



**VILLAGE COUNCIL REGULAR MEETING AGENDA  
MEETING TO BE HELD VIA ZOOM TELECONFERENCE  
TAOS SKI VALLEY, NEW MEXICO  
TUESDAY, SEPTEMBER 8, 2020 2:00 P.M.**

- 1. CALL TO ORDER AND NOTICE OF MEETING**
- 2. ROLL CALL**
- 3. APPROVAL OF THE AGENDA**
- 4. APPROVAL OF THE MINUTES OF THE AUGUST 11, 2020 VILLAGE COUNCIL REGULAR MEETING**
- 5. CITIZEN'S FORUM** –for non-agenda items only. Limit to 5 minutes per person (please email [awooldridge@vtsv.org](mailto:awooldridge@vtsv.org) to sign up)
- 6. COMMITTEE REPORTS**
  - A. Planning & Zoning Commission
  - B. Public Safety Committee
  - C. Firewise Community Board
  - D. Parks & Recreation Committee
  - E. Lodger's Tax Advisory Board
- 7. REGIONAL REPORTS**
- 8. MAYOR'S REPORT**
- 9. 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
- 10. OLD BUSINESS**
  - A. Consideration to Approve Resolution No. 2021-449 Establishing a Capital Improvements Advisory Committee (CIAC)
- 11. NEW BUSINESS**
  - A. Consideration to Approve Resolution No. 2021-447 in Support of Designating the Rio Hondo and Lake Fork as an Outstanding National Resource Waters
  - B. Consideration to Approve Resolution No. 2021-448 to Approve new Internal Fund #44 Underground Electric-General Fund Reserve Restricted, to Separate Reserves in the General Fund Reserve #43 from the Kit Carson Co-op Franchise Fee Revenue Reserves
  - C. Consideration to Approve Resolution 2021-420 Amending Resolution No. 2020-420 Concerning Governing Body Meetings and Notice Required
  - D. Introduction: Ordinance No. 2021-14 Amended Lodgers Tax Ordinance
  - E. Consideration to Approve Annual Contract No. 2021-01 between the Village of Taos Ski Valley and the Village of Taos Ski Valley Chamber of Commerce for FY 2021, with a Not to Exceed amount of \$350,000
  - F. Consideration to Approve Change Order No. 7 for the Kachina Water Storage Tank Contractor for Extended Services due to Delay of Connecting Electricity and Fiber
  - G. Discussion and Direction for a Village-wide COVID Screening, Testing, and Training Plan for the Winter to align with Best Practices and Community Businesses

**12. MISCELLANEOUS**

**13. CLOSED SESSION**

**A. Discussion of Pending Litigation**

This matter may be discussed in closed session under Open Meetings Act exemption 0-15-1(H) (7)

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

**15. ADJOURNMENT**

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



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**VILLAGE COUNCIL REGULAR MEETING  
DRAFT MINUTES  
VIA ZOOM TELE CONFERENCE  
TAOS SKI VALLEY, NEW MEXICO  
TUESDAY, AUGUST 11, 2020 2:00 P.M.**

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**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. 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 Neal King  
Councilor Chris Staggs  
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  
Planning Director Patrick Nicholson  
Village Attorney Susan Baker

**3. APPROVAL OF THE AGENDA**

**MOTION:** To approve the agenda, moving item 5. before item 4.

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

**5. INTRODUCTION BY TAOS SKI VALLEY, INC. OF THE KACHINA MASTER PLAN PROJECT AND THE PROPOSED DEDICATION TO THE VILLAGE UPON COMPLETION AS A TIDD ELIGIBLE PROJECT**

TSVI's Peter Talty spoke about the need to undertake a Kachina-area Master Plan. He said that the Village had made a few attempts at beginning a plan, in 2015 and again in 2017, but most likely other items of urgency came up, and a plan was never completed. The idea is to engage the Kachina property owners as well as Village Staff, he said. TSVI has contacted some planners that might work on the document, which would be presented to the Village for acceptance upon completion. As a planning document, this would be eligible for TIDD funding if accepted by the Village, said Chaz Rockey. Attorney Peter Franklin explained that this would be a tangible asset with a public infrastructure purpose. Councilor King, TIDD Board Chair, talked about holding a TIDD Board meeting soon to discuss and to make sure that all parties were aware, including the State and Taos County. TIDD Attorney Dennis Romero agrees with this process, said Councilor Wittman. Mayor Brownell suggested that a master plan for the Amizette area would also be necessary soon.

**4. MARKET UPDATE AND PRESENTATION FROM VTSV FINANCIAL ADVISOR BRAD ANGST OF STIFEL REPORTING THE FINAL TERMS OF THE WASTEWATER TREATMENT PLANT BONDS WITH THE USDA**

Mr. Brad Angst explained the financing that has occurred with the issuance of bonds for funding the Wastewater Treatment Plant through the USDA. He also discussed a market update and current interest rates, which are at a 10-year low. He said that there is a low cost for municipal bonds for municipal infrastructure at this time, from which the Village has benefited. His reporting to the Governing Body is part of the bond process.

**6. APPROVAL OF THE MINUTES OF THE JULY 14, 2020 VILLAGE COUNCIL REGULAR MEETING and the JULY 28, 2020 SPECIAL COUNCIL MEETING**

**MOTION: To approve both sets of minutes**

**Motion: Councilor Wittman**

**Second: Councilor King**

**Passed: 4-0**

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

**A.** VTSV Chamber of Commerce Director Courtney Tucker thanked the Village of Taos Ski Valley staff and TSV Inc. staff for supporting visitor visits to the Village. There is a promotion for the upcoming Hat & Boot weekend. She explained that the Chamber's summer budget had been approved by the Council but not yet the budget for the fall. Ms. Tucker said that Chamber staff had been working on improving signage in the parking lot that looked old for a more professional and updated look as visitors enter the Village. The Chamber's member businesses were appreciative of the effort, she reported. The Chamber is happy that they are able to conduct their work and is appreciative of the support.

**B.** Property owner Bob Corroon explained that he purchased the large Pattison Trust parcel a year ago. He has drawn up a plan for mitigating any risk associated with fire on his land. The main concern with forest fire, he said, is the damage to the river from run-off, and secondly, the protection of the forest ecosystem. He has hired a forester and produced a plan, which prescribes planned burning, and will increase biodiversity by enhancing meadows. This in turn will invite more elk and grassland bird nestings. Mr. Corroon introduced Nick Dolocek, the forester who created a 500-page management plan with historical data. Mr. Dolocek explained that, when implemented, this plan will reduce the threat of fire by thinning the number of trees by one half. The plan addresses protecting the ridge from a possible Red River fire. He said that he had been working with Village Staff to manage the process to not affect neighbors. The Planning Department has a copy of the plan.

**C.** TSVI David Norden said that TSVI is operating under Covid-era protocol, with a planned and phased opening operation for the rest of the summer and to move into winter. The recent NM Department of Health screening at TSV produced a 100% negative test result for Covid. Mr. Norden explained that they are planning to become the "Best in Class" as far as ski operators go. TSVI plans to be a model operation to show the Governor that this can work. TSVI would like to open for the winter and stay open, he said. It is important that all businesses in the Village are safe so that no one business creates a problem. He suggested that there be a Village-endorsed plan for alignment across all businesses, and that the Village needs to oversee all the businesses in the Village, to enforce the same philosophy. Covid-related signs, especially, should be unified in design for the winter, he suggested.

**D.** Homeowner Kent Kiehl asked about a possible planned hiking trail which he heard might go through his property on Dolcetto Lane. He inquired about a possible trade of easements from his property to the Village's adjacent property, which might benefit both parties, he said.

**8. COMMITTEE REPORTS**

**A. Planning and Zoning Commission** –Commission Chair Wittman reported that the P&Z Commission met on August 3, 2020. Agenda items included a revised riparian setback variance request for a residence on upper Twining Road, which was approved by a vote of 5-2, as well as a presentation by Director Nicholson of the 2022-2026 Infrastructure Capital Improvement Plan (ICIP). The ICIP was recommended to send to Council by a vote of 6-1 after discussion. Many of the dollar amounts had been updated, especially for Public Safety equipment. The next meeting of the P&Z Commission is scheduled for September 14, 2020 via Zoom.

**B. Public Safety Committee** – The Public Safety Committee had submitted its written report, which is part of the Council packet.

The next meeting will take place on September 14, 2020 at 10:00 a.m. via Zoom.

**C. Firewise Community Board of Directors** – The report was combined with the Public Safety report. The next meeting will take place on September 14, 2020 at 11:00 a.m. via Zoom.

**D. Parks & Recreation Committee** –

Committee Chair Katherine Kett reported that the Committee members had walked the open space lands that had been donated to the Village from the Kachina POA last year. She will write up a summary and follow-up of discussion for each of the four parcels. Chair Kett and Director Nicholson met with a wetland biologist to discuss the wetland area. The biologist will write up an assessment of the wetlands and possible steps forward. The next meeting is planned for August 19, 2020 at 11:00 a.m. at the Twining Campground.

E. **Lodger's Tax Advisory Board** – Co-chair Stagg said that the Board believes that the Chamber is doing a good job, but that the Board is being cautious about watching spending for the upcoming year. The next meeting has not been scheduled.

## 9. **REGIONAL REPORTS**

There were none.

## 10. **MAYOR'S REPORT**

Mayor Brownell spoke about the need for Staff to inform the community of Village ordinances and make the public aware of the need to follow these ordinances. He expressed concern about attracting wildlife into the Village, which visitors may be unaware of. In addition, he cautioned that visitors to the Village follow the rules set in place by the Governor concerning COVID issues. Village staff is informing property owners of the need to follow regulations for business registration and tax submittals for short-term rentals.

The Twining Road project seems to have a great deal of interest from the community, as this is a major road for access. A community forum had just taken place via Zoom, with more discussions to follow.

Mayor Brownell said that one of the items to be addresses in the Kachina Master Plan should be public access to public lands.

## 11. **STAFF REPORTS**

**Administrator Avila reported on ongoing projects:**

- **COVID -19 - Pandemic Emergency:**

CARES Local Government Cares Act Relief Funds Application is submitted. VTSV/TSVI meeting have started, initially planned on a weekly basis for discussion to address issues of mutual importance and possible coordinated action. COVID precautions and coordinating for the July 4th Holiday weekend were successful. Labor Day planning is scheduled for next week. Village Facilities besides having a decontamination schedule, will also need upgrades for protecting public health including: full protective gear and equipment for any public employee that may be in the presence of the public, appointment hour for any visits to Village facilities, changing and cleaning clothing and outer surfaces of shoes with a disinfectant to reduce potential viral particles, touchless temperature readings, and continued protection by vaccination to not increase vulnerability to other diseases. Meetings in the Office must be COVID-safe and scheduled in advance. The Village has liberally used Work-at-Home accommodations for all but the most essential worker status.

On Thursday, July 2, 2020 the Village Council amended Resolution 2020-428 to require wearing of COVID protective masks within the Village. Governor Michelle Lujan Grisham shortly after announced the updated NM health order requiring masks be worn throughout NM along with 14-day health quarantine for those entering the state. The Resolution is scheduled to be reviewed again this month with a possible amendment to enforce lodging restrictions in the Village, in compliance with State orders.

Strategies for reopening as the safest place to visit: How does the Village Community conduct business to have the safest season possible? Input from the business community and residents is helpful in considering what is possible. Most municipalities assumed short term rentals would have a huge decrease in activity during COVID-19. Granicus reports show only a 3% drop between March-May. They have seen a 20% average increase in June/July.

Mayor Brownell suggested that the Village participate in funding the electronic signs that TSVI has been funding.

- **WWTP** – NMED Project Management visited with staff and toured the Wastewater Treatment Plant on August 4, 2020 to review the project. The roof repair to the old plant is a phase that is being done by the Village as it was not in the scope for the project and a foam repair option was judged insufficient. Ongoing work for the Wastewater Treatment Plant includes continued optimized efficiency of the Ovivo System along with ongoing training. Ovivo engineers and technicians are in contact to address system operations issues.
- **Kachina Water Tank** – NMED Project Management also visited the Kachina Tank site to review progress to final completion. A punch list of final tasks was reviewed along with confirmation of support by Village and Kit Carson COOP electric and fiber.

The Village needed to finish digging the trench 10 feet to the existing transformer. KCEC has installed the transformer and will make power connection after RMCI attaches meter cabinet to the transformer (usually utilities are responsible for service to the meter.)

Reseeding is to be done by TSVI. Proper organic fill on top of the tank needs to have similar weight per square foot as designed cover material.

Electricians have made progress in the pump station and to switch over to new pumps will need coordination with KCEC to power up the station. Once the pump station is operational the tank will be sterilized again, and distribution lines will be receiving a final test.

The Kachina Tank is completely covered now with only maintenance installations showing. The Tank can only take so much weight on top, so a barrier is recommended to keep any unauthorized visitors and vehicles away.

- **Village Hall Complex** – There are still a few items to complete before the Village can convert the temporary CID permit into the final permit. They include a required stair rail, roof, drainage, and piping repairs. Managing the budget cycle along with internal and external impediments to improvements for Public Safety Office continued, so that opportunities to move forward have had to wait. The \$90K repair estimate can be reduced if the Village can undertake some of the remaining demolition. The Public Safety Office is a workable start to further developing Village offices at the site and if the Fire/EMS Administration Office is located on site, there is opportunity for additional Fire Grant Funding that can be used for equipment and building.
- **TIDD** - Thunderbird/Ernie Blake Roads are underway with regular meetings with TSVI and contractors anticipated. Staff has reached out to assist with the permitting process including: excavation, and ROW and utility requirements. Meetings with TSVI, Kit Carson and NM Gas have provided project updates. Replacement of the limited capacity sewer line on Thunderbird Road is being considered. If there are no further connections to the line it should suffice for the current demand. However, if connection of a customer with any notable demand were to be considered, it would require the replacement of the line. To avoid the additional costs, connection to the Thunderbird sewer line would need to be limited to what is connected now. Other connection would be directly to the main. The Village understand that the financial information for pending TIDD project dedication is to be available for review soon. Along with the project review required of the Village by the MDA, audit requirements also need to be met so that the full value of a project can be accounted for by the Village. After review of all the TIDD dedication documents, Village Staff will be able to make a recommendation for dedication of the projects. With the economic impact of the COVID pandemic, baseline GRT revenues are unlikely to be met in the immediate future, thought Administrator Avila.
- **Underground electric**- The RFP 2020-06 for a trenching pricing agreement as well as the contract for electrician have been awarded and these companies have been working on site with KCEC to plan and install underground electrical facilities in the Village. With the contractor onboard, KCEC can finish the permit application with NMDOT in July and the ongoing plan to underground electricity along NM 150 in the Amizette area will be able to start. Discussions between the Village, KCEC, NMDOT and the contractors are focused on starting the Amizette project this month. There is confirmation of Kit Carson surveying the project area and initial spotting of lines. Although residents are free to use Village contractors, they should independently be contracted by the private owners to finish the connection to their homes. Procurement restrictions do not allow the government to be an agent of the contractor for private use. Alternatively, once the underground service is available near a property, the five steps to connecting underground are:
  1. The Owner to engage a contract electrician for work on their property,
  2. Together contact KCEC with the meter number and request an upgrade to an underground service. KCEC and the electrician will contact the Village for underground permitting and start credit request for public ROW work.
  3. Proceed with underground work and connect to the underground service.
  4. Make the credit application for the portion of work done in the public ROW. If the property is undeveloped the request is for a new service.

KCEC is concerned for safety, service, and cost reasons, that not all the properties within the service area of an underground supply line are connected. There are over a dozen properties that still could be connected to underground service within the Village. Village staff has reached out to those owners to inform them of the opportunity to connect, while KCEC is working on underground projects in the Village. The Village is planning to fund the public portion of the project in coordination with Kit Carson Electric Corporation installation of facilities. The Village intends to contract the required trenching by using Franchise Fee proceeds. Also anticipated is providing a credit program for the portion of owner costs in the public Right of Way.

## Department Briefs

- Finance Director Grabowski's report was submitted with the Council packet.
- Chief Trujillo's report was also submitted. He said that they have been conducting compliance checks with businesses, but it may be difficult to impose restrictions on these businesses.
- Planning Director Nicholson said that the Thunderbird Road project was ahead of schedule by a week and a half. His report was submitted previously to Council.
- Building Official Bowden asked that members of the community speak with him about the possible updated Wildland Interface Ordinance. His report had been submitted in writing.
- Attorney Baker said that there may be a need to investigate borrowing funds for the Village to purchase the Blake parcel adjacent to the Firehouse.
- The other July Department Briefs were included in the Council packet and are posted on the web site with the Council items.

## 12. OLD BUSINESS

### A. Consideration to Approve Amended Resolution 2020-428 Declaration of an Emergency for the Village of Taos Ski Valley

Administrator Avila said that Staff recommends approval of the second amendment to Resolution No. 2020-428 for COVID-19: continuation of emergency status, direction to protect against COVID infection by enforcing the requirements of the State health order, and authority provided in Resolution No. 2020-428 for COVID-19 while the State Declaration of emergency is in effect.

### **MOTION: To Approve Amended Resolution 2020-428 Declaration of an Emergency for the Village of Taos Ski Valley**

**Motion: Councilor Wittman**

**Second: Councilor King**

**Passed: 4-0**

## 13. NEW BUSINESS

### A. Consideration to Approve a Five-Year Contract Extension between the Village of Taos Ski Valley and Waste Management of New Mexico

The Village of Taos Ski Valley has continued to receive beneficial use of Waste Management as the contractor to supply solid waste management service to the Village. The Village would like to exercise the right under our agreement to continue the service contract for the next five years. Under the terms of the agreement the contractor can implement a CPI increase to pricing. As of August, that amount is 1.8%. Otherwise, the terms would stay the same for five years. Tipping fees at the Landfill may increase, however.

### **MOTION: To Approve a Five-Year Contract Extension between the Village of Taos Ski Valley and Waste Management of New Mexico**

**Motion: Councilor Stagg**

**Second: Councilor Wittman**

**Passed: 4-0**

**B. Discussion and Direction of Lodgers Tax Enforcement and Update of Ordinance 2012-14 to Align with State Statute**  
Administrator Avila explained that the NM State Statute had changed to remove the exemption on paying lodgers tax for less than three units. The Village would like to amend its ordinance to coincide with this change. Introduction of the proposed amended ordinance will be brought to Council for introduction in September. Letters to property owners will be distributed when the changes have been adopted. Entities conducting short-term rentals will be encouraged to join the Village of Taos Ski Valley Chamber of Commerce.

### C. Consideration to Approve Resolution No. 2021-446, the Village of Taos Ski Valley 2022-2026 Infrastructure Capital Improvements Plan (ICIP)

Director Nicholson explained that Village ICIP is prepared annually for submission to the NM Department of Finance & Administration. It establishes Village policy and project funding priorities for the five-year period FY 2022-26. Additional work remains to obtain and secure specific project funding and to designate a Village project manager, he said. The plan was developed by Senior Village staff and presented, discussed, and approved by the Village P&Z Commission at its August 3, 2020 regular meeting. The current draft incorporates P&Z recommendations. Councilor Kern asked that plans keep in mind the need for snow storage.

### **MOTION: To Approve Resolution No. 2021-446, the Village of Taos Ski Valley 2022-2026 Infrastructure Capital Improvements Plan (ICIP)**

**Motion: Councilor Wittman**

**Second: Councilor King**

**Passed: 4-0**

**D. Discussion Regarding Establishing a Capital Improvements Advisory Committee (CIAC)**

Attorney Baker presented a draft resolution which would establish a Capital Infrastructure Advisory Committee in the Village. This is required by State Statute to impose development impact fees and to study the infrastructure needed for new development as well as for existing property owners. She suggested that the CIAC could meet concurrently with the P&Z Commission since land use assumptions would be part of the process, as well as developing fair and equitable fees. Suggestions were made about the appointment of Committee members and how often such a Committee would meet.

Advertisement was previously made for open Committee positions and 10 applications were received.

The Resolution will be amended based on discussion and will be brought for consideration at the next Council meeting.

**14. MISCELLANEOUS**

**A.** Mayor Brownell asked about requirements for possibly trading easements between the Village and a private property owner.

**B.** Councilor Kern said that he had visited some of the TSVI operations and thought that they were doing a great job concerning Covid-safe practices. He said that the next step would be for Village Staff to draw up and implement a plan such as this for the rest of the Village enterprises and property owners.

Discussion took place with several people expressing similar concerns. It was suggested that this could be used as a marketing tool, being the "safest place to visit" in the winter.

**15. CLOSED SESSION**

**A.** Discussion of Pending Litigation

This matter may be discussed in closed session under Open Meetings Act exemption 0-15-1(H) (7)

**MOTION: To go to Closed Executive Session**

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

**MOTION: To return to Open Session**

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

No decisions or motions were made during closed session.

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

The next meeting of the Village Council will be a Regular Meeting on Tuesday, September 8, 2020 at 2:00 p.m. via Zoom.

**17. ADJOURNMENT**

**MOTION: To Adjourn**

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

The meeting adjourned at 4:35 p.m.

\_\_\_\_\_  
Christof Brownell, Mayor

ATTEST: \_\_\_\_\_  
Ann M. Wooldridge, Village Clerk



**John Avila**  
**Village Administrator**  
**Village of Taos Ski Valley Council**  
**Monthly Briefing**  
**September 8, 2020**



**\* Ongoing & Past Projects \***

**COVID -19 - Pandemic Emergency:**

CARES Local Government Cares Act Relief Funds Application was submitted after a short notice, all requirements have been met for the award and the Village was able to qualify for \$97,800,000. This is to reimburse expenditures to date and help fund the effort against COVID in 2020. Many entities were able to launch large scale efforts against COVID and are funded accordingly. The Village has made efforts by comparative per capita, at equal or higher levels, based on the award. We will continue to maintain and focus our efforts throughout the emergency.

Efforts by the Chamber to serve its members and the community are appreciated and it should be a role of the Chamber beyond a marketing intermediary. The outreach to its members and support of the wider community has been a noted and welcome role for helping us deal with the COVID emergency. We hope the agreement and funding for the Chamber activities will support the expanded role in economic development and community support.

What has become clear that in order to manage the risk of outbreaks in the COVID pandemic is that consistent requirements to decrease contact have to be followed by all and that there is a draw to the area from visitors with time, budget, escape motivation, lacking contact precautions and the community cannot have business as usual, even decreased business as usual is not sufficient. A consistent community wide to state wide protection plan is needed to shield against an outbreak.

As we saw last meeting short term rentals in southwest states have actually increased during the pandemic. The summer has also had an increased COVID danger not only for the Village of Taos Ski Valley within the National Forest but also in areas near National Forests around the United States. Outdoor Recreational Areas experienced the same sort of traffic from follow travelers getting away from COVID hot spots, with little concern for the rural community. Some quotes from a recent article in TIME about parks around the country show the importance of being able to have controlled activities that respect the safety of others: *"It's been decimated by people who have never hiked before, coming back there with no morals," she says. "It's insane to see people acting the way they have, like the end of the world."* *"Many of these spaces, supposed to be untouched swaths of time-proof wilderness, have been overrun by first-time visitors seeking refuge from quarantine, joblessness, or the inability to take far-flung vacations. And as people have flooded into the parks, new crises have arisen for rangers and nearby communities, including indigenous populations who were already particularly susceptible to the virus". With travelers still leery of airplanes, and most indoor entertainment options closed, many families seem to be embracing a relatively cheap getaway option where the risk of catching the virus is much lower than it is indoors.*

COVID weekly update calls continue, represented by Chief Trujillo and Kaela Gillum, respectively for TSVI and VTSV. The issue is also a primary discussion on the regularly scheduled entity meeting represented by Christof Brownell, Village and David Norden Ski Corporation

**Travel quarantine amended;  
maximum occupancy expanded for hotels that complete the NM Safe Certified program**

On Sept. 3, 2020, Gov. Michelle Lujan Grisham issued a revised executive order amending the mandatory quarantine for individuals arriving to the state of New Mexico. In this amended executive order, individuals who travel to New Mexico from low-risk states are exempt from the mandatory travel quarantine, based on the following criteria: COVID-positivity rate less than 5%, **and** new case rate equal to or less than 80 per 1 million residents. Furthermore, individuals who can show documentation of a valid negative COVID-19 test taken within 72 hours before or after entry into New Mexico are exempt from the 14-day quarantine requirement, **regardless of the state from which they have traveled.** This exemption does not apply to persons entering New Mexico after traveling outside the United States.

**WWTP –**

The upgraded Waste Water Treatment Plant was needed for system expansion protecting the water conditions of the area. This is required for the increased demands on the system. In order to increase capacity needed within limited space and funding, a mechanical system was selected by Village for the Waste Water System upgrade.

The Project has reached final completion but requires to be finished After NMED Project Management visited with staff and toured the Waste Water Treatment Plant 8/4/20 to review the project, only reporting items are needed to close the project:

Work on the system is ongoing with most of the following tasks completed but support for the Ovivo system still being required:

- Splash guard retrofit work done
- Mixer re-install in zone 1 of A-Basin 1
- Train 2: two stacks that have been offline; 1 stack with recent apparent diffuser issue. It was noted that perhaps one of the offline stacks will be exchanged operationally for the stack with the diffuser problem.
- Trains 1 and 2: replacement of Sch 40 PVC air manifold components è logistics/schedule of trains switching
- Diffuser failure ‘gusher’ cause and repair needed
- Permeate pumps: HMI display of hertz is not available; 38 gpm min flow
- Completed work on flume flowmeter, NPW pumps
- Photo documentation of Train 2 dewatered areas; photo documentation of diffuser risk points
- Ovivo written description of work completed and planned work to eliminate ongoing equipment issues associated with sludge dewatering and diffuser failure

- IWS was on-site during all work and kept briefed on findings.
- Representative from Plummer Engineering inspected all rework, prior to Ovivo staff leaving.

This system has many considerations beyond that of the traditional plant. Ensuring that sewer waste entering the system is protected against grease deposits also will help the efficiency of the MBR system. This may require updating the ordinances so that any likely source of grease contaminants is excluded from the system. The roof repair to the old plant is a phase that is being done by the Village as it was not in the scope for the project and a foam repair option was judged insufficient. Ongoing work for the Waste Water Treatment Plant includes continued optimized efficiency of the Ovivo System along with ongoing training. Ovivo engineers and technicians are in contact to address system operations issues:

*Anthony Martinez, Director of Public Works (field report)*

### **Kachina Water Tank –**

This week RMCI will pull the water samples from the tank and the waterline. The samples will be pulled today and be taken to the lab. After today, RMCI won't be onsite. Once Kit Carson finishes with the fiber installation and installs the fiber line near the vault, RMCI will plan to remobilize to complete start up. A change order is needed to complete the last phase of connectivity after repeated delays

Plans to supply water from the tank this week to Wheeler Peak Condominiums and other area underserved customers will continue after sufficient notice and we finish exercising the new system. Testing the pumping system after the fiber connection is part of the delivery exercise that is planned.

*Anthony Martinez, Director of Public Works (field report)*

### **Village Hall Complex –**

There are still a few items to complete before the Village can convert the temporary CID permit into the final permit. They include fire alarm and piping repairs. Plans from PM Wilson have been reviewed for a contract Architect plan and bring contractor on board for internal repairs needed to occupy the office building.

Dealing with the COVID restrictions has demonstrated that temporary offices can be operational in the previous EMT unit, which would allow bunking at the station again. The logistics of this move still need fine tuning but it is a viable option until funding can be secured for the planned office build out.

The Public Safety Office is a workable start to further developing Village office at the site and if the Fire/EMS Administration Office is located on site, there is opportunity for additional Fire Grant Funding, funding according to the State Fire Marshall. That funding can be used for equipment and buildings for Fire/EMS. Then work to make the office usable can be scheduled to start even after the building season.

Volunteers continue to offer help and let it be known that they are ready, if allowed to help. Managing the budget cycle along with internal and external impediments to improvements for Public Safety Office continue, so that opportunities to move forward have had to wait. The \$90K repair estimate can be reduced if the Village is allowed to undertake some of the remaining demolition and preparation.

**TIDD** – Progress of the TIDD project - Thunderbird/Ernie Blake Roads is underway with regular meetings with TSVI and contractors anticipated. Staff has reached out to assist with the permitting process including; excavation, ROW and utility requirements. Meetings with TSVI, Kit Carson and NM Gas have provided project updates. Replacement of the limited capacity sewer line on Thunderbird Road is being completed. Along with placing electrical equipment underground, making Gas connections and accommodating driveway requests, the project is moving on to placing the culvert under Thunderbird Road at the River.

There has been at least initial contact between attorneys for the TIDD, VTSV, TSVI to understand that the financial information for pending TIDD project dedication is to be available for review soon. Along with the project review required of the Village by the MDA, audit requirements also need to be met so that the full value of a project can be accounted for by the Village. After review of all the TIDD dedication documents, the Village Staff will be able to make a recommendation for dedication of the projects. With the economic impact of the COVID pandemic, Base Line GRT revenues are unlikely to be met in the immediate future.

A report of a project to restart Kachina Area Master Plan development was announced at the TIDD Board Meeting of 7/29/20. The idea is to consider the KAMP as a TIDD project for inclusion in the project list and make it eligible for TIDD reimbursement.

This has generated questions of how that process would be conducted and appropriately made part of the TIDD funding. Once we understand how the Master Development Plan can formally be included as a TIDD project, we should discuss how the Village Master Plan can be TIDD funded.

The work and public input needed for a Village Master Plan for the entire Village is required and would include the Kachina, Amizette and Core areas Master Plans. TIDD funding could be leveraged to produce this required Village document before the due date is upon us next fiscal year.

*Patrick Nicholson; Director of Planning and Community Development (field report)*

## **Facility Undergrounding**

KCEC is concerned for safety, service and cost reasons, that not all the properties within the service area of an underground supply line are connected. There are over a dozen properties that still could be connected to underground service within the Village. We have reached out to those owners to inform them of opportunity to connect, while KCEC is working on underground projects in the Village. The Village is planning to fund the public portion of the project in coordination with Kit Carson Electric Corporation installation of facilities. The Village intends to contract the required trenching by using Franchise Fee proceeds. Work has started for underground facilities at Zaps/Twining locations. The RFP 2020 – 06 for a trenching pricing agreement as well as the contract electrician have been awarded and they have been working on site with KCEC to plan and install underground electrical facilities in the Village. With the contractor onboard KCEC can finish the permit application which is submitted to NMDOT and the ongoing plan to underground electricity along NM 150 in the Amizette area will be able to start by mid-September. The estimate is a month to complete once the permit is approved.

Discussions between the Village, KCEC, NMDOT and the contractors are focused on starting the Amizette project. We have confirmation of Kit Carson work to survey the project area and initial line spotting is completed and the planning on their end is shared with the contractor.

Although residents are free to use Village contractors, they should independently be contracted by the private owners to finish the connection to their homes. Procurement restrictions do not allow the government to be an agent of the contractor for the private use. Alternatively, once the underground service is available near a property, the five steps to connecting underground are;

**The Owner** to engage a contract electrician for work on their property,

**Then together** contact KCEC with the meter number and request an upgrade to an underground service, KCEC and the electrician will contact the Village for underground permitting and start credit request for public ROW work,

**Proceed** with underground work and connect to the underground service,

**Make** the credit application for the portion of work done in the public ROW. If the property is undeveloped the request is for a new service.

We are again meeting with KCEC this week to review the status of Village projects including developing an informational meeting, still anticipated so that the public can be further informed as to the projects at hand and the potential for futures underground electric projects.

### **Items**

We have before Council an updated Open Meeting Resolution to consider moving the regular meeting date from the second Tuesday in the month to the third Tuesday in the month. When the Open Meeting is again heard in 2021 there should be a request that all formally appointed Boards and Commissions adopt an open meeting resolution.

A Business Registration reminder has been sent to home owners to remind them of the requirements should they conduct lodging business at their property. The agenda item to be heard later by council will clarify that all revenue from providing short term lodging is considered business.

The Current Evacuation plan has been shared and we request review of Public Safety and Fire Wise committee to update the plan and consider the Memorandum of Understanding that would be required to formalize a gathering place during a fire. A formal agreement for designation of gathering place will allow the Village insurance to cover certain liabilities as well.

Staff has asked for the Lodgers Tax Board at their next meeting, to clarify documentation of funding designation.



September 2, 2020

7 Firehouse Road  
Post Office Box 100  
Taos Ski Valley  
New Mexico 87525

(575) 776-8220  
(575) 776-1145 Fax

E-mail: [vtsv@vtsv.org](mailto:vtsv@vtsv.org)  
Web Site: [vtsv.org](http://www.vtsv.org)

MAYOR:  
Christof Brownell

COUNCIL:  
Jeff Kern  
Neal King  
J. Christopher Stagg  
Thomas P. Wittman

VILLAGE  
ADMINISTRATOR:  
John Avila

CLERK:  
Ann M. Wooldridge

Dear Property Owner,

Under New Mexico State Statute 3-38-3 and Village Ordinance 1997-04, the Village requires a business registration for each business conducting services, offering facilities, or providing goods. The owner of a property that is used for short term rentals, defined as renting for less than 30 consecutive days, requires a Village business registration. The registration application can be found on the Village web site at: <http://www.vtsv.org/wp-content/uploads/2019/07/business-license-registration-blank-form.pdf>. The registration must be renewed annually for a fee of \$35.00, payable to the Village of Taos Ski Valley. If a property management company is conducting your short-term rentals, please indicate that on your business registration. The rental company will also require a business registration.

Please note that for short term rental income, gross receipts tax must be paid to New Mexico Tax and Revenue at the rate of 9.4375%. **The correct location code for Village of Taos Ski Valley business activity is the number for the Village of Taos Ski Valley Tax Increment Development District (TIDD), 20-430.**

In addition, under New Mexico law and Village ordinance, any entity conducting short-term rentals is required to collect lodger's tax at a rate of 5% of gross rent charged. This tax must be remitted to the Village of Taos Ski Valley monthly, by the 25<sup>th</sup> of the month following the rental, along with a report. Once reporting begins, the reports must be submitted to the Village even for months with no rental income. The lodgers tax registration form and monthly reporting form can be found on the Village web site at: <http://www.vtsv.org/resources-links/forms/>

It is our understanding that some properties are being rented for short-term rentals, without having registered with the Village. Please contact the Village for any questions concerning registering, remitting gross receipts tax, and submitting lodgers tax payments and reports. If your property already has a business registration, please disregard.

Please contact me at 575-776-8220 extension 3 or speak with Renee Romero at 575-776-8220 extension 0.

Thank you,

Ann M. Wooldridge  
Village Clerk

**VILLAGE OF TAOS SKI VALLEY  
WILDLAND FIRE  
EVACUATION PLAN**

**Dear Taos Ski Valley Resident,**

**REC'D SEP 01 2020**

This document has been prepared for you by the Public Safety Committee, because in the event of a major wildland fire, evacuation of your home may be necessary. Keep this document visible and near the telephone or on the refrigerator, especially if you rent out your residential home in the summertime. Your guests may need to use this information.

Make certain your guests have a convenient means of emptying live coals from the fireplace. Leave a note telling your guests NOT to empty the fireplace, or a note with directions for cleaning the fireplace. There have been actual cases where homes have burned due to live ashes from a fireplace.

*Should you spot a fire, no matter how small, call 911 immediately.*

**Notification of Evacuation**

In the event of a wildland fire, an "evacuation" will be ordered. The Village Fire Department will sound a siren to notify you of an evacuation. Please be vigilant and aware of what's happening in the Village of Taos Ski Valley especially if there is a Red Flag Warning or closure by the Forest Service.

**When you hear the siren, drive to the Rio Hondo Learning Center where Law Enforcement and the Fire Department will be to assist you.**

**You will be moved to one of the following locations, whichever is deemed the SAFEST.**

- a) **Out of the Village, down Highway 150 if possible. (Best scenario).**
- b) **Rio Hondo Learning Center, the concrete building at 5 Firehouse Road.**

**Planning before an Evacuation**

(This is a two-sided list.)

— **Make a Notification Plan**

Discuss where family members/friends might be if an evacuation were ordered and agree on methods to stay in touch.

— **Pick a Meeting Place**

Agree on a location where your family/friends can meet to be sure that everyone is accounted for.

— **Keep your Car Full of Fuel**

Always "top off" your vehicle before coming to the Village. We have no gas station. It is often impossible to obtain fuel during an evacuation.

— **Transportation**

If you do not have reliable personal transportation, notify the Evacuation Manager at the TSV Children's Center immediately. Transportation will be arranged for you.

— **Put Together an Emergency Supply Kit**

- 1) Rugged clothing, footwear, work gloves and one change of clothing per person.
- 2) An extra set of car keys, cash, credit card(s), and checks.
- 3) Maps of the area, or a road atlas.
- 4) A liter of drinking water per person.
- 5) Non-perishable food.
- 6) A blanket or sleeping bag for each person.
- 7) A flashlight and extra batteries.
- 8) A first aid kit.
- 9) Prescription and over-the-counter medications, and vitamins.
- 10) Sanitation supplies.
- 11) A simple toolkit.

- 12) Extra eyeglasses or contact lenses.
- 13) A list of phone numbers and addresses.
- 14) Mess kits or paper plates, cups, and plastic utensils, for each family member.
- 15) Paper and pencil.
- 16) An easy to carry container that will hold all the above.

#### **Gather Important Family Papers**

- 1) Deeds, contracts, and insurance policies, bank account numbers, CDs.
- 2) Birth certificates, social security cards, marriage license, driver's license.
- 3) Credit card account numbers, inventory of household belongings.

Be sure that irreplaceable documents are either secure from destruction or packed to be taken with you during an evacuation.

**Keep above items where they are quickly accessible and known to all family members.**

#### **Plan for your pets**

All pets are welcome at the Children's Center; just make certain dogs are on a leash, and cats are in a crate.

### **Preparing Your Home to be defended**

Here is a list of things that you can do to help firefighters defend your home if it should be necessary:

#### **Outside Checklist:**

- \_\_\_ Turn off the gas at the meter.
- \_\_\_ Close all non-combustible blinds but open or remove combustible drapes and curtains.
- \_\_\_ Leave exterior lights on.
- \_\_\_ Leave a note on the front door letting firefighters know that you have evacuated the building.
- \_\_\_ Leave the doors **unlocked** so that firefighters do not have to force entry into your home to fight a fire on the inside.
- \_\_\_ Leave garden hoses connected and available on the outside of your home.
- \_\_\_ If you own a ladder that will enable firefighters to climb to your roof, leave it in a visible location.
- \_\_\_ Gather up flammable items from the exterior of the house and bring them inside (patio furniture, children's toys, door mats, etc.).

#### **Inside Checklist:**

- \_\_\_ Close all windows and doors
- \_\_\_ Remove flammable window shades and curtains and close metal shutters.
- \_\_\_ Remove lightweight curtains.
- \_\_\_ Move flammable furniture to the center of the room, away from windows and doors.
- \_\_\_ Turn off gas at the meter. Turn off pilot lights.
- \_\_\_ Leave your lights on so firefighters can see your house under smoky conditions.
- \_\_\_ Turn off the air conditioning.

### **As the Fire Approaches:**

#### **1) Grab your Emergency Supply Kit**

Locate other items of value that you may want to bring (that are not in your kit, such as important documents, family photos, irreplaceable items, and easily carried valuables). Put your kit and all other items in a place where you can grab them in a hurry.

#### **2) Keep the six "P's" ready, in case an immediate evacuation is required (those not included in your kit):**

- \_\_\_ People and pets
- \_\_\_ Papers, phone numbers, and important documents
- \_\_\_ Prescriptions, vitamins, and eyeglasses
- \_\_\_ Pictures and irreplaceable memorabilia
- \_\_\_ Personal computers (hard drive and disks)
- \_\_\_ "Plastic" (credit cards, ATM cards) and cash

#### **3) Alert Family and Neighbors: FOLLOW THIS WILDFIRE EVACUATION PLAN SO EVERYONE IN YOUR FAMILY KNOWS WHERE TO GO TO FIND EACH OTHER AND BE SAFE. USE COMMON SENSE.**

#### **4) Get Prepared to Leave**

- \_\_\_ Dress in appropriate clothing (clothing made from natural fibers, such as cotton, and work boots). Have goggles and a dry bandana or particle mask handy.
- \_\_\_ Stay tuned to your TV or local radio stations for updates.
- \_\_\_ Remain close to your house, drink plenty of water, and know where your family and pets are at all times.

#### **5) EVACUATE IMMEDIATELY IF ASKED TO DO SO OR IF THE THREAT IS CLOSE TO YOU.**



**Council Notes for September 8 ,2020 Meeting:**

**Revenues:**

**GRT :**

This month last year: \$ Net 0/take back      This month this Year: \$74,233

Last Year YTD:      \$73,182      This Year YTD: \$142,394

**The TIDD received 162,223 GRT in August for June collections**

**Lodgers Tax:**

This month last year: \$ 23,177      This Month this year: \$15,170.58

YTD Last year:      \$ 32,284      YTD This year YTD: \$23,341.95

**REVENUES:**

- We received \$17,352 in hold harmless GRT revenue in August which will be transferred to the USDA fund for monthly loan payments on WWTP. Note that we did not receive GRT in August of 2019 so the comparison via QB is skewed.
- Combined Water and sewer. See attached spreadsheet. Note that late payments were received in August making it appear like an increase in sales, however that is not the case.
- Grants Revenue includes \$261K in grant funds for the NM DOT Twining Road project received on 8/26
- Lodger's tax collections are down 27%
- Village received \$1,436.60 in property tax collections in August Down 49%.
- Bank reconciliations were not completed when this report was compiled. Expect that the interest revenues will be down. Last year the bulk of interest was from State Treasurer's office...good balance and good returns.

**EXPENSES:**

- Part time salaries is a new category. These salary expenses are for our part time police officer.
- Medicare expense for employer is now being split out if FICA. This is helpful for finance for DFA reporting
- Outside contractors is up. We made 2 payments for the work at Kachina tank in this fiscal year to date. Last year we had only made one...accounts for increase in expense.
- Insurance is up because the new wastewater treatment plant has been added for fiscal 2021.
- Materials and supplies are up because the dust abatement was done earlier in the season this year
- Software expense is up because some of the monthly expenses from our IT company are now charged here instead of outside contractor expense
- Equipment repair is up. Replacing the transmission in the F550
- Fuel expenses are down...no invoices have been paid to TSVI for fuel yet this fiscal year.

**OTHER:** The Village 4<sup>th</sup> Quarter report and Budget for FY2021 have been approved. Warning from Department of Finance that the Village is over expending its current year projected revenues by 18% and cautioned that the Village monitor and cut expenses where possible.

The Village has been awarded \$97K from the Governor for the CARES act.

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09/01/20

Cash Basis

# VILLAGE OF TAOS SKI VALLEY

## Profit & Loss Prev Year Comparison

### July through August 2020

|  | Jul - Aug 20      | Jul - Aug 19      | \$ Change         | % Change      |
|--|-------------------|-------------------|-------------------|---------------|
| <b>Ordinary Income/Expense</b>             |                   |                   |                   |               |
| <b>Income</b>                              |                   |                   |                   |               |
| 4012 · REVENUE -Water Sales                | 25,967.59         | 31,915.01         | -5,947.42         | -18.6%        |
| 4013 · Revenue - Sewer                     | 103,870.03        | 127,659.59        | -23,789.56        | -18.6%        |
| 4018 · REVENUE- GRT HB 6                   | 126.66            | 0.00              | 126.66            | 100.0%        |
| 4019 · REVENUE-Hold Harmless GRT           | 29,176.07         | 6,055.69          | 23,120.38         | 381.8%        |
| 4020 · REVENUE - GRT MUNICIPAL             | 132,562.48        | 33,967.06         | 98,595.42         | 290.3%        |
| 4021 · REVENUE - GRT- STATE                | 0.00              | 27,597.99         | -27,597.99        | -100.0%       |
| 4022 · REVENUE - GRT - ENVIRONMENT         | 0.00              | 1,407.96          | -1,407.96         | -100.0%       |
| 4023 · REVENUE - GRT - INFRASTRUCTURE      | 0.00              | 5,632.14          | -5,632.14         | -100.0%       |
| 4025 · REVENUE -LIQUOR LICENSES            | 0.00              | 250.00            | -250.00           | -100.0%       |
| 4026 · REVENUE - BUSINESS LICENSE          | 1,305.00          | 480.00            | 825.00            | 171.9%        |
| 4027 · REVENUE - OTHER                     | 500.00            | 32,142.07         | -31,642.07        | -98.4%        |
| 4028 · REVENUE - GASOLINE TAX              | 854.64            | 904.22            | -49.58            | -5.5%         |
| 4029 · REVENUE - LODGER'S TAX              | 23,341.95         | 32,284.16         | -8,942.21         | -27.7%        |
| 4031 · REVENUE - PARKING FINES             | 410.00            | 70.00             | 340.00            | 485.7%        |
| 4034 · REVENUE - MOTOR VEHICLE FEES        | 3,136.46          | 3,003.26          | 133.20            | 4.4%          |
| 4035 · REVENUE - BUILDING PERMITS          | 11,368.22         | 6,041.41          | 5,326.81          | 88.2%         |
| 4036 · REVENUE -Licenses/Permits Other     | 60.00             | 20.00             | 40.00             | 200.0%        |
| 4037 · REVENUE - GENERAL GRANTS            | 283,525.00        | 21,800.00         | 261,725.00        | 1,200.6%      |
| 4046 · REVENUE - SOLID WASTE FEE           | 12,650.43         | 11,667.30         | 983.13            | 8.4%          |
| 4047 · REVENUE - OTHER OPERATING           | 540.64            | 16,158.26         | -15,617.62        | -96.7%        |
| 4049 · REVENUE - FIRE GRANTS               | 50,950.40         | 48,868.40         | 2,082.00          | 4.3%          |
| 4053 · REVENUE - GRT MUN CAP OUTLAY1/4     | 0.00              | 5,632.14          | -5,632.14         | -100.0%       |
| 4058 · Plan Review Fees                    | 1,797.52          | 1,290.97          | 506.55            | 39.2%         |
| 4100 · Miscellaneous Revenues              |                   |                   |                   |               |
| 4110 · Misc Revenue- TIDD reimburse        | 2,300.25          | 7,333.07          | -5,032.82         | -68.6%        |
| <b>Total 4100 · Miscellaneous Revenues</b> | <b>2,300.25</b>   | <b>7,333.07</b>   | <b>-5,032.82</b>  | <b>-68.6%</b> |
| 4190 · Rental Fees                         | 1,000.00          | 0.00              | 1,000.00          | 100.0%        |
| 7004 · REVENUE - FINANCE CHARGE ON W/S     | 401.73            | 157.23            | 244.50            | 155.5%        |
| 7005 · REVENUE - INTEREST INCOME           | 1,516.64          | 25,340.19         | -23,823.55        | -94.0%        |
| 7006 · REVENUE -INVESTMENT INTEREST        | 3,192.29          | 3,501.46          | -309.17           | -8.8%         |
| 7010 · REVENUE - AD VALOREM TAX            | 9,263.20          | 18,423.91         | -9,160.71         | -49.7%        |
| 9000 · BEG. BALANCE                        | 0.00              | 0.00              | 0.00              | 0.0%          |
| <b>Total Income</b>                        | <b>699,817.20</b> | <b>469,603.49</b> | <b>230,213.71</b> | <b>49.0%</b>  |
| <b>Gross Profit</b>                        | <b>699,817.20</b> | <b>469,603.49</b> | <b>230,213.71</b> | <b>49.0%</b>  |
| <b>Expense</b>                             |                   |                   |                   |               |
| <b>6100 · Salary and Benefits</b>          |                   |                   |                   |               |
| 6112 · SALARIES - STAFF                    | 193,676.65        | 215,943.02        | -22,266.37        | -10.3%        |
| 6113 · SALARIES - ELECTED                  | 6,565.35          | 6,565.35          | 0.00              | 0.0%          |
| 6114 · SALARIES - PART TIME                | 960.00            | 0.00              | 960.00            | 100.0%        |
| 6115 · Overtime salaries                   | 436.35            | 1,649.45          | -1,213.10         | -73.6%        |
| 6121 · WORKER'S COMP INSURANCE             | 10,306.00         | 14,619.00         | -4,313.00         | -29.5%        |
| 6122 · HEALTH INSURANCE                    | 34,672.36         | 32,097.68         | 2,574.68          | 8.0%          |
| 6125 · FICA EMPLOYER'S SHARE               | 12,317.14         | 16,922.72         | -4,605.58         | -27.2%        |
| 6127 · SUTA STATE UNEMPLOYMENT             | 208.38            | 198.81            | 9.57              | 4.8%          |
| 6128 · PERA Employer Portion               | 18,048.45         | 17,480.14         | 568.31            | 3.3%          |
| 6130 · HEALTH INCENTIVE - SKI PASS/GYM     | 0.00              | 582.10            | -582.10           | -100.0%       |
| 6133 · Life Insurance                      | 167.96            | 155.38            | 12.58             | 8.1%          |
| 6134 · Dental insurance                    | 2,216.90          | 2,040.68          | 176.22            | 8.6%          |
| 6135 · Vision Insurance                    | 391.38            | 360.22            | 31.16             | 8.7%          |
| 6136 · FICA -EMPLOYER SHARE MEDICARE       | 2,880.59          | 0.00              | 2,880.59          | 100.0%        |
| <b>Total 6100 · Salary and Benefits</b>    | <b>282,847.51</b> | <b>308,614.55</b> | <b>-25,767.04</b> | <b>-8.4%</b>  |
| 6220 · OUTSIDE CONTRACTORS                 | 261,700.21        | 185,649.45        | 76,050.76         | 41.0%         |
| 6225 · ENGINEERING                         | 59,083.10         | 39,640.86         | 19,442.24         | 49.1%         |
| 6230 · LEGAL SERVICES                      | 20,621.89         | 3,523.68          | 17,098.21         | 485.2%        |
| 6242 · ACCOUNTING                          | 2,353.03          | 1,980.31          | 372.72            | 18.8%         |
| 6244 · AUDIT                               | 0.00              | 4,352.69          | -4,352.69         | -100.0%       |
| 6251 · WATER PURCHASE, STORAGE             | 90.61             | 94.71             | -4.10             | -4.3%         |
| 6252 · INTERNET                            | 0.00              | 0.00              | 0.00              | 0.0%          |
| 6253 · ELECTRICITY                         | 14,649.85         | 4,707.76          | 9,942.09          | 211.2%        |
| 6256 · TELEPHONE                           | 3,002.26          | 2,754.70          | 247.56            | 9.0%          |
| 6257 · RENT PAID                           | 0.00              | 630.00            | -630.00           | -100.0%       |
| 6258 · WATER CONSERVATION FEE              | 51.04             | 89.33             | -38.29            | -42.9%        |
| 6259 · Natural Gas                         | 296.90            | 206.93            | 89.97             | 43.5%         |
| 6270 · LIABILITY & LOSS INSURANCE          | 75,532.01         | 49,165.49         | 26,366.52         | 53.6%         |
| 6310 · Advertising                         | 589.37            | 0.00              | 589.37            | 100.0%        |
| 6312 · CHEMICALS & NON DURABLES            | 41.94             | 772.70            | -730.76           | -94.6%        |
| 6313 · MATERIAL & SUPPLIES                 | 19,178.62         | 13,150.20         | 6,028.42          | 45.8%         |
| 6314 · Dues/fees/registration/renewals     | 3,052.00          | 3,035.00          | 17.00             | 0.6%          |
| 6315 · BANK CHARGES                        | 182.42            | 421.78            | -239.36           | -56.8%        |

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09/01/20

Cash Basis

**VILLAGE OF TAOS SKI VALLEY**  
**Profit & Loss Prev Year Comparison**  
**July through August 2020**

|                                      | Jul - Aug 20      | Jul - Aug 19       | \$ Change         | % Change     |
|--------------------------------------|-------------------|--------------------|-------------------|--------------|
| 6316 · Software                      | 1,209.16          | 0.00               | 1,209.16          | 100.0%       |
| 6317 · Personal Protective Equipment | 836.65            | 0.00               | 836.65            | 100.0%       |
| 6318 · Postage                       | 428.12            | 427.00             | 1.12              | 0.3%         |
| 6320 · EQUIPMENT REPAIR & PARTS      | 5,755.07          | 2,941.83           | 2,813.24          | 95.6%        |
| 6321 · BUILDING MAINTENANCE          | 0.00              | 21.84              | -21.84            | -100.0%      |
| 6322 · SMALL EQUIP & TOOL PURCHASES  | 161.11            | 226.86             | -65.75            | -29.0%       |
| 6331 · OUTSIDE TESTING SERVICES      | 0.00              | 0.00               | 0.00              | 0.0%         |
| 6417 · VEHICLE MAINTENANCE           | 1,849.69          | 737.92             | 1,111.77          | 150.7%       |
| 6418 · FUEL EXPENSE                  | 2,502.20          | 3,066.24           | -564.04           | -18.4%       |
| 6432 · TRAVEL & PER DIEM             | 0.00              | 468.16             | -468.16           | -100.0%      |
| 6434 · TRAINING                      | -440.00           | 68.00              | -508.00           | -747.1%      |
| 6570 · Other Operations Expenses     | 2,751.19          | 1,347.74           | 1,403.45          | 104.1%       |
| 6712 · LAB CHEMICALS & SUPPLIES      | 0.00              | 1,744.76           | -1,744.76         | -100.0%      |
| 6716 · LAB TESTING SERVICES          | 295.72            | 1,511.65           | -1,215.93         | -80.4%       |
| 8322 · CAPITAL EXPENDITURES          | 0.00              | 0.00               | 0.00              | 0.0%         |
| 8428 · Debt Service GRT FY2020 repay | 5,193.30          | 0.00               | 5,193.30          | 100.0%       |
| <b>Total Expense</b>                 | <b>763,814.97</b> | <b>631,352.14</b>  | <b>132,462.83</b> | <b>21.0%</b> |
| <b>Net Ordinary Income</b>           | <b>-63,997.77</b> | <b>-161,748.65</b> | <b>97,750.88</b>  | <b>60.4%</b> |
| <b>Other Income/Expense</b>          |                   |                    |                   |              |
| <b>Other Expense</b>                 |                   |                    |                   |              |
| 9001 · TRANSFER TO FUND              | -419,262.16       | -159,190.29        | -260,071.87       | -163.4%      |
| 9002 · TRANSFER FROM FUND            | 419,262.16        | 159,190.29         | 260,071.87        | 163.4%       |
| <b>Total Other Expense</b>           | <b>0.00</b>       | <b>0.00</b>        | <b>0.00</b>       | <b>0.0%</b>  |
| <b>Net Other Income</b>              | <b>0.00</b>       | <b>0.00</b>        | <b>0.00</b>       | <b>0.0%</b>  |
| <b>Net Income</b>                    | <b>-63,997.77</b> | <b>-161,748.65</b> | <b>97,750.88</b>  | <b>60.4%</b> |

# 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 2010 | \$32,800.00  | \$38,773.70  | \$39,381.43  | \$61,759.08  | \$56,887.02  | \$54,858.12  | \$42,174.35  | \$223,797.16   | \$189,376.01   | \$176,576.34   | \$221,448.63   | \$59,190.36    |
| YTD     | \$32,800.00  | \$71,573.70  | \$110,955.13 | \$172,714.21 | \$229,601.23 | \$284,459.35 | \$326,633.70 | \$550,430.86   | \$739,806.87   | \$916,383.21   | \$1,137,831.84 | \$1,197,022.20 |
| FY 2011 | \$31,002.86  | \$62,982.96  | \$26,127.83  | \$33,610.96  | \$60,913.74  | \$74,949.02  | \$42,282.39  | \$171,246.82   | \$139,053.09   | \$142,336.03   | \$154,287.41   | \$27,928.23    |
| YTD     | \$31,002.86  | \$93,985.82  | \$120,113.65 | \$153,724.61 | \$214,638.35 | \$289,587.37 | \$331,869.76 | \$503,116.58   | \$642,169.67   | \$784,505.70   | \$938,793.11   | \$966,721.34   |
| FY 2012 | \$64,073.01  | \$26,203.38  | \$23,181.89  | \$42,430.30  | \$60,186.45  | \$32,954.89  | \$47,797.29  | \$207,267.40   | \$162,805.78   | \$182,358.83   | \$200,924.87   | \$42,673.54    |
| YTD     | \$64,073.01  | \$90,276.39  | \$113,458.28 | \$155,888.58 | \$216,075.03 | \$249,029.92 | \$296,827.21 | \$504,094.61   | \$666,900.39   | \$849,259.22   | \$1,050,184.09 | \$1,092,857.63 |
| FY 2013 | \$36,835.14  | \$20,863.12  | \$45,705.38  | \$27,699.69  | \$66,674.98  | \$48,677.59  | \$50,727.81  | \$178,549.60   | \$163,125.28   | \$166,032.40   | \$203,817.88   | \$21,818.85    |
| YTD     | \$36,835.14  | \$57,698.26  | \$103,403.64 | \$131,103.33 | \$197,778.31 | \$246,455.90 | \$297,183.71 | \$475,733.31   | \$638,858.59   | \$804,890.99   | \$1,008,708.87 | \$1,030,527.72 |
| FY 2014 | \$32,785.51  | \$20,399.76  | \$33,382.63  | \$32,521.83  | \$42,153.17  | \$47,625.85  | \$41,859.55  | \$187,697.06   | \$165,940.26   | \$157,119.60   | \$217,538.39   | \$33,070.40    |
| YTD     | \$32,785.51  | \$53,185.27  | \$86,567.90  | \$119,089.73 | \$161,242.90 | \$208,868.75 | \$250,728.30 | \$438,425.36   | \$604,365.62   | \$761,485.22   | \$979,023.61   | \$1,012,094.01 |
| FY 2015 | \$50,101.37  | \$20,302.81  | \$45,180.40  | \$67,963.83  | \$54,978.94  | \$102,903.79 | \$88,137.83  | \$228,895.80   | \$200,123.07   | \$208,944.00   | \$231,566.84   | \$70,845.96    |
| YTD     | \$50,101.37  | \$70,404.18  | \$115,584.58 | \$183,548.41 | \$238,527.35 | \$341,431.14 | \$429,568.97 | \$658,464.77   | \$858,587.84   | \$1,067,531.84 | \$1,299,098.68 | \$1,369,944.64 |
| FY 2016 | \$37,891.82  | \$20,239.04  | \$97,742.38  | \$25,839.07  | \$197,397.64 | \$95,985.99  | \$224,614.99 | \$103,161.00   | \$166,682.00   | \$180,838.00   | \$201,624.53   | \$38,366.93    |
| YTD     | \$37,891.82  | \$58,130.86  | \$155,873.24 | \$181,712.31 | \$379,109.95 | \$475,095.94 | \$699,710.93 | \$802,871.93   | \$969,553.93   | \$1,150,391.93 | \$1,352,016.46 | \$1,390,383.39 |
| FY 2017 | \$119,909.94 | \$55,423.48  | \$87,873.13  | \$142,357.47 | \$41,995.22  | \$148,618.10 | \$142,636.32 | \$187,613.18   | \$204,129.97   | \$165,451.68   | \$208,890.93   | \$76,774.96    |
| YTD     | \$119,909.94 | \$175,333.42 | \$263,206.55 | \$405,564.02 | \$447,559.24 | \$596,177.34 | \$738,813.66 | \$926,426.84   | \$1,130,556.81 | \$1,296,008.49 | \$1,504,899.42 | \$1,581,674.38 |
| FY 2018 | \$29,864.17  | \$48,702.07  | \$58,630.68  | \$75,354.62  | \$89,599.77  | \$118,550.59 | \$207,717.57 | \$250,972.85   | \$212,959.98   | \$187,022.24   | \$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   | \$274,561.13   | \$264,594.35   | \$36,980.50    |
| 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 | \$1,351,236.56 | \$1,615,830.91 | \$1,652,811.41 |
| FY2021  | \$68,159.90  | \$74,233.88  |              |              |              |              |              |                |                |                |                |                |
| YTD     | \$68,159.90  | \$142,393.78 |              |              |              |              |              |                |                |                |                |                |

Lodger's Tax

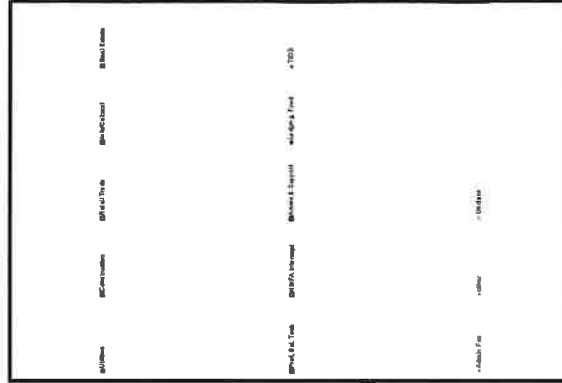
CURRENT RATE = 5% 7/01/04 thru Current the tax rate is 5%; 2/97 thru 6/04 tax rate was 4.5%

LODGERS' TAX

|         | July        | August      | September   | October     | November    | December     | January      | February     | March        | April        | May          | June         |
|---------|-------------|-------------|-------------|-------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| FY 2010 | \$6,555.17  | \$6,692.88  | \$6,626.34  | \$2,464.04  | \$3,071.98  | \$3,065.62   | \$58,358.23  | \$53,226.27  | \$63,632.42  | \$73,788.32  | \$5,154.71   | \$2,591.00   |
| YTD     | \$6,555.17  | \$13,248.05 | \$19,874.39 | \$22,338.43 | \$25,410.41 | \$28,476.03  | \$86,834.26  | \$140,060.53 | \$203,692.95 | \$277,481.27 | \$282,635.98 | \$285,226.98 |
| FY 2011 | \$3,799.08  | \$5,779.40  | \$4,203.94  | \$4,540.58  | \$826.80    | \$4,048.19   | \$48,139.08  | \$38,771.02  | \$56,737.62  | \$53,736.46  | \$1,376.99   | \$1,907.76   |
| YTD     | \$3,799.08  | \$9,578.48  | \$13,782.42 | \$18,323.00 | \$19,149.80 | \$23,197.99  | \$71,337.07  | \$110,108.09 | \$166,845.71 | \$220,582.17 | \$221,959.16 | \$223,866.92 |
| FY 2012 | \$5,123.77  | \$5,559.34  | \$7,292.78  | \$3,573.23  | \$2,125.17  | \$25,832.86  | \$57,242.46  | \$54,829.42  | \$66,115.91  | \$72,972.48  | \$6,978.68   | \$4,665.17   |
| YTD     | \$5,123.77  | \$10,683.11 | \$17,975.89 | \$21,549.12 | \$23,674.29 | \$49,507.15  | \$106,749.61 | \$161,579.03 | \$227,694.94 | \$300,667.42 | \$307,646.10 | \$312,311.27 |
| FY 2013 | \$3,611.20  | \$6,647.21  | \$6,362.49  | \$6,914.30  | \$3,587.06  | \$4,412.71   | \$41,548.72  | \$58,051.35  | \$69,819.08  | \$65,779.34  | \$2,387.53   | \$1,223.37   |
| YTD     | \$3,611.20  | \$10,258.41 | \$16,620.90 | \$23,535.20 | \$27,122.26 | \$31,534.97  | \$73,083.69  | \$131,135.04 | \$200,954.12 | \$266,733.46 | \$269,120.99 | \$270,344.36 |
| FY 2014 | \$2,832.98  | \$7,754.90  | \$7,045.56  | \$19,777.25 | \$4,319.60  | \$4,888.83   | \$54,643.19  | \$58,342.34  | \$68,032.70  | \$67,580.97  | \$4,688.03   | \$1,953.28   |
| YTD     | \$2,832.98  | \$10,587.88 | \$17,633.44 | \$37,410.69 | \$41,730.29 | \$46,619.12  | \$101,262.31 | \$159,604.65 | \$227,637.35 | \$295,218.32 | \$299,906.35 | \$301,859.63 |
| FY 2015 | \$2,492.93  | \$6,804.83  | \$15,377.68 | \$9,451.74  | \$6,196.45  | \$7,739.68   | \$48,605.50  | \$66,074.56  | \$67,834.16  | \$75,221.00  | \$5,450.60   | \$1,138.28   |
| YTD     | \$2,492.93  | \$9,297.76  | \$24,675.44 | \$34,127.18 | \$40,323.63 | \$48,063.31  | \$96,668.81  | \$162,743.37 | \$230,577.53 | \$305,798.53 | \$311,249.13 | \$312,387.41 |
| FY 2016 | \$3,159.70  | \$22,368.20 | \$9,450.74  | \$5,746.17  | \$4,197.87  | \$9,297.58   | \$53,807.00  | \$72,513.85  | \$76,593.23  | \$71,244.05  | \$3,250.86   | \$2,501.47   |
| YTD     | \$3,159.70  | \$25,527.90 | \$34,978.64 | \$40,724.81 | \$44,922.68 | \$54,220.26  | \$108,027.26 | \$180,541.11 | \$257,134.34 | \$328,378.39 | \$331,629.25 | \$334,130.72 |
| FY 2017 | \$3,312.79  | \$6,428.45  | \$20,520.20 | \$6,104.38  | \$4,731.31  | \$5,975.60   | \$52,006.45  | \$57,922.20  | \$70,032.91  | \$81,036.07  | \$5,683.84   | \$3,145.21   |
| YTD     | \$3,312.79  | \$9,741.24  | \$30,261.44 | \$36,365.82 | \$41,097.13 | \$47,072.73  | \$99,079.18  | \$157,001.38 | \$227,034.29 | \$308,070.36 | \$313,754.20 | \$316,899.41 |
| FY 2018 | \$26,463.06 | \$13,960.76 | \$11,225.88 | \$8,960.06  | \$6,207.19  | \$6,521.15   | \$71,990.70  | \$56,655.53  | \$68,454.45  | \$74,080.27  | \$1,667.88   | \$3,332.25   |
| YTD     | \$26,463.06 | \$40,423.82 | \$51,649.70 | \$60,609.76 | \$66,816.95 | \$73,338.10  | \$145,328.80 | \$201,984.33 | \$270,438.78 | \$344,519.05 | \$346,186.93 | \$349,519.18 |
| FY2019  | \$8,692.23  | \$17,791.85 | \$15,936.00 | \$15,977.48 | \$11,905.77 | \$18,255.86  | \$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 | \$68,226.73  | \$472.24     | -\$453.54    |
| 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 | \$493,198.90 | \$493,671.14 | \$493,217.60 |
| FY2021  | \$8,171.37  | \$15,170.58 |             |             |             |              |              |              |              |              |              |              |
| YTD     | \$8,171.37  | \$23,341.95 |             |             |             |              |              |              |              |              |              |              |

1997-1998 revenues by category

| Category        | Revenue  |
|-----------------|----------|
| Lodging, Food   | 8372.03  |
| Construction    | 2040.34  |
| Admin Fee       | -828.42  |
| other           | 254.60   |
| Unclass         | 517.58   |
| Utilities       | 2913.89  |
| Admin & Support | 174.75   |
| NMFA Intercept  | -8360.12 |
| Real Estate     | 3790.57  |
| Info/Cultural   | 2040.34  |
| Retail Trade    | 9698.34  |



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) |
|----------------------------|---------------------|---------------------|--------------------|--------------------|---------------------|-------------------|-------------------|---|
| 7/15/2019                  | -                   | -                   | -                  | -                  | -                   | 5,763.47          | 5,858.88          | 73,181.77                                   |
| 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         |   |
| 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                                  |
| 4/15/2020                  | 164,971.45          | 130,471.77          | (2,352.25)         |                    | 293,090.97          | 5,763.47          | 46,099.11         | 274,561.00                                  |
| 5/16/2020                  | -                   | -                   | -                  |                    | -                   | 5,763.47          | 25,126.64         | 264,594.35                                  |
| 6/15/2020                  | 68,174.02           | 53,918.50           | (972.05)           | (39,298.71)        | 81,821.76           | 5,763.47          | 11,264.55         | 36,980.50                                   |
| <b>TOTAL FY20</b>          | <b>1,292,797.15</b> | <b>1,022,567.11</b> | <b>(18,756.06)</b> | <b>(75,664.74)</b> | <b>2,220,943.46</b> | <b>57,634.70</b>  | <b>280,222.27</b> | <b>1,652,811.28</b>                         |
| 7/15/2019                  | 33,001.75           | 26,100.24           | (470.56)           |                    | 58,631.43           | 5,763.47          | 10,955.34         | 68,159.90                                   |
| 8/15/2019                  | 91,310.13           | 72,214.82           | (1,301.95)         |                    | 162,223.00          | 5,763.47          | 17,351.58         | 74,233.88                                   |
| <b>TOTAL FY21</b>          | <b>124,311.88</b>   | <b>98,315.06</b>    | <b>(1,772.51)</b>  | <b>-</b>           | <b>220,854.43</b>   | <b>11,526.94</b>  | <b>28,306.92</b>  | <b>142,393.78</b>                           |
| <b>TOTAL FY2016-FY2021</b> | <b>4,081,183.72</b> | <b>3,211,091.76</b> | <b>(60,028.33)</b> | <b>(75,664.74)</b> | <b>7,156,582.41</b> | <b>286,581.79</b> | <b>735,570.20</b> | <b>7,883,361.16</b>                         |

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

## Water Sewer Revenue

### Water Revenue

|               | <b>FY2020</b>    | <b>FY2019</b>    |                |
|---------------|------------------|------------------|----------------|
| <b>April</b>  | 25,261.78        | 22,897.00        | 10.33%         |
| <b>May</b>    | 8,814.64         | 17,056.00        | -48.32%        |
| <b>June</b>   | 9,112.60         | 11,888.00        | -23.35%        |
| <b>July</b>   | 6,497.00         | 14,193.00        | -54.22%        |
| <b>August</b> | 19,471.00        | 17,722.00        | 9.87%          |
| <b>TOTAL</b>  | <b>69,157.02</b> | <b>83,756.00</b> | <b>-17.43%</b> |

### Sewer Revenue

|               | <b>FY2020</b>     | <b>FY2019</b>     |                |
|---------------|-------------------|-------------------|----------------|
| <b>April</b>  | 101,047.00        | 91,588.00         | 10.33%         |
| <b>May</b>    | 35,258.00         | 56,375.00         | -37.46%        |
| <b>June</b>   | 36,269.00         | 47,552.00         | -23.73%        |
| <b>July</b>   | 25,988.00         | 56,772.00         | -54.22%        |
| <b>August</b> | 77,882.00         | 70,888.00         | 9.87%          |
| <b>TOTAL</b>  | <b>276,444.00</b> | <b>323,175.00</b> | <b>-14.46%</b> |



# Monthly Public Safety Report

Aug-20

| Law Enforcement                | Hutter | Vigil | Trujillo | Cooper | Totals |
|--------------------------------|--------|-------|----------|--------|--------|
| 911 Hang Up                    |        |       |          |        |        |
| Abandoned Vehicle              |        |       |          |        |        |
| Alcohol Offense - Adult        |        | 1     |          |        | 1      |
| Animal Calls                   | 1      | 2     |          | 1      | 4      |
| Arrests                        |        |       |          |        |        |
| Assists to other Agencies      | 1      | 6     | 3        |        | 10     |
| B & E / Burglary               |        |       |          |        |        |
| Battery or Assault             |        |       |          |        |        |
| Business Alarm                 |        | 1     |          |        | 1      |
| Citizen Assists/Contacts       | 50     | 40    | 29       | 15     | 134    |
| Civil Stand-by/Civil Complaint |        |       |          |        |        |
| Disorderly                     |        |       |          |        |        |
| Domestic Calls                 |        |       |          |        |        |
| Embezzlement                   |        |       |          |        |        |
| EMS Calls/Assist               |        |       |          |        |        |
| Foot Patrol Hours              | 12     | 45    | 5        | 5      | 67     |
| Health Orders                  |        |       |          | 5      | 5      |
| Larceny                        |        |       |          |        |        |
| Law Unknown                    | 2      | 1     |          |        | 3      |
| Missing Adult/Person           |        |       |          |        |        |
| MVC's                          |        | 1     |          | 1      | 2      |
| Narcotics Adult                |        |       |          |        |        |
| Parking Citations              | 6      |       |          |        | 6      |
| Private Property Crash         |        |       |          |        |        |
| Property Damage                |        |       |          |        |        |
| Reckless Driver                |        |       |          |        |        |
| Residential Alarm              |        | 1     |          |        | 1      |
| Shots Fired                    |        |       |          |        |        |
| Suspicious Persons/Vehicles    |        |       |          |        |        |
| Theft                          |        |       |          |        |        |
| Traffic Enforcement Hours      | 38     | 35    | 24       | 3      | 100    |
| Traffic Hazard                 | 1      |       | 4        | 1      | 6      |
| Traffic Stops                  | 7      | 1     |          | 2      | 10     |
| Tresspass Warnings             |        |       |          |        |        |
| Unattended Death               |        |       |          |        |        |
| Vehicle Alarm                  |        |       |          |        |        |
| Vehicle Theft                  |        |       |          |        |        |
| Verbal Warnings                | 4      | 7     | 4        | 1      | 16     |
| Welfare Check                  |        | 1     |          |        | 1      |
| Written Citations              | 1      |       |          |        | 1      |
| Written Warnings               | 2      |       |          |        | 2      |
| Fire Alarm                     |        |       |          |        |        |
| Fire Calls                     |        |       |          |        |        |
| Fire/EMS                       | 3      | 2     |          |        | 5      |
| SAR                            | 1      |       |          |        | 1      |

# Report for Taos Ski Valley Fire Rescue

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## Month of August

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### Calls

- Fire Calls
  - 4 Camp fire
  - 1 Structure Fire (mutual aid assist)
  - 1 Fire alarm
  
- EMS/SAR
  - EMS call for SAR on Bull of the Woods Trail
  - EMS call for MVA MM 8.5 St HWY 150
  - EMS call at 6 Firehouse Road #212

Total of 9 calls

Total calls year to date 64

The Village of Taos Ski Valley remains under fire restriction due to the COVID-19 pandemic and will remain till rescinded. Also due to an MCI plan that needs to be updated during this pandemic.

### Community Outreach

- The department continues supply information and PPE for COVID-19

Inspections performed residential 15

Inspections performed multi-family and commercial 7

Permits issued since last meeting; 13

1 new residential building

5 remodel/repair residential

0 new commercial buildings

7 commercial repair/remodel 0 pending

3 new residential pending, (28 Zap's Rd)

Again an action for an unpermitted re-roof has been resolved with issuance of permit. In accordance with State Administrative Code the fee for the permit was doubled. The best result however is the opportunity to review the installation of the new roof for compliance with roof replacement standards applicable to our environment.

Corrections to the JR Trail boardwalk are complete. A request for final inspection is (was) scheduled for Thursday (September 3).

August remained busier than expected, as a result contract bidding documents to be issued soon for roof and other repairs to Village Apartments, WWTP existing building roof repair and for M311 building are still in process.

Village Wildland Interface Ordinance.

One community member borrowed the Village copy of the ICC code for review since the last meeting. I urge interested parties to contact me for discussion of the proposed code.

The current tragic fires in California bring a reminder to our Village that the 2018 casualties in Paradise CA were worse due to delayed start to evacuation and difficulty evacuating a town with one highway in. Support of staff and residents working upon evacuation plans and protocols is important.

Two news articles about that fire with varying statistics are included, but both evidence the advantage gained by the modernization of the California Building Code in 2008. The resilience gain appears to support adoption of our Village Wildland Interface Ordinance.

Discussion continues with Planning and Zoning and Firewise, possibly a recommendation to adopt will come before council in the near future.

In packet also is a news item from ICC-Virtual Inspections Maricopa County. I am planning a vacation and will commit to scheduling virtual inspections when necessary with contractors during my absence. I will be coordinating these with active permit holders before my vacation.

The population boom for Paradise came in the 1960s and '70s. Nine out of 10 homes were built before 1990 and most were more than three decades old. Tax assessor records show that only 285 homes were built on the Paradise ridge since new fire codes went into effect in 2008. A Times analysis of assessor records and fire surveys showed those newer structures had a 13% survival rate in the Camp fire, compared with 3% for older homes.

Los Angeles Times

#### CAMP FIRE DAMAGE REPORT

In the Camp Fire's path through Paradise, new single-family homes – those built in 2008 or later – were much more likely to survive the fire than homes built before building codes requiring fire resistance went into effect.

|                 | Built 2008 or later | Built before 2008 |
|-----------------|---------------------|-------------------|
| No damage       | 50.6%               | 17.7%             |
| Affected/minor  | 8.8%                | 3.3%              |
| Destroyed/major | 40.6%               | 79.0%             |

Excludes mobile homes. Some parcels have more than one home. Data shows build date of primary structure on lot.  
Chart: Phillip Reese Source: Cal Fire; Butte County Get the data

Sacramento Bee

## Maricopa County now offers virtual inspections for some permits

AUGUST 31ST, 2020

by [Building Safety Journal staff](#)

Maricopa County in Arizona is now offering a faster way to get certain home renovation projects inspected. In spite of the pandemic, the Maricopa County Planning and Development Department wants responsible development to continue. The department has rolled out virtual inspections and other online services for the following permits:

- Electrical Service Replacement or Upgrade to 400A
- Main Breaker Derate for PV Prep
- Minor Electrical Repairs
- Minor/Replace Gas Line
- Minor Plumbing Repairs
- Gas/Electrical Clearances
- Sewer/Septic Lines

The Maricopa County Planning and Development Department provides a wide range of services for unincorporated Maricopa County including land use planning and entitlement, building permit review and inspection, and code compliance.

Despite the COVID-19 pandemic, the department has seen a year-over-year increase in demand for building permits. Many of those applications are happening online. Virtual inspections are flexible and help keep customers and staff safe, save time and money, and eliminate the guesswork in determining when an inspector will arrive.

"Video conferencing is a normal part of life for many of us now. Our virtual inspections will have a similar feel," stated Inspection Manager Justin Pascarella. "Customers will get a set meeting time, they'll connect with the inspector using their smartphone or tablet, and then they'll be walked through the inspections process right there."

Read more at the [Daily Independent](#).

### ABOUT THE AUTHOR



The Building Safety Journal — the International Code Council's award-winning online magazine — covers the latest building safety, fire prevention, sustainability, and resiliency news and events. It features technical articles relevant to current trends and hot topics within the industry.

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**Planning & Community Development Department**  
**Monthly Report to Village Council**  
**September 2020**

Key Initiatives and a Few Projects of Interest:

**Twining Road Improvement Project** - Roadway survey of existing features and elevations completed. Road Right-of-Way and adjacent property boundary survey approximately 35% completed. Initial preliminary design alternatives and engineering on-going. Next scheduled public meeting expected in early to mid-October.

**Gunsite Springs Development Project** - Limited progress. Land survey of general Spring location, projected infiltration gallery, and utility easements completed by surveyor, but awaiting delivery to the Village. Property acquisition and utility easements transfer to VTSV related to land acquisition negotiations and the pending Resort at TSV development proposal.

**Resort at TSV (Shopoff)** - A Public Hearing Continuance before the P&Z Commission on the Preliminary Plat and Zoning Change request postponed until receipt of additional required applicant submittals. The next earliest hearing date would be the November P&Z regular meeting.

**Thunderbird and Ernie Blake Roads Reconstruction Project** - Project remains on schedule. Culvert installation on Thunderbird Road now commencing. Curb and gutter and all sidewalk work on Ernie Blake expected to be finished mid-September. All road and associated infrastructure work, minus landscaping, expected to be completed by late October or early November.

**Planning Commission September Meeting** - Agenda for the September meeting expected to include recommendation on formal update to the Village Zoning Map, incorporating previously approved zone changes, review and recommendation of updated Village Wildlands Urban Interface Code, and action on a Conditional Use Permit for the Village Fire Department on the construction and use of a temporary vehicle storage building.

**Certificate of Compatibility Review** - Three new residential homes under review to be located on E.O Pattison Loop, Lynx Drive, and Zap's Road.

**Village GIS Office** - Work continues with a focus on mapping road infrastructure components, E-911 addressing and verification, short term rental units, and Village property easements.

# PUBLIC WORKS UPDATE

September 1, 2020

- Water:
  - No issues to report
  - Two water meter change outs
- WWTP:
  - Cleaning of the sewer main lines starting from Hiker Parking
  - Compliance report for August 2020
    - No results were out of Compliance for the month of August 2020

| Date             | BOD Data |       | pH   | TSS    |       | NH <sub>3</sub> (Ammonia) |      | Total P |      | 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 | CFU    | CFU   | TKN + NO <sub>3</sub> + NO <sub>2</sub> | TKN + NO <sub>3</sub> + NO <sub>2</sub> |
| 4                |          |       | 7.42 |        |       |                           |      |         |      | 1.00   | 1.00  | 0.00                                    | 0.00                                    |
| 11               | 2.69     | 0.72  | 7.34 | 2.30   | 0.61  | 0.36                      | 0.10 | 0.80    | 0.21 |        |       | 1.13                                    | 0.30                                    |
| 17               |          |       | 7.73 |        |       |                           |      |         |      | 1.00   | 1.00  | 0.00                                    | 0.00                                    |
| Total            |          | 0.72  |      |        | 0.61  |                           | 0.10 |         | 0.21 |        |       | Total Nitrogen                          |   |
| 7 Day Avg (MAX)  | 2.69     | 0.72  | 7.79 | 2.30   | 0.61  | 0.36                      | 0.10 | 0.80    | 0.21 | 1.00   | 1.00  | 1.13                                    | 0.30                                    |
| Min              | 2.69     | 0.72  | 7.34 | 2.30   | 0.61  | 0.36                      | 0.10 | 0.80    | 0.21 | 1.00   | 1.00  | mg/L                                    | lb/d                                    |
| 30 Day Avg (AVG) | 2.69     | 0.72  |      | 2.30   | 0.61  | 0.36                      | 0.10 | 0.80    | 0.21 | 1.00   | 1.00  | 1.13                                    | 0.30                                    |
| 104.00           |          | 97.41 |      | 267.50 | 99.14 |                           |      |         |      |        |       |   |   |
| Frequency        | 1        |       | 21   | 1      |       | 1                         |      | 1       |      | 2      | 2     |   |   |
|                  | BOD Data |       | pH   | TSS    |       | NH <sub>3</sub>           |      | Total P |      | E.Coli | Fecal |   |   |

- Construction Update
  - IWS
    - Floor coverings were installed
  - OVIVO
    - Ovivo working on a couple of issues
      - New splash guards installed on Train #1
      - troubleshooting plant programming issues
    - Replaced diffuser manifolds (schedule 40 to schedule 80)
- Roads:
  - Continue to maintain roadways
    - Drop inlet maintenance as needed
- Equipment
  - Routine equipment maintenance
  - Loader was fixed by 4Rivers
- Kachina Tank
  - Working with the existing contractor to finish the work.
    - Piping adjustments were done
    - Touch up painting on exposed items
    - Core for valve box lid/ access done
    - Upgrade booster station to supply water to tank is complete
    - Disinfect Pipe and tank
      - Water lines were pressure tested
      - Tank and water lines were tested for potability
    - Fiber installation (Kit Carson) installation in progress
      - Need to test communications and controls once we have connection from the booster station to the tank.

# DMR Copy of Record

|  |  |   |
|--|--|---|
| <b>Permit #:</b> NM0022101<br><b>Major:</b> Yes  | <b>Permittee:</b><br>Permittee Address:<br>TAOS SKI VALLEY, VILLAGE OF<br>7 FIREHOUSE RD.<br>38 OCEAN BLVD.<br>TAOS SKI VALLEY, NM 87525 | <b>Facility:</b><br>Facility Location:<br>TAOS SKI VALLEY, VILLAGE OF<br>7 FIREHOUSE RD.<br>TAOS SKI VALLEY, NM 87525 |
| <b>Permitted Feature:</b><br>001 External Outfall  | <b>Discharge:</b><br>001-A<br>TREATED MUNICIPAL WASTEWATER TO THE RIO HONDO  |   |
| <b>Report Dates &amp; Status:</b><br>Monitoring Period: From 08/01/20 to 08/31/20<br>Considerations for Form Completion    | <b>DMR Due Date:</b><br>09/15/20   | <b>Status:</b><br>NetDMR Validated  |
| <b>Principal Executive Officer</b><br>First Name: Anthony<br>Last Name: Martinez<br>No Data Indicator (NODI)<br>Form NODI: | <b>Title:</b><br>Public Works Director   | <b>Telephone:</b><br>157-577-6822   |

| Code  | Parameter Name                           | Monitoring Location | Season # | Param. NODI | Qualifier   | Value 1   | Qualifier      | Value 2   | Units          | Qualifier      | Value 3        | Units          | # of Ex. | Frequency of Analysis     | Sample Type |
|-------|--|---------------------|----------|-------------|---|---|----------------|---|----------------|----------------|----------------|----------------|----------|---------------------------|-------------|
| 00310 | BOD, 5-day, 20 deg. C                    | 1 - Effluent Gross  | 1        | -           | Sample = 0.72<br>Permit Req. Value NODI           | 23.8 30DA AVG   | 0.72           | 35.77 DA AVG  | 26 - lbd       | 2.69           | 30.0 30DA AVG  | 19 - mg/L      | 0        | 01/30 - Monthly           | 24 - COMP24 |
| 00400 | pH                                       | 1 - Effluent Gross  | 0        | -           | Sample = 7.34<br>Permit Req. Value NODI           | 6.6 MINIMUM   | 7.34           | 8.8 MAXIMUM   | 12 - SU        | 7.79           | 12 - SU        | 12 - SU        | 0        | 05/0W - 5 Days Every Week | GR - GRAB   |
| 00530 | Solids, total suspended                  | 1 - Effluent Gross  | 1        | -           | Sample = 0.61<br>Permit Req. Value NODI           | 23.8 30DA AVG   | 0.61           | 35.77 DA AVG  | 26 - lbd       | 2.3            | 45.0 7 DA AVG  | 19 - mg/L      | 0        | 01/30 - Monthly           | 24 - COMP24 |
| 00600 | Nitrogen, total [as N]                   | 1 - Effluent Gross  | 2        | -           | Sample = 0.3<br>Permit Req. Value NODI            | 27.7 30DA AVG   | 0.3            | 41.67 DA AVG  | 26 - lbd       | 1.13           | 16.6 30DA AVG  | 19 - mg/L      | 0        | 01/30 - Monthly           | 24 - COMP24 |
| 00610 | Nitrogen, ammonia total [as N]           | 1 - Effluent Gross  | 1        | -           | Sample = 0.1<br>Permit Req. Value NODI            | 5.34 30DA AVG   | 0.1            | 5.34 7 DA AVG   | 26 - lbd       | 0.36           | 3.2 7 DA AVG   | 19 - mg/L      | 0        | 01/30 - Monthly           | 24 - COMP24 |
| 00665 | Phosphorus, total [as P]                 | 1 - Effluent Gross  | 2        | -           | Sample = 0.21<br>Permit Req. Value NODI           | 1.2 30DA AVG  | 0.21           | 1.67 DA AVG   | 26 - lbd       | 0.8            | 2.25 7 DA AVG  | 19 - mg/L      | 0        | 01/30 - Monthly           | 24 - COMP24 |
| 50050 | Flow, in conduit or thru treatment plant | 1 - Effluent Gross  | 0        | -           | Sample = 0.032<br>Permit Req. Value NODI          | Req Mon 7 DA AVG                                      | 0.032          | 0.03  | 03 - MGD       | 0.03           | 03 - MGD       | 03 - MGD       | 0        | 01/01 - Daily             | TOTAL       |
| 50060 | Chlorine, total residual                 | 1 - Effluent Gross  | 0        | -           | Sample = 19.0 INST MAX<br>Permit Req. Value NODI  | 9 - Conditional Monitoring - Not Required This Period | 19.0 INST MAX  | 9 - Conditional Monitoring - Not Required This Period | 28 - ug/L      | 19.0 INST MAX  | 28 - ug/L      | 28 - ug/L      | 0        | 05/0W - 5 Days Every Week | GR - GRAB   |
| 51040 | E. coli                                  | 1 - Effluent Gross  | 0        | -           | Sample = 32 - CFU/100mL<br>Permit Req. Value NODI | 235.0 DAILY MX  | 32 - CFU/100mL | 235.0 DAILY MX  | 32 - CFU/100mL | 32 - CFU/100mL | 32 - CFU/100mL | 32 - CFU/100mL | 0        | 02/30 - Twice Per Month   | GR - GRAB   |





**VILLAGE OF TAOS SKI VALLEY**  
**Village Council**  
**Agenda Item**

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**AGENDA ITEM TITLE:** Consideration to Approve Resolution No. 2021-449  
**Establishing a Capital Improvements Advisory Committee (CIAC)**

**DATE:** September 8, 2020

**PRESENTED BY:** Patrick Nicholson, Director of Planning & Community  
Development

**STATUS OF AGENDA ITEM:** Old Business

**CAN THIS ITEM BE RESCHEDULED:** Not Recommended

**BACKGROUND INFORMATION:** The Village of Taos Ski Valley has been working on a Capital Improvements Plan (CIP), through the Village Planning Department, with the ultimate goal of updating development impact fees and related water and sewer enterprise funds, through adoption of an amended development impact fees ordinance.

The Village's actions are regulated by the New Mexico Development Fees Act, NMSA 1978, Section 5-8-1 *et. seq.* (the Act), which establishes specific procedures for municipalities and counties to impose development impact fees. Including in these procedures is a requirement that the Village appoint a Capital Improvements Advisory Committee (CIAC), under NMSA Section 5-8-37.

The New Mexico Development Fees Act, NMSA Section 5-8-37, states as follows.

*Advisory Committee.*

*A. On or before the date on which the order, ordinance or resolution is adopted under Section 19 [ 5-8-19 NMSA 1978] of the Development Fees Act, the governing body of a municipality or county shall appoint a capital improvements advisory committee.*

*B. The advisory committee shall be composed of not less than five members who shall be appointed by a majority vote of the governing body. Not less than forty percent of the membership of the advisory committee must be representative of the real estate, development or building industries. No members shall be employees or officials of a municipality or county or other governmental entity.*

*C. The advisory committee serves in an advisory capacity and shall:*

- (1) advise and assist the municipality or county in adopting land use assumptions;*
- (2) review the capital improvements plan and file written comments;*
- (3) monitor and evaluate implementation of the capital improvements plan;*
- (4) file annual reports with respect to the progress of the capital improvements plan and report to the municipality or county any perceived inequities in implementing the plan or imposing the impact fee; and*
- (5) advise the municipality or county of the need to update or revise the land use assumptions, capital improvements plan and impact fee.*

*D. The municipality or county shall make available to the advisory committee any professional reports with respect to developing and implementing the capital improvements plan.*

*E. The governing body of the municipality or county shall adopt procedural rules for the advisory committee to follow in carrying out its duties.*

**STAFF'S RECOMMENDATION:** Staff recommends that the Village Council establish the CIAC via Resolution to comply with the New Mexico Development Fees Act. The Council, through such a Resolution, establishes the framework for the creation and operation of the CIAC as required by New Mexico Statute. Without the appointment of the CIAC, the Village cannot move forward with adoption of the Capital Improvements Plan and eventual implementation of an ordinance addressing development impact fees.

Upon adoption of the Resolution, it would also be appropriate for Council to designate at least five (5) members to serve on the Committee as set forth in the Act.

## **VILLAGE OF TAOS SKI VALLEY**

### **RESOLUTION NO. 2021-449**

**A RESOLUTION OF THE VILLAGE OF TAOS SKI VALLY ESTABLISHING A CAPITAL IMPROVEMENTS ADVISORY COMMITTEE (CIAC) TO ASSIST IN THE ESTABLISHMENT OF DEVELOPMENT IMPACT FEES FOR IMPLEMENTATION OF THE VILLAGE'S CAPITAL IMPROVEMENTS PLAN, PURSUANT TO THE NEW MEXICO DEVELOPMENT FEES ACT, NMSA 1978, SECTION 5-8-1, *ET. SEQ.* ("THE ACT"), AND ESTABLISHING CRITERIA AND PROCEDURES FOR THE COMMITTEE IN CONFORMANCE WITH THE ACT**

**WHEREAS**, the New Mexico Development Fees Act, NMSA 1978, Section 5-8-1 *et. seq.* ("the Act"), establishes a procedure for municipalities and counties to impose development impact fees;

**WHEREAS**, the imposition of development impact fees is necessary to ensure that new development pays for the infrastructure and service needs that new development generates both on-site and off-site, ultimately creating future sustainability within the Village;

**WHEREAS**, the imposition of development impact fees on new development enhances Village services, including, but not limited to, law enforcement, fire and emergency medical service, roads, water, sewer, open space and trails;

**WHEREAS**, long-term sustainability for the Village is accomplished by new development participating in funding on-site and off-site public facilities and public services, where the need for such services is generated directly by the development;

**WHEREAS**, the Village has undertaken a capital improvement planning process, in accordance with the New Mexico Development Fees Act, to create a valid basis for allowing the assessment of development impact fees through the eventual adoption of a Village ordinance;

**WHEREAS**, Section 5-8-37 of the Act requires the appointment of a Capital Improvements Advisory Committee (CIAC) and compliance with various other provisions of the Act that include notice and public hearings, as a condition of imposing an impact fee;

**WHEREAS**, pursuant to Section 5-8-19 of the Act, the governing body of a municipality or county shall appoint a CIAC on or before the date of enacting new development impact fees;

**WHEREAS**, the CIAC shall be composed of not less than five (5) members who shall be appointed by a majority vote of the Village Council;

**WHEREAS**, according to the Act, not less than forty percent (40%) of the membership of the CIAC must be representative of the real estate, development or building industries;

**WHEREAS**, pursuant to Section 5-8-37 (B), no members of the CIAC shall be employees or officials of a municipality or county or other governmental entity;

**WHEREAS**, pursuant to Section 5-8-37 (E), the Village Council may establish rules and procedures to govern the CIAC and its conduct, as set forth herein.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the Village of Taos Ski Valley as follows:

1. A Capital Improvements Advisory Committee (CIAC) is hereby established in compliance with Section 5-8-37 of the New Mexico Development Fees Act ("the Act"), subject to the appointment of at least five (5) individuals by the Village Council by formal motion of the Council at a public meeting. In accordance with the Act, the CIAC serves in an advisory capacity and shall:

(a) advise and assist the Village in adopting land use assumptions;

(b) review the capital improvements plan and file written comments to the Village Council, or where designated by the Council, directly to the Village Planning and Zoning Commission;

(c) monitor and evaluate implementation of the Capital Improvements Plan at the direction of the Village Council, the Village Planning and Zoning Commission, and/or Village staff;

(d) file annual reports with respect to the progress of the Capital Improvements Plan and report to the Village any perceived inequities in implementing the Plan or imposing the impact fee;

(e) advise the Village of the need to update or revise the land use assumptions, the Capital Improvements Plan and/or impact fees; and

(f) limit its work to the above stipulated tasks.

2. In compliance with the Act, Section 5-8-37, the CIAC shall consist of at least five (5) members, forty percent (40%) of whom must be representative of the real estate, development (such as professional engineers, architects, or land use planners), or building industries.

3. Members of the CIAC shall be appointed by the Village Council based upon submitted letters of interest. The Village will advertise on its website any vacancies for application to the CIAC.

4. The purpose of the CIAC shall be to advise the Village Council and/or Village Planning Commission, acting through the Village Planning Department or Public Works Department, on matters related to capital improvements, land use assumptions, and development impact fees within the Village's municipal boundary. The CIAC's duties are limited to the following:

- (a) advising and assisting the Village in adopting land use assumptions;
- (b) reviewing the Capital Improvements Plan and filing written comments;
- (c) monitoring and evaluating implementation of the Capital Improvements Plan;
- (d) filing an annual report with respect to the progress of the Capital Improvements Plan and reporting any perceived inequities in implementing the Plan or imposing any development impact fees; and
- (e) advising the Village of the need to update or revise the land use assumptions, the Capital Improvements Plan, and any development impact fees.
- (f) hold meetings to review the Village's proposed Capital Improvements Plan and make written recommendations to the Village's Planning and Zoning Commission as part of the Village's formal adoption of a new Development Impact Fees ordinance.

5. Village staff shall make available to the CIAC any professional reports it possesses with respect to developing and implementing the Capital Improvements Plan.

6. Two (2) members of the Committee shall be appointed for an initial term of two (2) years, and three (3) members shall be appointed for an initial term of three (3) years. Any additional members shall be appointed for two (2) year terms. Thereafter, Committee members shall serve terms of three (3) years. In the event of a vacancy, the

Village Council shall appoint a member to serve out the remainder of the departing member's term, taking into consideration any recommendations from the Committee and Village staff to fill that vacancy.

7. There shall be no limitation on the number of consecutive terms that a member may serve.

8. The CIAC shall designate a Chair and Vice-Chair. The Chair and Vice-Chair of the Committee shall serve for a two (2) year term and shall be selected by majority vote of the members of the Committee.

9. Members of the CIAC may be removed by the Village Council with or without cause.

10. The CIAC shall meet at the call of its Chair, by approval of the Village Council, or Village Planning and Zoning Commission where authority has been designated, as often as is necessary to carry out its work, but no less than one meeting annually.

11. The meetings of the CIAC shall be held at such Village locations as may be conducive to visible and publicly accessible meetings. Meetings shall be held in accordance with all Village and State ordinances and resolutions applicable to public notice, open meetings, and rules of order followed during meetings. Minutes shall be taken of all meetings;

12. All matters coming before the CIAC shall be resolved by majority vote of a quorum of the Committee in attendance at a meeting.

13. The Village Administrator shall designate the Planning Director to serve as liaison to the CIAC, with the ability to substitute a different employee as needs arise.

14. The CIAC may be dissolved at any time by resolution of the Village Council.

15. Committee members shall not be entitled to receive a salary, per diem or mileage or any other form of compensation for any services they render in their capacity as members of the CIAC. Committee members are not employees or contractors of the Village and will not receive any related benefits;

17. CIAC members shall be subject to reasonable ethical standards and must disqualify themselves from voting on any matter in which they have a direct personal or financial interest by reason of their employment, business or spousal affiliation or familial relationship.

**APPROVED, ADOPTED, AND PASSED by the Council of the Village of  
Taos Ski Valley on this \_\_\_\_day of \_\_\_\_.**

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**Mayor Christof Brownell**

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**Ann Wooldridge, Village Clerk**



**VILLAGE OF TAOS SKI VALLEY**  
**Village Council**  
**Agenda Item**

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**AGENDA ITEM TITLE:** Consideration to Approve Resolution No. 2021-447 in Support of Designating the Rio Hondo and Lake Fork as an Outstanding National Resource Waters

**DATE:** September 8, 2020

**PRESENTED BY:** Patrick Nicholson, Director of Planning & Community Development

**STATUS OF AGENDA ITEM:** New Business

**CAN THIS ITEM BE RESCHEDULED:** Not Recommended

**BACKGROUND INFORMATION:** The Village was recently approached by Axie Navas, Director of the new State of New Mexico Outdoor Recreation Division (ORD) and Rachel Conn, Projects Director for Amigos Bravos, to assist in nominating and petitioning the NM Water Quality Control Board to designate the Rio Honda and Lake Fork as an Outstanding Natural Resource Waters (ONRW). ONRW designation provides the highest level of water quality protection and prohibits water quality degradation caused by new or increased sources of pollution. ONRW designation also streamlines the approval process for watershed protection and restoration projects such as riparian habitat restoration, forest thinning to mitigate wildfires, and other activities.

Please see the accompanying Fact Sheets for additional information and FAQs.

**STAFF'S RECOMMENDATION:** Staff recommends that the Village Council adopt Resolution No. 2021-447 in support of pursuing designating the Rio Hondo and Lake Fork as an Outstanding National Resource Waters.

**VILLAGE OF TAOS SKI VALLEY  
RESOLUTION NO. 2021-447**

A RESOLUTION IN SUPPORT OF PROTECTING OUR LOCAL WATERSHED FROM FUTURE DEGRADATION BY PETITIONING THE NEW MEXICO WATER QUALITY CONTROL COMMISSION TO DESIGNATE THE RIO HONDO AND LAKE FORK AS AN OUTSTANDING NATIONAL RESOURCE WATERS

WHEREAS, the Rio Hondo Watershed provides clean water for residents and visitors who enjoy recreating in the watershed;

WHEREAS, the recreational uses of the watershed such as fishing, camping, swimming, hiking, biking, snowmaking, and wildlife viewing depend on a clean and healthy watershed;

WHEREAS, the Rio Hondo Watershed provides critical water resources to the communities in the Taos area and provides clean water to the numerous agriculturally and culturally significant acequia systems;

WHEREAS, clean water is essential for the health and wellbeing of the Village of Taos Ski Valley residents;

WHEREAS, the local economy is dependent on clean water to support recreation-based economic activities;

WHEREAS, Outstanding National Resource Waters protections outlined in state water quality regulations prohibit new and increased pollution to waters designated as an Outstanding National Resource Waters;

WHEREAS, Outstanding National Resource Waters protections protect and do not inhibit traditional and historic uses of waters designated as an Outstanding National Resource Waters;

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF TAOS SKI VALLEY that the Village supports pursuing Outstanding National Resource Waters protections for the Rio Hondo and Lake Fork;

BE IT FURTHER RESOLVED THAT, the Village will join as a petitioner with other interested parties in petitioning the New Mexico Water Quality Control Commission to designate the Rio Hondo and the Lake Fork as an Outstanding National Resource Waters.

PASSED, ADOPTED, AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

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

\_\_\_\_\_  
Christof Brownell, Mayor

ATTEST:

\_\_\_\_\_  
Ann Marie Wooldridge, Village Clerk

## **Outstanding National Resource Waters (ONRWs): A Key Tool for Protecting Clean Water in New Mexico**

### ***Overview and Frequently Asked Questions***

**Overview:** Outstanding National Resource Waters (ONRWs) are streams, lakes and wetlands that receive special protections to preserve water quality and ensure that future generations of New Mexicans have access to clean water. The protection afforded by ONRW designation respects the role of clean water as the lifeblood of our communities, ensuring that people from all walks of life can enjoy the benefits of clean water in our special places.

The intent of ONRW designation is to provide the highest level of water quality protection to our outstanding water resources by preventing water quality degradation caused by new or increased sources of pollution. ONRWs acknowledge the ongoing importance of traditional land uses such as grazing and acequias, providing, for example, that acequia operations, maintenance, and repairs are not impacted by ONRW designation. Moreover, ONRW designations benefit traditional users by ensuring continued access to clean water. ONRW designation also streamlines the approval process for watershed protection and restoration projects such as riparian habitat restoration, forest thinning to mitigate wildfires, and other activities. ONRW protections provide clean water to our farms, ranches, towns, cities and, indeed, all of New Mexico's communities.

**New Mexico's Existing ONRWs:** In November of 2010, New Mexico's Water Quality Control Commission protected clean water in New Mexico by designating rivers, streams, lakes, and wetlands in US Forest Service Wilderness Areas as Outstanding National Resource Waters (ONRWs). These waters are a vital foundation to the durability and resilience of New Mexico's rural and agriculture communities, provide recreational opportunities, and ensure a clean source of drinking water to our towns and cities. These designated waters join the Rio Santa Barbara (designated in 2004) and the Waters of the Valle Vidal (designated in 2005) as New Mexico's only ONRWs. Symbolic of our shared New Mexico heritage and values, these ONRWs protect against new or increased pollution.

**Which waters can be protected as ONRWs?** Any surface water of the state that meets one or more of the following criteria can be designated as an ONRW:

- (1) special trout water, and water in a national or state park, national or state monument, national or state wildlife refuge or designated wilderness area, or part of a designated wild river under the federal Wild and Scenic Rivers Act; or
- (2) the water has exceptional recreational or ecological significance; or
- (3) the existing water quality is equal to or better than state water quality standards.

**Who can nominate an ONRW?** Any person may nominate a surface water of the state for designation as an ONRW by filing a petition with the New Mexico Water Quality Control Commission.

#### **Who benefits from ONRW protections?**

We all benefit from clean water. By protecting clean water, we protect traditional uses essential to New Mexicans and our rich cultural heritage. We also ensure all New Mexicans have access to clean water when fishing, rafting, and swimming. Our state's abundant fish and wildlife also benefits from clean water, contributing to their survival and New Mexico's wild, outdoor heritage. And we all rely on clean sources of drinking water flowing downstream to our towns and cities.

**What exactly do ONRW protections do?** An ONRW designation takes a snapshot of a particular water, acting like a photograph. Traditional and sustainable land uses such as grazing existing before the time of designation are not subject to new requirements so long as degradation does not intensify. But new or increased pollution that are not part of that “photo” is prohibited to safeguard water quality and the land uses and values that rely upon those waters. ONRW protection thus respects and, in fact, protects traditional and sustainable land use activities.

**Will Outstanding National Resource Water stop traditional land use practices such as grazing?**

No. ONRW protections acknowledge and respect traditional land uses such as grazing. ONRW protections only prohibit new or increased sources of pollution. Therefore, existing, ongoing activities – even those that cause some pollution – are not negatively impacted.

**Has there been a reduction of grazing or conflict with the grazing community in the Rio Santa Barbara, Valle Vidal, or Wilderness areas due to ONRW designation?** No. There has not been an impact on the grazing community due to ONRW designation.

**Do ONRW protections take away water rights?** Absolutely not. In fact, state law (NMSA § 74-6-12) explicitly provides that water quality protections cannot and do not take away or modify water rights.

**Do ONRW protections impact acequias?** ONRW protections ensure that water quality diverted by acequias remains clean and free of pollution. In addition, acequia maintenance, operation, and repairs are exempt from any new requirements in a water designated as an ONRW.

**What about the all fine print and legal details?** We know that the ‘devil is in the details,’ so here’s a breakdown of the “legal fine print” so you can research and understand ONRW protections for yourself:

An ONRW is a state designation adopted by the New Mexico Water Quality Control Commission and guided by antidegradation provisions of the federal Clean Water Act. The Clean Water Act seeks “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters” and to attain “an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water....” 33 U.S.C. § 1251(a). Accordingly, the Clean Water Act authorizes New Mexico to develop water quality standards for all of the state’s waters. 33 U.S.C. §§ 1311(b)(1)(C), 1313. “A water quality standard defines the water quality goals of a water body, or portion thereof, by designating the use or uses to be made of the water and by setting criteria necessary to protect the uses.” 40 C.F.R. § 131.2. Water quality standards consist of designated uses, criteria, and an antidegradation policy. 40 C.F.R. §§ 131.10 - 131.12.

ONRW protections are a key part of our antidegradation policy. The ONRW designation constitutes the most protective “Tier III” of the antidegradation policy, providing that “[w]here high-quality waters constitute an outstanding National resource, such as waters of National Parks, State parks and wildlife refuges, and waters of exceptional recreational or ecological significance, that water quality shall be maintained and protected.” 40 C.F.R. § 131.12(a)(3). EPA ONRW policy language requires that actions “must not permanently degrade water quality or result in water quality lower than that necessary to protect the existing uses in the ONRW.” EPA Handbook at 4-10.

New Mexico’s rules and guidance for ONRWs are outlined in New Mexico’s Surface Water Quality Standards (20.6.4.8 NMAC).



## **Safeguarding New Mexico's Natural and Cultural Heritage** **Protecting Rivers, Streams, Wetlands, and Other Surface** **Waters as Outstanding National Resource Waters**

New Mexico's water resources are the lifeblood of the land and our communities.

Water is vital to a thriving, sustainable future for New Mexico's communities, farms, and ranches. Water also provides unique recreational and sporting opportunities for families, hunters, anglers, and other outdoor enthusiasts and is critical to the health and abundance of wildlife populations and plant communities.

However, New Mexico's rivers, streams, wetlands, playas, and cienegas face unprecedented threats. Drought, diminished snow packs, increasing temperatures, and wildfire all threaten the long-term security of New Mexico's water resources. Additionally, greater industrial demands, weakened regulations, and worsening water quality leave an uncertain future.

Symbolic of our common New Mexico heritage, our rivers, streams, wetlands, and other surface waters deserve protection.

Fortunately, there's a tool that New Mexicans, working together, can use to protect our state's rivers, streams, wetlands, and other surface waters.

Outstanding National Resource Water (ONRW) designations identify waters of exceptional recreational, environmental, or ecological

significance and help ensure the qualities that make them so valuable remain unchanged.

By protecting existing water quality, ONRW designation helps ensure that our favorite places to swim, fish, boat and camp will remain as special as they are today. Once a water is designated as an ONRW, preexisting activities can continue but new degradation (pollution) is forbidden.

Importantly, an ONRW designation respects New Mexico's acequia culture as well as preexisting land uses, such as farming and ranching, by providing communities with a stout defense against the harms inflicted by unwise development. ONRW designation sets the stage for action to protect and restore water quality for future generations.

In New Mexico, we're already blessed with several ONRWs. The Rio Santa Barbara, in the Pecos Wilderness, is designated as an ONRW. As are all the waters in New Mexico's beloved Valle Vidal and perennial surface waters within the majority of our Wilderness Areas.

A tried and true way to protect our state's lifeblood, ONRWs offer New Mexicans an opportunity to work together to protect the rivers, streams, and other waters we all cherish.



To get involved or learn more, please visit:  
[ourNMwaters.org](http://ourNMwaters.org)

**VILLAGE OF TAOS SKI VALLEY**  
**Village Council**  
**Agenda Item**

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**AGENDA ITEM TITLE: Consideration to Approve Resolution No. 2021-448 to Approve new Internal Fund #44 Underground Electric-General Fund Reserve Restricted, to Separate Reserves in the General Fund Reserve #43 from the Kit Carson Co-op Franchise Fee Revenue Reserves**

DATE: September 8, 2020

PRESENTED BY: Nancy Grabowski, Finance Director

STATUS OF AGENDA ITEM: New Business

CAN THIS ITEM BE RESCHEDULED: Not Recommended

BACKGROUND INFORMATION: Fund #43-General Reserve Fund has been collecting transfers to build Village reserves and also has served as repository of the Kit Carson Electric Co-op (KCEC) franchise fee revenues for many years. Franchise fee revenues are distributed to the Village on a quarterly basis and are restricted to projects such as undergrounding electric lines. Franchise fees have accumulated and there is a balance of \$571,759 as of June 30, 2020. General reserves are budgeted transfers from the General Fund which are transferred each fiscal year to maintain reserves for emergencies and support of capital projects.

In FY2020 the Village did an RFP for excavation and awarded a contract to Anchor Built. Beginning July 1, 2020, Anchor Built will be working throughout the Village on trench excavations on an on-call, project basis. Creating internal fund #44 Underground Electric-General Fund Reserve Restricted, will assist in clearly identifying which funds are restricted for the KCEC project and which are Village reserves. The project expenses for the undergrounding of electric services will be charged to fund #44. See exhibit "A" the budget for fund #44 Underground Electric projects showing the beginning balance and the budgeted revenues and expenses for the new fund. See exhibit "B" the budget for #43 General Fund Reserves showing the reserve fund beginning balance and the scheduled transfers for this fiscal year.

Fund #44 Underground Electric will be for internal purposes only and will continue to be reported to the Department of Finance as a component of the general fund.

RECOMMENDATION: Staff recommends approval of Resolution No. 2021-448 creating internal fund #44 Underground Electric-General Fund Reserve Restricted, separating reserves from KCEC franchise fee reserves, revenues, and project expenses for undergrounding from #43 General fund reserve.

**STATE OF NEW MEXICO  
Village OF Taos Ski Valley  
RESOLUTION NO. 2021-448**

**A RESOLUTION TO APPROVE A NEW INTERNAL FUND #44 UNDERGROUND ELECTRIC-GENERAL FUND RESERVE RESTRICTED, TO SEPARATE RESERVES IN THE GENERAL FUND RESERVE #43 FROM THE KIT CARSON ELECTRIC CO-OP FRANCHISE FEE REVENUE RESERVES**

**WHEREAS,** the Governing Board in and for the Village of Taos Ski Valley, State of New Mexico has developed a budget for fiscal year 2020-2021; and

**WHEREAS,** the General Fund Reserve #43 has maintained the Village reserves as well as accumulating the restricted franchise fee revenues from Kit Carson Electric Co-op; and

**WHEREAS,** the Village will create a new internal reserve fund to separate these funds, creating fund #44 Underground Electric-General Fund Reserve Restricted and maintaining Village reserves in fund #43; and

**WHEREAS,** the new fund will remain as a component of the General fund for reporting purposes to the Department of Finance and Administration.

**NOW THEREFORE, BE IT HEREBY RESOLVED** that the governing body of the Village of Taos Ski Valley, State of New Mexico hereby approves the addition of internal fund #44- Underground Electric- General Fund Reserve Restricted.

**Resolved:** In this regular meeting of the Village of Taos Ski Valley council this 8th day of September 2020.

**Village of Taos Ski Valley Governing Body**

\_\_\_\_\_  
Christof Brownell, Mayor

**ATTEST:**

\_\_\_\_\_  
Ann M. Wooldridge, Village Clerk

|    | B                 | C   | K                        | L   | M                                 | N                                 |
|----|-------------------|---|--------------------------|---|-----------------------------------|-----------------------------------|
| 2  |                   | <b>Underground Electric-General Fund Restricted Reserve (44/fund 11000)</b> |                          |   |                                   |                                   |
| 3  |                   | <b>EXHIBIT A</b>  |                          |   |                                   |                                   |
| 4  | <b>Account</b>    | <b>Description</b>  | <b>FY2020<br/>BUDGET</b> | <b>FY2020YTD<br/>Actual<br/>6/30/2020</b> | <b>FY2020 YTD<br/>% of budget</b> | <b>FY2021<br/>PROPOSED BUDGET</b> |
| 5  |                   | <b>Revenue:</b>   |                          |   |                                   |                                   |
| 6  |                   |   |                          |   |                                   |                                   |
| 7  | 0001              | Beginning Balance KCEC  | \$ 492,440               | \$ 492,440                                |                                   | \$ 571,759                        |
| 8  |                   |   |                          |   |                                   |                                   |
| 9  | 4027              | Revenue Other-KCEC Franchise Fees   | \$ 65,000                | \$ 79,319.42                              | 122%                              | \$ 65,000                         |
| 10 |                   |   |                          |   |                                   |                                   |
| 11 |                   |   |                          |   |                                   |                                   |
| 12 |                   |   |                          |   |                                   |                                   |
| 13 |                   |   |                          |   |                                   |                                   |
| 14 |                   |   |                          |   |                                   |                                   |
| 15 |                   |   |                          |   |                                   |                                   |
| 16 |                   |   |                          |   |                                   |                                   |
| 17 |                   | <b>Total Revenue:</b>   | \$ 557,440               | \$ 571,759                                |                                   | \$ 636,759                        |
| 18 |                   |   |                          |   |                                   |                                   |
| 19 |                   | <b>Expenses:</b>  |                          |   |                                   |                                   |
| 20 | 6220              | Outside Cont(Prof services)   |                          |   |                                   | \$ 300,000                        |
| 21 | 6225              | Engineering   |                          |   |                                   |                                   |
| 22 | 8322              | KCEC 3 phase  | \$ 49,900                |   | 0%                                |                                   |
| 23 | 8322              | EB Road/SDS   |                          |   |                                   |                                   |
| 24 | 8325              | TML sewer line extension to WWTP  |                          |   |                                   |                                   |
| 25 |                   |   |                          |   |                                   |                                   |
| 26 |                   | <b>TRANSFERS OUT:</b>   |                          |   |                                   |                                   |
| 27 |                   |   |                          |   |                                   |                                   |
| 28 |                   |   |                          |   |                                   |                                   |
| 29 |                   |   |                          |   |                                   |                                   |
| 30 |                   |   |                          |   |                                   |                                   |
| 31 |                   | <b>Total Expenses:</b>  | \$ 49,900                | \$ -                                      |                                   | \$ 300,000                        |
| 32 |                   |   |                          |   |                                   |                                   |
| 33 | <b>Net Income</b> |   | \$ 507,540               | \$ 571,759                                |                                   | \$ 336,759                        |
| 34 |                   |   |                          |   |                                   |                                   |



|    | B          | C   | K                | L                                | M                         | N                         |
|----|------------|---|------------------|----------------------------------|---------------------------|---------------------------|
| 2  |            | General/Admin Reserve - 43 ( fund 11000/gen fund) |                  |                                  |                           |                           |
| 3  |            | EXHIBIT B   |                  |                                  |                           |                           |
| 4  | Account    | Description                                       | FY2020<br>BUDGET | FY2020YTD<br>Actual<br>6/30/2020 | FY2020 YTD<br>% of budget | FY2021<br>PROPOSED BUDGET |
| 5  |            | Revenue:  |                  |                                  |                           |                           |
| 6  |            |   |                  |                                  |                           |                           |
| 7  |            |   |                  |                                  |                           |                           |
| 8  | 0001       | Beginning Balance Gen                             | \$ 1,341,289     | \$ 1,346,751                     |                           | \$ 1,082,573              |
| 9  |            |   |                  |                                  |                           |                           |
| 10 | 4047       | other income/NM Gas                               |                  | \$ 3,524.38                      |                           | \$ 3,000                  |
| 11 | 7005       | Interest  | \$ 400           | \$ 2,307.87                      | 577%                      | \$ 800                    |
| 12 | 7006       | Investment Income                                 | \$ 1,500         |                                  | 0%                        | \$ 1,500                  |
| 13 |            |   | \$ 400           |                                  |                           |                           |
| 14 |            | USDA Loan proceeds                                |                  |                                  |                           |                           |
| 15 | 9002       | Transfer In from 03                               | \$ 300,000       | \$ 300,000                       | 100%                      | \$ 150,000                |
| 16 |            |   |                  |                                  |                           | \$ 250,000                |
| 17 |            | Total Revenue:                                    | \$ 1,643,589     | \$ 1,652,583                     |                           | \$ 1,487,873              |
| 18 |            |   |                  |                                  |                           |                           |
| 19 |            | Expenses:   |                  |                                  |                           |                           |
| 20 | 6220       | Outside Cont(Prof services)                       |                  |                                  |                           | \$ 300,000                |
| 21 | 6225       |   |                  |                                  |                           |                           |
| 22 | 6315       | Bank Charges                                      | \$ 100           | \$ 10                            |                           | \$ 100                    |
| 23 | 8322       | KCEC 3 phase                                      | \$ 49,900        |                                  | 0%                        |                           |
| 24 | 8322       | EB Road/SDS                                       |                  |                                  |                           |                           |
| 25 | 8325       | TML sewer line extension to WWTP                  |                  |                                  |                           |                           |
| 26 |            |   |                  |                                  |                           |                           |
| 27 |            | TRANSFERS OUT:                                    |                  |                                  |                           |                           |
| 28 | 9001       | Transfer to 41 for tank/new water projects        | \$ 445,000       | \$ 445,000                       |                           | \$ 200,000                |
| 29 | 9001       | Transfers out to fund 63 for NEW USDA DS          |                  |                                  |                           | \$ 50,000                 |
| 30 | 9001       | Transfer to 42 for WWTP                           | \$ 125,000       | \$ 125,000                       |                           |                           |
| 31 | 9001       | Roads for Equip maintenance                       | \$ 25,000        |                                  |                           | \$ 25,000                 |
| 32 |            |   |                  |                                  |                           |                           |
| 33 |            | Total Expenses:                                   | \$ 645,000       | \$ 570,010                       |                           | \$ 575,100                |
| 34 |            |   |                  |                                  |                           |                           |
| 35 | Net Income |   | \$ 998,589       | \$ 1,082,573                     |                           | \$ 912,773                |
| 36 |            |   |                  | ties to qb @ 6/30/20             |                           |                           |

**VILLAGE OF TAOS SKI VALLEY**  
**Village Council**  
**Agenda Item**

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**AGENDA ITEM TITLE:** Consideration to Approve Resolution 2021-420 Amending Resolution 2020-420 Concerning Governing Body Meetings and Notice Required

**DATE:** September 8, 2020

**PRESENTED BY:** John Avila

**STATUS OF AGENDA ITEM:** New Business

**CAN THIS ITEM BE RESCHEDULED:** Not Recommended

**BACKGROUND INFORMATION:**

The current Village practice is to have Council meetings on the second Tuesday of the month, following the Planning and Zoning Commission meetings, usually in the first week of the month. Because of holidays and other scheduling reasons, these meetings occasionally occur back-to-back.

Now that remote attendance through teleconference is a regular practice, moving the regular Council meeting to the third Tuesday does have advantages, such as a better likelihood of complete financial figures reported by mid-month, and Staff not being pressed to prepare and post for both meetings in short order. The spacing would allow for more time planning the work calendar between meetings.

In consideration of a more complete agenda package and to meet the requirements of Notice in state statute, this resolution also formalizes the deadline for submission to the agenda

**RECOMMENDATION:** Staff recommends approval of Resolution 2021-420 Amending Resolution 2020-420 Concerning Governing Body Meetings and Notice Required.

**VILLAGE OF TAOS SKI VALLEY**

**RESOLUTION 2021-420**

**AMENDING RESOLUTION NO. 2020-420**

**A RESOLUTION CONCERNING GOVERNING BODY MEETINGS AND PUBLIC NOTICE REQUIRED**

**WHEREAS**, Section 10-15-1(B) of the New Mexico Open Meetings Act, NMSA 1978 as amended, provides that "All meetings of a quorum of Village Council or any board, commission or other policy-making body of any state agency, or any agency or authority of any county, municipality, district or any political subdivision held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority or the delegated authority of such board, commission or other policy-making body, are declared to be public meetings open to the public at all times, except as otherwise provided in the constitution or the provisions of the Open Meetings Act"; and,

**WHEREAS**, any meetings subject to the Open Meetings Act at which the discussion or adoption of any proposed resolution, regulation or formal action occurs shall be held only after reasonable notice to the public; and,

**WHEREAS**, Section 10-15-4, NMSA 1978 provides that "Any person violating any of the provisions of Section 10-15-1, NMSA 1978 is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars (\$500) for each offense"; and,

**WHEREAS**, Section 10-15-1(D) of the Open Meetings Act requires the Village of Taos Ski Valley to determine annually what constitutes reasonable notice of its public meetings;

**NOW, THEREFORE BE IT RESOLVED** by the governing body of the Village of Taos Ski Valley, New Mexico that:

1. All meetings shall be held ~~at the Edelweiss Lodge and Spa Club Room at 2 p.M via~~ teleconference or as indicated in the meeting notice.
2. Unless otherwise specified, regular meetings shall be held each month on the ~~second~~ third Tuesday. The agenda will be available at least seventy-two hours prior to the meeting from the Village Clerk whose office is located at 7 Firehouse Road, second floor, Taos Ski Valley, New Mexico. Notice of any other regular meetings will be given ten (10) days in advance of the meeting date. The notice shall indicate how a copy of the agenda may be obtained.
3. Special meetings may be called by the Mayor or a majority of the Village Council upon three (3) days' notice. The notice shall include an agenda for the meeting or information on how Village Council or the public may obtain a copy of the agenda. The agenda shall be available to the public at least seventy-two hours before any special meeting.
4. Emergency meetings will be called only under unforeseen circumstances which demand immediate action to protect the health, safety and property of citizens or to protect the public body from substantial financial loss. The Village of Taos Ski Valley will avoid emergency meetings whenever possible. Emergency meetings may be called by the Mayor or a majority of the Village Council upon twenty-four (24) hours' notice, unless threat of personal injury or property damage requires less notice. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda.

5. In addition to the regular meetings of the Village there are Briefings and Workshop Meetings at which no Council action will be taken, and are held principally as information and study sessions. When these meetings are scheduled Notice will be provided.
6. The notice requirements of Sections 1, 2, 3, 4 and 5 of this Resolution are complied with if the proposed agenda with the meeting date, time and location is posted at the Village's offices at Taos Ski Valley Firehouse, 7 Firehouse Road and outside the Village office in the announcement case, at the Village post office, Box Canyon, and at four other public places within the Village, as provided by Section 3-1-2 NMSA 1978, and on the Village's web site. Revised agendas may be posted up to seventy-two (72) hours prior to the meeting. In addition, written notice of such meetings shall be mailed or hand delivered to federally licensed broadcast stations and newspapers of general circulation which have provided a written request for such notice. To meet these requirements all requests and agenda materials are required to be submitted to the Mayor's Office a week in advance.
7. Notwithstanding any other provisions of Sections 1 through 6 of this Resolution, the Mayor or Village Council may establish such additional notice requirements as may be deemed proper and advisable to comply with the provisions of the Open Meetings Act.
8. If any meeting is closed pursuant to exclusions contained in Section 10-15-1, Subsection H, NMSA 1978, such closed meetings called by the Mayor or Village Council shall not be held until public notice, appropriate under the circumstances, and in compliance with Sections 1 through 6 of this Resolution, has been given. In addition, such notice shall state the exclusion or exclusions in Section 10-15-1, Subsection H, NMSA 1978 of the Open Meetings Act, under which such closed meeting is permitted.

**PASSED, ADOPTED AND APPROVED** this ~~14<sup>th</sup>~~ \_\_\_\_\_ day of ~~January~~, September 2020

**THE VILLAGE OF TAOS SKI VALLEY**

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Village Clerk

Vote: For \_\_\_\_\_ Against \_\_\_\_\_

**VILLAGE OF TAOS SKI VALLEY**  
**Village Council**  
**Agenda Item**

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**AGENDA ITEM TITLE:** Introduction: Ordinance 2021-14 Amended Lodgers Tax Ordinance

**DATE:** September 8, 2020

**PRESENTED BY:** John Avila

**STATUS OF AGENDA ITEM:** New Business

**CAN THIS ITEM BE RESCHEDULED:** Not Recommended

**BACKGROUND INFORMATION:**

The Village of Taos Ski Valley's Lodgers Tax Ordinance has not been amended for consistency with New Mexico Act SB 106 removing the exception for less than 3 units. With this change, every short-term rental would now be treated the same, with all properties expected to follow the requirements.

This change allows for uniformity of application to all rental units for the requirement of business registration, payment of Gross Receipts Tax to the correct location code, and remittance of Lodgers Tax based on gross rent charges.

**RECOMMENDATION:** As this is the introduction of this Ordinance, no action is required at this time.

# THE VILLAGE OF TAOS SKI VALLEY

## ORDINANCE NO. 2021-14

### AMENDING LODGER'S TAX ACT ORDINANCE NO. 2012-14

AN ORDINANCE IMPOSING A LODGER'S TAX; SETTING FORTH DEFINITIONS; PROVIDING FOR EXEMPTIONS; ESTABLISHING CIVIL AND CRIMINAL PENALTIES; PROVIDING FOR AUDITS; ESTABLISHING ADMINISTRATIVE PROCEDURES, ESTABLISHING AN EFFECTIVE DATE, AND REMOVING THE EXEMPTION FOR LESS THAN THREE UNITS

BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF TAOS SKI VALLEY, NEW MEXICO:

#### SECTION 1. SHORT TITLE

This section shall be known as and may be cited as "The Lodger's Tax Ordinance." (Ordinance. No. 21-14)

#### SECTION 2. PURPOSE

The purpose of this Ordinance is to impose a tax which will be borne by persons using commercial lodging accommodations which tax will provide revenues for the purpose of advertising, publicizing and promoting tourist-related attractions, facilities and events, and acquiring, establishing and operating tourist-related facilities, attractions or transportation systems, as authorized in Section 17 of this Ordinance.

#### SECTION 3. DEFINITIONS - As used in the Lodger's Tax Ordinance:

- A. "Accommodations" means, in addition to rooms, all facilities or amenities or both that are provided as a part of the taxable service of lodgings, and includes facilities or amenities or both that are an essential and integral part of the provision or use of lodgings or that are not advertised and billed separately from the lodgings. Accommodations does not include facilities or amenities that are advertised and billed separately from the taxable service of lodgings, provided that the separate advertising and the billing procedure is first approved by the Village's Lodger's Tax Advisory Board;
- B. "Board" means the Advisory Board established herein to make recommendations to the governing body, keep minutes of its proceedings and submit its recommendations, correspondence and other pertinent documents to the governing body;

- C. "Gross taxable rent" means the total amount of rent paid for lodging, not including the state gross receipts tax or local sales taxes;
- D. "Lodging" means the transaction of furnishing rooms or other accommodations by a vendor to a vendee who for rent uses, possesses or has the right to use or possess any room or rooms or other units of accommodations in or at a taxable premises;
- E. "Lodgings" means the rooms or other accommodations furnished by a vendor to a vendee by a taxable service of lodgings;
- F. "Occupancy tax" means the tax on lodging authorized by the Lodger's Tax Act;
- G. "Person" means a corporation, firm, other body corporate, partnership, association or individual; person includes and executor, administrator, trustee, receiver or other representative appointed according to law and acting in a representative capacity, but does not include the United State of America, the State of New Mexico, any corporation, department, instrumentality or agency of the federal government or the state government, or any political subdivision of the state;
- H. "Rent" means the consideration received by a vendor in money, credits, property or other consideration valued in money for lodgings subject to an occupancy tax authorized in the Lodger's Tax Act;
- I. "Taxable premises" means a hotel, apartment, apartment hotel, apartment house, bed and breakfast, lodge, lodging house, rooming house, motor hotel, guest house, guest ranch, ranch resort, guest resort, mobile home, motor court, auto court, auto camp, trailer court, trailer camp, trailer park, tourist camp, cabin or other premises for lodging;
- J. "Tourist" means a person who travels for the purpose of business, pleasure or culture to a municipality or county imposing an occupancy tax;
- K. "Tourist-related events" means events that are planned for, promoted to and attended by tourists;
- L. "Tourist-related facilities and attractions" means facilities and attractions that are intended to be used by or visited by tourists;
- M. "Tourist-related transportation systems" means transportation systems that provide transportation for tourists to and from tourist-related facilities, attractions and events;

- N. "Vendee" means a natural person to whom lodgings are furnished in the exercise of the taxable service of lodging; and
- O. "Vendor" means a person or by a person, including but not limited to, property managers, property management companies or real-estate managers, who furnish lodgings in the exercise of the taxable service of lodging.
- P. "Village" means the Village of Taos Ski Valley, New Mexico;
- Q. "Village Clerk" means the Village Clerk of Taos Ski Valley, New Mexico;
- R. "Village Council" means the Governing Body of the Village.

#### **SECTION 4. IMPOSITION OF TAX**

The imposed occupancy tax is five percent (5%) effective July 1, 2004.

#### **SECTION 5. LICENSING**

- A. No vendor shall engage in the business of providing lodging in the Village who has not first obtained a license as provided in this section.
- B. Applicants for a vendor's license shall submit an application to the Village Clerk stating:
  - (1) The name of the vendor, including identification of any person, as defined in this Ordinance, who owns or operates, or both owns and operates a place of lodging and the name or trade names under which the vendor proposes to do business and the post office address thereof;
  - (2) A description of the facilities, including the number of rooms and the usual schedule of rates therefor;
  - (3) A description of other facilities provided by vendor or others to users of the lodgings such as restaurant, bar, cleaning, laundry, courtesy car, or others, and a statement identifying the license issued, to whom issued, the authority issuing, and the period for which issued. If applicable, also the identification number provided by the Bureau of Revenue of the State of New Mexico.



- (4) The nature of the business of the vendor and to what extent, if any, his business is exempt from the Lodger's Tax;
  - (5) Other information reasonably necessary to effect a determination of eligibility for such license.
- C. The Village Clerk shall review applications for license within ten (10) days of receipt thereof, and grant the license in due course if the applicant is doing business subject to the Lodger's Tax;
  - D. An applicant who is dissatisfied with the decision of the Village Clerk may appeal the decision to the Village Council by written notice to the Village Clerk of such appeal to be made within fifteen (15) days of the date of the decision of the Village Clerk on the application. The matter shall be referred to the Village Council for hearing at a regular or special meeting in the usual course of business. The decision of the Village Council made thereof shall be expressed in writing and be communicated in the same manner as the decision of the Village Clerk is transmitted. The action of the Village Council shall be deemed final:
  - E. If the Village Council finds for the applicant, the Village Clerk shall issue the appropriate license or other notice conforming to the decision made by the Village Council.

## **SECTION 6. EXEMPTIONS**

The occupancy tax shall not apply:

- A. if a vendee:
  - (1) has been a permanent resident of the taxable premises for a period of at least thirty consecutive days; or
  - (2) enters into or has entered into a written agreement for lodgings at the taxable premises for a period of at least thirty consecutive days;
- B. if the rent paid by the vendee is less than two dollars (\$2.00) a day;
- C. to lodging accommodations at institutions of the federal government, the state or any political subdivision thereof;
- D. to lodging accommodations at religious, charitable, educational or philanthropic institutions, including without limitation such accommodations at summer camps operated by such institutions;

- E. to clinics, hospitals or other medical facilities;
- F. to privately-owned and operated convalescent homes, or homes for the aged, infirm, indigent or chronically ill; or
- G. ~~if the taxable premises does not have at least three (3) rooms or three (3) other units of accommodation for lodging;~~

## **SECTION 7. COLLECTION OF THE TAX AND REPORTING PROCEDURES**

- A. Every vendor providing lodgings shall collect the tax thereon on behalf of the Village and shall act as a trustee therefor.
- B. The tax shall be collected from vendees and shall be charged separately from the rent fixed by the vendor for the lodgings.
- C. Each vendor licensed under this Ordinance shall be liable to the Village for the tax provided herein on the rent paid for lodging at his respective place of business.
- D. Each vendor shall make a report by the Twenty-fifth (25th) day of each month, on forms provided by the Village Clerk, of the receipts for lodging in the preceding calendar month, and shall submit the proceeds of the Lodger's Tax to the Village and include sufficient information to enable the Village to audit the reports and shall be verified on oath by the vendor.

## **SECTION 8. DUTIES OF THE VENDOR**

Vendor shall maintain adequate records of facilities subject to the tax and of proceeds received for the use thereof. Such records shall be maintained in the Village, and shall be open to the inspection of the Village during reasonable hours and shall be retained for three (3) years.

## **SECTION 9. ENFORCEMENT**

- A. An action to enforce the Lodger's Tax Act may be brought by:
  - (1) a duly licensed attorney acting on behalf of the Village, the attorney general or the district attorney in the county of jurisdiction; or
  - (2) a vendor who is collecting the proceeds of an occupancy tax in the county of jurisdiction.
- B. A district court may issue a writ of mandamus or order an injunction or other appropriate remedy to enforce the provisions of the Lodger's Tax Act.

- C. The court shall award costs and reasonable attorneys' fees to the prevailing party in a court action to enforce the provisions of the Lodger's Tax Act.

**SECTION 10. FAILURE TO MAKE RETURN; COMPUTATION, CIVIL PENALTY AND NOTICE, COLLECTION OF DELINQUENCIES; OCCUPANCY TAX IS A LIEN.**

- A. Every vendor is liable for the payment of the proceeds of any occupancy tax that the vendor failed to remit to the municipality, whether due to his failure to collect the tax or otherwise. He shall be liable for the tax plus a civil penalty equal to the greater of 10 percent of the amount not remitted or one hundred dollars. (\$100). The Village Clerk shall give the delinquent vendor written notice of the delinquency, which notice shall be mailed to the vendor's local address.
- B. If payments are not received within fifteen (15) days of the mailing of the notice, the Village may bring an action in law or equity in the district court for the collection of any amounts due, including without limitation penalties thereon, interest on the unpaid principal at a rate not exceeding one (1) percent a month. If the Village attempts collection through an attorney or the Village Attorney for any purpose with regard to this Ordinance, the vendor shall be liable to the Village for all costs, fees paid to the attorney or Village Attorney, and all other expenses incurred in connection therewith.
- C. The occupancy tax imposed by the Village constitutes a lien in favor of the Village upon the personal and real property of the vendor providing lodgings. The lien may be enforced as provided in Section 3-36-1 through 3-36-7 NMSA 1978. Priority of the lien shall be determined from the date of filing.
- D. Under process or order of court, no person shall sell the property of a vendor without first ascertaining from the Village Clerk the amount of any occupancy tax due the Village. Any occupancy tax due the Village shall be paid from the proceeds of the sale before payment is made to the judgment creditor or any other person with a claim on the proceeds of the sale.

**SECTION 11. CRIMINAL PENALTIES**

Any person who violates the provisions of the Lodger's Tax Ordinance for a failure to pay the tax, to remit proceeds thereof to the Village, to properly account for any lodging and tax proceeds pertaining thereto, or for violating the confidentiality provisions of Section 15 of this Ordinance shall be guilty of a petty misdemeanor and

upon conviction shall be fined in an amount not to exceed five hundred dollars (\$500) or by imprisonment not to exceed ninety (90) days, or both.

#### **SECTION 12. REFUNDS AND CREDITS**

If any person believes he has made payment of any Lodger's Tax in excess of that for which he was liable, he may claim a refund thereof by directing to the Village Clerk, no later than ninety (90) days from the date of payment was made, a written claim for refund. Every claim for refund shall state the nature of the person's complaint and the affirmative relief requested. The Village Clerk shall allow the claim in whole or in part or may deny it. Refunds of tax and interest erroneously paid and amounting to one hundred dollars (\$100) or more may be made only with the approval of the Village.

#### **SECTION 13. VENDOR AUDITS**

- A. The Village shall select for annual random audit(s) one or more vendors to verify the amount of gross rent subject to the occupancy tax and to ensure that the full amount of occupancy tax on the rent is collected from each vendor thus audited.
- B. The Village shall determine each year the number of vendors within the Village to audit.
- C. The audit(s) may be performed by the Village Clerk or by any other designee of the Village. A copy of the audit(s) shall be filed annually with the local government division of the Department of Finance and Administration.

#### **SECTION 14. FINANCIAL REPORTING**

- A. The Village shall furnish to the Advisory Board that portion of any proposed budget, report or audit filed or received by the Village of Taos Ski Valley pursuant to either Chapter 6, Article 6 NMSA 1978 or the Audit Act that relates to expenditure of occupancy tax funds within ten (10) days of the filing or receipt of such proposed budget, report or audit by the Village of Taos Ski Valley.
- B. The Village shall report to the local government division of the Department of Finance and Administration on a quarterly basis any expenditure of occupancy tax funds pursuant to Sections 3-38-15 and 3-38-21 NMSA 1978 and shall furnish a copy of this report to the Advisory Board when it is filed with the division.

#### **SECTION 15. CONFIDENTIALITY OF RETURN AND AUDIT**

It is unlawful for any employee of the Village to reveal to any individual other than another employee of the Village any information contained in the return or audit of any taxpayer, including vendors subject to the Lodger's Tax Act, except to a court of competent jurisdiction in response to an order thereof in an action relating to taxes to which the Village is a party, and in which information sought is material to the inquiry; to the taxpayer himself or to his authorized representative; and in such manner, for statistical purposes, the information revealed is not identified as applicable to any individual taxpayer.

#### **SECTION 16. ADMINISTRATION OF LODGER'S TAX MONIES COLLECTED**

The Village shall administer the Lodger's Tax monies collected. The Mayor shall appoint a five-member advisory board that consists of two members who are owners or operators of lodgings subject to the occupancy tax within the Village, two members who are owners or operators of industries located within the Village that primarily provide services or products to tourists and one member who is a resident of the Village and represents the general public. The Board shall advise the Mayor and Village Council on the expenditure of funds authorized under Section 17 of this Ordinance for advertising, publicizing and promoting tourist attractions and facilities in the Village.

#### **SECTION 17. ELIGIBLE USES OF LODGER'S TAX PROCEEDS**

Revenue from the Lodger's Tax Ordinance will be used for the purposes set forth in the Lodger's Tax Act Sections 3-38-13 et seq. as amended by the laws of 1996, or as subsequently amended.

- A. The Municipality may use the proceeds from the tax to defray the costs of:
- (1) collecting and otherwise administering the tax, including the performance of audits required by the Lodger's Tax Act pursuant to guidelines issued by the Department of Finance and Administration;
  - (2) establishing, operating, purchasing, constructing, otherwise acquiring, reconstructing, extending, improving, equipping, furnishing or acquiring real property or any interest in real property for the site or grounds for tourist-related facilities, attractions or transportation systems of the municipality, the county in which the municipality is located or the county;
  - (3) the principal of and interest on any prior redemption premiums due in connection with and any other charges pertaining to revenue bonds authorized by Section 3-38-23 or Section 3-38-24 NMSA 1978.

- (4) advertising, publicizing and promoting tourist-related attractions, facilities and events of the municipality or county and tourist facilities or attractions within the area;
- (5) providing police and fire protection and sanitation service for tourist-related events, facilities and attractions located in the municipality; or
- (6) any combination of the foregoing purposes or transactions stated in this section, but for no other municipal purpose.

#### **SECTION 18. SEVERABILITY**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

#### **SECTION 19. REPEALER**

All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

#### **SECTION 20. EFFECTIVE DATE**

This amended Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

**PASSED, APPROVED AND ADOPTED** this 8th \_\_\_\_\_ day of ~~May~~October, 201221.

Vote: For \_\_\_\_\_, Against \_\_\_\_\_

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
VILLAGE CLERK

**VILLAGE OF TAOS SKI VALLEY**  
**Village Council**  
**Agenda Item**

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**AGENDA ITEM TITLE:** Consideration to Approve the Annual Contract No. 2021-01 between the Village of Taos Ski Valley and the Village of Taos Ski Valley Chamber of Commerce for FY 2021, with a Not to Exceed amount of \$350,000

**DATE:** September 8, 2020

**PRESENTED BY:** John Avila

**STATUS OF AGENDA ITEM:** New Business

**CAN THIS ITEM BE RESCHEDULED:** Not Recommended

**BACKGROUND INFORMATION:**

The Chamber of Commerce Contract approval action was heard by the Council at the meeting of July 14, 2020 with the result being that the Council was in favor of extending the contract but that recommendation for a budget of activities was still sought of the Lodgers Tax Board. Specifically, should there be a different budgeted amount for advertisement to attract more visitors, or was it better to budget more for business and visitor support. A contract without specific "Consideration", does not allow a public entity to make payment to the contractor for their services.

It appears that the Chamber has conducted services in good faith without a contract budget for the extension of the contract. The contract as approved has no compensation agreement in exchange for services. The Village is restricted from paying for services without a compensation agreement in place and a month-to-month arrangement would not be expected in a contract of this level.

**RECOMMENDATION:** Staff recommends Approval of the Chamber Contract and directs the Mayor to sign, providing that there is a "Not To Exceed \$350,000" stipulation and a Budget attachment that follows the Lodger's Tax Board recommendation for spending.



**VILLAGE OF TAOS SKI VALLEY  
PROFESSIONAL SERVICE CONTRACT  
#2021-01**

This contract is hereby made and entered into by and between the Village of Taos Ski Valley, a New Mexico Municipality (hereinafter "VILLAGE") and, The Village of Taos Ski Valley Chamber of Commerce, Inc., (hereinafter "CONTRACTOR") on this 1st day of July, 2020.

**WHEREAS**, the VILLAGE has found it necessary to retain the services of CONTRACTOR to provide advertising and promotional services for the VILLAGE; and

**WHEREAS**, the VILLAGE desires to engage CONTRACTOR to provide said services; and

**WHEREAS**, CONTRACTOR desires to provide such service(s) under the terms and conditions of this contract;

**THEREFORE, IT IS HEREBY MUTUALLY AGREED** by and between the parties that:

1. **Scope of Work:** CONTRACTOR shall provide advertising and promotional services to the VILLAGE as allowed under the Lodgers Tax Act, §3-38-21 and §3-38-21.1 N.M.S.A. 1978 as amended as more fully outlined in **Exhibit A, attached** hereto and incorporated by reference herein.

Said services shall be in accord with, and meet the standards of the New Mexico Lodgers Tax Act.

2. **Address & Phone Contact:** The address and phone number of CONTRACTOR is:

Village of Taos Ski Valley Chamber of Commerce  
P.O. Box 91  
Taos Ski Valley, NM 87525

(575) 776-1413

3. **Term:** This contract shall be effective from July 1, 2020 and terminate at 5:00 p.m. on June 30, 2021 unless sooner terminated pursuant to the termination provision below or by completion of said services. This contract shall not be effective until approved by the VILLAGE Council and signed by the Mayor.



4. **Renewal:** VILLAGE shall have the right, but is not obligated, to renew this contract subject to terms agreeable to both the VILLAGE and CONTRACTOR.
5. **Compensation:** The VILLAGE shall pay CONTRACTOR, under this contract, a sum of ~~not to exceed~~ \$350,000. ~~total~~ with \$300,000.00 for Fiscal Year 2020-21 plus \$50,000 in Special Projects approved by the Lodger's Tax Committee and the Chamber Board of Directors. Monthly payments shall be made to CONTRACTOR in amounts agreed to by the VILLAGE and CONTRACTOR. Quarterly Budget Review of the expenditures made shall be submitted to the CHAMBER BOARD OF DIRECTORS, The Village, and the Lodger's Tax Committee. CONTRACTOR agrees that these funds will be maintained in a separate account and not be commingled with any other money. CONTRACTOR shall maintain complete and accurate financial records of each expenditure of tax revenue made and shall make such records available for inspection upon request of VILLAGE to the VILLAGE Auditors.
6. **Release:** CONTRACTOR agrees that, upon final payment of the amount due under this contract, CONTRACTOR releases the VILLAGE from all liabilities, claims and/or obligations whatsoever arising from, or under, this contract.
7. **Appropriations:** This contract is contingent upon there being sufficient appropriations available. The VILLAGE shall be the sole and final determiner of whether sufficient appropriations exist. If this contract encompasses more than one fiscal year, this contract is contingent upon continuing appropriations being available.
8. **Annual Review:** If this contract encompasses more than one fiscal year, this contract is subject to an annual review by the VILLAGE. If any deficiencies are noted during the review process, the CONTRACTOR shall be given a specified time, as per the Notice to Cure provision below, in which to cure said deficiency(ies).
9. **Termination:** This contract may be terminated at will, by either party, with or without cause. Termination shall be by written notice which shall be delivered or mailed (certified mail, return receipt) to the other party. If notice is by mail, notice (i.e., the effective date of termination) will be deemed to be effective three (3) calendar days from the date of the postmark. If notice is hand-delivered, termination is effective as of the time of delivery to the CONTRACTOR (personally or at his/her office) or when delivered to the Office of the VILLAGE Administrator. If notified of termination, CONTRACTOR shall immediately cease performing services and deliver, to VILLAGE, any work in progress. If CONTRACTOR terminates this contract, notice of termination shall include CONTRACTOR'S final billing statement. In no event shall termination nullify obligations of either party prior to the effective date of termination.
10. **Conflicts Provision:** Should there be any conflict between any term, condition or understanding between any term or condition contained in this contract and those documents incorporated by reference, the terms and conditions of this contract shall govern.
11. **Work Product:** All work and work product produced under this contract shall be and remain

the exclusive property of the VILLAGE and CONTRACTOR shall not use, sell, disclose or otherwise make available to anyone (individual, corporation or organization), other than the VILLAGE, any such work or work product or copies thereof. If applicable, the provision of Sec. 13-1-123(B), NMSA. (1978 as amended) shall apply. Further, CONTRACTOR shall not apply for, in its name or otherwise, for any copyright, patent or other property right and acknowledges that any such property right created or developed remains the exclusive right of the VILLAGE.

12. **Status of Contractor:** CONTRACTOR acknowledges that it is an independent CONTRACTOR and as such neither it nor its employees, agents or representatives shall be considered employees or agents of the VILLAGE nor shall they be eligible to accrue leave, retirement benefits, insurance benefits, use of VILLAGE vehicles, or any other benefits provided to VILLAGE employees.
13. **Non-Agency:** CONTRACTOR agrees not to purport to bind the VILLAGE to any obligations not assumed herein by the VILLAGE, unless the CONTRACTOR has express written approval and then only within the limits of that expressed authority.
14. **Confidentiality:** Any information learned, given to, or developed by CONTRACTOR in the performance of this contract shall be kept confidential and shall not be made available or otherwise released to any individual or organization without the prior written approval of the VILLAGE.
15. **Worker's Compensation:** CONTRACTOR acknowledges that neither it nor its employees, agents or representatives shall have any claim whatsoever to worker's compensation coverage under the VILLAGE's policy.
16. **Taxes:** CONTRACTOR acknowledges that it and it alone, shall be liable for and shall pay to the New Mexico Taxation & Revenue Department, the applicable gross receipts taxes on all monies paid to it under this contract and that the VILLAGE shall have no liability for payment of such tax. CONTRACTOR also acknowledges that it, and it alone, shall be liable to the State and Federal government(s) and/or their agencies for income and self-employment taxes required by law and that the VILLAGE shall have not liability for payment of such taxes or amounts.
17. **Records-Audit:** CONTRACTOR shall keep, maintain and make available to the VILLAGE, all records, invoices, bills, etc. related to performance of this contract for a period of three (3) years after the date of final payment. At the request of the VILLAGE, CONTRACTOR will have performed a biennial audit by an outside accounting firm selected by the VILLAGE and the CONTRACTOR.

If federal grant funds are used to pay under this contract, CONTRACTOR shall retain all records for the period of time under which OMB Circular 102-A shall apply. Said records shall be available for inspection, audit and/or copying by the VILLAGE or its authorized representative or agent, including federal and/or state auditors.

18. **Indemnification:** CONTRACTOR agrees to indemnify and hold harmless the VILLAGE from any and all claims, suits, and causes of action which may arise from its performance under this contract unless specifically exempted by New Mexico law. CONTRACTOR further agrees to hold harmless the VILLAGE from all personal claims for any injury or death sustained by CONTRACTOR, its employees, agents or other representatives while engaged in the performance of this contract.
19. **Assignment & Subcontracting:** CONTRACTOR shall not assign, transfer or subcontract any interest in this contract or attempt to assign, transfer or subcontract any claims for money due under this contract without the prior written approval of the VILLAGE.
20. **Conflict of Interest:** CONTRACTOR warrants that it presently has no interest or conflict of interest and shall not acquire any interest or conflict of interest which would conflict with its performance of services under this contract.
21. **Non-Discrimination:** CONTRACTOR agrees that it, its employee(s) and/or agent(s) shall comply with all federal, state and local laws regarding equal employment opportunities, fair labor standards, and other non-discrimination and equal opportunity compliance laws, regulations and practices.
22. **Default by Contractor:** In the event that CONTRACTOR defaults on any term or provision of this contract, the VILLAGE retains the sole right to determine whether to declare the contract voidable and/or CONTRACTOR agrees to pay the VILLAGE the reasonable costs, including court fees and attorneys fees and direct and indirect damages, incurred in the enforcement of this contract.
23. **Efforts to Cure:** If the VILLAGE elects to provide the CONTRACTOR with notice to cure any deficiency or defect, the CONTRACTOR may have the time specified in the written "Notice to Cure" Authorization. Failure, by the CONTRACTOR, to cure said deficiency or defeat, within the authorized time, shall result in an immediate termination of this contract subject to the provision of No. 9 above.
24. **Severability:** In the event that a court of competent jurisdiction finds that any term or provision of this contract is void, voidable or otherwise unenforceable, all other terms and provision shall remain intact and enforceable where not otherwise inconsistent with the Court's findings.
25. **Scope of Agreement:** This contract incorporates all of the agreements and understandings between the parties. No prior agreement(s) or understanding(s), verbal or otherwise, shall be valid or enforceable unless embodied in this contract.
26. **Amendment(s) to This Contract:** This contract shall not be altered, changed, modified, or amended, except by instrument, in writing, executed by both parties.

27. **Applicable Law:** This contract shall be governed by the Laws of the State of New Mexico and the Ordinances, resolutions, rules and regulations of the VILLAGE. Any legal proceeding brought against the VILLAGE, arising out of this contract, shall be brought before the Eighth Judicial District Court, Taos County, State of New Mexico.
28. **Illegal Acts:** Pursuant to Sec 13-1-191, NMSA 1978 (as amended), it shall be unlawful for any CONTRACTOR to engage in bribery, offering gratuities with the intent to solicit business, or offering or accepting kickbacks of any kind. All other similar act(s) of bribes, gratuities and/or kickbacks are likewise hereby prohibited.

IN WITNESS HEREOF, the parties have executed this Agreement as of the date first written above.

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**THE VILLAGE OF TAOS SKI VALLEY, CHAMBER OF  
COMMERCE, INC., CONTRACTOR**

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CONTRACTOR'S GRT/CRS NUMBER or

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CONTRACTOR'S FED. TAX ID NO. or SSN

**VILLAGE OF TAOS SKI VALLEY**

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CHRISTOF BROWNELL, MAYOR

ATTEST:

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ANN M. WOOLDRIDGE, VILLAGE CLERK

**VILLAGE OF TAOS SKI VALLEY**  
**Village Council**  
**Agenda Item**

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**AGENDA ITEM TITLE:** Consideration to Approve Change Order No. 7 for the Kachina Water Storage Tank Contractor for Extended Services due to Delay of Connecting Electricity and Fiber

**DATE:** September 8, 2020

**PRESENTED BY:** John Avila

**STATUS OF AGENDA ITEM:** New Business

**CAN THIS ITEM BE RESCHEDULED:** Not Recommended

**BACKGROUND INFORMATION:**

Since 2019, the process is to bring Change Orders to Council for approval. For the Kachina Tank Project, extra costs were incurred requiring a \$12,154.05 net change order. This includes deductions and extra service time for delays in facility connection from Kit Carson Electric Cooperative and Kit Carson Fiber to Village underground conduit, and facility connection while closing the construction site.

The final connection is needed to operate all equipment installed with the Tank as well as temporary upgrade to the pumping station. Kit Carson contractors were not well coordinated with the Village and the Kachina Tank Contractors, RMCI.

**RECOMMENDATION:** Staff recommends approval of Change Order No. 7 for the Kachina Water Storage Tank Contractor for Extended Services due to Delay of Connecting Electricity and Fiber.

**C-941 - CHANGE ORDER**Change Order No. 7Owner: Village of Taos Ski ValleyContractor: 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. Seeding Credit: TSVI is planning to complete minor grading and seeding; RMCI is providing credit for the planned seeding work. Final grade over tank must be sloped at  $\geq 1\%$ , any equipment used on top of the tank must not exceed 1,000 pounds. The outfall structure was deleted from RMCI's scope of work, and RMCI has extended the 12-inch drain line to daylight into the forest under the VTSV's direction. The rock bollards planned at the tank site entrance (shown on C1-03) were not installed under the direction of the VTSV; the structures are not designed for vehicular traffic and site control will be the owner's responsibility.
2. Costs incurred due to delays in power and fiber availability.
3. Credit for unused Geotech allowance.

## Attachments:

- RMCI Proposals 010 (dated July 6, 2020) and 011 (dated August 11, 2020).
- Change Order 7 Log

| <b>CHANGE IN CONTRACT PRICE</b>  | <b>CHANGE IN CONTRACT TIMES</b><br><i>[note changes in Milestones if applicable]</i>  |
|--|---|
| Original Contract Price:<br>\$ 2,121,744.25 (NMGRT included)   | Original Contract Times: _____<br>Substantial Completion: <u>315 calendar days</u><br>Ready for Final Payment: <u>345 calendar days</u>   |
| Increase from previously approved Change Orders No. <u>1</u> to No. <u>6</u> :<br>\$ 392,043.45 (NMGRT included) | Increase from previously approved Change Orders No. <u>1</u> to No. <u>5</u> :<br>Substantial Completion: <u>88 calendar days</u><br>Ready for Final Payment: <u>88 calendar days</u> |
| Contract Price prior to this Change Order:<br>\$ 2,594,602.48 (NMGRT included)                                   | Contract Times prior to this Change Order:<br>Substantial Completion: <u>403</u><br>Ready for Final Payment: <u>433</u>   |
| Increase of this Change Order:<br>\$ 12,154.05 (NMGRT included)  | Increase / Decrease of this Change Order:<br>Substantial Completion: <u>TBD</u><br>Ready for Final Payment: <u>TBD</u>  |
| Contract Price incorporating this Change Order:<br>\$ 2,606,756.53 (NMGRT included)                              | Contract Times with all approved Change Orders:<br>Substantial Completion: <u>403 + TBD calendar days</u><br>Ready for Final Payment: <u>433 + TBD calendar days</u>                  |

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**RECOMMENDED:**

By:

Steven G. OmerEngineer (Authorized Signature)

Print Name:

Steve Omer

Title:

Project Manager

Date:

08/18/2020**ACCEPTED:**

By:

Owner (Authorized Signature)

Print Name:

Title:

Date:

**RECEIVED:**

By:

Contractor (Authorized Signature)

Print Name:

Title:

Date:

**APPROVED:**

By:

Funding Agency (Authorized Signature)

Print Name:

Title:

Date:

July 6, 2020

Plummer  
1485 Florida Road, Suite 206  
Durango, CO 81301

Attn: Steve Omer

RE: VILLAGE OF TAOS SKI VALLEY KACHINA WATER STORAGE TANK PROJECT  
TAOS SKI VALLEY, NM  
PROPOSAL #010: SEEDING CREDIT AND TAOS SKI VALLEY INC. CHANGES

Dear Mr. Omer:

Enclosed is the cost breakdown for the credit to delete the seeding as requested by the Village of Taos Ski Valley.

| DESCRIPTION    | QUANTITY | UNITS | UNIT PRICE   | TOTAL               |
|----------------|----------|-------|--------------|---------------------|
| SEEDING CREDIT | (1)      | ACRE  | \$6,188.24   | (\$6,188.24)        |
|                |          |       | <b>TOTAL</b> | <b>(\$6,188.24)</b> |

Please issue a deductive change order in the amount of six thousand one hundred eighty-eight dollars and twenty-four cents (\$6,188.24) plus NMGR, if the Village of Taos Ski Valley would like to revise the contract as described above. A time extension is not required.

In addition to the deduct change order for the seeding, RMCI, The Village of Taos and Taos Ski Valley, Inc. met onsite to discuss some no cost alterations to the project site. The list below is provided to document the changes discussed by all parties. The changes include the following:

1. In exchange of the outfall structure, RMCI is going to extend the 12" drain line and daylight the drain into the forest. RMCI will install the drain line and provide a rock structure to act as an energy dissipater and erosion control. The work associated with the extension of the line will offset any costs associated with the outfall structure. RMCI will as-built the location of the 12" drain line location.
2. It was agreed that the site grading will be adjusted to allow for more access the project site. The grades will still be sloped as designed, but new access will be provided at the tank site.
3. Bollards are not to be installed at their current locations. RMCI has proposed to install the two bollards at the newly installed fire hydrant. This is still being reviewed. If the bollards are not to be installed, RMCI will hand over the bollard material to the Village of Taos Ski Valley for their own usage. Also, the rock placement at the entrance to the tank site (shown on C1-03) will not be installed. If left over rocks are available, RMCI will stockpile the rock at a spot designated at the tank site.



4. RMC will leave any additional site fill materials onsite for Taos Ski Valley, Inc. usage. This item has been previously discussed and credits have been accepted for any material haul off.

Please don't hesitate to contact this office if you have any questions or need additional information.

Sincerely,

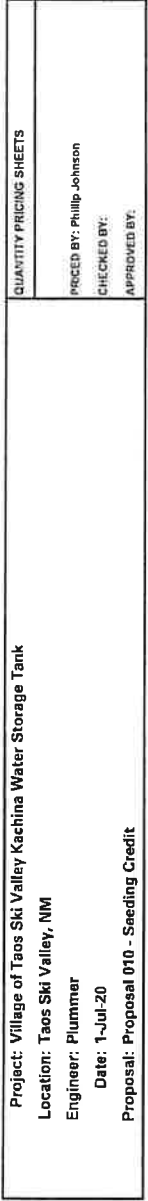


Phillip Johnson  
Project Manager

PJ:eu

Enclosures: Cost Breakdown for Proposal #010 (1 page)  
Seeding Quote (1 page)

cc: File No. 1803.11  
Field



**To: Estimating**  
**Phone:**  
**Project: Kachina Wa**

**Planner:** **F&S:**  
**Project:** Kachina Water Storage Tank - Taos Ski Valley

WATER SUPPLY

Response email

Date: April 20, 2017

[illegible]

### Terms and Conditions

**Payment Terms:** Net-30 days

**Estimated Schedule:** Call for current schedule

**Taxes:** All sales are subject to applicable taxes at site location.

**Bill Date:** 30 days from estimate date

**• Estimate supersedes all previous estimates and prices •**

Site Address:

*Authorization to proceed with installation of items listed above:*

**Signature**

Date

August 11, 2020

Plummer  
1485 Florida Road, Suite 206  
Durango, CO 81301

Attn: Steve Omer

RE: VILLAGE OF TAOS SKI VALLEY KACHINA WATER STORAGE TANK PROJECT  
TAOS SKI VALLEY, NM  
PROPOSAL #011: ADDITIONAL FIELD OFFICE OVERHEAD (KIT CARSON DELAYS)

Dear Mr. Omer:

Enclosed is the cost breakdown for the additional costs RMCI has incurred while waiting for Kit Carson to perform their work. In addition, RMCI anticipates that these delays will extend out the project by another couple of weeks. The extend duration is to allow for commissioning and testing of the system that was planned to be done much sooner. Below is a breakdown of the costs RMCI has incurred.

| DESCRIPTION   | QUANTITY | UNITS | UNIT PRICE   | TOTAL              |
|---|----------|-------|--------------|--------------------|
| DELAYS BY KIT CARSON<br>(TWO WEEKS WORTH OF DELAYS) | 8        | WD    | \$1,206.71   | \$9,653.71         |
| PROJECTED ADDITIONAL<br>DELAYED DAYS                | 8        | WD    | \$1,206.71   | \$9,653.71         |
|   |          |       | <b>TOTAL</b> | <b>\$19,307.42</b> |

Please issue a change order in the amount of nineteen thousand three hundred seven dollars and forty-two cents (\$19,307.42) plus NMGR, for the delay caused for all the work associated with Kit Carson Power and Kit Carson Fiber. A time extension will also be required for the completing the project. The time extension is still to be determined because it is dependent on Kit Carson's completion of work.

Please don't hesitate to contact this office if you have any questions or need additional information.

Sincerely,



Phillip Johnson  
Project Manager

PJ:eu

Enclosures: Cost Breakdown for Proposal #011 (1 page)

cc: File No. 1803.11  
Field



Project: Village of Taos Ski Valley Kachina Water Storage Tank  
Location: Taos Ski Valley, NIM  
Engineer: Plummer  
Date: 11-Aug-20  
Proposal: Proposal 0011 - Additional Field Office Overhead [Kit Car

**QUANTITY PRICING SHEETS**

**PRICED BY: Philip Johnson**

**CHECKED BY:**

**APPROVED BY:**

[illegible]

| Kachina Tank - Change Order No. 7 Log |                                    |           |                    |              |
|---------------------------------------|------------------------------------|-----------|--------------------|--------------|
| Type                                  | Description                        | Unit Cost | Estimated Quantity | Total        |
| Lump sum                              | Seeding Credit (RMCI Proposal 010) | n/a       | n/a                | (\$6,188.24) |
| Lump sum                              | Delay Expenses (RMCI Proposal 011) | n/a       | n/a                | \$19,307.42  |
| Allowance                             | Balancing Geotech to \$0 remaining | n/a       | n/a                | (\$2,013.25) |
| Subtotal for Change Order No. 7       |                                    |           |                    | \$11,105.93  |
|                                       | NMGRT                              | 9.4375%   |                    | \$1,048.12   |
| Total for Change Order No. 7          |                                    |           |                    | \$12,154.05  |

**VILLAGE OF TAOS SKI VALLEY**  
**Village Council**  
**Agenda Item**

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**AGENDA ITEM TITLE:** Discussion and Direction for a Village-wide COVID Screening, Testing, and Training Plan for the Winter to align with Best Practices and Community Businesses

**DATE:** September 8, 2020

**PRESENTED BY:** John Avila

**STATUS OF AGENDA ITEM:** New Business

**CAN THIS ITEM BE RESCHEDULED:** Not Recommended

**BACKGROUND INFORMATION:**

The current Village enforcement authority allows the Village to investigate infractions of the NM Health Order and prosecute violations of uncooperative persons and businesses. Additional cooperation of business entities is required to initiate a Village-wide screening, testing, and training program.

Developing a screening, testing, and training plan can be accomplished for review and implementation of the agreement by the next Council meeting. We still need to develop an agreement to join with the other entities in the Village and to engage in a coordinated plan to stop COVID infection within the Village. We will need to identify funding sources to accomplish the requirements of the plan.

**RECOMMENDATION:** Staff recommends discussion of the issues to direct Staff to develop a plan for screening, testing, and training and to bring forward an agreement for community businesses.