that case such an amount equal to such principal and interest requirements shall be set aside for that purpose and all other moneys may be used in any lawful manner.

Section 25. Defraying Delinquencies in Bond Fund and in Reserve Fund. If, for any reason, the Village shall fail to pay into the Bond Fund or the Hold Harmless GRT Fund, as applicable, the full stipulated amount from Net Revenues or the Hold Harmless GRT, as applicable, then the difference between that paid and the amount stipulated shall be paid into the Bond Fund or the Hold Harmless GRT Fund, as applicable, from the Reserve Fund. Money so used shall be replaced in the Reserve Fund from the first revenues thereafter received not required to be otherwise applied by this section. If the proceedings authorizing other Parity System Lien Bonds require the replacement of moneys in a reserve fund, then money shall be replaced in each such reserve fund from available Net Revenues on a pro rata basis with the System Revenue Bond and any other Parity System Lien Bonds. If the proceedings authorizing other Parity GRT Lien Bonds require the replacement of moneys in a reserve fund, then money shall be replaced in each such reserve fund from available receipts from the Hold Harmless GRT on a pro rata basis with the GRT Revenue Bond and any other Parity GRT Lien Bonds. If, for any reason, the Village shall fail to pay into the Reserve Fund the full stipulated amount, the difference between the amount paid and the amount stipulated shall in like manner be paid therein from the first revenues thereafter received not required to be otherwise applied by this section.

Section 26. Use of Surplus Revenues.

A. Net Revenues. After making the above payments, the remaining Net Revenues shall be applied for any of the following purposes: the additional improvement, extension and betterment of the System; the payment of debt service on any general obligation

bonds incurred in the acquisition, construction and improvement of the System; the purchase in the open market or prior redemption of any bonds payable from Net Revenues at the best reasonable price obtainable; and any other lawful purpose.

B. Hold Harmless GRT. After making the above payments, the remaining Hold Harmless GRT may be applied for any purpose permitted by Ordinance No. 2017-60.

Section 27. General Administration of Funds. The funds and accounts hereof shall be administered as follows:

A. Places and Times of Deposits. The above accounts and funds shall be separately maintained and deposited in one or more bank accounts in an Insured Bank or Insured Banks. Each account shall be continuously secured to the extent required by law and shall be irrevocable and not withdrawable by anyone for any other purpose. Deposits shall be made into (or allocated to) the proper account on or before the first day of each month, except when the first day shall be a Sunday or legal holiday, then payment shall be made on the preceding secular day. At least 5 days prior to any Payment Date, moneys sufficient to pay interest and principal then due shall be available to the Paying Agent (or, if the Paying Agent is other than the Finance Director, shall be deposited with the Paying Agent). Nothing in this Ordinance shall prevent the Council from establishing one bank account for any of the funds required by this Ordinance.

B. Investment of Money. Any moneys in any fund or account designated in this Ordinance may be invested or reinvested by the Village Treasurer (Finance Director) in such obligations as may be permitted by the Constitution and laws of the State of New Mexico, and applicable federal statutes and regulations. The obligations so purchased as an investment of moneys in said fund shall be deemed at all times to be part of said fund, and the interest accruing thereon and any profit realized therefrom shall be credited to the fund and any loss resulting from such investment shall be charged to the fund. The Treasurer (Finance Director) of the Village shall present for redemption or sale on the prevailing market any obligations so purchased as an investment of moneys in the fund whenever it shall be necessary to do so in order to provide moneys to meet any payment or transfer from such fund.

Section 28. Lien on Net Revenues; Lien on Hold Harmless GRT.

A. Lien on Net Revenues. The System Revenue Bond, subject to the payment of all necessary and reasonable operation and maintenance expenses and together with outstanding Parity System Lien Bonds, constitute an irrevocable lien upon the Net Revenues. The System Revenue Bond and any other Parity System Lien Bonds now Outstanding or authorized to be issued and from time to time Outstanding are equitably and ratably secured by a lien on the Net Revenues and shall not be entitled to any priority one over the other in the application of the Net Revenues regardless of the time or times of the issuance thereof, it being the intention of the Village that there shall be no priority among the System Revenue Bond and any other Parity System Lien Bonds, regardless of the fact that they may be actually issued and delivered at different times.

B. Lien on Hold Harmless GRT. The GRT Revenue Bond constitutes an irrevocable lien upon the Hold Harmless GRT. The GRT Revenue Bond and any other Parity

GRT Lien Bonds now Outstanding or authorized to be issued and from time to time Outstanding are equitably and ratably secured by a lien on the receipts from the Hold Harmless GRT and shall not be entitled to any priority one over the other in the application of the receipts from the Hold Harmless GRT regardless of the time or times of the issuance thereof, it being the intention of the Village that there shall be no priority among the GRT Revenue Bond and any other Parity GRT Lien Bonds, regardless of the fact that they may be actually issued and delivered at different times.

Section 29. Additional Bonds Payable from Net Revenues.

A. Earnings Tests. This Ordinance shall not prevent the issuance of additional Parity System Lien Bonds. Before any such additional Parity System Lien Bonds are actually issued it must be determined that:

1. The Village is not, and has not been in default as to any payments required to be made in Section 21 hereof during the Fiscal Year immediately preceding the issuance of such additional bonds; and

2. The annual Net Revenues derived from the operation of said System for the Fiscal Year immediately preceding the date of the ordinance authorizing the issuance of any such Parity System Lien Bonds shall have been sufficient to pay an amount representing 100% of the average annual principal and interest requirements on all bonds then outstanding constituting a lien upon Net Revenues and the bonds proposed to be issued (excluding reserves). As used in this section "average annual principal and interest requirements" shall be the total principal and interest coming due on the System Revenue Bond and the then outstanding and proposed Parity System Lien Bonds during the period extending from the date of the proposed Parity System Lien Bonds to the final principal payment date of the System Revenue Bond and then outstanding Parity System Lien Bonds or the proposed Parity System Lien Bonds, whichever is longer, divided by the number of years (including any fraction thereof) computed from the date of the proposed Parity System Lien Bonds to the last principal payment date of the System Revenue Bond or then outstanding Parity System Lien Bonds, or the proposed Parity System Lien Bonds, whichever is longer.

The foregoing limitations upon the issuance of Parity System Lien Bonds shall not apply in the case of the issuance of additional Parity System Lien Bonds necessary to complete the Project in accordance with the original plans and specifications thereof or as prepared and filed by the Consulting Engineer and upon certificates by such Engineers that such Parity System Lien Bonds are required for such original project. Such certificates shall conclusively determine the right of the Village to issue such Parity System Lien Bonds.

B. Certification of Revenues. A written opinion or certificate by an Independent Accountant or the Village Treasurer (Finance Director) that annual Net Revenues are sufficient shall conclusively determine the right of the Village to issue additional Parity System Lien Bonds. The Independent Accountant or the Village Treasurer (Finance Director) may utilize the results of any annual audit to the extent it covers the applicable period.

C. Consideration of Additional Expenses. In determining whether additional Parity System Lien Bonds may be issued, the Independent Accountant or Village Finance Director shall consider any probable increase (but not reduction) in operation and maintenance expenses. A written certificate by a Consulting Engineer as to the amount of such probable increase may be conclusively relied upon in determining the right of the Village to issue additional Parity System Lien Bonds.

D. Subordinate Obligations Permitted. The Village may issue bonds or other obligations having a lien on Net Revenues which are subordinate to the lien of the System Revenue Bond.

E. Superior Obligations Prohibited. The Village shall not issue any bond or other obligation having a lien on the Net Revenues which are prior and superior to the System Revenue Bond.

Section 30. Additional Bonds Payable from Hold Harmless GRT.

A. Earnings Tests. This Ordinance shall not prevent the issuance of additional Parity GRT Lien Bonds. Before any such Parity GRT Lien Bonds are actually issued it must be determined that:

1. The Village is not, and has not been in default as to any payments required to be made in Section 21 hereof during the Fiscal Year immediately preceding the issuance of such additional bonds; and

2. The annual receipts from the Hold Harmless GRT for the Fiscal Year immediately preceding the date of the ordinance authorizing the issuance of any such Parity System Lien Bonds shall have been sufficient to pay an amount representing 100% of the average annual principal and interest requirements on all bonds then outstanding constituting a lien upon the receipts from the Hold Harmless GRT and the Parity GRT Lien Bonds proposed to be issued (excluding reserves). As used in this section "average annual principal and interest requirements" shall be the total principal and interest coming due on the GRT Revenue Bond and the then outstanding and proposed Parity GRT Lien Bonds during the period extending from the date of the proposed Parity GRT Lien Bonds to the final principal payment date of the GRT Revenue Bond and then outstanding Parity GRT Lien Bonds or the proposed Parity GRT Lien Bonds, whichever is longer, divided by the number of years (including any fraction thereof) computed from the date of the proposed Parity GRT Lien Bonds to the last principal payment date of the GRT Revenue Bond or then outstanding Parity GRT Lien Bonds, or the proposed Parity GRT Lien Bonds, whichever is longer.

The foregoing limitations upon the issuance of Parity GRT Lien Bonds shall not apply in the case of the issuance of Parity GRT Lien Bonds necessary to complete the Project in accordance with the original plans and specifications thereof or as prepared and filed by the Consulting Engineer and upon certificates by such Engineers that such Parity GRT Lien Bonds are required for such original project. Such certificates shall conclusively determine the right of the Village to issue such Parity GRT Lien Bonds.

B. Certification of Revenues. A written opinion or certificate by an Independent Accountant or the Village Treasurer (Finance Director) that annual receipts from the Hold Harmless GRT are sufficient shall conclusively determine the right of the Village to issue Parity GRT Lien Bonds. The Independent Accountant or the Village Treasurer (Finance Director) may utilize the results of any annual audit to the extent it covers the applicable period.

C. Consideration of Additional Expenses. In determining whether Parity GRT Lien Bonds may be issued, the Independent Accountant or Village Finance Director shall consider any probable increase (but not reduction) in receipts from the Hold Harmless GRT. A written certificate by a Consulting Engineer as to the amount of such probable increase may be conclusively relied upon in determining the right of the Village to issue Parity GRT Lien Bonds.

D. Subordinate Obligations Permitted. The Village may issue bonds or other obligations having a lien on receipts from the Hold Harmless GRT which are subordinate to the lien of the GRT Revenue Bond.

E. Superior Obligations Prohibited. The Village shall not issue any bond or other obligation having a lien on the Hold Harmless GRT which are prior and superior to the GRT Revenue Bond.

Section 31. Refunding Bonds. The Bonds may otherwise be refunded in accordance with this Section.

A. Privilege Of Issuing Refunding Obligations. If at any time the Council shall find it desirable to refund any outstanding Bonds for the purpose of effecting interest rate savings or for any other valid business purpose, said Bonds may be refunded with like security (i.e., refunding bonds may be issued as Parity System Lien Bonds for the purpose of refunding the System Revenue Bond and refunding bonds may be issued as Parity GRT Lien Bonds for the purpose of refunding the GRT Revenue Bond) without compliance with the provisions of Sections 29 or 30 of this Ordinance, as applicable.

B. Limitations Upon Issuance of Parity Refunding Obligations. No refunding bonds or obligations shall be issued on a parity with the Bonds, unless:

1. The lien of the obligations refunded is on a parity with the lien of the Bonds being refunded, or

2. The refunding bonds or obligations are issued in compliance with paragraph A of Section 29, or Section 30, as applicable, hereof.

C. Refunding Part of an Issue. The refunding bonds or obligations shall enjoy complete equality of lien with any portion of the same issue which is not refunded. The holders of such refunding bonds or obligations shall be subrogated to all of the rights and privileges enjoyed by the holders of the bonds or obligations of the same issue refunded thereby.

D. Limitations Upon Issuance of any Refunding Obligations. Any refunding bonds or obligations shall be issued with such details as the Council may provide, but without impairing any contractual obligation imposed by any proceedings authorizing any unrefunded

portion of any issue (including the Bonds). If only a part of any issue or issues is refunded, then there may be no refunding without the consent of the holders of the unrefunded portion, unless:

1. The refunding bonds or obligations do not increase the aggregate principal and interest requirements for any fiscal year commencing prior to the last maturity date of such unrefunded obligations, or

2. The lien of the refunding obligations is subordinate to the lien or any obligations not refunded, or

3. The refunding bonds or obligations are issued in compliance with paragraph A of Section 29, or Section 30, as applicable, hereof.

Section 32. Protective Covenants. That the Village hereby covenants and agrees with each and every registered owner of the Bonds that:

A. Use of Bond Proceeds. The proceeds of the Bonds shall be applied only to the payment and satisfaction of the Interim Bonds (or the acquisition of the Interim Bonds by USDA, as applicable).

B. Payment of Bonds Herein Authorized. The Village will pay bond principal and interest at the place, on the dates, and in the manner specified according to the true intent and meaning thereof.

C. Use Charges. Rates for all services rendered by the System shall be reasonable and just, taking into account and consideration the cost and value of the System and the proper and necessary allowances for the depreciation thereof and the amounts necessary for the retirement of the System Revenue Bond and all other Parity System Lien Bonds, accruing interest thereon, and reserves therefor and there shall be charged against all purchasers of service, including the Village, such rates and amounts as shall be adequate to meet the requirement of this and the preceding Sections hereof, and which shall be sufficient to produce revenues annually to pay the annual operation and maintenance expenses of the System and one hundred per cent (100%) of both the principal of (including mandatory sinking fund redemption amounts) and interest on the System Revenue Bond and other Parity System Lien Bonds (excluding the reserves therefor), all of which revenues, including those received from the Village, shall be subject to distribution to the payment of the cost of operating and maintaining the System and the payment of principal of (including mandatory sinking fund redemption amounts) and interest on all obligations payable from the revenues of the System, including reasonable reserves therefor. No free service, facilities nor commodities shall be furnished by the System. Should the Village elect to use for municipal purposes water supplied by, or the sanitary sewer facilities of, the System, or any combination thereof, or in any other manner use the System, or any part thereof, any use of the System by or of the services rendered thereby to the Village, or any department, board or agency thereof, any use of the System by or of the services rendered thereby to the Village, or any department, board or agency thereof, will be paid for from the Village's general fund or other available revenues at the reasonable value of the use so made, or service, facility or commodity so rendered; and all the revenue so derived from the Village shall be deemed to be income derived from the operation of the System, to be used and

accounted for in the same manner as any other income derived from the operation of the System. The Village is granted by statute a lien upon each lot or parcel of land in the Village for the charges imposed hereunder for water and sewerage facilities and services supplied by the System to the owner thereof (except as otherwise provided in Section 3-23-6, NMSA 1978), and the Village expressly covenants and agrees that it will cause each such lien to be perfected in accordance with the provisions of Sections 3-23-6 and 3-36-1 through 3-36-7, NMSA 1978, as from time to time amended, and the Village covenants and agrees that it will take all steps necessary to enforce such lien as to each piece of property the owner of which shall be delinquent for more than six months in the payment of charges imposed hereunder.

D. Levy of Charges. The Village will forthwith and in any event prior to the delivery of the System Revenue Bond fix, establish and levy the rates and charges which are required by paragraph C of this Section, if such action be necessary therefor. No reduction in any initial or existing rate schedule for the System may be made unless:

1. The Village has fully complied with the provisions of Section 21 of this Ordinance for at least the full Fiscal Year immediately preceding such reduction of the initial rate schedule; and

2. The audits for the full two Fiscal Years immediately preceding such reduction disclose that the estimated revenues resulting from the proposed rate schedule will be sufficient to meet the requirements of paragraph C of this Section.

3. The appropriate district or state official of USDA, to the extent required by USDA, approves in writing the proposed reduction provided that they shall first have been furnished with a written request signed by the Mayor of the Village requesting and justifying such reduction.

In addition, the Village shall take such actions within its power and control to collect and apply the Hold Harmless GRT as provided in this Ordinance.

E. Efficient Operation. The Village will operate said System so long as any of the System Revenue Bond herein authorized is outstanding, maintain said System in efficient operating condition and make such improvements, extensions, enlargements, repairs and betterments thereto as may be necessary or advisable to insure its economical and efficient operation at all times and to the extent sufficient to supply public or private demands for service within the Village and the territory adjacent thereto.

F. Records. So long as any of the System Revenue Bond remains outstanding, proper books of record and account will be kept by the Village, separate and apart from all other records and accounts, showing complete and correct entries of all transactions relating to the System. Such books shall include (but not necessarily be limited to) monthly records showing:

1. The number of customers;
2. The revenues received from charges to customers by water facilities and sewer facilities;

3. A detailed statement of the expenses of the System; and
4. Such other items specified in any form furnished by USDA.

In addition, so long as any of the GRT Revenue Bond or any Parity GRT Lien Bonds remain outstanding, proper books of record and account will be kept by the Village, separate and apart from all other records and accounts, showing complete and correct entries of all transactions relating to the Hold Harmless GRT.

G. Right to Inspect. Any registered owner of any of the Bonds or any duly authorized agent or agents of such registered owner, shall have the right at all reasonable times to inspect the System and all properties comprising the System or the Hold Harmless GRT.

H. Audits and Budgets. The Village further agrees that except where the State Auditor of the State of New Mexico performs the audit or where the due date for the audit has been postponed as may otherwise be required by the State Auditor or any other state agency with appropriate authority, it will, within 180 days following the close of each Fiscal Year, cause an audit of such books and accounts to be made by an Independent Accountant and shall furnish two copies of such audit to the USDA and, if required by USDA, a copy of the audit, its accompanying letters and the Data Collection Form to the Federal Clearinghouse designated by the Office of Management and Budget. Each such audit, in addition to matters thought proper by the accountant, shall include:

1. A statement for the Fiscal Year just closed, of the income and expenditures of the System, including gross revenues, net revenues, the amount of any capital expenditures and profit or loss;
2. A balance sheet as of the end of such Fiscal Year, including all funds created by proceedings authorizing bonds payable from revenues;
3. The accountant's comment regarding the Village's methods of operation and accounting practices;
4. A list of the insurance policies in force, setting out the amount of each policy, the risks covered, the name of the insurer, and the expiration date;
5. A recapitulation of each fund or account created by the various proceedings showing deposits and withdrawals for said Fiscal Year.
6. A statement for the Fiscal Year just closed, of the collections and disbursements from the Hold Harmless GRT.

After the beginning of each new Fiscal Year, the Village shall furnish USDA with an operating budget showing the planned budget for the ensuing year and a copy of the minutes of the meeting of the Council at which such budget was approved. Along with the operating budget, the Village shall provide a letter showing the name, address and term of office for each member of the Council, the number of residential users and the number of commercial users of the System as of the end of the Fiscal Year. The Village will furnish the designated USDA

representative with quarterly statements of income and expense on forms furnished by USDA. The Village will furnish a copy of each audit, budget, quarterly statement and written instrument to any Holder at his request, and without request to USDA. Any Holder shall have the right to discuss the contents with any person making the audit.

I. Billing Procedure and Discontinuance of Service. All bills for water, water service or facilities, sewer service or facilities, or any combination thereof, furnished or served by or through the System shall be rendered to customers on a regularly established day of each and every month either monthly in advance or in the month next succeeding the month in which the service was rendered and shall be due within 30 days from the date rendered; and in the event said bills are not paid within 75 days after the date when rendered, water and water service shall be discontinued, except as otherwise provided by law, and the rates and charges due shall be collected in a lawful manner, including but not limited to the cost of disconnection and reconnection. Water charges and sewer charges shall be billed jointly with each other.

J. Use of Funds. The Income Fund, the Hold Harmless GRT Fund, and the Reserve Fund, respectively, shall be used solely and only for the purposes set forth above.

K. Charges and Liens upon System. From the revenues of the System, the Village will pay all taxes and assessments or other municipal or governmental charges, if any, lawfully levied, assessed upon or in respect to said System, or any part thereof, when the same shall become due, and it will duly observe and comply with all valid requirements of any municipal or governmental authority relative to any part of said System. The Village will not create or suffer to be created any lien or charge upon said System or upon the revenues therefrom except as permitted by this Ordinance, or it will make adequate provisions to satisfy and discharge within sixty days after the same shall accrue, all lawful claims and demands for labor, materials, supplies or other objects, which, if unpaid, might by law become a lien upon said System or upon the revenues therefrom; provided, however, that nothing herein shall require the Village to pay or cause to be discharged, or make provision for any such tax, assessment, lien or charge before the time when payment thereof shall be due or so long as the validity thereof shall be contested in good faith by appropriate legal proceedings.

L. Insurance. Fire and extended coverage insurance will be obtained and maintained on the System facilities above ground, including Village-owned contents, the amounts will be determined with the assistance of the Project Engineer and must be at least equal to the depreciated replacement value. The proceeds of such insurance shall be used to restore the property lost or damaged and any remainder will be distributed as Net Revenues. The Village will carry workmen's compensation insurance on all full-time employees and will maintain public liability insurance (including liability and property damage insurance on Village-owned or operated vehicles) if authorized by state law as interpreted by the attorney for the Village.

M. Competing System. As long as any of the Bonds are outstanding and to the extent permitted by law, the Village shall not grant any franchise or license to a competing system, nor shall it permit during said period, (except as it may legally be required to do so) any person, association, firm or corporation to sell water, water service or facilities, sanitary sewer service or facilities, to any consumer, public or private, within the Village.

N. Alienating System. The Village will not sell, lease, mortgage, pledge, or otherwise encumber, or in any manner dispose of, or otherwise alienate, the System, or any part thereof, including any and all extensions and additions that may be made thereto, until all the Bonds shall have been paid in full, both principal and interest, or if the United States of America no longer owns the Bond, unless there has been defeasance as provided herein, except that the Village may sell any portion of said property which shall have been replaced by other property of at least equal value, or which shall cease to be necessary for the efficient operation of the System, but in no manner nor to such extent as might prejudice the security for the payment of the Bonds, provided, however, that in the event of any sale as aforesaid, the proceeds of such sale shall be distributed as Net Revenues in accordance with the provisions of Section 21 hereof.

O. Extending Interest Payments. In order to prevent any accumulation of claims for interest after maturity the Village will not directly or indirectly, extend or assent to the extension of the time for payment of any claim for interest on any of the Bonds, and it will not directly or indirectly be a party to or approve any arrangement for any such extension or for the purpose of keeping alive any of said interest and in case the time for payment of any such interest shall be extended, such installment or installments of interest after such extension or arrangement shall not be entitled in case of default hereunder to the benefit or security of this Ordinance except subject to the prior payment in full of the principal of all Bonds then outstanding, and of matured interest on such Bonds the payment of which has not been extended.

P. Management of the System. If an "event of default" shall occur or if the Net Revenues in any Fiscal Year fail to equal principal, interest and reserves for all bonds payable from Net Revenues, the Village shall retain a Consulting Engineer to assist the management of the System so long as such default continues or the Net Revenues are less than the amount designated.

Q. Surety Bonds. To the extent required by USDA or applicable law, the Village, or an appropriate officer or officers thereof, being responsible for receiving income and maintaining the accounts of the System, shall be bonded in an amount required by applicable law and, to the extent applicable, required by USDA (in such case such fidelity bond may be provided on Form RD 440-24 or other equivalent USDA forms and may designate USDA as a co-obligee).

R. Village's Existence.

1. The Village will maintain its "corporate" identity and existence so long as any of the Bonds remain outstanding (and the United States of America is a registered Holder of any of such bonds) unless another political subdivision by operation of law succeeds to the liabilities and rights of the Village, without adversely affecting to any substantial degree the privileges and rights of any Holder.

2. The Village agrees to give written notice to the USDA district or state office, if the United States of America is a registered Holder of any of the Bonds, at least 30 days prior to any contemplated merger, consolidation or dissolution of the Village.

Section 33. Defeasance. When all principal, any applicable prior redemption premium and interest in connection with the Bonds hereby authorized have been duly paid, the pledge and lien and all obligations hereunder shall thereby be discharged and the Bonds shall no longer be deemed to be outstanding within the meaning of this Ordinance. So long as the United States of America is not the owner of the Bonds, there shall be deemed to have been made such due payment as to any Bond when the Council has placed in escrow and in trust with a commercial bank located within or without the State of New Mexico and exercising trust powers, an amount sufficient (including the known minimum yield from Federal Securities in which such amount may initially be invested) to meet all requirements of principal, interest and any applicable prior redemption premium as the same become due to its maturity (including mandatory sinking fund redemption) or designated redemption date as of which the Village shall have exercised or obligated itself to exercise its option to call such Bond. The Federal Securities shall become due prior to the respective times on which the proceeds thereof shall be needed, in accordance with a schedule established and agreed upon between the Council and such bank at the time of the creation of the escrow or the Federal Securities shall be subject to the redemption at the option of the holders thereof to assure such availability as so needed to meet such schedule. "Federal Securities" within the meaning of this Section shall include only direct obligations of the United States of America and which are not callable prior to maturity by the issuer of such obligations.

Section 34. Events of Default. It is an "event of default" if:

A. Nonpayment of Principal. Payment of principal of any Bond is not made when due, at maturity, or upon prior redemption.

B. Nonpayment of Interest. Payment of interest on any Bond is not made when due.

C. Default of Any Provision. The Village defaults in the punctual performance of its covenants hereunder for 60 days after written notice shall have been given by the Holders of 25% in principal amount of the outstanding Bonds.

Section 35. Remedies of Default. Upon the happening of any event of default, the Holder or Holders of not less than 25% in principal amount of the outstanding Bonds, or a trustee therefor, may protect and enforce the rights of any bondholder by proper legal or equitable remedy deemed most effectual including mandamus, specific performance of any covenant, the appointment of a receiver (the consent to such appointment being hereby granted), injunctive relief, or requiring the Council to act as if it were the trustee of an expressed trust, or any combination of such remedies. All proceedings shall be maintained for the equal benefit of all Holders to the extent of their respective rights under this Ordinance. Any receiver appointed to protect the rights of bondholders may, to the fullest extent permitted by law, take possession and operate and maintain the System, and may apply revenues or receipts from the Hold Harmless GRT, in the same manner as the Village itself might do. The failure of any Holder to proceed does not relieve the Village or any person of any liability for failure to perform any duty hereunder. The foregoing rights are in addition to any other right and the exercise of any right by any bondholder shall not be deemed a waiver of any other right.

Section 36. Duties upon Default. Upon the happening of any event of default, the Village will perform all proper acts to protect and preserve the security created for the prompt payment of the principal of and interest on the bonds. The Holder or Holders of not less than 25% in principal amount of the outstanding Bonds, after written demand, may proceed to protect and enforce the rights provided by this section.

Section 37. Prior Charge Upon Lower Rates. If any Council or authority lawfully prescribes a lower schedule of rates than that contemplated by this Ordinance, then the payment of principal and interest on the System Revenue Bond, and Parity System Lien Bonds, shall constitute a prior charge on revenues.

Section 38. Equal Opportunity Agreement; Other Required Agreements. At the request of the United States of America, the Mayor and the Village Clerk are authorized and directed to execute for and on behalf of the Village Form RD 400-4, entitled "Non-Discrimination Agreement," and Form RD 400-1 entitled "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in each construction contract and sub-contract in excess of \$10,000, or other equivalent USDA forms.

Section 39. Amendment of Ordinance. This Ordinance may be amended, without receipt by the Village of any additional consideration, but with the written consent of the Holders of three-fourths (3/4) of the Bonds then outstanding (not including bonds which may be held for the account of the Village); but no ordinance adopted without the written consent of the Holders of all outstanding bonds shall have the effect of permitting:

- A. An extension of the maturity of any Bond; or
- B. A reduction in the principal amount or interest rate of any Bond; or
- C. The creation of a lien upon revenues or Hold Harmless GRT, as applicable, ranking prior to the lien or pledge created by this Ordinance; or
- D. A reduction of the principal amount of Bonds required for consent to such amendatory ordinance; or
- E. The establishment of priorities as between Bonds issued and outstanding under the provisions of this Ordinance; or
- F. The modification of or otherwise affecting the rights of the Holders of less than all of the outstanding Bonds.

Section 40. Delegated Powers. The officers of the Village be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including, without limitation, the execution of such certificates or forms as may be reasonably required by the Purchaser, relating to the signing of the Bonds, the tenure and identity of the officials of the Council and of the Village, the delivery of the Bonds and the receipt of the bond purchase price, and, if it is in accordance with fact, the absence of litigation, pending or threatened, affecting the validity thereof, and (as applicable) the absence and existence of factors affecting the exemption of interest on the Bonds from federal income

taxation, the assembly and dissemination of financial and other information concerning the Village and the bonds, and the sale and issuance of the bonds pursuant to the provisions of this Ordinance and to any instrument supplemental thereto. Pursuant to the Supplemental Act, the Mayor and Village Administrator are each hereby delegated authority to determine any or all of the final terms of the Bonds, including the final principal amount(s) interest rate(s), term(s), maturity(ies), payment date(s), payment amount(s), and prepayment and redemption provisions and other terms described in the definition of "Sale Certificate"), subject to the parameters and conditions contained in this Ordinance. The Mayor and Village Administrator shall present the Sale Certificate(s) to the Council in a timely manner, before or after delivery of the Bonds, at a regularly scheduled public meeting of the Council. The Mayor and Village Administrator may also take such actions and provide such notices as may be required under the terms of the Prior Ordinance or otherwise to effect the redemption and repayment of the Interim Bonds (or the assignment of the holder thereof to USDA).

Section 41. Prior Contracts. If any provision herein is inconsistent with any provision in any existing contract pertaining to the Village so as to affect prejudicially and materially the rights and privileges thereunder, so long as such contract shall remain viable and in effect such provision therein shall control such inconsistent provision herein and the latter provision shall be subject and subordinate to such provision in such existing contract.

Section 42. Police Power. Nothing herein prohibits or otherwise limits or inhibits the exercise by the State of New Mexico, any agency thereof or any political subdivision thereof, including, without limitation, the Village, of the police power, i.e., essential governmental powers for the public welfare. The provisions hereof are subject to any proper exercise in the future of the police power thereby. The Village cannot contract away the police power thereof nor limit or inhibit by contract the proper exercise of the police power thereby, and this Ordinance does not purport to do so.

Section 43. Ordinance Irrepealable. After any of the Bonds herein authorize are issued, this Ordinance shall be and remain irrepealable until the Bonds and interest thereon shall be fully paid, cancelled and discharged as herein provided.

Section 44. Severability. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 45. Repealer Clause. All bylaws, orders, and ordinances, or parts thereof, inconsistent herewith (excluding Form RD 1942-47 "Loan Resolution", the provisions of which, in the event of a conflict with this Ordinance, shall control), are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, or ordinance, or part thereof, heretofore repealed.

Section 46. Effective Date. This Ordinance, immediately upon its final passage by 3/4ths of the members of the Council and approval, shall be recorded in the book of ordinances of the Village kept for that purpose, authenticated by the signature of the Mayor, as presiding officer of the Village, and by the signature of the Village Clerk; this Ordinance: (a)

shall be published by posting in six public places as required by law, and (b) may be published by publication one time by title and general summary of the subject matter contained in this Ordinance (set out in Section 47 below) in a newspaper of general circulation in the Village, in accordance with the law, and said ordinance shall be in full force and effect five days after such publication.

Section 47. General Summary for Publication. Pursuant to Section 3-17-5, NMSA 1978, as amended, the title and a general summary of the subject matter contained in this Ordinance shall be published in substantially the following form:

(Form of Summary of Ordinance for Publication)

VILLAGE OF TAOS SKI VALLEY, NEW MEXICO
NOTICE OF ADOPTION OF ORDINANCE NO. 2020-64

NOTICE IS HEREBY GIVEN of the title and of a general summary of the subject matter contained in Ordinance No. 2020-64, duly adopted and approved by the Village Council of the Village of Taos Ski Valley on May 5, 2020. A complete copy of the Ordinance is available for public inspection during the normal and regular business hours of the Village Clerk in the office of the Village Clerk, 7 Firehouse Road, PO Box 100, Taos Ski Valley, New Mexico 87525.

The title of the Ordinance is:

CONCERNING THE MUNICIPAL JOINT WATER AND SEWER SYSTEM OF THE VILLAGE OF TAOS SKI VALLEY, NEW MEXICO; PROVIDING FOR THE PERMANENT FINANCING OF THE EXTENSION, ENLARGEMENT, BETTERMENT, REPAIR AND OTHER IMPROVEMENT OF SUCH SYSTEM, AS PREVIOUSLY FINANCED BY INTERIM REVENUE BONDS (INTERIM BONDS) ISSUED TO A CONSTRUCTION LENDER, THROUGH THE ISSUANCE TO (OR ASSIGNMENT TO, AND AMENDMENT AND RESTATEMENT OF) THE UNITED STATES OF AMERICA ACTING THROUGH THE UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) OF REVENUE BONDS IN THE AGGREGATE MAXIMUM AMOUNT OF \$8,500,000 CONSISTING OF THE VILLAGE'S JOINT WATER AND SEWER REVENUE BOND, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$3,500,000, AND ITS GROSS RECEIPTS TAX REVENUE BOND IN THE MAXIMUM PRINCIPAL AMOUNT OF \$5,000,000; DECLARING THE NECESSITY FOR ISSUING (OR PERMITTING THE ASSIGNMENT, AMENDMENT AND RESTATEMENT OF) SUCH BONDS WHICH SHALL BE PAYABLE SOLELY OUT OF THE NET REVENUES TO BE DERIVED FROM THE OPERATION OF SUCH SYSTEM (AS TO THE SYSTEM REVENUE BOND) AND CERTAIN GROSS RECEIPTS TAX RECEIPTS PLEDGED FOR SUCH PURPOSE (AS TO THE GRT REVENUE BOND), RESPECTIVELY, AS PROVIDED HEREIN; APPROVING THE DELEGATION OF AUTHORITY TO MAKE CERTAIN DETERMINATIONS REGARDING THE SALE OF THE BONDS PURSUANT TO THE SUPPLEMENTAL PUBLIC SECURITIES ACT; PROVIDING FOR THE COLLECTION AND DISPOSITION OF THE REVENUES TO BE DERIVED FROM THE OPERATION OF SUCH SYSTEM AND THE COLLECTION AND DISPOSITION OF SUCH GROSS RECEIPTS TAX, RESPECTIVELY; PROVIDING THE FORM, TERMS AND CONDITIONS OF SUCH REVENUE BONDS, THE METHOD OF PAYING SUCH AND THE SECURITY THEREFOR; AUTHORIZING THE USE OF A SINGLE REGISTERED BOND FOR EACH SUCH SERIES; PRESCRIBING OTHER DETAILS CONCERNING SUCH SYSTEM REVENUES, GROSS RECEIPTS TAX, BONDS AND SYSTEM, INCLUDING BUT NOT LIMITED TO

COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AUTHORIZING THE REDEMPTION AND REPAYMENT (OR ACQUISITION BY WAY OF ASSIGNMENT) OF THE INTERIM BONDS; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION THEREWITH; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

The following is a general summary of the subject matter contained in such Ordinance.

Preambles recite such matters as incorporation of the Village and the operation of a joint water and sanitary sewer system (the "System") by the Village; recite that the Net Revenues have previously been pledged to the payment of the Village's promissory notes to the New Mexico Environment Department (the "Outstanding Parity System Lien Bonds") which presently remain outstanding; finding that the Village has heretofore imposed by ordinance a 3/8% (0.375%) hold harmless gross receipts tax; determine that the System was insufficient and inadequate to meet the needs of the Village and has been improved by the Project defined therein and further described herein, which project was financed by certain interim construction bonds; provide that the Bonds will be issued pursuant to Sections 3-31-1 through 3-31-12 NMSA 1978 and that such Net Revenues (as well as the proceeds of the Village's hold harmless gross receipts tax described therein) are to be pledged as security for the Bonds; recite the existence of a letter of conditions between the Village and the United States of America Acting through the United States Department of Agriculture ("USDA"), in which USDA has agreed to provide permanent financing by refinancing the Bonds upon Project completion; reciting that such improvements have been completed (or are expected to be completed prior to the issuance of the bonds herein authorized), and the remaining conditions set out in the Letter of Conditions have been satisfied (or are expected to be satisfied prior to the issuance of the bonds herein authorized).

Sections 1 through 5 define terms used in the ordinance; ratify previous action by officers of the Village; provide that the System shall constitute a public system; acknowledges that the Village has authorized the extending, enlarging, bettering, repairing and otherwise improving the System (herein "Project"); provide that the Project has been financed through the issuance of interim bank bonds and has been completed; and provides for the issuance of the Bonds (or the assignment, amendment and restatement of the interim bank bonds), in the aggregate principal amount of up to \$8,500,000, payable from Net Revenues or hold harmless gross receipts tax, as applicable.

Sections 6 and 7 provide details of the Bonds including but not limited to the Village's system revenue bond as a single bond in the maximum principal amount of up to \$3,500,000 and hold harmless gross receipts tax revenue bond in the maximum principal amount of \$5,000,000 (provided that the aggregate principal amount of the Bonds shall not exceed \$8,500,000); delegate the Mayor and Village Administrator the authority to execute a Sale Certificate to establish the final terms of the Bonds within the parameters established in the Bond Ordinance; provide that such bonds shall be registered as to both principal and interest; provide for a rate of interest (with interest and principal payable in equal monthly installments to maturity); provide the place and manner of payment of principal and interest of the Bonds

including provisions for payment of principal and interest on the Record Date and Special Record Date; and provide for continuation of interest upon nonpayment.

Sections 8 through 17 provide terms and conditions of prior redemption; provide that the Bonds are negotiable instruments under the Uniform Commercial Code and are special obligations payable solely from the Net Revenues or hold harmless gross receipts tax, respectively; provide for the manner of execution and authentication of the Bonds; provide provisions relating to registration, transfer, exchange, replacement and cancellation of, and Registration records for the Bonds (i.e., registration books), transfer and exchange, authentication, times when transfer or exchange not required, payment to registered owners, replacement bonds, delivery of bond certificates to registrar and cancellation of bonds; successor registrar or paying agent; further provide for the forms of the Bonds, certificate of authentication, assignment and legal opinion certificate; and determine the period of usefulness of the Project being acquired with Bond proceeds.

Sections 18 through 28 provide for the execution and delivery of the Bonds and initial registration; provide for the disposition of proceeds of the Bonds into several funds and accounts in connection therewith, and the administration thereof; provide for the application of bond proceeds to satisfy (or acquire) the interim bonds; provide for the continued administration of the Village's Income Fund, Operation and Maintenance Fund, Hold Harmless GRT Fund, Bond Fund and a Reserve Fund and a Short-Lived Asset Reserve Fund for the Bonds; provide for the administration of all funds and special accounts created by the ordinance; the places and times of the deposits into the funds and accounts; provide for termination of deposits, and defraying delinquencies in the Bond Fund and Reserve Fund, payment for additional obligations, and use of surplus Net Revenues and hold harmless gross receipts tax; and that the Bonds constitute an irrevocable lien (but not necessarily an exclusive lien) on the Net Revenues and hold harmless gross receipts tax, respectively.

Sections 29 through 31 set out the terms and conditions under which Parity System Lien Bonds secured by a lien on Net Revenues, and under which Parity GRT Lien Bonds secured by a lien on the hold harmless gross receipts tax may be issued; prohibit the issuance of obligations having a superior lien, permit the issuance of obligations having a subordinate lien; set forth the terms and obligations relative to refunding obligations; and provide for equality among the System Revenue Bond and Parity System Lien Bonds in the application of the Net Revenues.

Section 32 provides protective covenants whereby the Village covenants with each registered owner for the protection of such registered owners covering such matters as use of bond proceeds, use charges for services rendered by the System, efficient operation and records of the System, application of receipts from the hold harmless gross receipts tax; prompt payment of Bond principal and interest, records, audits, extending interest payments, performing duties, other liens on Net Revenues, duty with respect to amount of Net Revenues, continuity of the Village's existence, no impairment of contract, and a tax covenant.

Sections 33 through 47 set forth defeasance provisions; delegate certain powers to Village officers; describe events of default; provide for refinancing of the Bonds; provide for equal opportunity with regard to construction contracts; provide for remedies and duties upon

default; provide for a method of enforcing the ordinance; provide for the calling and redemption (or assignment, amendment and restatement of) of the interim bonds; provide separability and repealer clauses; provide for the amendment of the ordinance; provide an irrepealability clause and provide an effective date and a summary for publication.

COMPLETE COPIES OF THIS ORDINANCE ARE ON FILE IN THE OFFICE OF THE VILLAGE CLERK AT 7 FIREHOUSE ROAD, P.O. BOX 100, TAOS SKI VALLEY, NEW MEXICO 87525, AND ARE AVAILABLE FOR INSPECTION AND/OR PURCHASE DURING REGULAR OFFICE HOURS. THIS NOTICE ALSO CONSTITUTES COMPLIANCE WITH SECTIONS 6-14-4 THROUGH 6-14-7, 1978.

WITNESS my hand and the seal of the Village of Taos Ski Valley, New Mexico, this __ day of May, 2020.

Village Clerk

(SEAL)

(End of Form of Ordinance for Publication)

PASSED, ADOPTED, SIGNED AND APPROVED THIS 5TH DAY OF MAY,
2020.

(SEAL) _____ Mayor

Attest:

Village Clerk

EXHIBIT "A"

Form of System Revenue Bond

UNITED STATES OF AMERICA

STATE OF NEW MEXICO

COUNTY OF TAOS

VILLAGE OF TAOS SKI VALLEY
JOINT SEWER AND WATER SYSTEM REVENUE BOND

DATED AS OF: June [], 2020

REGISTERED OWNER: United States of America Acting through the United States Department of Agriculture

PRINCIPAL AMOUNT:

WHEREAS, the Village of Taos Ski Valley (herein "Village"), in the County of Taos and State of New Mexico, previously issued its Joint Sewer and Water System Draw Down Revenue Bond (Interim Bank Bond), Series 2017A, in the principal amount of \$2,800,000, now drawn and outstanding in the principal amount of \$2,800,000 (the "Interim System Revenue Bond") pursuant to Ordinance No. 2018-64 (the "Prior Ordinance"); and

WHEREAS, the holder of the Interim System Revenue Bond, for valuable consideration, has assigned the Interim System Revenue Bond (and a related Interim GRT Revenue Bond) to the United States of America Acting through the United States Department of Agriculture ("USDA"); USDA has advanced additional sums to or for the benefit of the Village, and the Village and USDA desire to amend and restate the Interim System Revenue Bonds in its entirety as provided herein;

NOW, THEREFORE, the Village, for value received, hereby amends and restates the Interim System Revenue Bond in its entirety as follows, and USDA, by accepting delivery of this bond, hereby agrees to the amendment and restatement of the Interim System Revenue Bond, as follows:

The Village of Taos Ski Valley (herein "Village"), in the County of Taos and State of New Mexico, for value received, hereby promises to pay to United States of America Acting through the United States Department of Agriculture, or its registered assigns upon presentation and surrender of this bond, solely from the special funds provided therefor as hereinafter set forth, or registered assigns, the Principal Amount stated above, with interest at the rate []% per annum as authorized by Ordinance No. 2020-64, adopted by the Village Council of the Village on May 5, 2020 (the "Bond Ordinance").

Interest shall accrue on the unpaid balance of this bond from the date of original issue. Payments of principal and interest on this bond shall be made in equal monthly installments of \$[] each, payable on the [] day of each month commencing [], 20[] (each, a "Payment Date"). All outstanding principal and accrued and

unpaid interest on this bond shall be due and payable in full on [_____, 20__] (the "Maturity Date"). If any installment is not paid when due, then in addition to installments thereafter becoming due, the Village shall pay interest on the unpaid balance of the total principal amount from the due date of the delinquent installment to the date of payment of the delinquent installment, provided, that interest accruing by reason of any such delinquency shall not include any interest applicable to such delinquency period in any installments subsequently paid. Except as otherwise provided herein, every payment on this bond shall be applied first to interest due through the next installment due date and then the balance to principal.

Principal and interest on this Bond are payable in lawful money of the United States of America, without deduction for exchange or collection charges, during the period the Registered Owner is the registered owner of this single bond, at the appropriate office of the Registered owner, currently designated as [_____, or at such other place as the Registered Owner may designate in writing, and are so payable during any period the Registered Owner is the registered owner hereof at the address shown on the registration books of the Village. The final installment of principal due on this bond is payable only upon the surrender of this bond to the Village. Capitalized terms which are not defined herein shall have the same meanings as such capitalized terms have in the Bond Ordinance.

The Village hereby reserves the right, at its option, to prepay the principal amount outstanding, in whole or in part, in the manner provided in the Bond Ordinance. Any prepayments shall be in the amount of principal being prepaid, together with accrued interest thereon to the date of prepayment, and shall be made without penalty or without additional interest charges. Prepayment shall be made upon prior notice as provided in the Bond Ordinance.

This bond shall be fully registered for payment (i.e., registered as to payment of both principal and interest) in the name of the registered owner hereof on the books of the Village in the office of the Village Treasurer (Finance Director), as Registrar, and in the space appended to this single bond. Upon surrender of any of such bond at the Registrar with a written instrument satisfactory to the Registrar duly executed by the registered owner or his duly authorized attorney, such bond may, at the option of the registered owner or his duly authorized attorney, be exchanged for an equal aggregate principal amount of such bonds of the same maturity of other authorized denominations, subject to such terms and conditions as set forth in the Bond Ordinance.

Subject to the restrictions set out in the Bond Ordinance, this bond is fully transferable by the registered owner hereof in person or by his duly authorized attorney on the registration books kept by the Registrar upon surrender of this bond together with a duly executed written instrument of transfer satisfactory to the Registrar. Upon such transfer a new fully registered bond of authorized denomination or denominations of the same aggregate principal amount and maturity will be issued to the transferee in exchange for this bond, subject to such terms and conditions as set forth in the Bond Ordinance. The Village and the Registrar and Paying Agent may deem and treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of making payment and for all other purposes.

This bond is authorized for the purpose of providing permanent financing for the purpose of extending, enlarging, bettering, repairing and otherwise improving the municipal joint water and sanitary sewer system (herein the "System") and all costs incidental to the foregoing and the issuance of the bonds. This bond is issued pursuant to and in strict compliance with the Constitution and laws of the State of New Mexico.

This bond does not constitute an indebtedness of the Village within the meaning of any charter, constitutional or statutory provision or limitation, shall not be considered or held to be a general obligation of the Village, and is payable and collectible solely out of the Net Revenues (as defined below) derived from the operation of the System, the income of which is so pledged; and the registered owner hereof may not look to any general or other fund for payment of the principal of, interest on, and any prior redemption premium due in connection with this obligation, except the special funds pledged therefor. Payment of the principal of and interest on the bonds of the series of which this is one shall be made solely from, and as security for such payment there are pledged, pursuant to the Bond Ordinance, two special funds identified as the Bond Fund and the Reserve Fund into which the Village covenants to pay from the revenues derived from the operation of its System, after provision only for all necessary and reasonable expenses of the operation and maintenance of said System (the "Net Revenues"), sums sufficient to pay when due the principal of and the interest on the bonds of the series of which this is one and to create (except to the extent created from other funds) and maintain a reasonable and specified reserve for such purpose. For a description of said funds and the nature and extent of the security afforded thereby for the payment of the principal of and interest on said bonds, reference is made to the Bond Ordinance.

The bonds of the series of which this is one are equitably and ratably secured by a lien on the Net Revenues and said bonds constitute an irrevocable and valid lien together with outstanding promissory notes to the New Mexico Environment Department (the "Outstanding Bonds") upon said Net Revenues. Bonds in addition to the series of which this is one and the Outstanding Bonds may be issued and made payable from said Net Revenues, having a lien thereon inferior and junior to the lien or, subject to designated conditions, having a lien thereon on a parity with the lien of the bonds of the series of which this is one and the Outstanding Bonds, in accordance with the provisions of the Bond Ordinance.

The Village covenants and agrees with the registered owner of this bond and with each and every person who may become the registered owner hereof that it will keep and perform all of the covenants of the Bond Ordinance, including, without limiting the generality of the foregoing, its covenant against the sale or mortgage of the System or any part thereof unless provision shall be made for the payment of the principal of and interest on the bonds of the series of which this is one (and except as provided in the Bond Ordinance), and including its covenant that it fix, maintain and collect rates for services rendered by the System sufficient to produce revenues or earnings sufficient to pay the annual operation and maintenance expenses of the System and 100% of both the principal of and interest on the bonds and any other obligations payable annually from the revenues of the System (excluding the reserves therefor).

This bond is subject to the conditions, and every registered owner hereof by accepting the same agrees with the obligor and every subsequent registered owner hereof that the principal of and the interest on this bond shall be paid, and this bond is transferable, free from,

and without regard to any equities between the obligor and the original or any intermediate registered owner hereof for any setoffs or cross-claims.

It is further certified, recited and warranted that all the requirements of law have been fully complied with by the Village Council and officers of the Village in the issue of this bond; and that it is issued pursuant to and in strict conformity with the Charter of the Village and the Constitution and laws of the State of New Mexico, and particularly the terms and provisions of Sections 3-31-1 through 3-31-12, NMSA 1978, as amended, and all laws thereunto enabling and supplemental thereto.

This bond shall not be valid or obligatory for any purpose until the Registrar shall have manually signed the certificate of authentication herein.

This bond is being issued simultaneously and in conjunction with the Village’s Gross Receipts Tax Revenue Bonds, in the stated principal amount of \$_____ (the “GRT Revenue Bond”). This bond and the GRT Revenue Bond are issued under the terms of the Bond Ordinance and are intended to represent and secure the obligations of the Village to repay an aggregate indebtedness of up to \$_____ as provided in and subject to the terms of the Bond Ordinance. Under the terms of the Bond Ordinance, this bond and the GRT Revenue Bond are at all times to be held by the same Holder.

IN WITNESS WHEREOF, The Village of Taos Ski Valley has caused this bond to be signed, subscribed, executed, and attested with the facsimile signatures of its Mayor and its Village Clerk, respectively; has caused the facsimile of its corporate seal to be affixed hereon; has caused this bond to be countersigned with the facsimile signature of the Village Treasurer (Finance Director), all as of the date of delivery of this bond.

(SEAL)

(Manual or Facsimile Signature)
Mayor

Attest:

(Manual or Facsimile Signature)

Village Clerk

Countersigned:

(Manual or Facsimile Signature)

Village Treasurer (Finance Director)

(End of Form of Bond)

(Form of Registrar's Certificate of Authentication)

Date of Registration and Authentication: June [], 2020.

REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This is one of the bonds described in the within-mentioned Bond Ordinance, and this bond has been duly registered on the registration books kept by the undersigned as Registrar for such Bonds.

Village Treasurer (Finance Director) of the Village
of Taos Ski Valley, New Mexico, as Registrar

(End of Form of Registrar's Certificate of Authentication)

(Form of Assignment)

For value received, _____ hereby sells, assigns and transfers unto _____ the within bond and hereby irrevocably constitutes and appoints _____ attorney, to transfer the same on the books of the Registrar, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

Name and address of transferee:

Social Security or other tax
identification number of
transferee:

NOTE: The signature to this Assignment must correspond with the name as written on the face of the within bond in every particular, without alteration or enlargement or any change whatsoever. The signature must be guaranteed by an eligible guarantor institution as defined in 17 C.F.R. § 240.17 Ad-15(a)(2).

(End of Form of Assignment)

(Form of Mandatory Registration Panel)

MANDATORY REGISTRATION FOR PAYMENT AS TO PRINCIPAL AND INTEREST

The within bond is registered in the office of the Treasurer of the Village, as Registrar, in the name of the last owner listed below; and the principal amount of the bond and interest thereon shall be payable only to such owner, all in accordance with the ordinance of the Village authorizing the bond's issuance.

Date of Registration	Name of Owner	Address of Owner	Signature of Registrar
June [], 2020	USDA	[]	

(End of Form of Registration Panel)

EXHIBIT “B”

Form of GRT Revenue Bond

UNITED STATES OF AMERICA

STATE OF NEW MEXICO

COUNTY OF TAOS

VILLAGE OF TAOS SKI VALLEY
GROSS RECEIPTS TAX REVENUE BOND

DATED AS OF: June [], 2020

REGISTERED OWNER: United States of America Acting through the United States Department of Agriculture

PRINCIPAL AMOUNT:

WHEREAS, the Village of Taos Ski Valley (herein “Village”), in the County of Taos and State of New Mexico, previously issued its Gross Receipts Tax Revenue Bond (Interim Bank Bond), Series 2017B, in the principal amount of \$4,200,000, now drawn and outstanding in the principal amount of \$4,200,000 (the “Interim GRT Bond”) issued pursuant to Ordinance No. 2018-64 (the “Prior Ordinance”); and

WHEREAS, the holder of the Interim GRT Bond, for valuable consideration, has assigned the Interim GRT Bond (and a related Interim System Revenue Bond) to the United States of America Acting through the United States Department of Agriculture (“USDA”); USDA has advanced additional sums to or for the benefit of the Village, and the Village and USDA desire to amend and restate the Interim GRT Bonds in its entirety as provided herein;

NOW, THEREFORE, the Village, for value received, hereby amends and restates the Interim GRT Bond in its entirety as follows, and USDA, by accepting delivery of this bond, hereby agrees to the amendment and restatement of the Interim GRT Bond, as follows:

The Village of Taos Ski Valley (herein “Village”), in the County of Taos and State of New Mexico, for value received, hereby promises to pay to United States of America acting by and through the United States Department of Agriculture, Rural Development or its registered assigns upon presentation and surrender of this bond, solely from the special funds provided therefor as hereinafter set forth, or registered assigns, the Principal Amount stated above, with interest at the rate []% per annum as authorized by Ordinance No. 2020-64, adopted by the Village Council of the Village on May 5, 2020 (the “Bond Ordinance”).

Interest shall accrue on the unpaid balance of this bond from the date of original issue. Payments of principal and interest on this bond shall be made in equal monthly installments of \$[] each, payable on the [] day of each month commencing [], 20 [] (each, a “Payment Date”). All outstanding principal and accrued and unpaid interest on this bond shall be due and payable in full on [], 20 [] (the “Maturity Date”). If any installment is not paid when due, then in addition to installments

thereafter becoming due, the Village shall pay interest on the unpaid balance of the total principal amount from the due date of the delinquent installment to the date of payment of the delinquent installment, provided, that interest accruing by reason of any such delinquency shall not include any interest applicable to such delinquency period in any installments subsequently paid. Except as otherwise provided herein, every payment on this bond shall be applied first to interest due through the next installment due date and then the balance to principal.

Principal and interest on this Bond are payable in lawful money of the United States of America, without deduction for exchange or collection charges, during the period the Registered Owner is the registered owner of this single bond, at the appropriate office of the Registered owner, currently designated as [], or at such other place as the Registered Owner may designate in writing, and are so payable during any period the Registered Owner is the registered owner hereof at the address shown on the registration books of the Village. The final installment of principal due on this bond is payable only upon the surrender of this bond to the Village. Capitalized terms which are not defined herein shall have the same meanings as such capitalized terms have in the Bond Ordinance.

The Village hereby reserves the right, at its option, to prepay the principal amount outstanding, in whole or in part, in the manner provided in the Bond Ordinance. Any prepayments shall be in the amount of principal being prepaid, together with accrued interest thereon to the date of prepayment, and shall be made without penalty or without additional interest charges. Prepayment shall be made upon prior notice as provided in the Bond Ordinance.

This bond shall be fully registered for payment (i.e., registered as to payment of both principal and interest) in the name of the registered owner hereof on the books of the Village in the office of the Village Treasurer (Finance Director), as Registrar, and in the space appended to this single bond. Upon surrender of any of such bond at the Registrar with a written instrument satisfactory to the Registrar duly executed by the registered owner or his duly authorized attorney, such bond may, at the option of the registered owner or his duly authorized attorney, be exchanged for an equal aggregate principal amount of such bonds of the same maturity of other authorized denominations, subject to such terms and conditions as set forth in the Bond Ordinance.

Subject to the restrictions set out in the Bond Ordinance, this bond is fully transferable by the registered owner hereof in person or by his duly authorized attorney on the registration books kept by the Registrar upon surrender of this bond together with a duly executed written instrument of transfer satisfactory to the Registrar. Upon such transfer a new fully registered bond of authorized denomination or denominations of the same aggregate principal amount and maturity will be issued to the transferee in exchange for this bond, subject to such terms and conditions as set forth in the Bond Ordinance. The Village and the Registrar and Paying Agent may deem and treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of making payment and for all other purposes.

This bond is authorized for the purpose of providing permanent financing for the purpose of extending, enlarging, bettering, repairing and otherwise improving the municipal joint water and sanitary sewer system (herein the "System") and all costs incidental to the foregoing

and the issuance of the bonds. This bond is issued pursuant to and in strict compliance with the Constitution and laws of the State of New Mexico.

This bond does not constitute an indebtedness of the Village within the meaning of any charter, constitutional or statutory provision or limitation, shall not be considered or held to be a general obligation of the Village, and is payable and collectible solely out of the Hold Harmless GRT (as defined in the Bond Ordinance), the income of which is so pledged; and the registered owner hereof may not look to any general or other fund for payment of the principal of, interest on, and any prior redemption premium due in connection with this obligation, except the special funds pledged therefor. Payment of the principal of and interest on the bonds of the series of which this is one shall be made solely from, and as security for such payment there are pledged, pursuant to the Bond Ordinance, a special fund identified as the Hold Harmless GRT Fund into which the Village covenants to pay sums sufficient to pay when due the principal of and the interest on the bonds of the series of which this is one. For a description of said funds and the nature and extent of the security afforded thereby for the payment of the principal of and interest on said bonds, reference is made to the Bond Ordinance.

The bonds of the series of which this is one are equitably and ratably secured by a lien on the Hold Harmless GRT and said bonds constitute an irrevocable and valid lien upon said Hold Harmless GRT. Bonds in addition to the series of which this is one and the Outstanding Bonds may be issued and made payable from said Hold Harmless GRT, having a lien thereon inferior and junior to the lien or, subject to designated conditions, having a lien thereon on a parity with the lien of the bonds of the series of which this is one, in accordance with the provisions of the Bond Ordinance.

The Village covenants and agrees with the registered owner of this bond and with each and every person who may become the registered owner hereof that it will keep and perform all of the covenants of the Bond Ordinance.

This bond is subject to the conditions, and every registered owner hereof by accepting the same agrees with the obligor and every subsequent registered owner hereof that the principal of and the interest on this bond shall be paid, and this bond is transferable, free from, and without regard to any equities between the obligor and the original or any intermediate registered owner hereof for any setoffs or cross-claims.

It is further certified, recited and warranted that all the requirements of law have been fully complied with by the Village Council and officers of the Village in the issue of this bond; and that it is issued pursuant to and in strict conformity with the Charter of the Village and the Constitution and laws of the State of New Mexico, and particularly the terms and provisions of Sections 3-31-1 through 3-31-12, NMSA 1978, as amended, and all laws thereunto enabling and supplemental thereto.

This bond shall not be valid or obligatory for any purpose until the Registrar shall have manually signed the certificate of authentication herein.

This bond is being issued simultaneously and in conjunction with the Village's Joint Sewer and Water System Revenue Bond, in the stated principal amount of \$_____ (the

“System Revenue Bond”). This bond and the System Revenue Bond are issued under the terms of the Bond Ordinance and are intended to represent and secure the obligations of the Village to repay an aggregate indebtedness of up to \$_____ as provided in and subject to the terms of the Bond Ordinance. Under the terms of the Bond Ordinance, this bond and the System Revenue Bond are at all times to be held by the same Holder.

IN WITNESS WHEREOF, The Village of Taos Ski Valley has caused this bond to be signed, subscribed, executed, and attested with the facsimile signatures of its Mayor and its Village Clerk, respectively; has caused the facsimile of its corporate seal to be affixed hereon; has caused this bond to be countersigned with the facsimile signature of the Village Treasurer (Finance Director), all as of the date of delivery of this bond.

(Manual or Facsimile Signature)
Mayor

(SEAL)

Attest:

(Manual or Facsimile Signature)
Village Clerk

Countersigned:

(Manual or Facsimile Signature)
Village Treasurer (Finance Director)

(End of Form of Bond)

(Form of Registrar’s Certificate of Authentication)

Date of Registration and Authentication: June [], 2020.

REGISTRAR’S CERTIFICATE OF AUTHENTICATION

This is one of the bonds described in the within-mentioned Bond Ordinance, and this bond has been duly registered on the registration books kept by the undersigned as Registrar for such Bonds.

Village Treasurer (Finance Director) of the Village
of Taos Ski Valley, New Mexico, as Registrar

(End of Form of Registrar’s Certificate of Authentication)

(Form of Assignment)

For value received, _____ hereby sells, assigns and transfers unto _____ the within bond and hereby irrevocably constitutes and appoints _____ attorney, to transfer the same on the books of the Registrar, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

Name and address of transferee:

Social Security or other tax
identification number of
transferee:

NOTE: The signature to this Assignment must correspond with the name as written on the face of the within bond in every particular, without alteration or enlargement or any change whatsoever. The signature must be guaranteed by an eligible guarantor institution as defined in 17 C.F.R. § 240.17 Ad-15(a)(2).

(End of Form of Assignment)

(Form of Mandatory Registration Panel)

MANDATORY REGISTRATION FOR PAYMENT AS TO PRINCIPAL AND INTEREST

The within bond is registered in the office of the Treasurer of the Village, as Registrar, in the name of the last owner listed below; and the principal amount of the bond and interest thereon shall be payable only to such owner, all in accordance with the ordinance of the Village authorizing the bond's issuance.

Date of Registration	Name of Owner	Address of Owner	Signature of Registrar
June [], 2020	USDA	[]	

(End of Form of Registration Panel)

Council Member _____ then moved that said ordinance as filed with the Village Clerk at this meeting be passed and adopted. Council Member _____ seconded the motion.

The question being upon the passage and adoption of said ordinance, the roll was called with the following result:

Those Voting Aye:

Those Voting Nay:

Those Absent:

The presiding officer thereupon declared that at least 3/4ths of all the members of that Council having voted in favor thereof, the said motion was carried and the said ordinance duly passed and adopted.

After consideration of matters not relating to such Sewer Revenue Bonds, the meeting on motion duly made, seconded and unanimously carried, was adjourned.

(SEAL)

Mayor

Attest:

Clerk

STATE OF NEW MEXICO)
)
COUNTY OF TAOS) ss.
)
VILLAGE OF TAOS SKI VALLEY)

I, Ann Marie Wooldridge, the duly chosen, qualified and acting Clerk of the Village of Taos Ski Valley, New Mexico, do hereby certify:

1. The foregoing pages numbered from 1 to 52, inclusive, are a true, perfect and complete copy of the record of the proceedings of the Council of the Village of Taos Ski Valley had and taken at an open special meeting of the Council held at [ALTERNATIVE MEETING METHOD (TELEPHONE, VIDEO, ETC.) AND CORRESPONDING LEGAL AUTHORITY TO BE DISCUSSED, AS APPLICABLE] [], in the Village on Tuesday, May 5, 2020, at the hour of 2:00 p.m., as far as the minutes relate to Ordinance No. 2020-64, a copy of which is therein set forth; the copy of the ordinance contained in the minutes is a full, true and correct copies of the original ordinance as introduced and passed by the Council at the meetings of April 14, 2020, and May 5, 2020, and has been duly authenticated by the signatures of the Mayor and myself, as Village Clerk, sealed with the corporate seal of the Village and made a part of the records of the Council. Such minutes insofar as they relate to the ordinance (i.e., pages 1 through []) have been duly approved by the Council and are official.

2. The Mayor and other members of the Council were present at the meeting of the Council, all members of the Council present voted on the passage of the ordinances as set forth in the minutes, and the Mayor and all members of the Council were duly notified of the meeting.

3. (a) A Notice of Special Meeting and of Intention to Adopt the Ordinance was published by posting in six public places as provided by law on [], 2020 [and was published in the (a legal newspaper which is of general circulation in the Village) on [], 2020, as evidenced by Exhibit A hereto; (b) no later than [] [], 2020 (at least 24 hours prior to such meeting) such Notice of Intention to Adopt the Ordinance and Legal Notice were posted at:

_____ (all located within the Village of Taos Ski Valley) and remained so posted at least through such meeting, a copy of such notice as so posted being substantially in the same forms set forth in such Exhibit A; (c) notice of such meeting also was given by providing telephone notice to those broadcast stations licensed by the Federal Communications Council and newspapers of general circulation that have made a written request for notice of public meetings, all at least twelve hours prior to such meeting; and (d) personal notification of such special meeting was given to each member of the Council at least twelve hours prior to such special meeting (all in accordance with the Council's Resolution No. [] adopted on [], 20__ relating to what constitutes reasonable notice of Council meetings). [ALTERNATIVE MEETING METHOD (TELEPHONE, VIDEO, ETC.) AND CORRESPONDING LEGAL AUTHORITY TO BE DISCUSSED, AS APPLICABLE].

4. Following the adoption of the ordinance, it was published by title and summary in the *Taos News* on May [], 2020, a copy of such affidavit of publication being attached hereto as Exhibit B.

WITNESS my hand and the official seal of the Village of Taos Ski Valley, New Mexico this [] day of May, 2020.

(SEAL)

Village Clerk

EXHIBIT A

(Attach Affidavit of Publication of Notice Of Meeting
and of Intention to Adopt the Ordinance)

EXHIBIT B

(Attach Affidavit of Publication of Ordinance By Title and
General Summary After Adoption)

VILLAGE OF TAOS SKI VALLEY
Village Council
Agenda Item

AGENDA ITEM TITLE: Consideration to Direct Staff to Begin the Process for Donation of
Pattison Trust Properties

DATE: April 14, 2020

PRESENTED BY: Susan C. Baker, Village Attorney

STATUS OF AGENDA ITEM: New Business

CAN THIS ITEM BE RESCHEDULED: No

BACKGROUND INFORMATION:

Roger Pattison, as a representative of the Pattison Trust, has contacted me about a request to donate Trust property to the Village of Taos Ski Valley for snow storage and other public uses. These properties are primarily the same as those proposed to be traded to the Village this past fall. The Pattison Trust hopes to receive a tax credit for the charitable donation and is working with its accountant. The subject properties are depicted in the attached map. These parcels are described as follows:

Bull of the Woods Tract 3, Parcel 1, Lot 8, Block F, Boundary Survey Plat for Pattison Trust Lands, LLC

Bull of the Woods Tract 4, Lots 4 and 5, Block F, Boundary Survey Plat for Pattison Trust Lands, LLC

North Lake Fork Stream Bank, Tracts Gap, Parcel P1, LFS A and LFS B, Boundary Survey Plat for the Pattison Trust Lake Fork Stream Riparian Area

South Lake Fork Stream Bank, Tracks LFS 5 and LFS 6, Plat for Survey Lake Fork Greenbelt

Kachina Road Tract, Open Space Tract, Boundary Survey Plat for Pattison Trust Kachina Road Open Space

If the Village Council chooses to move forward with accepting this donation, we will want to do basic title work, draft warranty deeds for the conveyance, and adopt an ordinance accepting it. But before beginning this process, staff would like direction

about whether the Council wishes to move forward with this donation. The Village is currently using some of the Pattison property for snow storage.

RECOMMENDATION:

Discuss whether to begin the legal process for accepting a donation of the Pattison Trust properties as depicted in the attached map. Council may wish to consult Village staff, especially planning and public works about the benefits, or any concerns, during this discussion.

If Council wishes to accept the donation, adopt a Motion directing staff to begin the process of accepting a donation of the Pattison Trust Lands and report back to Council at the next meeting.

Pattison Trust Parcels Village of Taos Ski Valley - Draft 04/08/2019



Credit: Esri/DOG, Taos County GIS, VTSV
Data Date: 2020-11-14



Village of Taos Ski Valley
Village Council
Agenda Item

AGENDA ITEM TITLE: **Consideration to Approve Resolution No. 2020-429 to Update the Village Personnel Policy, section 6.13 “Call back and stand by time” to include 6.13-A. “On-Call and Call Back Staff Pay”**

DATE: April 14, 2020

PRESENTED BY: Nancy Grabowski; Finance Director

STATUS OF AGENDA ITEM: New Business

CAN THIS ITEM BE RESCHEDULED: Not Recommended

BACKGROUND INFORMATION: In fiscal year 2018 the Police Chief brought awareness to the Village Human Resources Director of a policy for compensating on-call pay to non-exempt employees between shifts based on the Fair Labor Standards Act (FLSA). Since Village was in the middle of a budget year and this expense was included it was deferred to the FY2019 and FY2020 budget cycles. Since FY2019 Police Officer I and II positions have been receiving one (1) hour of pay at straight time for every evening they are on call.

On-call pay was added to the Police (04) budget however the Village employee policy manual was not updated to include this change. In addition the Village acknowledges that there may be hourly Public Works employees and other non-exempt staff who may also be required to be on-call at times and entitled to this pay. Therefore staff proposes to add addendum 6.13A. to the current Village Personnel Policy as follows:

6.13 A. “A non-exempt employee may be required to remain on call after their normal or alternative work schedule to answer and respond to Village emergencies. An employee placed on-call will be provided a radio, cell phone or cell phone stipend for the purpose of notification to report for work; employees are not paid for all the time spent carrying the notification device but are paid for time responding to calls. In the event that an emergency requires an employee to work, the employee must physically respond within 30 minutes of notification. Employees are paid for the actual time worked, from the time the call is received to the time the work is completed. The employee should notify the dispatching supervisor of the work completion. An employee’s on-call status shall be recorded on his or her timesheet. On-call time will not be considered in the computation of regular and/or overtime.”

1. Various Village positions are designated as on-call eligible and are as follows:
 - a. Police Officer I
 - b. Police Officer II
 - c. Public Works Operators 1-4

- d. Other non- exempt staff required to be on-call
- 2. On-Call schedules are designated by the Department Director.
- 3. The non-exempt employees shall be paid for on-call pay as follows:
 - a. One (1) hour at straight time, per day, Monday through Sunday
 - b. Two (2) hours at straight time, per holiday observed by Village.
- 4. Call-Back Pay:
 - a. When an unscheduled Employee is called-back and accepts management's request to report to work immediately, the Employee will be paid as directed by FLSA. Employees who are called to work on their regular day off or after having left the Employer's premises shall be guaranteed a minimum of two (2) hours of pay at the applicable straight time or overtime rate, as is applicable to the total hours worked by the employee, with call back time for that pay week.

RECOMMENDATION: Staff recommends approval of **Resolution No. 2020-429** to update the Village Personnel Policy 6.13 "Call back and stand by time" to include 6.13-A. "On-Call and Call Back Staff Pay." Staff proposes that the above policy go into full effect beginning on July 1, 2020 and will be included in the budget.

STATE OF NEW MEXICO
VILLAGE OF TAOS SKI VALLEY

RESOLUTION NO. 2020-429

**A RESOLUTION TO UPDATE THE VILLAGE PERSONNEL POLICY
SECTION 6.13 “CALL BACK AND STANDBY TIME” TO INCLUDE 6.13A.
“ON-CALL AND CALL BACK STAFF PAY”**

WHEREAS, the Village Personnel Policy currently has a call-back and standby policy; and

WHEREAS, Section 6.13 states;

Employees who are required to report to their jobs after the conclusion of their normal shift and prior to the beginning of their next shifts, or who remain on standby after their normal shift, shall be compensated as set forth by policy adopted by the governing body.

WHEREAS, the addition of Section 6.13A. sets forth the policy to be adopted by the governing body as stated below:

6.13 A. “A non-exempt employee may be required to remain on call after their normal or alternative work schedule to answer and respond to Village emergencies. An employee placed on-call will be provided a radio, cell phone or cell phone stipend for the purpose of notification to report for work; employees are not paid for all the time spent carrying the notification device but are paid for time responding to calls. In the event that an emergency requires an employee to work, the employee must physically respond within 30 minutes of notification. Employees are paid for the actual time worked, from the time the call is received to the time the work is completed. The employee should notify the dispatching supervisor of the work completion. An employee’s on-call status shall be recorded on his or her timesheet. On-call time will not be considered in the computation of regular and/or overtime.”

1. Various Village positions are designated as on-call eligible and are as follows:
 - a. Police Officer I
 - b. Police Officer II
 - c. Public Works Operators 1-4
 - d. Other non- exempt staff required to be on-call
2. On-Call schedules are designated by the Department Director.
3. The non-exempt employees shall be paid for on-call pay as follows:
 - a. One (1) hour at straight time, per day, Monday through Sunday
 - b. Two (2) hours at straight time, per holiday observed by Village.

4. Call-Back Pay:
- a. When an unscheduled Employee is called-back and accepts management's request to report to work immediately, the Employee will be paid as directed by FLSA. Employees who are called to work on their regular day off or after having left the Employer's premises shall be guaranteed a minimum of two (2) hours of pay at the applicable straight time or overtime rate, as is applicable to the total hours worked by the employee, with call back time for that pay week.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Governing Body of the Village of Taos Ski Valley approves the update to the Village Personnel Policy to include section 6.13A. as an addition to the current policy, to require on-call payment to non-exempt staff as stated.

PASSED, ADOPTED, AND APPROVED this 14th of April 2020.

VOTES: ____ Yes ____ No

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

Mayor

ATTEST:

Village Clerk

Village of Taos Ski Valley
Village Council
Agenda Item

AGENDA ITEM TITLE: Consideration to Approve **Resolution No. 2020-431** Approving the Updated Purpose of Fund #63 for the Required Reserve Funds for the Waste Water Treatment Plant Financing, to Also Include the USDA Debt Service Principal and Interest Payments and Required Transfers from the Water Fund (01), Sewer Fund (02), and General Fund (03), to Make These Payments and Build the Required Reserves

DATE: April 14, 2020

PRESENTED BY: Nancy Grabowski, Finance Director

STATUS OF AGENDA ITEM: New Business

CAN THIS ITEM BE RESCHEDULED: Not Recommended

BACKGROUND INFORMATION: The Village is currently preparing the fiscal year 2020-2021 budgets. The Waste Water Treatment Plant (WWTP) is in the final stage of completion and has a tentative date for USDA and NM Environmental Dept. final walk through. As staff prepares the new fiscal year budget the payments of principal, interest and reserve requirements for the USDA financing need to be taken into consideration. The funds must not be commingled with other Village monies or funds so it was determined that the best way to keep them safe and trackable was to create a new (WWTP) Financing Reserve Fund #63 to keep funds from commingling. The fund was presented to and approved by council at the regular council meeting on November 14, 2017 in resolution #2018-345. Bank accounts were also opened at People's Bank of Taos, now Hillcrest Bank (HCB) to keep bond proceeds, hold harmless GRT and net revenue reserves separated from regular Village funds.

When the USDA financing is finalized, the required amounts will be included in the FY2020-21 budget moving from the water fund (01) and sewer fund (02) from Enterprise net revenues, and from the General fund (03) from Hold Harmless GRT revenue. These revenues were pledged in the interim bond financing and will also be required by the USDA financing. A corresponding fund will also be created in the Department of Finance, Local Government Division LGBMS budget management system to account for the debt service and reserves.

RECOMMENDATION: Staff recommends approval of **Resolution No. 2020-431** for the updated purpose of fund #63 for the Waste Water Treatment Plant required reserves and to also include the USDA Debt Service Principal and Interest payments and required transfers from the Water Fund (01) Sewer Fund (02) and General Fund (03) to make these payments and build the required reserves.

**STATE OF NEW MEXICO
VILLAGE OF TAOS SKI VALLEY
RESOLUTION NO. 2020-431**

A RESOLUTION TO APPROVE THE UPDATED PURPOSE OF FUND #63 FOR THE REQUIRED RESERVE FUNDS FOR THE WASTE WATER TREATMENT PLANT FINANCING, TO ALSO INCLUDE THE USDA DEBT SERVICE PRINCIPAL AND INTEREST PAYMENTS AND REQUIRED TRANSFERS FROM THE WATER FUND (01), SEWER FUND (02) AND GENERAL FUND (03), TO MAKE THESE PAYMENTS AND BUILD THE REQUIRED RESERVES.

WHEREAS, the Governing Board in and for the Village of Taos Ski Valley, State of New Mexico is in the process of developing a budget for fiscal year 2020 – 2021; and

WHEREAS, the financing to be provided by the USDA for the Waste Water Treatment Plant will require that monies be separate from other Village monies, be easily trackable and be reportable to the lending entities; and

WHEREAS, the Village will be accounting for these expenses and reserves in the upcoming budget cycle for FY2020-2021; and

WHEREAS, it is necessary to update the purpose of fund #63 Waste Water Treatment Plant (WWTP) Required Reserve fund created and approved by Council on November 14, 2017 by Resolution No. 2018-345 to meet USDA requirements; and

WHEREAS, the debt service to USDA, and the required transfers from the water and sewer enterprise fund net revenues and general fund hold harmless GRT will be made to this fund for these payments and to build required reserves.

NOW THEREFORE, BE IT HEREBY RESOLVED that the governing body of the Village of Taos Ski Valley, State of New Mexico hereby approves the updated purpose of fund #63 to accommodate the debt service and reserve requirements for the WWTP financing.

Resolved: In this regular meeting of the Village of Taos Ski Valley council this 14th day of April, 2020.

Village of Taos Ski Valley Governing Body

Christof Brownell, Mayor

ATTEST:

Ann Wooldridge, Village Clerk

Village of Taos Ski Valley
Village Council
Agenda Item

AGENDA ITEM TITLE: Consideration to Approve **Resolution No. 2020-430** to Approve
Change of the Fund Type of Environmental/Solid Waste Fund (07)
into the New Solid Waste Enterprise fund (77/50200)

DATE: April 14, 2020

PRESENTED BY: Nancy Grabowski, Finance Director

STATUS OF AGENDA ITEM: New Business

CAN THIS ITEM BE RESCHEDULED: Not Recommended

BACKGROUND INFORMATION: The Village is currently preparing the fiscal year 2020-2021 budgets. In order to complete the budget process the Environmental/Solid Waste Fund should be categorized as an enterprise fund. Change of fund type must be reviewed and approved by Council.

In 1997 the Village adopted the following Ordinance to receive a ¼% Gross Receipts Tax (GRT) distribution:

“Ordinance No. 1997-21 ADOPTING A MUNICIPAL ENVIRONMENTAL SERVICES GROSS RECEIPTS TAX

In 2011 the Village adopted the following ordinance,

“Ordinance 2011-49 AN ORDINANCE PROVIDING FOR PROPER DISPOSAL OF SOLID WASTE AND A FEE FOR SOLID WASTE DISPOSAL”.

The Environmental/Solid Waste fund currently collects fees at a rate of \$5.01 per EQR per the above Ordinance. The current rate was updated by Ordinance No. 2019-68 passed on June 11, 2019.

In the 2019 Legislative Session a bill de-earmarking local options gross receipts tax was passed, HB479. HB479 was a piece of complex legislation and the New Mexico Tax and Revenue Department (NMTRD) was not able to implement the bill in July 2019. However HB326 was passed at the 2020 Legislative Session clarifying the GRT distributions. (See section 13). This has now made it possible for NMTRD to implement the changes to the distribution of GRT to Counties and Municipalities effective July 1, 2020. In summary, all GRT local options will no longer go to a specific fund; all GRT will go directly into the general fund. The GRT receipts will be split between State and Municipal distributions. The municipality would then be able to utilize these funds at their discretion where they are most beneficial.

Since the solid waste fund was receiving a GRT subsidy, and a fee from customers, it was never categorized as an Enterprise Fund. As the fund will no longer receive GRT and will be self-supporting beginning in FY2021, it requires being categorized as an Enterprise Fund. Rates should be set to cover all fund operating expenses, run self-sufficiently, and can be updated by Resolution.

“An enterprise fund is a self-supporting government fund that provides goods and services to the public for a fee.”

RECOMMENDATION: Staff recommends approval of **Resolution No. 2020-430** for change of the fund type of Environmental/Solid Waste Fund (07) into the new Solid Waste Enterprise Fund (77/50200) effective July 1, 2020.

**STATE OF NEW MEXICO
VILLAGE OF TAOS SKI VALLEY
RESOLUTION NO. 2020-430**

**A RESOLUTION TO APPROVE CHANGE OF THE FUND TYPE OF
ENVIRONMENTAL/SOLID WASTE FUND (07) INTO THE NEW SOLID WASTE
ENTERPRISE FUND (77/50200)**

WHEREAS, the Governing Board in and for the Village of Taos Ski Valley, State of New Mexico is in the process of developing a budget for fiscal year 2020 – 2021; and

WHEREAS, the Environmental/Solid Waste fund will no longer be subsidized by New Mexico Gross Receipts Taxes at a rate of ¼% as it had per Ordinance No. 1997-21; and

WHEREAS, the Village has been collecting fees from customers at a rate of \$5.01 per EQR per Ordinance No. 2019-68 passed on June 11, 2019; and

WHEREAS, it is necessary to update the fund type of the Environmental/Solid Waste fund (07) to the Solid Waste Enterprise Fund (77/50200) as of July 1, 2020, the beginning of Fiscal Year 2021.

NOW THEREFORE, BE IT HEREBY RESOLVED that the Governing Body of the Village of Taos Ski Valley, State of New Mexico hereby approves the change of fund type of the Environmental/Solid Waste fund (07) into the Solid Waste Enterprise Fund.

Resolved: In this regular meeting of the Village of Taos Ski Valley council this 14th day of April, 2020.

Village of Taos Ski Valley Governing Body

Christof Brownell, Mayor

ATTEST:

Ann M. Wooldridge, Village Clerk

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

AGENDA ITEM TITLE: Review and Discussion of the FY2020 3rd Quarter Financial Report and the FY2021 Draft Budget

DATE: April 14, 2020

PRESENTED BY: Nancy Grabowski

STATUS OF AGENDA ITEM: New Business

CAN THIS ITEM BE RESCHEDULED: Not Recommended

BACKGROUND INFORMATION: As per State Statute and the Department of Finance and Administration (DFA), all municipalities are required to submit quarterly reports 30 days after the end of each quarter. The 3rd quarter FY2020 report is due to the DFA by April 30, 2020. Also required is submission of an annual budget every fiscal year due to the DFA by July 31st.

Staff has attached a summary of the 3rd Quarter FY2020 report for Council review. The 3rd quarter report is nearly complete aside from some interest revenue that will be posted when all the bank statements are reconciled and budgeted transfers completed. This report will be submitted to the Department of Finance and Administration as required by April 30, 2020. (Attachment A)

Staff has also attached a summary of the upcoming FY2021 budget. As Council is aware, the new budget is reliant on the ending balances of FY2020 so this report will change. This is a preview for Council in preparation for the upcoming Council Budget Workshop. Note that the new debt service and reserve requirements for the Wastewater Treatment Plant USDA financing are included in the draft. (Attachment B)

RECOMMENDATION: Staff requests direction from Council on the upcoming budget process for FY2021 and recommends April 28, 2020 at 9:00 a.m. for the Budget Workshop.

SUMMARY FUND BALANCE FY2020

	Ending Fund	FY2020	FY20 YTD	FY2020	FY20 YTD
FUND NAME	Bal FY 2019	PROPOSED BUDGET REVENUE	ACTUAL REVENUE & TRANSFER IN	PROPOSED BUDGET EXPENSE	ACTUAL EXPENSE & TRANSFER OUT
Water-01	52,608.24	187,011	149,692	236,679	155,193
Sewer-02 (New Fund FY2019)	91,266.96	780,170	596,724	859,961	600,218
Water Depreciation Reserve	552,677.00	1,356,043	916,419	1,734,790	1,464,977
Reserve for CWSRF	201,674.61	3,501	1	10	0
USDA Debt Service and Reserve					
Sewer Depreciation Reserve	7,762,991.76	2,059,541	1,839,768	9,377,758	8,439,987
Roads/Streets	45,184.29	475,917	206,720	498,994	249,678
General/Administration	1,733,036.81	2,014,491	1,552,114	2,827,249	1,706,282
General Reserve	1,839,190.82	367,300	207,346	515,000	390,010
Law Enforcement Operating	0.00	432,712	243,485	432,712	243,485
Law Enforcement Capital	20,471.58	21,820	21,800	42,292	41,261
Solid Waste Enterprise Fund	237,236.89	89,133	73,008	111,633	38,520
Fire Cap	162,582.46	84,379	97,737	149,652	58,932
Fire Reserve	144,758.46	500	0	0	0
Volunteer Fire Donation	20,476.12	15,100	15,136	20,476	1,998
EMS	1,292.54	53,073	10,000	33,285	10,094
Volunteer EMS Donation	29,740.46	15,200	19,800	28,988	0
Parks and Recreation	481.28	17,010	13,458	15,000	12,844
Lodgers' Tax	490,947.90	400,500	424,972	684,249	306,534
O&M	307,349.67	115,050	0	0	0
TOTAL:	13,693,967.85	8,488,451	6,388,178	17,568,728	13,720,014
Village Apartments		43,724	2,153	41,200	629
IMPACT FEES					
Parks & Rec	83,717.22	3,015	32	0	
Gen Impact	233,555.13	6,100	88	7,500	
Safety Impact	199,535.81	5,020	72	105,000	
Roads Impact	204,341.81	16,025	76	55,000	0
	721,149.97	30,160	268	167,500	
	14,415,117.82	8,504,476	6,390,599	17,736,228	13,720,643

BUDGETED ENDING FUND BAL FY 2020	Ending Fund BAL FY2020/ BEGIIN FUND BAL FY2021
2,940.42	47,106.97
11,475.92	87,772.51
173,930.02	4,118.46
205,165.25	201,675.19
444,774.73	1,162,771.81
22,107.16	2,226.57
920,279.02	1,578,868.40
1,691,490.82	1,656,526.87
0.00	0.00
-0.42	1,010.70
214,737.46	271,724.16
97,309.46	201,386.83
145,258.46	144,758.46
15,100.08	33,614.57
21,080.54	1,198.39
15,952.46	49,540.46
2,491.28	1,095.46
207,198.90	609,385.99
422,399.67	307,349.67
4,613,691.23	6,362,131.47
2,864.22	1,524.22
0.00	
0.00	
59,198.63	83,748.77
177,472.15	233,643.13
1,828.08	199,607.55
13,413.29	204,418.26
251,912.15	721,417.71
5,183,366.20	7,085,073.40

Check	7,085,073.40
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SUMMARY FUND BALANCE FY2021

FUND NAME	FUND #	Ending Fund BAL FY2020 @ 3rd Q/ BEGIN FUND BAL FY2021	FY2021 PROPOSED BUDGET REVENUE	FY2021 YTD ACTUAL REVENUE & TRANSFER IN	FY2021 PROPOSED BUDGET EXPENSE	FY2021 YTD ACTUAL EXPENSE & TRANSFER OUT	PROJECTED BUDGETED ENDING Fund Bal FY 2021
Water-01	1	47,106.97	194,792.86	-	303,683.43	-	(61,783.60)
Sewer-02 (New Fund FY2019)	2	87,772.51	811,296.80	-	874,822.74	-	24,246.57
Water Depreciation Reserve	41	4,118.46	680,231.00	-	680,976.18	-	3,373.28
Reserve for CWSRF	62	201,675.19	3,500.64	-	10.00	-	205,165.83
USDA Debt Service and Reserve	63		334,911.99	-	287,572.46	-	47,339.53
Sewer Depreciation Reserve	42	1,162,771.81	445,669.04	-	599,827.68	-	1,008,613.17
Roads/Streets	05	2,226.57	600,792.00	-	587,826.47	-	15,192.10
General/Administration	03	1,578,868.40	1,850,178.53	-	2,583,154.63	-	845,892.30
General Reserve	43	1,656,526.87	820,300.00	-	375,000.00	-	2,101,826.87
Law Enforcement Operating	04	-	371,762.14	-	371,762.14	-	-
Law Enforcement Capital	14	1,010.70	21,820.00	-	22,832.00	-	(0.00)
Solid Waste Enterprise Fund	77	271,724.16	67,279.76	-	111,169.54	-	227,834.38
Fire Cap	18	201,386.83	84,379.00	-	172,076.78	-	113,689.05
Fire Reserve	38	144,758.46	20,000.00	-	-	-	164,758.46
Volunteer Fire Donation	28	33,614.57	100.00	-	28,500.00	-	5,214.57
EMS	09	1,198.39	40,005.00	-	37,150.00	-	4,053.39
Volunteer EMS Donation	29	49,540.46	200.00	-	28,988.00	-	20,752.46
Parks and Recreation	10	1,095.46	15,010.00	-	15,500.00	-	605.46
Lodgers' Tax	15	609,385.99	400,500.00	-	600,249.00	-	409,636.99
O&M	32	307,349.67	65,050.00	-	-	-	372,399.67
TOTAL:		6,362,131.47	6,827,778.76	-	7,681,101.04	-	5,508,809.19
Village Apartments	13	1,524.22	42,200.00	-	41,200.00	-	2,524.22
IMPACT FEES							-
Parks & Rec	50	83,748.77	3,015.00	-	-	-	86,763.77
Gen Impact	53	233,643.13	6,100.00	-	-	-	239,743.13
Safety Impact	54	199,607.55	5,020.00	-	50,000.00	-	154,627.55
Roads Impact	55	204,418.26	16,025.00	-	55,000.00	-	165,443.26
		721,417.71	30,160.00	-	105,000.00	-	646,577.71
TOTAL		7,085,073.40	6,900,138.76	-	7,827,301.04	-	6,157,911.12

VILLAGE OF TAOS SKI VALLEY
Village Council
Agenda Item

AGENDA ITEM TITLE: Consideration to Approve a Change Order Request to the RMCI Contract of \$81,000 for Work to Upgrade the Existing Kachina Booster Pump Station

DATE: April 14, 2020

PRESENTED BY: John Avila

STATUS OF AGENDA ITEM: New Business

CAN THIS ITEM BE RESCHEDULED: Not Recommended

BACKGROUND INFORMATION:

The Water Trust Board project and grant funding did not include the construction of a water boosting station. The funding and construction of the Pump/Water Boosting station and a system robust enough to provide the necessary supply to the new water storage tank has been part of the planning documentation in recent years but there was little planning for an operational system pending a new system until this year.

Plummer (FEI) began discussion with RMCI and Village Staff as to the most cost-effective way to address the Pump Station upgrade. In preparation for these expenses the Village passed Resolution No. 2020-412. This allowed a permanent Budget Adjustment (BAR) of \$60,000 to the FY2020 Water Depreciation (41) Budget for purchase and installation of a booster pump station at the Kachina Water Tank and increased transfer from the General Reserves (43) for additional expenses.

The new permanent system is planned for the future to not only meet the service needs but also to be built on Village property. The current location of the pumping station is temporary and not intended to remain operational once the new Pump Station is built. To make the Kachina Tank operational it requires the upgrade of the Pump Station that is now primarily serving one cabin.

The RMCI estimate contains items for work on the road between the Tank and the Pumping Station including credits for cooperation with material removal and road prep.

RECOMMENDATION: Staff recommends the approval of the Change Order to the RMCI Contract of \$81,000, for work to upgrade the existing Kachina Booster Station.

C-941 - CHANGE ORDER
Change Order No. 5

Owner: Village of Taos Ski Valley

Contractor: RMCI, Inc.

Engineer: Plummer Associates, Inc.

Project: Kachina Water Storage Tank

The Contract is modified as follows upon execution of this Change Order.

Description:

1. Addition of booster pump station work, geotechnical allowance adjustment, and credits for road work removed from project. Increase in contract time correlates to predicted 2020 work duration.

Attachments:

- RMCI Proposal dated March 20, 2020.

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ 2,121,744.25 (NMGRT included)	Original Contract Times: _____ Substantial Completion: <u>315</u> calendar days Ready for Final Payment: <u>345</u> calendar days (calendar days)
Increase from previously approved Change Orders No. <u>1</u> to No. <u>3</u> : \$ 384,441.31(NMGRT included)	Increase from previously approved Change Orders No. <u>1</u> to No. <u>2</u> : Substantial Completion: <u>13</u> calendar days Ready for Final Payment: <u>13</u> calendar days (calendar days)
Contract Price prior to this Change Order: \$ 2,506,185.56 (NMGRT included)	Contract Times prior to this Change Order: Substantial Completion: <u>328</u> Ready for Final Payment: <u>358</u> (calendar days)
Increase of this Change Order: \$ 80,804.78 (NMGRT included)	Increase / Decrease of this Change Order: Substantial Completion: <u>75</u> Ready for Final Payment: <u>75</u> (calendar days)
Contract Price incorporating this Change Order: \$ 2,587,000.34 (NMGRT included)	Contract Times with all approved Change Orders: Substantial Completion: <u>403</u> Ready for Final Payment: <u>433</u> (calendar days)

VILLAGE OF TAOS SKI VALLEY
Village Council
Agenda Item

AGENDA ITEM TITLE: Review and Discussion of Ordinance 2007-44 Adopting the International Urban-Wildland Interface Code, and possible Village update from the 2003 edition to the 2015 edition

DATE: April 14, 2020

PRESENTED BY: Building Official Bowden

STATUS OF AGENDA ITEM: New business

CAN THIS ITEM BE RESCHEDULED: Not recommended

BACKGROUND INFORMATION:

The Community Wildfire Protection Plan was approved by the Village Council as Resolution No. 2016-310 on June 14, 2016. Goals of the Resolution related to ICC's Wildland Urban Interface Code will be discussed. Some of the objectives are not met. The proposed ordinance update addresses the objectives and clarification is provided on the attached excerpts from the 2016 CWPP and below.

Objective 2; Reduce Forest Fuels with Recommended Treatments and On-going Maintenance.

Item 4. Creating defensible space in all private property. Much work has been done toward this goal.

- a. Risk assessment Mapping of the Village included in the CWPP or "Plan".
- b. Risk assessment of many private properties in the Village.
- c. Performed mitigation of risk on private properties, this is unknown to Village Staff. Ongoing maintenance plans for those treated are also unknown to Village Staff.

Objective 5; Update and Complete the Risk Assessment for all Private Property.

Mapping of property risk assessment has been found in a GIS database. Assistance from Sage GIS LLC/James Porter is needed. Whether it predates this CWPP or post-dates it remains to be revealed.

A proposed Ordinance anticipates that Village Staff be responsible for conducting risk assessment. Assessment guidelines and forms are part of the 2015 International Wildland Urban Interface Code update proposed.

Objective 9 Evaluate Existing Ordinances and Building Code Requirements and Update Them to Increase Fire Protection Standards.

Individual property owners are responsible for creating defensible space around their own structures and property lines when applying for a building permit under provisions of the proposed ordinance. There are provisions for causing undeveloped property to be mitigated when owners are non-responsive, and properties can be summarily abated through a legal process. This legal action, if

undertaken by the Village, requires much preparation. The first step is public acceptance of Appendix E of the Code. This Appendix “Findings of Fact” with participation of the Planning and Zoning Commission and Fire Wise Board could be presented in a completed form. Summary abatement would need to be defensible in a court of law and this document may put the Village on more solid footing for such action.

RECOMMENDATION: Staff recommends committee review and completion of **Findings of Fact** (Appendix E). This is the first step toward the 2020-44 Village Wildland Interface Ordinance, incorporating the 2015 International Wildland Urban Interface Code and the update of Ordinance 2007-44, adoption of 2003 International Urban Wildland Interface Code. It also will provide necessary background for abatement of properties when owners are non-responsive.

**OBJECTIVE #2 – REDUCE FOREST FUELS WITH
RECOMMENDED TREATMENTS AND ON-GOING
MAINTENANCE.**

The HFRA requires a CWPP to “prioritize areas for hazardous fuel reduction treatments and recommend the types and methods of treatment that will protect one or more at-risk communities and essential infrastructure.” The Village will collaborate with stakeholders to treat the forest fuels in the areas recommended by the US Forest Service – Questa Ranger District and are consistent with the Landscape Restoration Strategy proposed by the Taos Valley Watershed Coalition. The forest fuel treatments are identified on the **Prioritized Forest Fuel Treatments Map (Map #3)**; however, the Fire Risk Assessment Map forthcoming from Anchor Point may reveal additional areas or alternative priorities, and as the science of forest fuel treatments improves and as experience with on-going treatment provides additional information, the priorities and treatment types may change over time and as financial resources are available.

“Appropriately planned and developed fuels reduction treatments provide collateral benefits for bio diversity and greater soils and water retention. Creating gaps in the forest canopy provide fuel breaks that can inhibit fires reaching and carrying in the crown canopy.”

– 2009 Taos County CWPP. p. 46

The Questa Ranger District of the US Forest Service is in the on-going process of preparing the documentation for NEPA clearance of several areas identified for forest fuel treatments. These on-going efforts are highest priority. They include:

1. Glading of the “Wild West” and the “Minnesotas” within the TSV, Inc. Permit Area,
2. Clearing a 25 acre buffer around the Phoenix Spring and infiltration gallery, including possible fencing to prevent elk from eating aspen trees, and
3. Clearing a 150 to 200 foot buffer along the NM 150 corridor between the Village and Valdez, including the areas around the Lower Hondo Campground, the Cuchillo del Medio Campground, and the Cuchilla Campground.
4. Creating defensible space in all private property. Those properties that are at “Extreme Risk” are the highest priority; “High Risk” properties are next priority, and so on.

OBJECTIVE #5 – UPDATE AND COMPLETE THE RISK ASSESSMENT FOR ALL PRIVATE PROPERTY.

Members of the Firewise Board conducted an assessment of private property to determine risk of a fire for each property based on the conditions of the surrounding vegetation. Not all of the properties were assessed, however. Each of the properties that were assessed was ranked as extremely high, high, moderate, or low risk of igniting from a wildfire. The general criteria they used to determine the differences between each ranking are summarized below:

Grasses and ground cover only	5 points
Brush and small or isolated trees	10 points
Dense brush and trees	20 points
Slash, dead and downed trees	25 points

An EXTREME RISK rating was for a property with more than 20 points, a HIGH RISK rating was for more than 10 points, a MODERATE RISK rating was for more than 5 points, and a LOW RISK rating was for less than 5 points. The intent of the assessment is to share the results with property owners and to encourage mitigation of their property before a fire starts.



Members of the Firewise Board will complete and update the assessment for all properties. Each member will receive training in how to conduct the assessment and in understanding and recognizing risks and the process of ignition of how a fire spreads from the surrounding landscape vegetation to the structure (i.e. – radiation, convection, and/or conduction).

The Fire wise Board members should use the training materials made available by the National Fire Protection Association and other applicable training resources when completing the assessments.

The members should also study NFPA 1144 – Standards for Reducing Ignition Hazards from Wildland Fire. This standard provides a methodology for assessing wildland fire ignition hazards around existing structures and provides requirements for new construction to reduce the potential of structure ignition from wildland fires.

Village-Wildland Interface Ordinance 2020-44 is also a recognized standard for assessing risk for properties and their structures, incorporating the International Wildland Urban Interface Code 2015 Edition. This code is one of the International Code Council family of codes, The world standard for building safety. Developed by a public input process with contributors ranging from building officials, fire professionals, builders, homeowners, architects, engineers, material manufacturers and others. Incorporated are rigorous material testing standards from UL laboratories, ASTM International and others.

OBJECTIVE #9 - EVALUATE EXISTING ORDINANCES AND BUILDING CODE REQUIREMENTS AND UPDATE THEM TO INCREASE FIRE PROTECTION STANDARDS.

Individual property owners are responsible for creating defensible space around their own property when they apply for a building permit, but it does not guarantee that a neighbor will take the same responsibility on undeveloped property. Several subdivisions have been developed with relatively small lots and narrow set-backs between buildings. Although build codes provide minimum separation distances between buildings, it does not guarantee that a fire will not migrate from one lot to an adjacent structure.

Additional regulations may be imposed to require the property owner to create defensible space prior to issuing a building permit. The Planning & Zoning will need to decide at what level of investment in new construction will legally justify the added cost of creating defensible space. For example, will a permit application for a new deck or bedroom addition trigger the defensible space requirement or does the building permit have to be for a new residence to trigger the requirement? Does an existing residence or commercial building get "grandfathered" or do all property owners have to create defensible space within a specific timeframe of the Village approving the new regulation? Alternatively, the Village may require the creation of defensible space of only those properties that have received a high or extremely high risk rating, allowing for appeals and alternative assessments and proposed treatments. The Village may redefine the WUI boundary and require the creation of defensible space within the WUI only instead of a "one regulation fits all" approach. Because retrofitting an existing building can be very expensive (e.g. – replace a new roof with fire resistant materials), perhaps a new regulation would apply only to clearing the vegetation surrounding the building and not apply to building retrofits. The Village may consider a full or partial waiver of building permit fees for certain types of new construction as an incentive for retrofitting existing buildings to become more fire resistant. Regardless of the level of regulation and the approach to introducing new regulations to the community, the level of regulation must be appropriate for the level risk.

The Firewise Board, the Village Council and the Planning & Zoning Commission will provide educational outreach and incentives prior to entertaining mandatory requirements. Local leaders should ask themselves prior to entertaining any new regulation, "Is the new regulation legal?" then they should ask themselves "Is the new regulation politically acceptable" in the community. Just because a regulation is legal does not mean that it will be accepted and implemented in the community.

APPENDIX E

FINDINGS OF FACT

This appendix is for information purposes and is not intended for adoption.

Originally, most fire and building codes were written and adopted at the local government level. As a result, there were many differences in code provisions from community to community. Local problems often resulted in unique code provisions that were appropriate to the local situation, but not of much use in other communities.

With the development of uniform and model codes and their subsequent adoption by state governments, the common features were applied everywhere. Once the basic provisions were codified into a format and structure that had appeal to both code officials and the builder-development community, their code became “minimum standards.” The model codes were just that—a document that set the minimum criteria that most communities could find acceptable, but not intended to solve every problem everywhere. The developers of model codes left one option to be used: those exceptional situations that require local modifications based on a specific problem could use a specific process to increase the level of a particular requirement.

The solution that was commonly made available in the model adoption process was the development of written “findings of fact” that justified modifications by local code officials. Many state codes identify a specific adoption process. This provision requires that a certain amount of research and analysis be conducted to support a written finding that is both credible and professional. In the context of adopting a supplemental document such as the wildland-urban interface provision, the writing of these findings is essential in creating the maps and overlap needed to use their specific options.

The purpose of this appendix is to provide an overview of how local code officials could approach this process. There are three essential phenomena cited in some model adoption statutes that vary from community to community: climate, topography and geography. Although it can be agreed that there are other findings that could draw distinction in local effects, these three features are also consistent with standard code text that offers opportunity to be more restrictive than local codes.

One point that needs to be reinforced is that the process demands a high level of professionalism to protect the code official’s credibility in adopting more restrictive requirements. A superficial effort in preparing the findings of fact could jeopardize the proposed or adopted code restriction. A code official should devote a sufficient amount of time to draft the findings of fact to ensure that the facts are accurate, comprehensive and verifiable.

DEFINITIONS

CLIMATE. The average course or condition of the weather at a particular place over a period of many years, as exhibited in absolute extremes, means and frequencies of given depar-

tures from these means (i.e., of temperature, wind velocity, precipitation and other weather elements).

GEOGRAPHY. “A science that deals with the earth and its life, especially the description of land, sea, air, and the distribution of plant and animal life including man and his industries with reference to the mutual relations of these diverse elements.” *Webster’s Third New International Dictionary of the English Language, Unabridged.*

INSURANCE SERVICES OFFICE (ISO). An agency that recommends fire insurance rates based on a grading schedule that incorporates evaluation of fire fighting resources and capabilities.

TOPOGRAPHY. The configuration of landmass surface, including its relief (elevation) and the position of its natural and man-made features that affect the ability to cross or transit a terrain.

CLIMATIC CONSIDERATIONS

There are two types of climates: macro and micro. A macro climate affects an entire region and gives the area a general environmental context. A micro climate is a specific variation that could be related to the other two factors, topography and geography. A micro climate may cover a relatively small area or be able to encompass an entire community, as opposed to another community in the same county.

Climatic consideration should be given to the extremes, means and anomalies of the following weather elements:

- 1. Temperatures.
- 2. Relative humidities.
- 3. Precipitation and flooding conditions.
- 4. Wind speed and duration of periods of high velocity.
- 5. Wind direction.
- 6. Fog and other atmospheric conditions.

What is essential in creating an wildland-urban overlay are the data that suggest the existence of critical *fire weather* in the jurisdiction.

TOPOGRAPHIC CONSIDERATIONS

Topographic considerations should be given to the presence of the following topographical elements:

- 1. Elevation and ranges of elevation.
- 2. Location of ridges, drainages and escarpments.
- 3. Percent of grade (slope).
- 4. Location of roads, bridges and railroads.
- 5. Other topographical features, such as aspect exposure.

This information becomes an important part of creating an analysis of *wildland-urban areas* because topography and slope are key elements (along with fuel type) that create the

APPENDIX E

need for specific ignition-resistance requirements in this code.

GEOGRAPHIC CONSIDERATIONS

Geography should be evaluated to determine the relationship between man-made improvements (creating an exposure) and factors such as the following:

1. Fuel types, concentration in a mosaic and distribution of fuel types.
2. Earthquake fault zones.
3. Hazardous material routes.
4. Artificial boundaries created by jurisdictional boundaries.
5. Vulnerability of infrastructure to damage by climate and topographical concerns.

Fuel types are the final component of the findings that suggest the need for identifying *wildland-urban areas* in a jurisdiction. Review Appendix D for a brief description of the various fuel models that relate to the specific areas under evaluation.

REPORTING THE FINDINGS

After a person has researched a specific jurisdictional area, the facts should be incorporated into a written document that reflects how these facts relate to the code official’s specific needs. The following is an exhibit that incorporates one such report. It should be reviewed as an example of how a relationship can be drawn between specific facts, fire protection problems and specific code modifications. It should be noted that this is an example only.

EXHIBIT 1 — Findings

The [INSERT TITLE: **ADMINISTRATOR**] does herewith make findings that certain climatic, topographic or geological features exist in the [INSERT NAME: **JURISDICTION**], and that those features can, under certain circumstances, affect emergency services. Further, certain code amendments are made to the [INSERT: **INTERNATIONAL FIRE CODE**] and [INSERT: **INTERNATIONAL BUILDING CODE**] that are aimed at mitigating, to the extent possible, the impact of those features.

Finding 1

That the [INSERT NAME: **JURISDICTION**] is situated on the slopes of and at the base of the [INSERT: **NAME OF MOUNTAINS**]. Mountains, with drainages from the [INSERT: **DIRECTION**] portion of the district, including [INSERT: **IDENTIFY LOCAL CREEKS/STREAMS/RIVERS**], which, when flooded, could result in conditions rendering fire department vehicular traffic access unduly burdensome or impossible.

Further, the flood conditions described above carry the potential for overcoming the ability of the fire department to aid or assist in fire control, evacuations, rescues and the emergency task demands inherent in such situations. The potential for the aforementioned flooding conditions to result in limiting fire department emergency vehicular traffic, with resulting overtaxing fire department personnel, may further cause a substantial or total lack of protection against fire for the buildings and structures located within the jurisdiction.

The aforementioned conditions support the imposition of fire protection requirements greater than those set forth in the [INSERT: **INTERNATIONAL BUILDING CODE OR INTERNATIONAL FIRE CODE**].

Finding 2

That the [INSERT NAME: **JURISDICTION**] is situated near [INSERT: **NUMBER OF FAULTS**] major faults, each capable of generating earthquakes of significant magnitude. These are the [INSERT: **NAME OF FAULTS**]. These faults are subject to becoming active at any time; the [INSERT NAME: **JURISDICTION**] is particularly vulnerable to devastation should such an earthquake occur.

The potential effects of earthquake activity include isolating the [INSERT NAME: **JURISDICTION**] from the surrounding area and restricting or eliminating internal circulation due to the potential for collapsing of highway overpasses and underpasses, along with other bridges in the district, or an earth slide, and the potential for vertical movement rendering surface travel unduly burdensome or impossible.

Additional potential situations inherent in such an occurrence include loss of the [INSERT NAME: **JURISDICTION**] water sources; [INSERT: **IDENTIFICATION OF LOCAL SOURCES**] would be expected to suffer damage, along with the local reservoirs and water mains; broken natural gas mains causing structure and other fires; leakage of hazardous materials; the need for rescues from collapsed structures; and the rendering of first aid and other medical attention to large numbers of people.

The protection of human life and the preservation of property in the event of such an occurrence support the imposition of fire protection requirements greater than those set forth in the [INSERT: **INTERNATIONAL BUILDING CODE OR INTERNATIONAL FIRE CODE**].

Finding 3

That the [INSERT NAME: **JURISDICTION**] includes [INSERT: **IDENTITY OF MAJOR TRANSPORTATION ROUTES**]. [INSERT: **IDENTITY OF ROUTE**] is designated by the [INSERT NAME: **JURISDICTION**] as an approved transportation route for highly toxic and radioactive materials.

The potential for release or threatened release of a hazardous material along one of these routes is highly probable given the volume transported daily. Incidents of this nature will normally require all available emergency response personnel to prevent injury and loss of life and to prevent, as far as practicable, property loss. Emergency personnel responding to such aforementioned incidents may be unduly impeded and delayed in accomplishing an emergency response as a result of this situation, with the potential result of undue and unnecessary risk to the protection of life and public safety and, in particular, endangering residents and occupants in buildings or structures without the protection of automatic sprinklers.

The aforementioned problems support the imposition of fire protection requirements greater than those set forth in the [INSERT: **INTERNATIONAL BUILDING CODE OR INTERNATIONAL FIRE CODE**].

APPENDIX E

Finding 4

The seasonal climatic conditions during the late summer and fall create numerous serious difficulties regarding the control of and protection against fires in the [INSERT NAME: JURISDICTION]. The hot, dry weather typical of this area in summer and fall, coupled with [INSERT: IDENTITY OF ADDITIONAL CLIMATIC CONDITIONS] frequently results in wildfires that threaten or could threaten the [INSERT NAME: JURISDICTION].

Although some code requirements, such as fire-resistive roof classification, have a direct bearing on building survival in a wildland fire situation, others, such as residential automatic sprinklers, may also have a positive effect. In dry climate on low humidity days, many materials are much more easily ignited. More fires are likely to occur and any fire, once started, can expand extremely rapidly. Residential automatic sprinklers can arrest a fire starting within a structure before the fire is able to spread to adjacent brush and structures.

Seasonal winds also have the potential for interfering with emergency vehicle access, delaying or making impossible fire responses, because of toppling of extensive plantings of [INSERT: TYPE OF TREES] trees. The trees are subject to uprooting in strong winds due to relatively small root bases compared to the tree itself.

The aforementioned problems support the imposition of fire-protection requirements greater than those set forth in the [INSERT: INTERNATIONAL BUILDING CODE OR INTERNATIONAL FIRE CODE].

Finding 5

The [INSERT NAME: JURISDICTION] is a [INSERT: DESCRIBE TYPE OF REGION] and experiences water shortages from time to time. Those shortages can have a severely adverse effect on water availability for fire fighting.

Fires starting in sprinklered buildings are typically controlled by one or two sprinkler heads, flowing as little as 13 gallons per minute (0.82 L/s) each.

Hose streams used by engine companies on well-established structure fires operate at about 250 gallons per minute (15.8 L/s) each, and the estimated water need for a typical residential fire is 1,250 to 1,500 gallons per minute (78.9 to 94.6 L/s), according to the Insurance Services Office.

Under circumstances such as earthquakes, when multiple fires start within the community, the limited water demands of residential automatic sprinklers would control and extinguish many fires before they spread from building to building. In such a disaster, water demands needed for conflagration fire fighting probably would not be available.

The aforementioned problems support the imposition of fire protection requirements greater than those set forth in the [INSERT: INTERNATIONAL BUILDING CODE OR INTERNATIONAL FIRE CODE].

Finding 6

The topography of the [INSRT NAME: JURISDICTION] presents problems in delivery of emergency services, including fire

protection. Hilly terrain has narrow, winding roads with little circulation, preventing rapid access and orderly evacuation. Much of these hills are covered with highly nonfire-resistive natural vegetation. In addition to access and evacuation problems, the terrain makes delivery of water extremely difficult. Some hill areas are served by water pump systems subject to failure in fire, high winds, earthquake and other power failure situations.

The aforementioned problems support the imposition of fire protection requirements greater than those set forth in the [INSERT: INTERNATIONAL BUILDING CODE OR INTERNATIONAL FIRE CODE].

SUMMARY

Efforts to produce comprehensive findings of fact cannot be underestimated. It is an essential step for fire protection professionals to take before risking the proposal to modify a model code with a requirement that is unique to that community. Done properly, a findings-of-fact document will not only support the adoption of a local modification, it may make it virtually impossible to ignore the need without creating a community consequence.

THE VILLAGE OF TAOS SKI VALLEY
AN ORDINANCE ADOPTING THE
INTERNATIONAL URBAN-WILDLAND INTERFACE CODE
ORDINANCE NO. 2007-44

This ordinance of the Village of Taos Ski Valley adopting the 2003 edition of the *International Urban-Wildland Interface Code*, regulating and governing the mitigation of hazard to life and property from the intrusion of fire from wildland exposures, fire from adjacent structures and prevention of structure fires from spreading to wildland fuels in the Village of Taos Ski Valley, providing for the issuance of permits and collection of fees therefore, repeals all other ordinances and parts of the ordinances in conflict therewith.

The Village Council of the Village of Taos Ski Valley does ordain as follows:

Section 1. That a certain document, three (3) copies of which are on file in the office of the Village Clerk of the Village of Taos Ski Valley, being marked and designated as the *International Wildland-Urban Interface Code*, 2003 edition, including Appendix Chapters A & B, as published by the International Code Council, be and is hereby adopted as the Urban-Wildland Interface Code of the Village of Taos Ski Valley, in the State of New Mexico, for the regulating and governing the mitigation of hazard to life and property from the intrusion of fire from wildland exposures, fire from adjacent structures and prevention of structure fires from spreading to wildland fuels as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all regulations, provisions, penalties, conditions and terms of said Urban-Wildlife Interface Code on file in the office of the Village of Taos Ski Valley are hereby referred to, adopted, and made part hereof, as if fully set out in the ordinance, with the additions, insertions, deletions and changes, if any prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1 Title. These regulations shall be known as the *Urban-Wildland Interface Code* of the Village of Taos Ski Valley, hereinafter referred to as "this code".

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Village Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 4. That nothing in this ordinance or in the *Urban-Wildland Interface Code* hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5. The boundaries of Village of Taos Ski Valley constitute the interface area wherein the Code is applicable.

PASSED, APPROVED AND ADOPTED THIS 8th DAY OF NOVEMBER, 2006.
Vote: For 4, Against 0

Neal King
Neal King, Mayor

ATTEST:

Vanessa de Chisholm
Village Clerk



VILLAGE OF TAOS SKI VALLEY
Village Council
Agenda Item

AGENDA ITEM TITLE: Consideration to Develop a Resolution for the Firewise Community

DATE: April 14, 2020

PRESENTED BY: Councilor Wittman

STATUS OF AGENDA ITEM: New Business

CAN THIS ITEM BE RESCHEDULED: Not Recommended

BACKGROUND INFORMATION:

At its review of the proposed Ordinance No. 2020-69 Village of Taos Ski Valley Wildfire Prevention and Protection Ordinance, the P&Z Commission had recommended that the Ordinance be made into a Resolution. Since Ordinance No. 2020-69 was not adopted by the Council at its March 10, 2020 Regular Council Meeting, it was suggested that the Council consider developing a Resolution for the Firewise Community.

STAFF RECOMMENDATION: This item is for discussion.

VILLAGE OF TAOS SKI VALLEY
Village Council
Agenda Item

AGENDA ITEM TITLE: Review and Discussion of Resolution 2020-428, Declaration of an Emergency for COVID-19 Pandemic

DATE: April 14, 2020

PRESENTED BY: John Avila

STATUS OF AGENDA ITEM: New Business

CAN THIS ITEM BE RESCHEDULED: Not Recommended

BACKGROUND INFORMATION:

The Village Council passed Resolution 2020-428, a declaration of an emergency in order to protect the public for the COVID-19 Pandemic through provisions including:

No emergency checks may be written in relation to any contract authorized under this resolution without certification by the Treasurer/Finance Director that the appropriate funds exist to meet the obligation nor any contract or agreement entered into without the review and approval of the Village Attorney and the Certified Procurement Officer that they meet all relevant legal requirements, including the state sole source or emergency purchasing and procurement guidelines, **attached**.

That all Village public events, trainings and meetings and any events, trainings and meetings planned to be held in or on Village property are hereby cancelled until further notice, with the status to be reviewed every 30 days.

That all out-of-state travel or trainings for Village business are hereby suspended, with the status of this prohibition to be reviewed every 30 days and any requests for exceptions for public safety or other essential services to be reviewed on a case by case basis by the Village Administrator.

That all non-essential programs of the Village that involve significant interaction with residents or groups from outside the state or region that might increase staff or local residents to an increased threat of exposure to the virus shall be suspended, with this prohibition to be reviewed every 30 days, and with no exceptions.

That all non-essential facilities of the Village that involve significant interaction with residents or groups from outside the state or region that might increase staff or local residents to an increased threat of exposure to the virus shall be suspended, with this prohibition to be reviewed every 30 days, with any requests for exceptions for public health, welfare and safety to be reviewed by the Village Administrator and the Public Safety Team

RECOMMENDATION: Staff recommends the continuation of the emergency status and authority provided in Resolution No. 2020 – 428 for COVID-19 emergency declaration, and that there be a review again within another 30 days.



**STATE OF NEW MEXICO
EMERGENCY DETERMINATION FORM**

The emergency procurement method (NMSA 1978, Section 13-1-127) may only be used when there exists a threat to public health, welfare, safety or property requiring procurement under emergency conditions. The existence of the emergency condition creates an immediate and serious need for services, construction or items of tangible personal property that cannot be met through normal procurement methods and the lack of which would seriously threaten:

1. the functioning of government;
2. the preservation or protection of property; or
3. the health or safety of any person.

I. Name of Agency:

Agency Chief Procurement Officer:

Telephone Number:

II. Name of Contractor:

Address of Contractor:

Amount of prospective contract:

Term of prospective contract:

III. Please thoroughly list the services (scope of work), construction or items of tangible personal property of the contract:

IV. Provide an explanation for the justification of the procurement including a description of the emergency condition(s) requiring use of emergency procurement and the practicable competition utilized in compliance with NMSA 1978, Section 13-1-127.

V. Please describe what measures are being taken to minimize the duration and effect of this particular emergency procurement (for example: is the emergency only in place until a competitive process can be completed, etc.).

VI. Describe what measures the Agency will take in the future to prevent/mitigate use of an emergency procurement under similar circumstances.

Village of Taos Ski Valley

Resolution 2020-428

DECLARATION OF AN EMERGENCY FOR THE VILLAGE OF TAOS SKI VALLEY

WHEREAS, the World Health Organization (WHO) has officially declared there to be a global pandemic of COVID-19 (Coronavirus); and

WHEREAS, the Governor of the State of New Mexico has declared a State of Emergency in order to contain and combat the virus; and

WHEREAS, the New Mexico Health Secretary has issued a public health order suspending mass gatherings in New Mexico effective immediately in order to prevent the spread of the virus; and

WHEREAS, the President of the United States has officially declared a state of health emergency with regards to the national COVID-19 epidemic; and

WHEREAS, the CDC has advised that local governments should take immediate action to limit the spread of the virus through social distancing, cancellation of public meetings, limiting public gatherings and events, and implementing additional public health safety and education measures to prevent, contain and, where possible, to mitigate the impact of the virus; and

WHEREAS, cases of the virus in New Mexico have been confirmed and continue to increase and are growing closer to the Village of Taos Ski Valley; and

WHEREAS, national and state health experts now believe that the spread of the virus throughout the country appears to be inevitable at this point; and

WHEREAS, the Village of Taos Ski Valley has thousands of out of state visitors until the ski resort operations Taos Ski Valley Incorporated closed operations within the Village on 3/15/19; and

WHEREAS, the Village has complied with the state requirements of the Open Public Meetings Act for the posting and notification of an emergency meeting of the Village Council during a declared state of emergency.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF TAOS SKI VALLEY COUNCIL, BY THIS RESOLUTION THAT WE THE ELECTED OFFICIALS DO HEREBY DECLARE, AS FOLLOWS:

1. That, consistent with the declarations of the WHO, the federal government, and the Governor of the State of New Mexico, a Declaration of a Health Emergency is hereby established by the Council for and in the Village of Taos Ski Valley.
2. That said declaration shall invoke those financial, planning, police powers and other additional resources available to the Village through a formal declaration of a state of emergency.
3. The Council hereby authorizes the Mayor as Chief Law Enforcement Official of the Village and Village Administrator to conduct such emergency measures as may be appropriate to safeguard the public health, safety and welfare of both our residents and visitors.
4. The Council authorizes, until the termination of the Emergency Declaration, the Mayor an increase of the signing thresholds to the limit of state procurement regulations as conducted by the registered Village Certified Procurement Officer up to \$100,000 per contract without the prior approval of Council, but to be presented at the next Council meeting, or on a monthly basis to the Council for ratification.
5. The Council authorizes the Mayor Pro Tem, Tom Wittman and Councilor Chris Stagg, in that order of succession, to sign as alternate signatories on contracts for the Mayor on behalf of the Village, should he be unavailable.
6. No emergency checks may be written in relation to any contract authorized under this resolution without certification by the Treasurer/Finance Director that the appropriate funds exist to meet the obligation nor any contract or agreement entered into without the review and approval of the Village Attorney and the Certified Procurement Officer that they meet all relevant legal requirements, including the state sole source or emergency purchasing and procurement guidelines, **attached**.
7. The Council authorizes, consistent with Village Code, the implementation of electronic mechanisms for the conduct of Village business, including staff and consultant education, outreach and planning meetings, and telephonic participation by the Council of such Council Meetings and advisory boards and committees as necessary. Such meetings shall be advertised, as required, recorded and made public on the Village website or by email, upon request, as soon as possible.

8. The Council authorizes, consistent with the cooperation and guidance of the Taos County Office of Emergency Management, the Village Public Safety Team, the orders of the NM Health Secretary and the recommendations of the WHO and CDC, the following:
 - a. That all Village public; gatherings, events, trainings, meetings and any in person trainings and meetings planned to be held in or on Village property are hereby suspended until further notice, with the status to be reviewed every 30 days.
 - b. That all out-of-state travel or trainings for Village business are hereby suspended, with the status of this prohibition to be reviewed every 30 days and any requests for exceptions for public safety or other essential services to be reviewed on a case by case basis by the Village Administrator.
 - c. The Village's Public Safety Team and Village Administrator set such safeguards for the public and employees regarding employees that travel out of the area or that become ill as are reasonable to protect the health and safety of staff and the public, consistent with the most current public health guidelines and advisories.
 - d. That all non-essential programs of the Village that involve significant interaction with residents or groups from outside the state or region that might increase staff or local residents to an increased threat of exposure to the virus shall be suspended, with this prohibition to be reviewed every 30 days, and with no exceptions.
 - e. That all non-essential facilities of the Village that involve significant interaction with residents or groups from outside the state or region that might increase staff or local residents to an increased threat of exposure to the virus shall be suspended, with this prohibition to be reviewed every 30 days, with any requests for exceptions for public health, welfare and safety to be reviewed by the Village Administrator and the Public Safety Team.
 - f. That the Council authorizes that the Mayor and Village Administrator are authorized to enter into any JPA's MOU's, shared services agreements, contracts as may be necessary to provide the continued operation of services in a time of depleted staff or increased need due to this state of emergency with other governmental, quasi-governmental or private entities and may similarly assist other governmental entities, utilities, health services, public safety and entities engaged in the delivery of essential services to the community necessary for the continued public health, welfare and safety of the community.
 - g. That the Council authorizes the Mayor, Village Administrator, Treasurer/Finance Director to prepare for, expend resources in anticipation of, and to apply for such state and federal assistance as may be anticipated or allocated as related to the states of emergency.

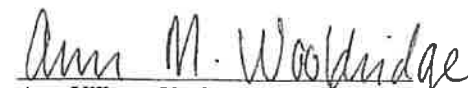
- h. That the Council directs the Finance Director to establish an emergency Project Code for the tracking and funding of such costs as may result from or be needed to address the health emergency, including: over-time, contract labor, paid leave, computers, smart phones, electronic equipment and telecommunications services, etc. as may be necessary for remote and work at home arrangements, as directed by the Administrator, such preventative and safety equipment and supplies as antiseptic, masks, gloves, etc., and such emergency equipment or provisions as may be needed to assist staff, the residents and the visitors in a time of shortage or mandated isolation, including, food, water, medicine, etc. This funding may require a Budget Adjustment Resolution at the next possible Council meeting.
- i. That the Council authorizes such other emergency measures as outlined in the Village's coordination with the County of Taos Office of Emergency Management or by order, direction or advisement of the federal or state government, or such interagency mutual aid and emergency cooperation agreements as the FEMA and DHA approved Taos County All Hazards Plan, to which the Village is a signatory.
- j. Consistent with the state requirements under the Open Public Meetings Act and all other applicable regulations and statutes for both an emergency meeting and the declaration of a state of emergency by a local government, the Clerk and Attorney shall provide to the required offices notice of this meeting, the actions of the governing body, and make available said notice and actions to the public upon request.

PASSED, APPROVED and ADOPTED, this 16th day of March, 2020, at an Emergency Meeting of the Village Council by the following vote:

VILLAGE OF TAOS SKI VALLEY


Christof Brownell, Mayor

ATTEST:


Ann Village Clerk

APPROVED AS TO FORM

Susan Baker, Village Attorney

2017 New Mexico Statutes
Chapter 13 - Public Purchases and Property
Article 1 - Procurement
Section 13-1-127 - Emergency procurements.

Universal Citation: NM Stat § 13-1-127 (2017)

13-1-127. Emergency procurements.

A. The state purchasing agent or a central purchasing office may make emergency procurements when there exists a threat to public health, welfare, safety or property requiring procurement under emergency conditions; provided that emergency procurements shall be made with competition as is practicable under the circumstances.

B. An emergency condition is a situation that creates a threat to public health, welfare or safety such as may arise by reason of floods, fires, epidemics, riots, acts of terrorism, equipment failures or similar events and includes the planning and preparing for an emergency response. The existence of the emergency condition creates an immediate and serious need for services, construction or items of tangible personal property that cannot be met through normal procurement methods and the lack of which would seriously threaten:

- (1) the functioning of government;
- (2) the preservation or protection of property; or
- (3) the health or safety of any person.

C. Emergency procurements shall not include the purchase or lease purchase of heavy road equipment.

D. The state purchasing agent or a central purchasing office shall use due diligence in determining the basis for the emergency procurement and for the selection of the particular contractor. The determination shall be in writing and included in the procurement file.

E. Money expended for planning and preparing for an emergency response shall be accounted for and reported to the legislative finance committee and the department of finance and administration within sixty days after the end of each fiscal year.

History: Laws 1984, ch. 65, 100; 1987, ch. 348, 10; 2002, ch. 84, 1; 2013, ch. 40, 3.

**VILLAGE OF TAOS SKI VALLEY
OFFICE OF THE MAYOR**

**EXECUTIVE ORDER
2020-1**

**IN AN EFFORT TO PROMOTE PUBLIC HEALTH AND SAFETY
THE VILLAGE OF TAOS SKI VALLEY IS DISCOURAGING TRAVELERS AND
TOURISTS FROM ENTERING THE VILLAGE IN ORDER TO MINIMIZE PUBLIC
HEALTH RISKS DUE TO COVID-19
AND
ENCOURAGES ALL NON ESSENTIAL BUSINESSES, INCLUDING SHORT TERM
RENTALS AND CONSTRUCTION NOT RELATED IN THE SUPPORT OF MEDICAL
CARE PROFESSIONALS OR ESSENTIAL SERVICES TO CLOSE OPERATIONS
UNTIL APRIL 10TH, AS PER THE NEW MEXICO GOVERNOR'S ORDERS, DATED
MARCH 24th, 2020, OR FOR THE DURATION OF POSSIBLE AMENDMENT DATE
OF PENDENCY OF THIS ORDER.**

WHEREAS; The GOVERNOR OF NEW MEXICO and The NEW MEXICO DEPARTMENT OF HEALTH issued an order closing all non-essential businesses which took effect on March 24, 2020;

WHEREAS; The Village of Taos Ski Valley has a commitment to reducing public interaction to slow the spread of COVID-19, as adopted by Resolution 2020-428;

WHEREAS; The Village of Taos Ski Valley must take all necessary precautions to protect employees, families, and the general public. The Village of Taos Ski Valley is working closely with emergency personnel and will continue to reassess the situation as information becomes available;

WHEREAS; The Village of Taos Ski Valley now has two confirmed positive cases of COVID-19 within two weeks of the ski area closing during the middle of spring break with thousands of visitors from all over the country including national virus hotspots of the East Coast, the West Coast, and Colorado. The local hospital is small and not equipped to handle an outbreak in Taos County, which has a significant number of elderly residents;

WHEREAS; Almost half of the confirmed positive cases in Colorado are from the ski areas. Many of the cases in Northern Italy were from the ski areas in the Dolomites;

WHEREAS; The US Forest Service has closed all campgrounds on State Road 150 and has ceased to maintain any public facilities.

NOW, THEREFORE, I, Christof Brownell, Mayor of the Village of Taos Ski Valley, New Mexico, do hereby order the public to adhere to the following orders effective on Friday March 27, 2020:

- A. Travelers and tourists are discouraged from entering into the Village of Taos Ski Valley.
- B. Non essential businesses including short term rentals and construction not related in the support of medical care professionals or essential services are encouraged to close operations until April 10th, 2020, or possible amendment date, as per the New Mexico Governor's orders, dated March 24th, 2020, including but not limited to hotels, motels, short term rentals (30 days or less), bed and breakfast establishments, lodges and retreats, unless otherwise authorized in writing by the Village of Taos Ski Valley Fire and EMS Chief for emergency or quarantine purposes, or to provide lodging for essential federal, state, county or local personnel. Specifically excluded from the Order are circumstances in which it is not safe or impossible for a guest to depart from the Village. However, there shall be no new bookings or reservations during the pendency of this Order. Furthermore, current reservations for the timeframe anticipated in this Order shall be cancelled.
- C. Travelers who have arrived from out of state and are currently present in the Village boundaries are required to self quarantine for 14 days.

EXECUTED ON THIS 27TH DAY OF MARCH 2020 IN TAOS SKI VALLEY, NEW MEXICO AND IS IN EFFECT UNTIL MIDNIGHT MST ON APRIL 10, 2020, AND IS SUBJECT TO CONTINUING REVIEW BY THE VILLAGE OF TAOS SKI VALLEY FIRE AND EMS CHIEF.

 3/27/20
Christof Brownell, Mayor Date

 3/27/20
Attest: Ann Marie Wooldridge, Village Clerk Date



**VILLAGE OF TAOS SKI VALLEY
OFFICE OF THE MAYOR**

**EXECUTIVE ORDER
2020-2**

**IN AN EFFORT TO PROMOTE PUBLIC HEALTH AND SAFETY
THE VILLAGE OF TAOS SKI VALLEY IS DISCOURAGING TRAVELERS AND
TOURISTS FROM ENTERING THE VILLAGE IN ORDER TO MINIMIZE PUBLIC
HEALTH RISKS DUE TO COVID-19
AND
ENCOURAGES ALL NON ESSENTIAL BUSINESSES, INCLUDING SHORT TERM
RENTALS AND CONSTRUCTION NOT RELATED IN THE SUPPORT OF MEDICAL
CARE PROFESSIONALS OR ESSENTIAL SERVICES TO CLOSE OPERATIONS
UNTIL APRIL 30TH, AS PER THE NEW MEXICO GOVERNOR'S ORDERS, DATED
MARCH 24TH, 2020, OR FOR THE DURATION OF POSSIBLE AMENDMENT DATE
OF PENDENCY OF THIS ORDER.**

WHEREAS; The GOVERNOR OF NEW MEXICO and The NEW MEXICO DEPARTMENT OF HEALTH issued an order closing all non-essential businesses which took effect on March 24, 2020;

WHEREAS; The Village of Taos Ski Valley has a commitment to reducing public interaction to slow the spread of COVID-19, as adopted by Resolution 2020-428;

WHEREAS; The Village of Taos Ski Valley must take all necessary precautions to protect employees, families, and the general public. The Village of Taos Ski Valley is working closely with emergency personnel and will continue to reassess the situation as information becomes available;

WHEREAS; The Village of Taos Ski Valley now has two confirmed positive cases of COVID-19 within two weeks of the ski area closing during the middle of spring break with thousands of visitors from all over the country including national virus hotspots of the East Coast, the West Coast, and Colorado. The local hospital is small and not equipped to handle an outbreak in Taos County, which has a significant number of elderly residents;

WHEREAS; Almost half of the confirmed positive cases in Colorado are from the ski areas. Many of the cases in Northern Italy were from the ski areas in the Dolomites;

WHEREAS; The US Forest Service has closed all campgrounds on State Road 150 and has ceased to maintain any public facilities.

NOW, THEREFORE, I, Christof Brownell, Mayor of the Village of Taos Ski Valley, New Mexico, do hereby order the public to adhere to the following orders effective on Monday April 6, 2020 (as originally ordered on March 27, 2020) :

- A. Travelers and tourists are discouraged from entering into the Village of Taos Ski Valley.
- B. Non essential businesses including short term rentals and construction not related in the support of medical care professionals or essential services are encouraged to close operations until April 30th, 2020, or possible amendment date, as per the New Mexico Governor's orders, dated March 24th, 2020, including but not limited to hotels, motels, short term rentals (30 days or less), bed and breakfast establishments, lodges and retreats, unless otherwise authorized in writing by the Village of Taos Ski Valley Fire and EMS Chief for emergency or quarantine purposes, or to provide lodging for essential federal, state, county or local personnel. Specifically excluded from the Order are circumstances in which it is not safe or impossible for a guest to depart from the Village. However, there shall be no new bookings or reservations during the pendency of this Order. Furthermore, current reservations for the timeframe anticipated in this Order shall be cancelled.
Any essential businesses should operate under the strict guidelines and safety protocols of the Governor's Orders.
- C. Travelers who have arrived from out of state and are currently present in the Village boundaries are required to self quarantine for 14 days.

ORIGINALLY EXECUTED ON THE 27TH DAY OF MARCH 2020, AMENDED ON THIS 6TH DAY OF APRIL, 2020 IN TAOS SKI VALLEY, NEW MEXICO AND IS IN EFFECT UNTIL MIDNIGHT MST ON APRIL 30, 2020, AND IS SUBJECT TO CONTINUING REVIEW BY THE VILLAGE OF TAOS SKI VALLEY FIRE AND EMS CHIEF.

THIS ORDER SUPERSEDES ANY PREVIOUS ORDERS, PROCLAMATIONS, OR DIRECTIVES IN CONFLICT.


Christof Brownell, Mayor Date


Attest: Ann Marie Wooldridge, Village Clerk Date