



**VILLAGE COUNCIL REGULAR MEETING AGENDA  
MEETING TO BE HELD VIA ZOOM TELECONFERENCE  
TAOS SKI VALLEY, NEW MEXICO  
TUESDAY, AUGUST 24, 2021 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 JULY 27, 2021 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
- F. Capital Advisory Infrastructure Committee

**7. REGIONAL REPORTS**

**8. MAYOR'S REPORT**

- A. Consideration to Appoint a Voting Delegate for the NMML Annual Conference Business Meeting

**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. **Public Hearing: Ordinance No. 2022-71** Adopting Regulations for the Use, Sale, Production, Manufacturing, and Cultivation of Marijuana

**11. NEW BUSINESS**

- A. Discussion of COVID Emergency Status, the New Mexico Department of Health Order and Direction to take measures to safeguard the public and personnel in the Village
- B. Discussion of US Postal Service Options in the Taos Ski Valley and Direction to assist the USPS to keep postal delivery within the Village of Taos Ski Valley
- C. Discussion of Zoning Options for Marijuana Establishments
- D. Consideration to Approve **Resolution No. 2022-482**, A Resolution to Approve the Disposal of Capital Assets owned by the Village of Taos Ski Valley
- E. Consideration to Approve **Resolution No. 2022-483**, the Village of Taos Ski Valley 2023-2027 Infrastructure & Capital Improvements Plan (ICIP)
- F. Consideration to Approve **Resolution No. 2022-484**, Assignment of Designee to Sign Agreement with NMED Accepting the Reauthorized Capital Outlay to Plan, Design, Construct, Equip, and

Install the Kachina Water Booster Station for the Kachina Water Tank and Distribution Lines

**G.** Consideration to Approve an Amendment and Renewal of the Contract between the Village of Taos Ski Valley and Willdan Financial Services for the Completion of the Impact Fee Study Report

**H.** Consideration to Approve the Memorandum of Agreement between the Village of Taos Ski Valley and the North Central Regional Transit District to provide Winter Transit Service to the Village of Taos Ski Valley

**12. MISCELLANEOUS**

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

**14. ADJOURNMENT**

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



Village of Taos Ski Valley  
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**VILLAGE COUNCIL REGULAR MEETING  
DRAFT MINUTES  
VIA ZOOM TELE CONFERENCE  
TAOS SKI VALLEY, NEW MEXICO  
TUESDAY, JULY 27, 2021 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 Stagg  
Councilor Tom Wittman, Mayor Pro Tem

**Staff present:**

Village Administrator John Avila  
Village Clerk Ann Wooldridge  
Finance Director Nancy Grabowski  
Building Official Jalmar Bowden  
Public Works Director Anthony Martinez  
Police Chief Sam Trujillo  
Planning Director Patrick Nicholson  
Village Attorney Susan Baker

**3. APPROVAL OF THE AGENDA**

**MOTION:** To approve the agenda as presented

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

**4. APPROVAL OF THE MINUTES OF THE JUNE 22, 2021 VILLAGE COUNCIL REGULAR MEETING, the JULY 12, 2021 VILLAGE COUNCIL SPECIAL MEETING, and the JULY 20, 2021 SPECIAL MEETING**

**MOTION:** To approve the minutes as presented

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

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

No one spoke at the Citizens' Forum.

**6. COMMITTEE REPORTS**

**A. Planning and Zoning Commission** –Commission Chair Wittman reported that the Commission had not met. The next meeting is scheduled for September 13, 2021.

**B. Public Safety Committee** – Chairman Neal King reported on Public Safety Committee and Firewise Board activity, such as a firewise checklist for properties and a firewise plan for the community. He reported that the parking situation had improved at Hiker Parking with TSVT's involvement.

No meetings will take place in August and the next meetings are to be announced.

**C. Firewise Community Board of Directors -see above**

**D. Parks & Recreation Committee** – Chair Katherine Kett said that no meeting had taken place but noted that a site visit for the Hiker Parking bathrooms had taken place, that volleyball games are held regularly on Thursdays, the JR Trail vegetation is healthy with the aspens growing back from the beaver encounters in the last few years. She said that the signage at the Village entrance was beneficial for visitors.

**E. Lodger's Tax Advisory Board** –Co-Chair Stagg reported that the Board met on July 13, 2021 to review the lodgers tax budget and the Chamber budget. The Taos Air request for funding has been currently budgeted for \$125,000 and if additional lodgers' tax above \$450,000 is collected, then 50% will go to Taos Air up to a maximum of \$200,000 total. He said that the Board is cognizant of being fiscally responsible by not budgeting over expected revenues. The next meeting has not been scheduled.

**F. Capital Infrastructure Advisory Committee** – Director Nicholson reported that the CIAC had not met since the July 12, 2021 Council workshop on impact fees. Councilor King provided the water data that he referenced at that meeting which has been shared with Willdan, the consultants on the impact fee study. Work will continue on the study. No subsequent meeting has been scheduled.

**7. REGIONAL REPORTS**

There were no reports.

**8. MAYOR'S REPORT**

Mayor Brownell said that there were no meetings to report on. Bears seem to be prevalent in the Village so the community should be aware. In that regard, he asked that the door on the trash compactor be checked as it seemed to be difficult to close.

**9. STAFF REPORTS**

Staff reports were included in the Council packet and were posted to the Village web site.

Administrator Avila touched on ongoing items in the Village, namely electric line undergrounding, the new Village entry road in Bison parking lot, the ICIP list, the CIP list and development impact fees, and the TIDD project list progress as well as movement towards TIDD infrastructure dedication.

Director Nicholson said that much work had been done on formulating the cannabis ordinance. At the next Council meeting, the development impact fee study should be ready, as well as approval to initiate an updated avalanche study.

Chief Trujillo commended the Chamber and TSVI for their good work in handling the July 4<sup>th</sup> crowds.

**10. OLD BUSINESS**

**A. PUBLIC HEARING:** Consideration to Approve **Ordinance No. 2022-10** Amending Village Ordinance No. 2020-10, to Update the Building and Construction Codes to Include the 2018 New Mexico Energy Conservation Codes

Building Official Bowden said that the Federal Department of Energy's Office of Energy Efficiency and Renewable Energy issued a determination that the 2018 IECC saves 1.97 percent annual energy cost along with 1.91 percent in annual source energy and 1.68 percent savings in site energy. The key impacts for this current update range from a life cycle cost saving of \$398 in climate zone 1 to \$1,071 in climate zone 8. The Village of Taos Ski Valley is in climate zone 7. Life cycle cost savings compared to the 2009 regulations for homes in the Village can be assumed to be at minimum a few thousand dollars, and easily pay back related construction costs.

This ordinance was first read at the June Council meeting and as such is up for consideration to adopt.

**PUBLIC HEARING:** No one spoke either for or against adoption of the ordinance.

**MOTION:** To Approve **Ordinance No. 2022-10** Amending Village Ordinance No. 2020-10, to Update the Building and Construction Codes to Include the 2018 New Mexico Energy Conservation Codes

**Motion:** Councilor Wittman

**Second:** Councilor Stagg

**Passed:** 4-0

**11. NEW BUSINESS**

A. Consideration to Approve **Resolution No. 2022-472** Requesting a Permanent Budget Adjustment to the FY2021 Budget (BAR) to increase the Municipal GRT and Hold Harmless GRT revenue collections and corresponding transfers out of the General Fund, and to Increase Transfers in to Pledged Funds to the USDA (63), to the Roads Fund (05), and to the Water Reserves Fund (41) for General Support

Staff recommends approval of **Resolution No. 2022-472** to amend the budget for FY2021, to increase the Municipal GRT and Hold Harmless GRT revenues in the General Fund (03) and increase the transfers out of the General fund to the USDA Fund (63) for debt service, the roads fund (05,) and Water Reserves fund (41) for general support.

**MOTION: To Approve Resolution No. 2022-472 Requesting a Permanent Budget Adjustment to the FY2021 Budget (BAR) to increase the Municipal GRT and Hold Harmless GRT revenue collections and corresponding transfers out of the General Fund, and to Increase Transfers in to Pledged Funds to the USDA (63), to the Roads Fund (05), and to the Water Reserves Fund (41) for General Support**

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

B. Consideration to Approve **Resolution No. 2022-478**, Approving the 4<sup>th</sup> Quarter FY 2021 Financial Report for the Year ending June 30, 2021

As per State Statute, the Village is required to submit the final fiscal year 2021 4<sup>th</sup> quarter report along with the corresponding profit and loss statement no later than July 31, 2021, to the Department of Finance and Administration Local Government Division. This report is a recap of the financial events of fiscal year 2021 beginning July 1, 2020, and ending June 30, 2021, and verifies the ending fund balances for all Village funds. The summary 4<sup>th</sup> Quarter report was presented along with the Profit and Loss report for FY2021. The accurate ending fund balances are an integral part of the next fiscal year 2022 budget.

**MOTION: To Approve Resolution No. 2022-478, Approving the 4<sup>th</sup> Quarter FY 2021 Financial Report for the Year ending June 30, 2021**

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

C. Consideration to Approve **Resolution No. 2022-479** Requesting Acceptance of the Federal Rescue Fund/American Rescue Plan Act Grant Funding and Creating the Fund No. 66/26000 in the FY2022 Budget

The Village will be submitting the fiscal year 2021-22 budget by July 31, 2021. The Village was awarded funding from the State of New Mexico via the Federal Rescue Fund/American Rescue Plan Act totaling \$12,609. The Department of Finance and Administration (DFA) is requiring that the new fund code 26000 be utilized, requiring the Village to create a new fund within its accounting structure. A budget adjustment is not required, however new funds are required to be approved by the Village Council. The funding will be utilized for capital expenditures.

**MOTION: To Approve Resolution No. 2022-479 Requesting Acceptance of the Federal Rescue Fund/American Rescue Plan Act Grant Funding and Creating the Fund No. 66/26000 in the FY2022 Budget**

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

D. Consideration to approve **Resolution No. 2022-480**, a Resolution Requesting Approval of the FY2022 Final Budget

As per State Statute and the Department of Finance and Administration (DFA), the Village Council must review and approve the final fiscal year budget for FY2021-2022 prior to submission. The original budget was presented to the Council at a budget workshop held on April 27, 2021. There were no rate increases for water, sewer, or trash. Since Council's review of the budget, all actuals have been entered into the Council working budget spreadsheet as of June 30, 2021, and 4<sup>th</sup> Quarter FY2021 fund balances are final. The DFA has a policy not to allow any changes to the revenue and expense categories without its approval. Only cash balances can be entered at this time unless the Village has a reason to request that the Local Government Division open fund/object codes within the budget. The following are the changes that will be made to the final FY2022 budget:

**Summary List of Budget Changes VTSV for final FY2021 submission**

<b>FUND</b>	<b>OBJECT CODE</b>	<b>AMOUNT</b>
General Fund (03/11000)	8322(58040) Capital Improvements	(\$200,000)
General Fund (03/11000)	6220(55030) Outside Contractors	(\$100,000)
General KCEC UG (44/11000)	6220 (55030) Outside Contractors	(\$200,000)
<b>TOTAL Decrease:</b>		<b>(\$500,000)</b>

Decreases were made to the General Fund outside contractor and capital improvement expenses to reduce the expense to revenue ratio and increase the General Fund ending balance for FY2022.

<b>FUND</b>	<b>OBJECT CODE</b>	<b>AMOUNT</b>
LEPF (14/21100)	6434/57050 Training	\$ 1,212.00

LEPF (14/21100)	8322//58080 Capital	\$13,000.00
LEPF (14/21100)	6322/56040 Small Equip	\$14,706.00
LEPF (14/21100)	6313/56090 Safety Supplies	\$10,500.00
<b>Total Expenses:</b>		<b>\$39,418.00</b>

Changes were made to the LEPF budget because the carry forward amount at the end of the fiscal year decreased. Because there was a decrease in the ending balance on June 30, 2021, expenses were reallocated so that the ending balance was not a negative number. LEPF is required to have a zero balance at the end of every fiscal year.

<u>FUND</u>	<u>OBJECT CODE</u>	<u>AMOUNT</u>
Lodgers Tax (15/21400)	6220/57060 Grant Distribution	(202,459.00)

Decrease in Grant recipients' disbursements. Changes were made to the Chamber Contract, and a decrease of support for Taos Air from \$250,000 to \$125,000 was recommended and approved by the Lodger's Tax Committee.

<u>FUND</u>	<u>OBJECT CODE</u>	<u>AMOUNT</u>
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FRF/ARPA (66/26000)	4037/47700 Grant Funds Revenue	\$ 6,304.50
FRF/ARPA (66/26000)	8322/58080 Capital Expense	\$ 6,304.50

The Federal Relief Fund (ARPA) grant was added to FY2022 budget after the official award notice was made to the Village. The total award was \$12,609.00; however the Village will only receive ½ the funding in FY2022 so it is budgeted accordingly.

All other items originally presented to Council at the April 27, 2021 workshop remain the same.

**MOTION: To Approve Resolution No. 2022-480, a Resolution Requesting Approval of the FY2022 Final Budget**  
**Motion: Councilor Wittman      Second: Councilor King      Passed: 4-0**

**E. Consideration to Approve Resolution No. 2022- 481 Assignment of Designee to Sign Agreement with the NM Department of Environment Accepting the Reauthorized Capital Outlay for Use to Plan, Design, Construct, Equip and Install the Kachina Water Booster Station for the Kachina Water Tank and Water Distribution Lines**

The Village of Taos Ski Valley applied and received Capital Outlay funding for planning development of the Gunsite Springs, however funding was in danger of being lost. The immediate and critical need to fund the Kachina Booster station was partially resolved by reauthorization of funds.

The funding agreement for \$315,000 requires Council authorization for the Mayor to sign and also to name the designated individual, the Village Administrator, to sign the agreement documentation.

In addition to needing the upgraded booster station pump to get water to the Kachina tank, distribution lines from the tank need to be planned and installed.

**MOTION: To Approve Resolution No. 2022-481 Assignment of Designee to Sign Agreement with the NM Department of Environment Accepting the Reauthorized Capital Outlay for Use to Plan, Design, Construct, Equip and Install the Kachina Water Booster Station for the Kachina Water Tank and Water Distribution Lines**

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

**F. Consideration to Approve Contract No. 2022-06 between the Village of Taos Ski Valley and the Taos Ski Valley Chamber of Commerce for Fiscal Year 2022**

The Village of Taos Ski Valley Chamber of Commerce has been supported by the Village lodger's tax collections for many years. The Village works with the Chamber, providing monthly payments to support the work of the Chamber. The Chamber in turn supports the community by advertising the businesses which are located within the Village boundaries. The Chamber contract for FY 2022 includes \$271,041.00 in monthly grant disbursements, divided into monthly payments as requested by the Chamber Director. Additionally, it includes funding for special projects of \$29,000.

**MOTION: To Approve Contract No. 2022-06 between the Village of Taos Ski Valley and the Taos Ski Valley Chamber of Commerce for Fiscal Year 2022**

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

Thanks were extended to the Chamber for their assistance during the Covid emergency procedures and also for help with summer traffic.

**G. Consideration to Approve the Renewal of Village Annual Outside Contractor Contracts**

The Village has many contracts with outside contractors for ongoing and on-call projects and services. As stated below these are the FY2022 contracts which will be renewed along with the services they provide and a contract amount or not to exceed amount (NTE):

**Above \$20,000**

Precision Electric	7/1-6/30/2022 On-Call Electric	(NTE) \$59,000
Ray's Septic	7/1-6/30/2022 Tank Pump @ TML	(NTE) \$59,000
Plummer Engineering	7/1-6/30/2022 On-Call Gen. Service	(NTE) \$50,000
Plummer Engineering	7/1-6/30/2022 On-Call Water Service	(NTE) \$50,000
SW Accounting	7/1-6/30/2022 FY21 Audit	(NTE) \$30,000
Red Tail Survey	7/1-6/30/2022 On-call surveyor	(NTE) \$25,000

**Less Than \$20,000:**

Olsen, Lisa	7/1-6/30/2022 Bookkeeping	(NTE) \$19,900
Burt & Company CPA's	7/1-6/30/2022 Accounting	(NTE) \$ 15,000
Jenkins, Mika	7/1-6/30/2022 Office cleaning	(NTE) \$ 5,000
Good Riddance	7/1-6/30/2022 Pest Control	(NTE) \$ 3,000
Burt & Company CPA's	7/1-6/30/2022 Audit-Lodgers Tax	(NTE) \$ 2,000
Anchor Built	7/1-6/30/2022 Underground	Per Task Order

**MOTION: To Approve the Renewal of Village Annual Outside Contractor Contracts**

**Motion: Councilor Wittman**

**Second: Councilor King**

**Passed: 4-0**

**H. Introduction: Ordinance No. 2022-71** Adopting Regulations for the Use, Sale, Production, Manufacturing, and Cultivation of Marijuana

Attorney Baker presented the proposed ordinance which creates regulations regarding the use, sale, production, manufacturing, and cultivation of marijuana. According to the New Mexico Cannabis Regulation Act ("the Act"), the Village has the authority to regulate the "time, place and manner" of marijuana uses within the Village's jurisdictional limits. The Act does not specify limitations on the Village's authority, except that the Village cannot require a marijuana establishment to be located more than three hundred (300) feet from a school, and that marijuana establishments cannot be prohibited.

The State has authorized local governments to require business licenses for a marijuana establishment and to enact zoning regulations to ensure that these establishments are compatible with the surrounding neighborhood. The State prohibits a local government from enacting a moratorium on marijuana establishments, even if zoning and other regulations are not in place. The sale of marijuana cannot take place in an establishment where alcohol is sold. Consideration to approve this ordinance will take place at the August Council meeting after a public hearing is held.

**13. MISCELLANEOUS**

A. Homeowner Mike Fitzpatrick asked about the total amount of funds that have been expended on the upgraded wastewater treatment plant. He also said that he wants to create a Dropbox of files from the Village. Councilor King will discuss options with Mr. Fitzpatrick.

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

The next meeting of the Village Council will be the Regular Meeting scheduled for August 24, 2021 at 2:00 p.m. via Zoom. .

**15. ADJOURNMENT**

**MOTION: To Adjourn**

**Motion: Councilor Wittman**

**Second: Councilor King**

**Passed: 4-0**

The meeting adjourned at 3:45p.m.

ATTEST:

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

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

Village of Taos Ski Valley  
Village Council  
Agenda Item

**AGENDA ITEM TITLE: Consideration to Appoint a Voting Delegate for the NMML Annual Conference Business Meeting**

DATE: August 24, 2021

PRESENTED BY: Mayor Christof Brownell

STATUS OF AGENDA ITEM: New Business

CAN THIS ITEM BE RESCHEDULED: Not Recommended

BACKGROUND INFORMATION: The 64<sup>th</sup> Annual Conference of the NM Municipal League will be held August 31<sup>st</sup> – September 2<sup>nd</sup> in Albuquerque. At the Annual Business Meeting on Thursday, September 2nd, a President Elect, Vice President, Treasurer, and three Directors-at-Large for a two-year term will be elected. Also, the Annual Statement of Municipal Policy and Annual Conference Resolutions will be adopted. Each member municipality in good standing that is registered and attending the Annual Conference shall be entitled to one delegate vote in electing officers, deciding municipal policy, and voting upon all other questions at the Annual Business meeting.

RECOMMENDATION: A motion is requested to appoint a voting delegate and an alternate to attend the NMML Annual Business Meeting on September 2, 2021. Village Administrator Avila is scheduled to attend the Annual Conference.





**MUNICIPAL CLERKS: PLEASE DISTRIBUTE COPIES TO YOUR  
ENTIRE GOVERNING BODY**

**TO: MAYORS/GOVERNING BODY MEMBERS**  
**FROM: A.J. Forte, Executive Director**  
**SUBJECT: 2021 ANNUAL CONFERENCE VOTING DELEGATES**  
**DATE: August 5, 2021**

The 64<sup>th</sup> Annual Conference of the NM Municipal League will be held August 31<sup>st</sup> through September 3<sup>rd</sup> in Albuquerque.

At the Annual Business Meeting on Thursday, September 2<sup>nd</sup>, a President Elect, Vice President, Treasurer and three Directors-at-Large for a 2-Year Term will be elected. Also, the *Annual Statement of Municipal Policy and Annual Resolutions* will be adopted.

Each member municipality in good standing that is registered and attending the Annual Conference shall be entitled to one delegate vote in electing officers, deciding municipal policy and voting upon all other questions at the Annual Business Meeting. A municipality in good standing means that at least one-half of the municipality's current League annual dues must have been paid prior to or at the Conference. The vote of the municipality is cast by the Voting Delegate (or in her/his absence, the Alternate) who is selected by the governing body of the municipality.

The Annual Business Meeting will be conducted in accordance with Robert's Rules of Order Revised, and the Annual Business Meeting Rules and Procedures, which shall govern the actions and deliberations of the League membership assembled in convention. Attached for your information are the *Policy Process Outline and the Annual Business Meeting Rules and Procedures*.

Please place the selection of a Voting Delegate and Alternate on the agenda of your next official governing body meeting. The Voting Delegate and Alternate must be persons planning to attend the Conference. Once they are selected, enter the names and titles of the Voting Delegate and Alternate for your municipality and return this form to the League Office no later than Friday, August 27, 2021.

This is not an official registration form for the Annual Conference for either the Voting Delegate or the Alternate. Delegates must register for the Conference online.

Voting Delegates & Alternates must check in with NMML Staff at the Credential's Desk at the Conference.

Municipality: \_\_\_\_\_

Voting Delegate: \_\_\_\_\_ Title: \_\_\_\_\_

Alternate: \_\_\_\_\_ Title: \_\_\_\_\_

Approved By: \_\_\_\_\_

**RETURN BY AUGUST 27, 2021 to:**

Jackie Portillo, Support Services Coordinator  
NM Municipal League  
P.O. Box 846 - Santa Fe, NM 87504  
jportillo@nmml.org  
Fax: 505-984-1392

**Council Notes for August 24 ,2021 Meeting:**

**Revenues:**

**GRT** : This month last year: **\$74,234** This month this Year: **\$41,195 (Aug GRT)**

Last Year YTD: **\$142,394** This Year YTD: **\$109,912 (AUG)**

**The TIDD received \$58,026. in August for June collections.**

**Lodgers Tax:**

This month last year: **\$8,171** This Month this year: **\$18,246 (July)**

YTD Last year: **\$ 8,171** YTD This year YTD: **\$18,246**

**REVENUES:**

- We received \$10,960 in hold harmless GRT revenue in August which will be transferred to the USDA fund for monthly loan payments on WWTP
- Combined Water and sewer sales are up 20% from last July.
- Other Revenue is up in July. We received the KCEC FF fees in July this year and last year we received them in August.
- Lodger's tax collections are up 123% from last July
- General grants is up...we received the \$6,304.50 from DFA for the American Rescue Act funding
- Solid waste collections are down 10%
- We have not received our initial fire grant disbursement yet. In FY2021 we received the first installment in July.
- Village received \$5,662.00 in property tax collections in August 2021.

• **EXPENSES:**

- Outside contractor expense decreased 80%. Last year the Village was making payments on the Kachina tank construction
- Legal expenses are down in July because Attorney Baker was not paid this July but was in July of FY2021.
- Accounting expenses for June were actually paid in June this past year.
- Electric is down 26%. The plant costs have come down with the diligence of the PW crew
- PPE has a negative because a purchase was returned for credit.
- Other operating is up. These are GRT admin fees. Since the GRT revenue is up...the related fees increased along with them

**Net income at the end of June (\$8,348.90)**

**July 2021 Ending balance :           Water fund \$4,262 balance**

**Sewer Fund \$8,082 balance**

**OTHER:**

- We received the first half of the fire distribution on 8/16/21 for \$106K.
- We closed on the Fire Fund loan via NMFA on 7/30/2021
- The Fire/EMS positions have been posted and interviews will begin soon

# 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 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	\$115,594.58	\$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	\$46,486.94	\$82,049.26	\$89,940.38	\$149,265.06	\$122,193.28	\$251,925.28	\$236,440.15	\$214,210.24	\$289,075.34	\$55,873.27
YTD	\$68,159.90	\$142,393.78	\$188,880.72	\$270,929.98	\$360,870.36	\$510,135.42	\$632,328.70	\$884,253.98	\$1,120,694.13	\$1,334,904.37	\$1,623,979.71	\$1,679,852.98
FY2022	\$68,717.19	\$41,194.60										
YTD	\$68,717.19	\$109,911.79	\$109,911.79	\$109,911.79	\$109,911.79	\$109,911.79	\$109,911.79	\$109,911.79	\$109,911.79	\$109,911.79	\$109,911.79	\$109,911.79

Lodger's Tax

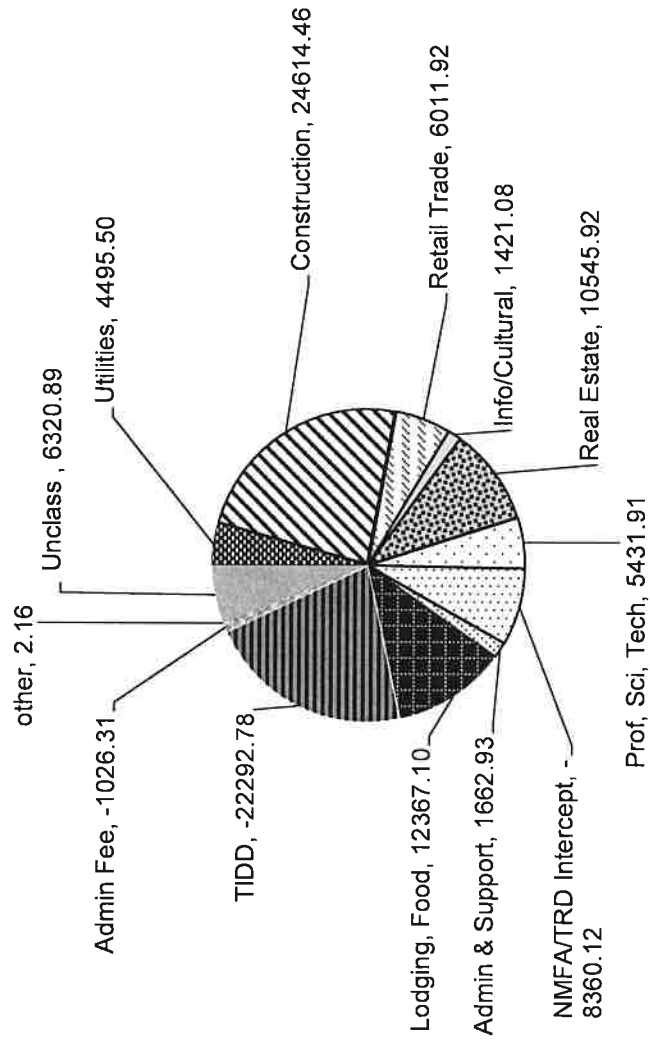
CURRENT RATE = 5%

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 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	\$66,779.34	\$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	\$13,950.76	\$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	\$12,836.91	\$17,194.52	\$14,423.38	\$6,231.96	\$55,290.11	\$42,558.56	\$84,760.20	\$96,555.93	\$10,267.66	\$7,219.30
YTD	\$8,171.37	\$23,341.95	\$36,178.86	\$53,373.38	\$67,796.76	\$74,028.72	\$129,318.83	\$171,877.39	\$256,637.59	\$353,193.52	\$363,461.18	\$370,680.48
FY2022	\$18,245.95											
YTD	\$18,245.95	\$18,245.95	\$18,245.95	\$18,245.95	\$18,245.95	\$18,245.95	\$18,245.95	\$18,245.95	\$18,245.95	\$18,245.95	\$18,245.95	\$18,245.95

# Village of Taos Ski Valley Gross Receipts Distribution August 2021



Real Estate	Construction	Info/Cultural	Retail Trade	Construction	Real Estate
Prof, Sci, Tech	NMFA/TRD Intercept	Admin & Support	Lodging, Food	WEDC	
Admin Fee	other	Unclass			

FY2022 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)
7/15/2020	33,001.75	26,100.24	(470.56)		58,631.43	5,763.47	10,955.34	68,159.90
8/15/2020	91,310.13	72,214.82	(1,301.95)		162,223.00	5,763.47	17,351.58	74,233.88
9/15/2020	4,754.39	3,760.14	(67.80)		8,446.73	5,763.47	5,914.84	46,486.94
10/15/2020	-	-	-		-	5,763.47	9,054.12	82,049.26
11/15/2020	41,033.88	32,452.60	(585.07)	(5,287.34)	67,614.07	5,763.47	13,955.88	89,940.88
12/15/2020	42,857.41	33,894.84	(611.07)		76,141.18	5,763.47	20,107.93	149,265.05
1/15/2021	25,691.54	19,586.12	(366.32)		45,643.98	5,763.47	15,674.26	122,193.28
2/16/2021	20,570.43	16,268.94	(293.30)		36,546.07	5,763.47	28,223.93	251,925.28
3/22/2021	35,997.19	28,455.45	(677.71)		63,774.93	5,763.47	25,921.01	236,440.00
4/20/2021	16,939.11	13,542.64	(316.75)		30,165.00	5,763.47	23,486.48	214,210.24
5/15/2021	9,444.65	7,470.15	(177.75)		16,737.05	5,763.47	31,704.13	289,075.34
6/16/2021	38,058.81	30,658.74	(708.42)		68,009.13	5,763.47	6,105.71	55,823.77
<b>TOTAL FY21</b>	<b>359,659.29</b>	<b>284,404.68</b>	<b>(5,576.70)</b>	<b>(5,287.34)</b>	<b>633,932.57</b>	<b>69,161.64</b>	<b>208,455.21</b>	<b>1,679,803.82</b>
7/15/2021	22,594.97	17,869.77	(425.27)		40,039.47	5,763.47	10,081.12	68,717.19
8/15/2021	22,292.78	36,146.76	(413.32)		58,026.22	5,763.47	10,960.32	41,194.66
9/15/2021								
10/15/2021								
11/15/2021								
12/15/2021								
1/15/2022								
2/16/2022								
3/22/2022								
4/20/2022								
5/15/2022								
6/16/2022								
<b>TOTAL FY22</b>	<b>44,887.75</b>	<b>54,016.53</b>	<b>(838.59)</b>	<b>-</b>	<b>98,065.69</b>	<b>11,526.94</b>	<b>21,041.44</b>	<b>109,911.85</b>
<b>TOTAL FY2016-FY2022</b>	<b>4,361,418.88</b>	<b>3,451,197.91</b>	<b>(64,671.11)</b>	<b>(80,952.08)</b>	<b>7,667,726.24</b>	<b>355,743.43</b>	<b>936,759.93</b>	<b>9,530,683.05</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>

**VILLAGE OF TAOS SKI VALLEY**  
**Profit & Loss Prev Year Comparison**  
**July 2021**

	Jul 21	Jul 20	\$ Change	% Change
<b>Ordinary Income/Expense</b>				
Income				
4012 · REVENUE -Water Sales	7,808.87	6,497.07	1,311.80	20.19%
4013 · Revenue - Sewer	31,235.52	25,988.13	5,247.39	20.19%
4018 · REVENUE- GRT HB 6	126.67	63.33	63.34	100.02%
4019 · REVENUE-Hold Harmless GRT	10,081.12	11,291.70	-1,210.58	-10.72%
4020 · REVENUE - GRT MUNICIPAL	68,454.60	66,445.05	2,009.55	3.02%
4026 · REVENUE - BUSINESS LICENSE	1,855.00	1,225.00	630.00	51.43%
4027 · REVENUE - OTHER	22,766.88	500.00	22,266.88	4,453.38%
4028 · REVENUE - GASOLINE TAX	417.00	437.64	-20.64	-4.72%
4029 · REVENUE - LODGER'S TAX	18,245.95	8,171.37	10,074.58	123.29%
4031 · REVENUE - PARKING FINES	25.00	220.00	-195.00	-88.64%
4034 · REVENUE - MOTOR VEHICLE FEES	1,514.15	1,487.12	27.03	1.82%
4035 · REVENUE - BUILDING PERMITS	1,740.00	2,911.42	-1,171.42	-40.24%
4037 · REVENUE - GENERAL GRANTS	6,304.50	0.00	6,304.50	100.0%
4046 · REVENUE - SOLID WASTE FEE	2,772.49	3,111.42	-338.93	-10.89%
4047 · REVENUE - OTHER OPERATING	1,371.45	501.64	869.81	173.39%
4049 · REVENUE - FIRE GRANTS	0.00	50,950.40	-50,950.40	-100.0%
4058 · Plan Review Fees	302.25	887.84	-585.59	-65.96%
4100 · Miscellaneous Revenues				
4110 · Misc Revenue- TIDD reimburse	3,806.56	2,300.25	1,506.31	65.49%
Total 4100 · Miscellaneous Revenues	3,806.56	2,300.25	1,506.31	65.49%
4190 · Rental Fees	1,000.00	0.00	1,000.00	100.0%
7004 · REVENUE - FINANCE CHARGE ON W/S	54.20	26.92	27.28	101.34%
7005 · REVENUE - INTEREST INCOME	476.69	1,516.64	-1,039.95	-68.57%
7006 · REVENUE -INVESTMENT INTEREST	7.81	3,192.29	-3,184.48	-99.76%
7010 · REVENUE - AD VALOREM TAX	5,661.76	7,826.60	-2,164.84	-27.66%
9000 · BEG. BALANCE	0.00	0.00	0.00	0.0%
Total Income	186,028.47	195,551.83	-9,523.36	-4.87%
Gross Profit	186,028.47	195,551.83	-9,523.36	-4.87%
Expense				
6100 · Salary and Benefits				
6112 · SALARIES - STAFF	77,253.45	117,885.24	-40,631.79	-34.47%
6113 · SALARIES - ELECTED	2,626.14	3,939.21	-1,313.07	-33.33%
6115 · Overtime salaries	102.70	436.35	-333.65	-76.46%
6122 · HEALTH INSURANCE	17,766.65	17,336.18	430.47	2.48%
6125 · FICA EMPLOYER'S SHARE	4,853.00	7,486.99	-2,633.99	-35.18%
6127 · SUTA STATE UNEMPLOYEMENT	91.90	135.19	-43.29	-32.02%
6128 · PERA Employer Portion	7,308.93	10,973.38	-3,664.45	-33.39%
6130 · HEALTH INCENTIVE - SKI PASS/GYM	300.00	0.00	300.00	100.0%
6133 · Life Insurance	79.58	83.98	-4.40	-5.24%
6134 · Dental insurance	1,140.73	1,108.45	32.28	2.91%
6135 · Vision Insurance	200.35	195.69	4.66	2.38%
6136 · FICA -EMPLOYER SHARE MEDICARE	1,134.99	1,750.99	-616.00	-35.18%

**VILLAGE OF TAOS SKI VALLEY**  
**Profit & Loss Prev Year Comparison**  
**July 2021**

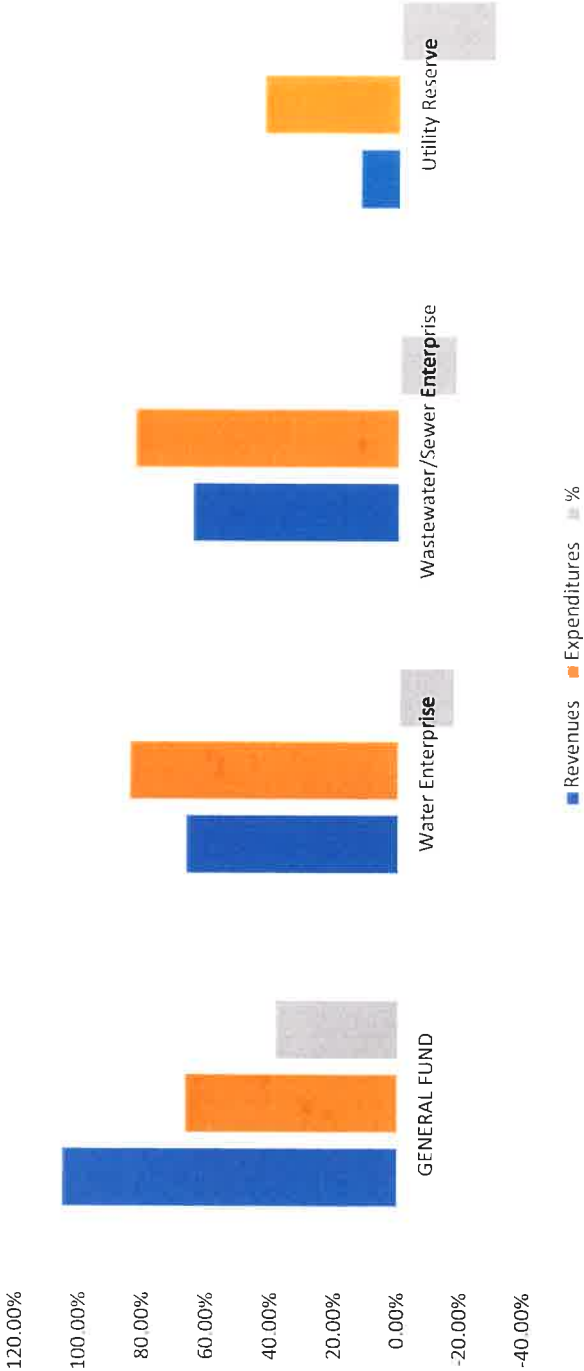
	<b>Jul 21</b>	<b>Jul 20</b>	<b>\$ Change</b>	<b>% Change</b>
Total 6100 · Salary and Benefits	112,858.42	161,331.65	-48,473.23	-30.05%
6220 · OUTSIDE CONTRACTORS	29,819.58	160,534.61	-130,715.03	-81.43%
6230 · LEGAL SERVICES	1,779.94	12,364.20	-10,584.26	-85.6%
6242 · ACCOUNTING	0.00	1,151.22	-1,151.22	-100.0%
6251 · WATER PURCHASE, STORAGE	93.53	90.61	2.92	3.22%
6252 · INTERNET	711.84	0.00	711.84	100.0%
6253 · ELECTRICITY	6,485.05	8,869.79	-2,384.74	-26.89%
6256 · TELEPHONE	1,236.31	1,548.95	-312.64	-20.18%
6257 · RENT PAID	750.00	0.00	750.00	100.0%
6258 · WATER CONSERVATION FEE	76.20	51.04	25.16	49.3%
6259 · Natural Gas	396.56	187.51	209.05	111.49%
6270 · LIABILITY & LOSS INSURANCE	5,418.00	0.00	5,418.00	100.0%
6312 · CHEMICALS & NON DURABLES	2,421.97	0.00	2,421.97	100.0%
6313 · MATERIAL & SUPPLIES	735.69	2,150.77	-1,415.08	-65.79%
6314 · Dues/fees/registration/renewals	1,253.81	1,906.00	-652.19	-34.22%
6315 · BANK CHARGES	195.26	182.42	12.84	7.04%
6316 · Software	0.00	605.63	-605.63	-100.0%
6317 · Personal Protective Equipment	-262.80	494.56	-757.36	-153.14%
6318 · Postage	165.00	165.00	0.00	0.0%
6322 · SMALL EQUIP & TOOL PURCHASES	0.00	129.12	-129.12	-100.0%
6417 · VEHICLE MAINTENANCE	143.88	0.00	143.88	100.0%
6418 · FUEL EXPENSE	646.35	419.07	227.28	54.23%
6432 · TRAVEL & PER DIEM	0.00	0.00	0.00	0.0%
6434 · TRAINING	0.00	-540.00	540.00	100.0%
6570 · Other Operations Expenses	1,585.08	1,280.06	305.02	23.83%
6716 · LAB TESTING SERVICES	1,393.05	204.26	1,188.79	582.0%
8322 · CAPITAL EXPENDITURES	0.00	0.00	0.00	0.0%
8428 · Debt Service GRT FY2020 repay	2,596.65	2,596.65	0.00	0.0%
8430 · USDA FY20 Interest Expense	14,210.94	0.00	14,210.94	100.0%
8431 · USDA FY20 Principal Expense	9,667.06	0.00	9,667.06	100.0%
<b>Total Expense</b>	<b>194,377.37</b>	<b>355,723.12</b>	<b>-161,345.75</b>	<b>-45.36%</b>
<b>Net Ordinary Income</b>	<b>-8,348.90</b>	<b>-160,171.29</b>	<b>151,822.39</b>	<b>94.79%</b>
<b>Other Income/Expense</b>				
<b>Other Expense</b>				
9001 · TRANSFER TO FUND	-32,953.70	-374,221.34	341,267.64	91.19%
9002 · TRANSFER FROM FUND	32,953.70	374,221.34	-341,267.64	-91.19%
<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>-8,348.90</b>	<b>-160,171.29</b>	<b>151,822.39</b>	<b>94.79%</b>



Percentage of Variance of Adjusted Budget vs. Actuals:

Fund	Fund Number	Revenue:Expenditures	%	Comments:
GENERAL FUND	03	67.13%	38.60%	
Water Enterprise	01	84.75%	-17.80%	ACTIVITY DEPLETED CASH
Wastewater/Sewer Enterprise	02	83.40%	-18.27%	ACTIVITY DEPLETED CASH
Utility Reserve	41/42	42.94%	-30.37%	ACTIVITY DEPLETED CASH
OVERALL TOTAL		59.14%	24.59%	

4th Q % of Variance-Budget Vs-Actual



MICHELLE LUJAN GRISHAM  
GOVERNOR

DONNIE J. QUINTANA  
DIRECTOR



DEBORAH K. ROMERO  
CABINET SECRETARY

STATE OF NEW MEXICO  
DEPARTMENT OF FINANCE AND ADMINISTRATION  
LOCAL GOVERNMENT DIVISION  
Bataan Memorial Building ♦ 407 Galisteo St. ♦ Suite 202 ♦ Santa Fe, NM 87501  
PHONE (505) 827-4950 ♦ FAX (505) 827-4948

August 17, 2021

The Honorable Christof Brownell  
Village of Taos Ski Valley  
[christofbrownell@gmail.com](mailto:christofbrownell@gmail.com)  
PO Box 100  
Taos Ski Valley, NM 87525

Dear Mayor Brownell:

The final budget for your local government entity for Fiscal Year 2021-2022, as approved by your governing body, has been examined and reviewed. The Department of Finance and Administration, Local Government Division (LGD) finds it has been developed in accordance with applicable statutes and budgeting guidelines, and sufficient resources appear to be available to cover budgeted expenditures. In addition, the *Budget Certification of Local Public Bodies* rule, 2.2.3 NMAC, requires that your entity's audit or "Agreed Upon Procedures" (per the *Tier System Reporting* rule, 2.2.2.16 NMAC) for Fiscal Year 2020 should have been submitted to the Office of the State Auditor as of this time. The LGD's information indicates that you are in compliance with this requirement. Therefore, in accordance with Section 6-6-2E NMSA 1978, the LGD certifies your entity's final Fiscal Year 2021-2022 budget.

Please take note that state statute requires all revenue sources be expended only for public purposes, and if applicable, in accordance with the Procurement Code, Chapter 13, Article 1, NMSA 1978. Use of public revenue is governed by Article 9, Section 14 of the Constitution of the State of New Mexico, commonly referred to as the anti-donation clause.

Budgets approved by the LGD are required to be made a part of the minutes of your governing body according to Section 6-6-5 NMSA 1978. In addition, Section 6-6-6 NMSA 1978 provides that the approved budget is binding on local officials and governing authorities; and any official or governing authority approving claims or paying warrants in excess of the approved budget or available funds will be liable for the excess amounts.

**Due to estimated expenditures and transfers exceeding estimated revenue, your entity's General Fund cash balance is being depleted -33.83%. Careful control of expenditures and attention to revenue collection efforts is recommended to avoid further depletion of reserves.**

Finally, as required by Section 6-6-2H NMSA 1978, LGD is required to approve all budget increases and transfers between funds not included in the final approved budget via submission on the Local Government Budget Management System (LGBMS).

If you have questions regarding this matter, please contact Anita Medina of my staff at 505-469-2541  
[Anita.Medina@state.nm.us](mailto:Anita.Medina@state.nm.us).

Sincerely,

*Brenda J. Suazo-Díaz*

On behalf of:

Donnie J. Quintana, Director  
Local Government Division

xc: file

**Monthly Public Safety Report**

**Jul-21**

<b>Law Enforcement</b>	<b>R. Salazar</b>	<b>V. Vigil</b>	<b>S. Trujillo</b>	<b>Totals</b>
911 Hang Up				
Abandoned Vehicle				
Alcohol Offense - Adult		1		1
Animal Calls	2	2		4
Arrests				
Assists to other Agencies	1	4	2	7
B & E / Burglary				
Battery or Assault				
Business Alarm	3		1	4
Citizen Assists/Contacts	14	15	10	39
Civil Stand-by/Civil Complaint				
Disorderly /Disturbance		1		1
Domestic Calls				
Embezzlement				
Suicide subject				
Foot Patrol Hours	28	25	5	58
Found/Lost Property				
Fraud Complaint	1			1
Harassment				
Health Orders				
Larceny				
Law Unknown/Information				
Missing Adult/Person		1		1
MVC's	2			2
Narcotics Adult				
Parking Citations				
Reckless Driver				
Residential Alarm		1		1
Shots Fired		1		1
Suspicious Persons/Vehicles	7	1		8
Theft				
Traffic Enforcement Hours	28	25	8	61
Traffic Hazard	1	2		3
Traffic Stops	10	2		12
Tresspass Warnings		1		1
Vehicle Alarm	2			2
Vehicle Theft				
Verbal Warnings	4	15		19
Welfare Check	3			3
Written Citations				
Written Warnings	6			6
Fire Alarm	3	1		4
Fire Calls	1	2	1	4
<b>Fire/EMS</b>		2		2
<b>SAR</b>	1		1	2

# Report for Taos Ski Valley Fire Rescue

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## Month of August

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### Calls

- Fire Calls
  - 3 Fire/CO alarm
  - 1 Elevator Rescue
  - 1 Wildland Fire
- EMS/SAR
  - 1 MVA
  - 1 Citizen Assist
  - 1 EMS Call at Wheeler Peak Trail

Total of 8 calls for the month of January

Total calls year to date are 67

Inspections performed residential: 9

Inspection in response to complaint: 0

Enforcement actions: 0

Inspections performed multi-family and commercial; 10

Permits issued since last council meeting;

- 1 new residential building.

- 1 residential repair/remodel

- 0 residential demolition

- 0 new commercial buildings permitted.

- 2 commercial repair/remodel permitted.

- 0 demolition commercial permitted.

- 0 Projects currently in application or submission review.

Hiker parking toilet building site plan is at final draft status currently.

Public safety and Capital Improvements Advisory Committee meetings were attended with participation.

Recent communication with J.R. Logan, Taos County Wildland Urban Interface Coordinator about the effort to update the 2016 CWPP to a current document, which is targeted for completion July 2022. Two slides from his introductory Power Point presentation that briefly explains what the CWPP is and the importance of a current CWPP are included. The intent is to acquaint residents and others about the process and make them aware of the opportunity to participate.

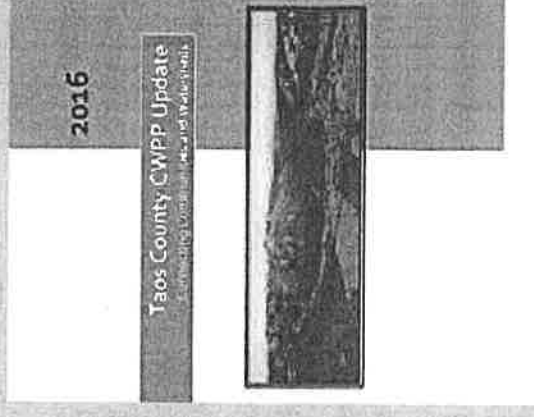
# What is a CWPP and Why Does it Matter?

- A CWPP is a “community-based plan focused on identifying and addressing local hazards and risks from wildfire. A CWPP determines what is at risk and provides a roadmap of actions for a community to address the wildfire threat.”

- In Taos County, things at risk can include everything from homes and infrastructure (powerlines, irrigation works, etc...) to watersheds.

- The most recent Taos County CWPP (2016) emphasized the connection between communities and watersheds, and described actions to strengthen the resiliency of both.

- Our goal over the next 11 months is to **update** risk assessments with more recent data and establish priorities for addressing those risks in ways that have the greatest benefit for our community.



# This is **NOT** a plan the sits on a shelf

- Collectively, the partners that helped update the Taos County CWPP in 2016 have accomplished many of the objectives they set for themselves.
  - The CWPP Core Team met quarterly (at least until Covid hit) to coordinate implementation of the 2016 plan.
  - We've attracted millions of dollars in funding to complete hazardous fuels treatments in some of the most at-risk areas
  - We've developed new programs and projects meant to empower traditional community members to become active stewards of the landscape.
  - We now have nine recognized Firewise communities across the county, with two more communities currently seeking recognized status, all of whom are part of the new Taos County Firewise Network.





**Planning & Community Development Department**  
**Monthly Report to the Village Council**  
**August 2021**

Projects Updates and Key Initiatives:

**Development Impact Fees Updated Study** - After the July Village Council workshop, the CIAC and staff considered revisions to the Village's Capital Improvement Plan, Land Use Assumptions, and Development Impact Fee Schedule. This work continued during two recent CIAC meetings. The CIAC expects to complete its work later this month. It will then be presented with a formal recommendation via a Public Hearing to the Village Council.

**Avalanche Hazard Assessment & Mapping Update** - A detailed review and report to update the village's avalanche hazard maps and the existing avalanche hazard zoning ordinance. The existing avalanche hazard maps are based on a 2001 Study by Arthur I. Mears, P.E. Since 2001, notable advances in avalanche science and new snow and avalanche data will lead to improvements in the Village's understanding and better land use regulations to protect the public's health, safety, and welfare. Update is currently delayed due to procurement issues. Necessary fieldwork unlikely to be completed prior to snowfall. Project to be resumed next Spring.

**Twining Road Reconstruction Project** - Preliminary engineering and design (30%) completed. Survey 90% completed. Successfully granted \$100,000 to complete final design and engineering from 2021 Legislative Capital Outlay request supported by Rep. K. Ortiz. Awaiting Grant Agreement and formal direction on contracting process from NMDOT to continue into final design and engineering. Intent is to have all engineering and design work completed by Spring of 2022 to begin construction summer of 2022.

**Water Plan Report** - Project has evolved into a collaboration effort between TSVI and the Village. Regular monthly meetings held with final report expected Sept. 1. New report will provide a concise summary of VTSV's water supply across time and various expected climatic conditions and the projected water demand into the near future. This report will lead into a much larger water infrastructure plan update next year. The short summary report will help guide land use planning and development decision making.

**Kachina Area Master Plan** - TSVI's property development office, in tandem with adjacent property owners, submitted a draft Master Plan for the Kachina Basin. The Plan, while directly addressing private property development issues, came up short in considering several key areas

of public concern, notably site access, critical infrastructure, environmental issues, and development standards. Instead of collaborating with the Village Planning & Zoning Commission and staff to complete the draft plan into a publicly focused planning and policy document and allowing for public review and comment through the regular formal process, the applicant withdraw their application. The P&Z Commission and Village staff look forward to initiating the required five-year update to the Village Master Plan, to include the Kachina Area, beginning in 2022.

**Planning GIS Office** - Task/project work ongoing including continued coordination on E911 NexGen Compliance and address updating, Underground Electric in Amizette, Village public roads inventory and map, staff training on GIS functionality and to improve workflow efficiency, and wildland fire rating system development.

**Planning Commission Meetings** - Next meeting scheduled for September 13<sup>th</sup>. Tentative agenda includes a rezoning application near the Bull of the Woods, a Conditional Use Permit within the commercial core, a setback variance, and Land Use Development Code and zoning revisions addressing the new cannabis legislation.

# PUBLIC WORKS UPDATE

August 24, 2021

- Water:
  - Monthly sampling
  - Water Sold
    - Total 749,380 gallons
    - Residential 204,220 gallons
    - Commercial 545,160 gallons
  - Started digging for the Kachina water distribution water line to the Kachina Tank.
  - Water and Sewer Tap at 28 Zaps Road
  - NMED Sampling:
    - Annual Nitrate-Nitrite test
    - Lead and Copper
  - Started working with NM Rural Water Association on leak detection
- Wastewater:
  - Compliance report for July 2021
    - Compliance – No issues to report.

Date	BOD Data		pH	TSS		NH <sub>3</sub> (Ammonia)		Total P		Flow, MGD		E.Coli	Fecal	Date	Total N: mg/L	Total N: lb/d
	mg/L	lb/d		mg/L	lb/d	mg/L	lb/d	mg/L	lb/d	Daily	Weekly Average	CFU	CFU		TKN + NO <sub>3</sub> + NO <sub>2</sub>	TKN + NO <sub>3</sub> + NO <sub>2</sub>
8			7.20							0.055	0.052	1.00	1.00	8	0.00	0.00
14	2.00	0.67	7.13	0.22	0.07	0.36	0.12	0.05	0.02	0.040				14	3.27	1.09
21			7.00							0.042		1.00	1.00	21	0.00	0.00
Total		0.67			0.07		0.12		0.02	1.473	0.236			Total	Total Nitrogen	
7 Day Avg (MAX)	2.00	0.67	7.46	0.22	0.07	0.36	0.12	0.05	0.02	0.060	0.047	1.00	1.00	7 Day Avg	3.27	1.09
Min	2.00	0.67	6.96	0.22	0.07	0.36	0.12	0.05	0.02	0.039	0.042	1.00	1.00	Min	mg/L	lb/d
30 Day Avg (AVG)	2.00	0.67		0.22	0.07	0.36	0.12	0.05	0.02	0.048	0.047	1.00	1.00	30 Day Avg	3.27	1.09
81.00 97.53 361.25 99.94																

- Plant and Collections Update
  - Working on flushing the steel equalization tank
    - Isolated and flushing solids out of the tank
  - Compared to the flow in 2020, we are up 8.14% for the month of July
  - Sludge drying process with centrifuge
- Roads:
  - Maintaining drainage along the roadway
    - Cleaning of the Drop Inlets (DI's) and bar ditch maintenance
  - Blading of roadway and potholes
  - Screening of raw material for road projects
  - Installed drainage culvert at 60 Twining Road
- Equipment
  - Routine equipment maintenance
- General Public Work tasks
  - Housekeeping in the buildings
  - Correcting drainage around the Wastewater Treatment Plant
  - Site visits on proposed water, sewer, and gas services
  - Site visits on proposed excavation sites

[illegible]



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

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**AGENDA ITEM TITLE:** Public Hearing: Ordinance No. 2022-71 Adopting Regulations for the Use, Sale, Production, Manufacturing, and Cultivation of Marijuana

**DATE:** August 24, 2021 Village Council Regular Meeting

**PRESENTED BY:** Susan Baker, Village Attorney

**STATUS OF AGENDA ITEM:** Old Business

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

**BACKGROUND:**

The proposed ordinance creates regulations regarding the use, sale, production, manufacturing, and cultivation of marijuana. According to the New Mexico Cannabis Regulation Act (“the Act”), the Village has the authority to regulate the “time, place and manner” of marijuana uses within the Village’s jurisdictional limits. The Act does not specify limitations on the Village’s authority, except that we cannot require a marijuana establishment to be located more than three hundred (300) feet from a school, and that marijuana establishments cannot be prohibited. The State has authorized local governments to require business licenses for a marijuana establishment and to enact zoning regulations to ensure that these establishments are compatible with the surrounding neighborhood. The State prohibits a local government from enacting a moratorium on marijuana establishments, even if zoning and other regulations are not in place.

The Act provides for State licensure of all marijuana establishments. The licenses for production, manufacturing, and cultivation are to be available no later than September 1, 2021, and the State will begin to process applications at that time. The licensure of retail sales is to begin in the spring of 2022, or earlier. If an establishment obtains its license for production, manufacturing or cultivation in September from the State, it can legally convert part of its premises to retail at a later date. State officials have also indicated that they may try to get licensure of retail establishments in place prior to the spring of 2022. Therefore, it is important that the Village have its own comprehensive regulations in place by September 1, 2021, or shortly thereafter. Without local regulations, there could be a legal argument that once a business obtains the State license, it could locate in the Village as it sees fit. Local licensing also allows the Village more enforcement authority, if the State’s enforcement capacities are overwhelmed in the coming year. The State is allowed up to ninety days to issue a marijuana establishment license once an application has been received but intends to process applications in a much shorter time frame.

The proposed Village ordinance is a first step. It will also be necessary for the Village to make some slight modifications to its zoning regulations to address marijuana establishments. These amendments will first be considered by the Planning Commission in early September, with the hope of bringing a final ordinance regarding zoning and land use regulations to the

Council in late September or early October. The Act does not allow the Village to force a marijuana establishment to move, once it has already obtained a State license and located within the Village.

The proposed ordinance provides for a local marijuana business license and requires the applicant to meet certain conditions such as establishing a permanent bricks and mortar/legal location, avoidance of noxious odors, compatibility with adjacent businesses or residences, hours of operation, ventilation, and limiting displays of marijuana products on the outside of the establishment (the State has dictated that we cannot limit signage, except as set forth in our sign regulations). The license fee is \$250 dollars, which mirrors the amount the Village has historically charged for a local liquor license. The ordinance also limits marijuana use in public places such as sidewalks, parking lots, and the Village plaza.

The Act allows for a marijuana establishment to have consumption areas on site or on adjacent grounds, provided the business has obtained a "consumption license, which is separate and distinct from the licensure of retail, production/manufacturing, and cultivation. A local government is also allowed to regulate consumption areas. The proposed ordinance defers to State licensing in relation to consumption areas. State law prohibits a marijuana establishment to be located on the same premises as, or combined with, a licensed alcohol establishment. It does allow marijuana to be combined with other retail uses.

Because marijuana operations are known to have a pungent smell and may use strong chemicals in production and manufacturing, it is important to enact zoning regulations to limit their effects on adjacent businesses and residents. The Village will also ensure limitations on discharge into the wastewater treatment system. For this reason, allowing for a "home business cannabis" operation is probably not compatible with a residential neighborhood. However, regarding personal use of marijuana, the Act allows for six mature plants and six immature plants per person, for a maximum of twelve plants per household. The proposed ordinance prohibits commercial operations in a residential area, and these prohibitions will also be outlined in the zoning ordinance amendments.

The ordinance adopts a penalties provision, which will apply to illegal use in public places and violation of the local limits on growing for personal use. It will also apply to sellers, producers or growers who do not have a State license. Where an establishment has a State license in place, the Act provides that no criminal penalties may apply. Therefore, the ordinance allows for the revocation of a local business license (rather than criminal penalties) where a State license is already in place.

**STAFF RECOMMENDATION:**

Staff recommends discussion and approval of **Ordinance No. 2022-71** Adopting Regulations for the Use, Sale, Production, Manufacturing, and Cultivation of Marijuana

**VILLAGE OF TAOS SKI VALLEY  
ORDINANCE NO. 2022-71**

**AN ORDINANCE OF THE VILLAGE OF TAOS SKI VALLEY ADOPTING REGULATIONS REGARDING THE SALE, PRODUCTION, DISTRIBUTION, MANUFACTURING, CULTIVATION AND USE OF MARIJUANA IN THE VILLAGE; ESTABLISHING A LOCAL MARIJUANA BUSINESS LICENSE; CREATING RULES REGARDING THE ISSUANCE OF A LOCAL MARIJUANA BUSINESS LICENSE; ESTABLISHING REGULATIONS FOR THE USE OF MARIJUANA ON PUBLIC PROPERTY AND IN PUBLIC PLACES; LIMITING THE SALE, PRODUCTION, MANUFACTURE AND CULTIVATION OF MARIJUANA AND MARIJUANA INFUSED PRODUCTS TO CERTAIN ZONE DISTRICTS; LIMITING GROWING AND CULTIVATION IN RESIDENTIAL AREAS TO PERSONAL USE ONLY; AND ENACTING A SUNSET PROVISION**

**WHEREAS**, the Council of the Village of Taos Ski Valley finds that the retail sale, production, manufacturing, distribution, and cultivation of marijuana and marijuana infused products may be harmful to the public health, safety and welfare if not locally regulated based upon “time, place, and manner” restrictions;

**WHEREAS**, local governments are authorized by the State of New Mexico to regulate “time, place, and manner” in relation to marijuana as set forth in the New Mexico Cannabis Regulation Act, as amended;

**WHEREAS**, the Village Council finds and declares that marijuana issues are a matter of local concern and municipal interest, recognizing the Village’s police and zoning powers under NMSA Sections 3-17-1, 3-18-1, and 3-21-1.

**WHEREAS**, this Ordinance is designed to protect the public health, safety and welfare from the potentially adverse effects of marijuana, while allowing for its sale, production, manufacturing, distribution, cultivation, and use in accordance with New Mexico law and the Village’s local regulatory authority.

**NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF TAOS SKI VALLEY AS FOLLOWS:**

**Section I. Purpose.**

This Ordinance adopts local regulations, in addition to those in the Village’s Zoning Regulations, Ordinance No. 17-30, regarding the sale, production, distribution,



manufacture, cultivation and use of recreational and medical marijuana within the Village of Taos Ski Valley.

## **Section II. Definitions.**

The following definitions apply throughout this Ordinance and supplement the definitions provided in the New Mexico Cannabis Regulation Act, as amended.

(1) "Adjacent grounds" means all areas that the licensee has an exclusive right to possess by virtue of his ownership or lease, which are outside the enclosed licensed premises, but adjacent and contiguous to the licensed premises, including but not limited to porches, patios, decks, entryways, lawns, parking lots, and similar areas and all fixed and portable things in those areas, including but not limited to lights, signs, speakers, and security devices.

(2) "Approve a business license" means to find that the requirements for a license have been met, but does not give the applicant the right to operate a marijuana establishment in the Village until the license is issued. This standard applies even where the applicant has already obtained a State of New Mexico marijuana license.

(3) "Character and record" includes all aspects of a person's character and record, including but not limited to moral character, criminal record, serious traffic offenses, record of previous sanctions against liquor licenses, gambling licenses, or marijuana licenses, which the person owned, in whole or in part, or in which the person served as a principal, manager, or employee; education, training, experience, civil judgments, truthfulness, honesty, and financial responsibility.

(4) "Complaint" means a document filed with the Village seeking sanctions against a marijuana business license.

(5) "Contiguous" means located within the same building as the marijuana establishment, located in a separate building on the same parcel of land as the marijuana establishment, or located in a separate building on a separate parcel of land that is adjacent to and shares at least fifty percent (50%) of a common lot line with the lot on which the marijuana establishment is located.

(6) "Employee" means the licensee's or proposed licensee's employees.

(7) "Harm" or "harmful to public health, safety or welfare" means any matter that adversely affects the health, safety, or welfare of any person or group of persons within the Village or any adjacent community, including but not limited to matters related to crime, lighting, security, traffic, graffiti, litter, parking, and noise. A showing of actual harm shall not be required and a showing of potential or threatened harm shall be sufficient. Any violation of any criminal statute or ordinance is per se substantially

harmful to public health, safety, and welfare, without any showing of actual or threatened harm. The mere possession, advertising, sale, cultivation, processing, smoking, or ingestion of marijuana or marijuana infused products, when performed lawfully, shall not in itself be considered harmful to public health, safety, and welfare.

(8) "In public" means any area that the public may generally enter, including any business open to the public. The term includes the licensed premises and the adjacent grounds if the marijuana establishment has not also obtained a consumption license from the State of New Mexico. The term includes persons in motor vehicles located in a public place. It also includes property owned or leased by the Village, State or Federal government.

(9) "Issue a business license" means to finalize the Village's local license after a previous approval of the license, and may or may not occur after approval of the license, depending on any completions, inspections, approvals, or conditions that the Village may require to be satisfied before issuance. Issuance gives the licensee the ability to operate a marijuana facility, provided that the licensee also obtains a valid State of New Mexico license.

(10) "License" under this Ordinance means a local business license issued by the Village of Taos Ski Valley for the sale, production, manufacturing, cultivation, or distribution of marijuana or marijuana infused products.

(11) "Licensee" means the person or entity holding a local Village marijuana business license under this Article.

(12) "Licensed premises" means the area inside a building in which the cultivation, manufacture, processing, infusion, possession, weighing, display, packaging, sale, and exchange of marijuana and marijuana infused products is licensed under this Ordinance.

(13) "Marijuana", except where the context clearly indicates otherwise, means growing marijuana plants, harvested marijuana in any state, and marijuana infused products of all kinds, including for medical use. For the purpose of this Ordinance, the term marijuana and medical marijuana are interchangeable.

(14) "Marijuana Establishment" means an entity licensed by the Village pursuant to this Ordinance and may include any of the following:

(a) A single retail location where the licensee may sell marijuana and marijuana infused products to consumers, including edibles. It includes both recreational and medical marijuana.

(b) An offsite manufacturing and production facility at which the licensee may manufacture and produce marijuana and marijuana infused products, which are not sold

on location but are sold or transferred to consumers at other locations. It includes both recreational and medical marijuana.

(c) A cultivation facility at which the licensee may grow or cultivate marijuana and marijuana infused products, which are not sold on location but are sold or transferred to consumers at other locations. It includes both recreational and medical marijuana.

(d) A combined retail, production, and manufacturing location where the licensee may produce and manufacture marijuana and marijuana infused products, including edibles, and also sell these products to consumers at the same location. It includes both recreational and medical marijuana.

(e) A combined retail, production, manufacturing and cultivation/growing location, where the licensee may cultivate and grow marijuana, produce and manufacture marijuana, including marijuana infused products and edibles, and also sell these products to consumers at the same location. It includes both recreational and medical marijuana.

(15) "Marijuana license" means any of the licenses described in this Ordinance, as amended.

(16) "Operate" or "operation" means the matters described in this Ordinance, as amended.

(17) "Person" means any natural person and any entity.

(18) "Principal" means:

(a) In the case of any entity, including any general or limited partnership, corporation, limited liability company, or other entity: any person who has a five percent (5%) or greater interest in the ownership of the entity, and any person who has the day-to-day authority to or actually does manage the entity's finances.

(b) In the case of a corporation: the persons described as a representative or applicant for any entity and the president, vice president, secretary, chief executive officer, chief financial officer, and any person who holds five percent (5%) or more of the capital stock of the corporation.

(c) In the case of a limited liability company: the persons described as a representative or applicant for any entity and any member of the limited liability company.

(d) In the case of a sole proprietorship, the individual owner.

(19) "Public property" means property that is occupied, owned, controlled or operated by the Federal, State, or Village government.

### **Section III. General Requirements.**

(1) It shall be unlawful to use, sell, manufacture, cultivate, produce or distribute marijuana on public property within the Village of Taos Ski Valley.

(2) Marijuana establishments shall not allow a person to consume marijuana on site, or on adjacent grounds, except as where authorized by the New Mexico Cannabis Regulation Act, as amended, including obtaining a consumption license, and in compliance with the Village's zoning regulations.

(3) Marijuana establishments shall provide for proper and secure disposal of all marijuana products and byproducts, and shall abide by the Village's regulations regarding rubbish and discharges into the municipal wastewater system.

(4) Marijuana establishments shall not emit fumes, dust, odors or vapors into the environment or disturb adjacent uses.

(5) Marijuana establishments shall not display or keep visible from outside the licensed establishment any marijuana products or paraphernalia.

### **Section IV. Establishing a Village Marijuana Business License.**

This Ordinance establishes a local Village marijuana business license and distinct rules for the licensing of recreational marijuana and marijuana infused products within the Village of Taos Ski Valley. These local rules and regulations are in addition to licensing requirements established by the State of New Mexico and are necessary for the Village to initiate "time, place and manner" restrictions as authorized by the New Mexico Cannabis Regulation Act, as amended.

This Ordinance establishes the Village's local marijuana business license for the sale, production, distribution, cultivation of marijuana and marijuana infused products, within the Village's jurisdictional limits. The Village shall have the authority to grant or deny a local Village marijuana business license as set forth herein.

### **Section V. Requirements of the Village Marijuana Business License.**

(1) The Village of Taos Ski Valley, as the local marijuana business licensing authority, shall have the following powers and authority:

(a) To issue, deny, or revoke a Village marijuana business license and renewals of the same, and where necessary, to conduct public hearings related thereto.

(b) To impose any sanctions on a Village marijuana business license, including revocation, upon its own authority and initiation, or in response to a complaint by any person for any violation by the licensee after investigation and a public hearing, at which the licensee shall be afforded an opportunity to be heard. Such hearings will allow for the presentation of evidence by the applicant and Village staff and will be followed by the adoption of formal findings and conclusions.

(c) To adopt application forms, fees, and submission requirements for a Village marijuana business license.

(2) No person or corporate entity may operate a marijuana establishment within the Village without first obtaining a Village marijuana business license.

(3) All licenses will be administered and approved by the Village provided that the applicant has met all conditions and requirements established herein, and paid the licensing fee of \$250.00.

(4) It is illegal to operate a marijuana establishment in the Village without first obtaining a local Village marijuana business license.

(5) Upon issuance, the Village's marijuana business license shall be displayed within the premises and be visible to public view.

## **Section VI. General Licensing Requirements.**

In order to obtain a Village marijuana business license under this Ordinance, the applicant must demonstrate the following:

(1) The proposed licensed premises and adjacent grounds meet all requirements for issuance of a State of New Mexico marijuana license and all applicable laws and regulations.

(2) The applicant shows proof of a valid State of New Mexico marijuana license.

(3) The applicant has met all requirements, including payment of any applicable taxes and fees, both state and local.

(4) The applicant has obtained a separate Village business license for any other business activity that will also be operated on the licensed premises, and paid all applicable license fees.

(5) The premises and adjacent grounds are not licensed or operated as an establishment for the sale or service of alcohol beverages, or as a massage parlor, a dance hall, adult business, or an amusement facility.

(6) The applicant has submitted an application for a Village marijuana business license, on the established forms, that the Village Clerk has determined is complete.

(7) In the case of a retail marijuana establishment, the applicant has demonstrated that the proposed licensed premises is located on or within designated commercial zones. Any additional conditional use permit requirements required by the Village's zoning ordinances must be met. A combined retail and production, manufacturing or growing establishment is not allowed in a commercial zone.

(8) In the case of a marijuana establishment that is manufacturing or producing marijuana or marijuana infused products, and even where combined with a retail marijuana establishment, the applicant has demonstrated that the proposed licensed premises is located on or within property zoned or used as industrial or light industrial.

(10) In the case of a marijuana establishment that is cultivating or growing marijuana, the applicant has demonstrated that the proposed licensed premises is located on or within property zoned agricultural, except that where there is an indoor growing facility, using harsh chemicals or machinery, growing lights, hydroponics or other industrial type operations, a conditional use permit is required in the agricultural zone.

(11) In the case of a marijuana establishment that is manufacturing, producing, or cultivating, and even where combined with a retail marijuana establishment, the applicant shows adequate water resources and applicable permits, as approved by the Village, or as required under the laws of the State of New Mexico.

(12) The applicant must demonstrate that the location of the proposed licensed premises is no less than five hundred (500) feet from any other licensed marijuana establishment. Measurements shall be made from any exterior wall of the two (2) proposed or existing licensed premises.

(13) The applicant must demonstrate that the proposed licensed premises are not located within three hundred (300) feet of any public or private school or other childcare facility. The distances referred to in this paragraph are to be computed by direct measurement from the nearest property line of the land used for a school or campus, to the nearest portion of the lot that is the situs of the building that is proposed for a licensed premises.

(14) The applicant agrees to operating hours not earlier than 9:00AM, nor later than 9:00PM.

(15) All proposed licensed premises, adjacent grounds, and related parking facilities which are located on Federal land within the Village are required to abide by applicable Federal law.

(16) The application for a Village marijuana business license must specify the type of marijuana establishment involved, whether retail, manufacturing, production, cultivation or a combination of these.

#### **Section VII. Personal Requirements for the Village Marijuana Business Licensee**

- (1) The applicant for a Village marijuana business license, principals, registered manager, and employees must meet all requirements under New Mexico State law.
- (2) The applicant, principals, registered manager, and employees must be at least twenty-one (21) years of age.
- (3) The applicant, principals, registered manager, and employees must all meet character and records requirements under New Mexico law.
- (4) The applicant, principals, registered manager, and employees hold valid occupational licenses and registrations as required by the State of New Mexico, including all applicable marijuana licenses.

#### **Section VIII. Specific Requirements Regarding the Premises.**

- (1) The proposed licensed premises are located in a fixed, permanent, non-portable building and are not located in a movable or mobile structure or in a vehicle, nor is it operated as a home occupation under Village regulations.
- (2) The size of the premises is compatible and compliant with the applicable zoning district limitations regarding square footage.
- (3) The applicant must have sole legal control of the proposed licensed premises at the time the application is submitted, under a lease that is presently in effect or through present ownership of the proposed licensed premises as shown by a deed or other instrument of record. The applicant must show proof that the lessor has agreed to use of the premises as a marijuana establishment.
- (4) All storage, dispensing, manufacture, production, and cultivation activities shall be conducted indoors in a building meeting the requirements of Subsection (1).
- (5) Plants, products, accessories, and associated paraphernalia shall not be visible from a public sidewalk or right-of-way.
- (6) The proposed licensed premises have a suitable limited access area where the cultivation, display, storage, processing, weighing, handling, and packaging of marijuana and marijuana infused products occurs, which is posted "employees only," and is separated from the areas accessible to the public by a wall, counter, or some other substantial barrier designed to keep the public from entering the area.

(7) The applicant has submitted a security plan for the proposed licensed premises, which has been inspected and approved by the Village's Police Department or Building Official, and showing at least the following minimum security measures:

(a) All doors, windows and other points of entry have secure and functioning locks;

(b) A locking safe or enclosed secured storage located inside the proposed licensed premises in which any marijuana and marijuana infused products will be secured when the licensed premises are not open to the public;

(c) If the licensed premises are connected by any passage or entryway to any other premises, there is a door between the two (2) premises that can be locked from the licensee side and cannot be opened from the other side;

(d) A professionally monitored burglar alarm system that detects unauthorized entry of all doors, windows and other points of entry to the proposed licensed premises; and

(e) All licensing requirements established by the State of New Mexico.

(8) The proposed licensed premises and adjacent grounds comply with all zoning, health, building, plumbing, mechanical, fire, and other codes, statutes, and ordinances, as shown by completed inspections and approvals from the Village's Building Official.

(9) There is sufficient parking available on the proposed adjacent grounds given the size of the licensed premises and the number of employees and customers that can reasonably be expected to be present at any given time, pursuant to applicable provisions of Village ordinances.

(10) The proposed licensed premises and adjacent grounds of the licensed premises will be operated in a manner that does not cause any substantial harm to public health, safety and welfare.

(11) The proposed licensed premises are equipped with a ventilation system with carbon filters sufficient in type and capacity to eliminate marijuana odors emanating from the interior to the exterior discernible by a reasonable person, including to any public property or right-of-way within the Village. The ventilation system must be inspected and approved by the Village Building Official.

(12) The proposed licensed premises are located in a building that does not share any doors, windows, air passages, vents, ducts or any heating, ventilation, air conditioning, or air handling equipment or structures with any other residential building or premises whatsoever.



(13) Walls, barriers, locks, signs and other means are in place to prevent the public from entering the area of the proposed licensed premises utilized for cultivation or production and manufacturing.

(14) No portion of the building in which the proposed licensed premises are located is utilized as a residence.

(15) The proposed licensed premises must ensure that the ventilation system, air filtration, building screening requirements, necessary security apparatus and lighting are all compatible with neighboring businesses and adjacent uses.

(16) Every licensee and its principals, registered manager, and employees have a continuing duty to ensure that the requirements of this Section continue to be met after the license is issued and at all times that the license remains in effect.

(17) The licensee abides by all Village ordinances regarding signage, land use and zoning, water service, lighting, and wastewater discharge.

#### **Section IX. Changes to License.**

(1) No licensee shall make any of the following major changes without first obtaining the written approval of the Village:

(a) Any transfer of the license or any ownership interest in the licensee entity or license.

(b) Any change in location of the licensed premises.

(c) Any change in the licensee's principals.

(d) Any change in the structure, walls, doors, windows, ventilation, plumbing, electrical supply, floor plan, footprint, elevation, operation, operational plan, patios, decks, safe or vault, locks, surveillance system, doors, window coverings, or security system at the licensed premises.

(e) Any material change to the adjacent grounds, including but not limited to lighting, parking, and traffic flow.

#### **Section X. Cultivation and Growing for Personal Use.**

(1) Individuals may possess, cultivate and grow marijuana in their residence, including in a residential zoning district, but only for their personal use and subject to the following limitations as established under the New Mexico Cannabis Regulation Act, as amended:

(a) An individual must be at least twenty-one (21) years of age.

(b) It is unlawful to grow, cultivate, or process more than the designated number of marijuana plants per person, and per residence set forth in the New Mexico Cannabis Regulation Act, as amended, and any other applicable laws of the State of New Mexico.

(c) A residence shall not emit marijuana odors of any kind.

(d) Any growing or cultivation of marijuana products for personal use shall not be visible to the public.

(e) Any growing, cultivation or production of marijuana or marijuana infused products for personal use shall not be sold or transferred to third parties for future sale.

(f) No marijuana sale, production, distribution, manufacturing or cultivation shall be allowed in a residential zone district, except for personal use and as specifically set forth herein.

#### **Section XI. Granting the License**

(1) The Village marijuana license shall be granted by formal approval of Village staff upon meeting the requirements set forth in herein.

#### **Section XII. Revocation of License.**

(1) Any person in violation of a local Village marijuana license as set forth herein is subject to revocation for violations of this Ordinance, other Village ordinances, or New Mexico State or Federal laws.

(2) If the Village finds that there is probable cause that a violation has occurred, or if a formal complaint is received by Village staff or a third party, the Village will immediately investigate the alleged violation.

(3) Upon evidence of a violation, the Village shall notify the licensee in writing of the specific allegations and the date of hearing scheduled for the Village Council to consider the revocation, formal complaint, or any other appropriate action involving the license.

(4) During the license revocation hearing, the Village Council will hear evidence from Village staff and the licensee. Each party will be given an opportunity to be heard, to present witnesses, to cross examine witnesses, and to present evidence and exhibits in support of his or her case. At the conclusion of the hearing, the Village Council will make formal findings as to the reasons for revoking the license or allowing it to remain in place with conditions.

(5) If a marijuana license issued under this Ordinance is revoked, the licensee must cease doing business immediately, or as prescribed by the Village.

**Section XIII. Penalties Provision.**

To the extent permitted by law, any violation of this Ordinance will result in a citation with penalties of up to \$300 for each separate violation, and with possible cumulative penalties for each day a violation continues.

**Section XIV. Repeal of Conflicting Provisions.**

All Village ordinances or parts of ordinances in conflict with the provisions of this Ordinance, or any part thereof, are hereby superseded and repealed.

**Section XV. Severability Clause.**

If any court of competent jurisdiction or the State of New Mexico finds any provision of this Ordinance to be unlawful, this provision shall be severable and the remainder of this Ordinance shall remain in full force and effect.

**Section XVI. Publication, Effective Date and Sunset Provision.**

This Ordinance will shall be in full force and effect after its adoption, approval, and publication as provided by law. .

This Ordinance is set to expire on January 31, 2022, recognizing that it involves a novel issue and an area of law that remains unestablished in the State of New Mexico. In addition, Federal law prohibits the legalization of marijuana to date, and this Ordinance was created solely in response to passage of the New Mexico Cannabis Regulation Act, which legalizes the use, retail sale, cultivation, manufacture, production and distribution of recreational marijuana in the State.

Prior to its scheduled expiration, the Village Council may enact amendments or approve a second adoption of this Ordinance, either partially or in its entirety.

**PASSED, APPROVED AND ADOPTED THIS \_\_\_\_ day of \_\_\_\_\_, 2021.**

**VILLAGE OF TAOS SKI VALLEY, NEW MEXICO**

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

**ATTEST:**

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

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

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AGENDA ITEM TITLE: Discussion of COVID emergency status, the New Mexico Department of Health and Direction to take measures to safeguard the public and personnel in the Village

DATE: August 24, 2021

PRESENTED BY: John Avila, Village Administrator

STATUS OF AGENDA ITEM: Old Business

CAN THIS ITEM BE RESCHEDULED: Not Recommended

**BACKGROUND INFORMATION:**

The Governor's Office announced changes under the NMHOH Health Order on 8/17/21, in response to the increase on COVID cases not only Nationally but in New Mexico. The Village of Taos Ski Valley is committed to follow the State Order but also may take further action and is authorized under Emergency Resolution 2020-428. At this time, the change to mandatory masks for indoor public spaces is the primary requirement, with safety precautions being the watch word.

The community wide support for precautions and safety requirements was instrumental in keeping COVID cases from completely closing the Ski Season of 2020/2021. Preparation for the coming season includes COVID precautions that may be more stringent than those require in the NMDOH Heath Order.

**STAFF RECOMMENDATION:** Staff recommends discussion of the COVID emergency status and review of the issues. And direction to proceed, with the Village precautions.



MICHELLE LUJAN GRISHAM  
Governor

DAVID R. SCRASE, M.D.  
Acting Cabinet Secretary

**PUBLIC HEALTH ORDER  
NEW MEXICO DEPARTMENT OF HEALTH  
ACTING SECRETARY DAVID R. SCRASE, M.D.**

August 17, 2021

**Public Health Emergency Order Clarifying that Current Guidance Documents, Advisories, and Emergency Public Health Orders Remain in Effect; and Amending Prior Public Health Emergency Orders to Impose Certain Public Health Measures**

**PREFACE**

The purpose of this amended Public Health Emergency Order is to amend restrictions on mass gatherings and business operations, which were implemented in response to the spread of the Novel Coronavirus Disease 2019 ("COVID-19"). While vaccines are the most effective method to prevent the spread of COVID-19, masks, social distancing, and self-isolation measures continue to be necessary to protect New Mexicans who are ineligible to receive a COVID-19 vaccine or who choose not to receive a vaccine. All New Mexicans should continue to adhere to social distancing protocols when required to protect our State as a whole. In accordance with these purposes, this Order and its exceptions should be narrowly construed to encourage New Mexicans continue social distancing measures.

It is hereby **ORDERED** that:

1. All current guidance documents and advisories issued by the Department of Health remain in effect.
2. The following Public Health Emergency Orders remain in effect through the current Public Health Emergency and any subsequent renewals of that Public Health Emergency or until they are amended or rescinded:
  - A. December 15, 2020 Amended Public Health Emergency Order Implementing Additional Contact Tracing Information Requirements for All Laboratories and Submitters Submitting Notifiable Condition COVID-19 Test Results to the New Mexico Epidemiology and Response Division;
  - B. January 8, 2021 Emergency Order Implementing Administration and Reporting Requirements for All COVID-19 Vaccine Providers;
  - C. April 5, 2021 Amended Public Health Emergency Order Temporarily Limiting Long-Term Care Facilities Visitation Due to COVID-19; and

**OFFICE OF THE SECRETARY**

1190 St. Francis Dr., Suite N4100 • P.O. Box 26110 • Santa Fe, New Mexico • 87502  
(505) 827-2613 • FAX: (505) 827-2530 • [www.nmhealth.org](http://www.nmhealth.org)



- D. February 26, 2021 Public Health Emergency Order Implementing Administration Requirements for All COVID-19 Vaccine Providers and Requiring Accurate Information be Provided by Individuals Registering to Receive the COVID-19 Vaccine.

3. The July 30, 2021 Public Health Emergency Order Clarifying that Current Guidance Documents, Advisories, and Emergency Public Health Orders Remain in Effect; and Amending Prior Public Health Emergency Orders to Impose Certain Public Health Measures is hereby amended as follows:

### **ORDER**

**WHEREAS**, on March 11, 2020, because of the spread of the novel Coronavirus Disease 2019 ("COVID-19"), Michelle Lujan Grisham, the Governor of the State of New Mexico, declared that a Public Health Emergency exists in New Mexico under the Public Health Emergency Response Act, and invoked her authority under the All Hazards Emergency Management Act;

**WHEREAS**, Governor Michelle Lujan Grisham has renewed the declaration of a Public Health Emergency through September 15, 2021;

**WHEREAS**, confirmed cases in the United States have risen to more than 36 million and confirmed COVID-19 infections in New Mexico have risen to over 220,000;

**WHEREAS**, COVID-19 is a deadly virus and has taken the lives of over 600,000 Americans and over 4,450 New Mexicans;

**WHEREAS**, the further spread of COVID-19 in the State of New Mexico poses a threat to the health, safety, wellbeing and property of the residents in the State due to, among other things, illness from COVID-19, illness-related absenteeism from employment (particularly among public safety and law enforcement personnel and persons engaged in activities and businesses critical to the economy and infrastructure of the State), potential displacement of persons, and closures of schools or other places of public gathering;

**WHEREAS**, vaccination, social distancing, and the consistent and proper use of face coverings in public spaces are the most effective ways New Mexicans can minimize the spread of COVID-19 and mitigate the potentially devastating impact of this pandemic in New Mexico; and

**WHEREAS**, the New Mexico Department of Health possesses legal authority pursuant to the Public Health Act, NMSA 1978, Sections 24-1-1 to -40, the Public Health Emergency Response Act, NMSA 1978, Sections 12-10A-1 to -19, the Department of Health Act, NMSA 1978, Sections 9-7-1 to -18, and inherent constitutional police powers of the New Mexico state government, to preserve and promote public health and safety, to adopt isolation and quarantine, and to close public places and forbid gatherings of people when deemed necessary by the Department for the protection of public health.

**NOW, THEREFORE, I, David R. Scrase, M.D.,** Acting Secretary of the New Mexico Department of Health, in accordance with the authority vested in me by the Constitution and the Laws of the State of New Mexico, and as directed by the Governor pursuant to the full scope of her emergency powers under the All Hazard Emergency Management Act, do hereby declare the current outbreak of COVID-19 a condition of public health importance, as defined in NMSA 1978, Section 24-1-2(A) as an infection, a disease, a syndrome, a symptom, an injury or other threat that is identifiable on an individual or community level and can reasonably be expected to lead to adverse health effects in the community, and that poses an imminent threat of substantial harm to the population of New Mexico.

**I HEREBY DIRECT AS FOLLOWS:**

(1) Beginning Friday August 20, 2021, unless a healthcare provider instructs otherwise, all individuals age 2 years and older shall wear a mask or multilayer cloth face covering in all indoor public settings except when eating or drinking. Nothing in this Order shall be construed as prohibiting any business, house of worship, non-profit entity, or other entity from imposing more stringent requirements. The masking provision in Section (1) of the July 30, 2021 Public Health Order shall remain in effect until Friday August 20, 2021.

(2) Any business, establishment, or non-profit (other than those which are a healthcare operation, utility, or indigent care services) which members of the public regularly visit must report to the New Mexico Environment Department when there is an occurrence of a rapid response. The New Mexico Environment Department shall monitor when an entity has four (4) or more rapid responses within a fourteen (14) day period. For purposes of this directive, rapid responses will be counted on a rolling basis. Businesses, establishments, or non-profits with four or more rapid responses shall not be required to cease operations. However, the rapid responses must be reported to the Environment Department so that the public may be made aware of the positive cases.

(3) All businesses, establishments, and non-profit entities must adhere to the pertinent COVID-Safe Practices.

(4) Private educational institutions serving children and young adults from pre-Kindergarten through 12th Grade, including homeschools serving children who are not household members, shall adhere to the face covering and other COVID-Safe Practices requirements for in-person instruction contained in the New Mexico's Public Education Department's "Reentry Guidance" and "COVID-19 Response Toolkit for New Mexico's Public Schools," available at <https://webnew.ped.state.nm.us/reentry-district-and-school-guidance/>, and may operate up to maximum capacity. Private educational institutions shall follow the reporting, testing, and closure requirements set forth by the Public Education Department in the Reentry Guidance and COVID-19 Response Toolkit for New Mexico's Public Elementary Schools.

I FURTHER DIRECT as follows:

(1) This Order shall be broadly disseminated in English, Spanish, and other appropriate languages to the citizens of the State of New Mexico.

(2) This Order declaring restrictions based upon the existence of a condition of public health importance shall not abrogate any disease-reporting requirements set forth in the Public Health Act.

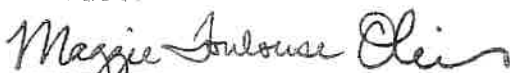
(3) Nothing in this Order is intended to restrain or preempt local authorities or state agencies from enacting more stringent restrictions than those required by the Order.

(4) This Order shall take effect immediately and remain in effect through September 15, 2021.

(5) The New Mexico Department of Health, the New Mexico Department of Public Safety, the New Mexico Department of Homeland Security and Emergency Management, and all other State departments and agencies are authorized to take all appropriate steps to ensure compliance with this Order.

(6) Any and all State officials authorized by the Department of Health may enforce this Order by issuing a citation of violation, which may result in civil administrative penalties of up to \$5,000 for each violation under NMSA 1978, Section 12-10A-19.

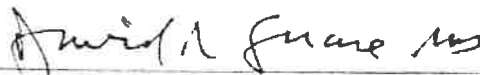
ATTEST:



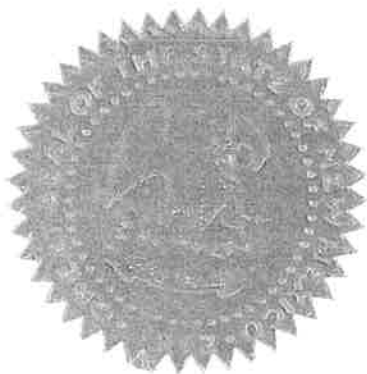
MAGGIE TOULOUSE OLIVER  
SECRETARY OF STATE

DONE AT THE EXECUTIVE OFFICE  
THIS 17TH DAY OF AUGUST 2021

WITNESS MY HAND AND THE GREAT  
SEAL OF THE STATE OF NEW MEXICO



DAVID R. SCRASE, M.D.  
ACTING SECRETARY OF THE  
NEW MEXICO DEPARTMENT OF HEALTH





## John Avila

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**From:** Tania McCormack <Tania.McCormack@skitaos.com>  
**Sent:** Friday, August 20, 2021 3:13 PM  
**To:** Tania McCormack  
**Subject:** Quick Update - Masks

Hi Taos Ski Valley Businesses,

Good afternoon, I have a quick update before the weekend. We are following the latest New Mexico Public Health order: All individuals 2+ years, vaccinated and unvaccinated, must wear a facemask if indoors unless eating or drinking or in an office space alone. We are updating our signs to reflect this change. We will continue to monitor the situation and stay in line with recommendations and mandates.

Please reach out with any questions or concerns. We have also updated our Summer Operations page. Thank you.

Best,

**Tania McCormack**  
*Director of Marketing*

**TAOS**



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

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AGENDA ITEM TITLE: Discussion of US Postal Service Options in the Taos Ski Valley and Direction to assist the USPS to keep postal delivery within the Village of Taos Ski Valley.

DATE: August 24, 2021

PRESENTED BY: John Avila, Village Administrator

STATUS OF AGENDA ITEM: New Business

CAN THIS ITEM BE RESCHEDULED: Not Recommended

**BACKGROUND INFORMATION:**

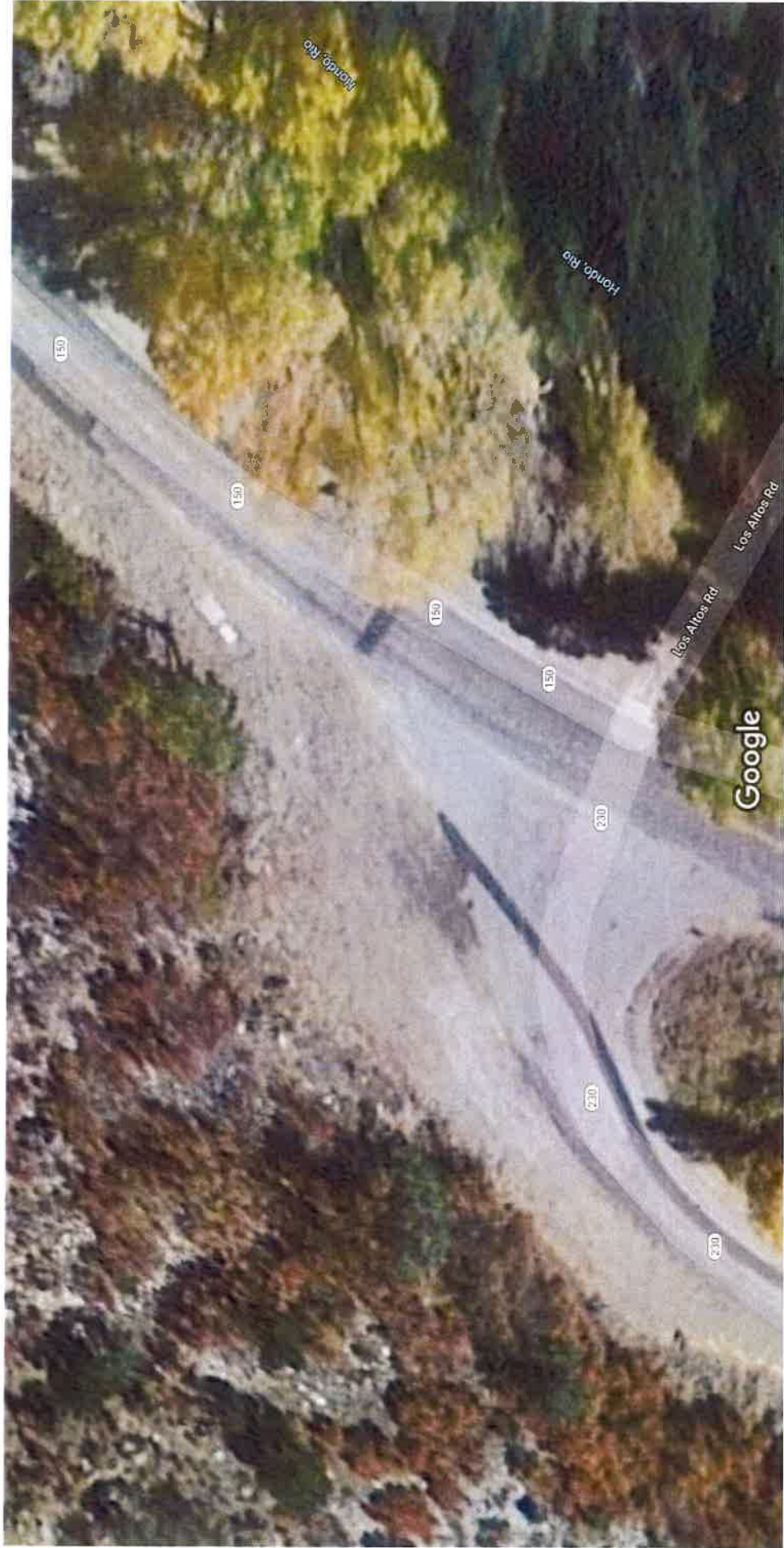
The Taos US Postal Office contacted Mayor Brownell with news that the Village would lose Post Office Service in September and that Post Office cluster mailboxes were permitted and purchased to install outside the Village. The USPS has received permission from the NM Department of Transportation to install cluster boxes at the base of the canyon at NM 150 Mile Marker 7 "The Cattle Guard". The cluster boxes for the Village mail are ordered and are due before the end of the month. Installation of boxes outside the Village was given as imminent.

The Mayor and Administrator were able to meet with Taos Postmaster Leyba to understand plans for the Taos Ski Valley mail. Taos USPO met with Denver Region Leasing Agent on Monday for confirmation of planning. It is understood that negotiation for a Post Office site was in the works with Taos Ski Valley Inc. (TSVI). However, the Taos PO did not have an agreement and are continuing with their plan to install the cluster boxes.

The USPO had an opportunity to visit the Village Complex to review as a Plan B option to placing boxes outside the Village and they considered the location better than at the NM 150 MM7. While an indoor "Village" PO is preferred, the USPS is looking for a long term agreement to avoid moving a temporary installation.

**STAFF RECOMMENDATION:**

Council discussion to understand the status of the Village Postal Service and permit a postal service option on Village property, if needed to stop Village mailboxes placed outside the Village.



Map data ©2021 , Map data ©2021 20 ft

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

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**AGENDA ITEM TITLE:** Discussion of Zoning Options for Marijuana Establishments

**DATE:** August 24, 2021

**PRESENTED BY:** Patrick Nicholson, Director of Planning & Community Development  
Susan Baker, Village Attorney

**STATUS OF AGENDA ITEM:** New Business

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

**BACKGROUND:** Staff would appreciate feedback from the Village Council regarding zoning for marijuana establishments. According to the New Mexico Cannabis Regulation Act (“the Act”), the Village has the authority to regulate the “time, place and manner” of marijuana uses within the Village’s jurisdictional limits. The Act does not specify limitations on the Village’s authority, except that the Village cannot require a marijuana establishment to be located more than three hundred (300) feet from a school, and marijuana establishments cannot be prohibited. Marijuana establishments are to be treated essentially the same as other businesses and are somewhat analogous to liquor establishments. However, marijuana uses create more odors and are still offensive to sectors of the population, because they remain illegal in some states and under federal law.

*1. Types of Uses:*

A. Cultivation of Marijuana. The Village currently has an agricultural zone where the outdoor cultivation of marijuana would be an allowed use. Such cultivation is unlikely in a high-altitude environment.

If cultivation is to occur indoors, in a large commercial greenhouse that uses bright lighting, water for hydroponics or chemicals, staff recommends requiring a conditional use permit CUP). CUPs are commonly required for more intensive agricultural uses such as a dairy or hog farm. A greenhouse operation is unlikely at high altitude, but Colorado does have some of these in mountain regions.

If the Council agrees, the Village’s zoning regulations could be amended to allow for a CUP in the agricultural zone, where a commercial greenhouse is proposed.

B. Manufacturing/Production. The manufacturing and production of marijuana often uses bright lights and industrial chemicals in the extraction process. Many workers may also be involved, especially if there is a cutting operation. These types of uses are most appropriate for a light industrial or industrial zone. The Village has no such zones because they are incompatible with the Village’s high density residential/ retail commercial uses in a high alpine environment. For example, a paint and dye shop or welding operation would not be allowed to locate in the Village.

Staff recommends not creating a special industrial zone for marijuana. While the Village should not discriminate against or ban marijuana establishments, it is not required to create special zones to accommodate uses that are simply not compatible with Village zoning. In addition, it is highly unlikely that a producer or manufacturer would seek to operate within the Village limits.

C. Retail Sales and Consumption Areas. Retail uses are compatible with the Village's commercial zones and are likely to be of interest to potential operators. Marijuana sales are historically associated with the ski industry and tourism. If a retailer obtains a State of New Mexico "consumption license," it is possible that the establishment could have an indoor or outdoor location for consumption of marijuana products. Such areas may be offensive to adjacent residential neighborhoods.

Staff would like for the Village Council to consider the following options for zoning retail marijuana establishments, or to suggest other options for discussion purposes. Based on this discussion, staff hopes that Council will reach a consensus on the best approach for amending our zoning regulations to address retail establishments and adjacent consumption areas in the Village's commercial zones:

## *2. Suggested Zoning Options:*

A. Marijuana Retail Establishments/Commercial Overlay District. The Village could create a commercial overlay district for marijuana retail establishments. In this overlay district, such establishments would become a use by right (i.e. would not be subject to a conditional use permit process). With an overlay district, the Village would take a map of the existing commercial districts and would "overlay" an area on the map that allows for marijuana establishments.

We should discuss whether the overlay district would be confined to Amizette, or also include areas of the Village Core/Kachina Basin. If the Core is included, should there be distance limits on allowing establishments to locate adjacent to residential homes, condos or hotels?

B. Marijuana Retail Establishments/Commercial District/Uses by Right. Allow marijuana retail establishments as a use by right in all the Village's commercial districts. Generally, in the Village Core, any non-skier related business requires a conditional use permit under our current zoning regulations. This option would permit retail sales within the O.E. Pattison subdivision.

C. Marijuana Retail Establishments/Commercial District/CUP. All marijuana establishments would be subject to a conditional use permit process. A CUP requirement would assure that neighbors are formally noticed and could comment at a scheduled public hearing regarding the proposed use. Conditions could also be placed upon the establishment's operations to mitigate any concerns of incompatibility with surrounding uses, especially where a licensed consumption area is involved.

A CUP process is more burdensome for staff and could create potential legal challenges, as it involves a formal quasi-judicial hearing process that can be appealed to district court.

## **STAFF RECOMMENDATION:**

Staff recommends discussion by Council of the various options set forth above, as well as other options, and direction on which approach is most compatible with Village zoning.

Based upon Council's recommendations, staff will begin amending the zoning ordinance to present to Planning Commission during its regular meeting on September 13, 2021.

Village of Taos Ski Valley  
Village Council  
Agenda Item

**AGENDA ITEM TITLE:**

Consideration to Approve Resolution No. 2022-482, A Resolution to Approve the Disposal of Capital Assets owned by the Village of Taos Ski Valley

**DATE:** August 24, 2021

**PRESENTED BY:** Nancy Grabowski

**STATUS OF AGENDA ITEM:** New Business

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

**BACKGROUND INFORMATION:** The Village has determined that the following asset is no longer being used and should be disposed of:

In fiscal year 1997 the Village acquired a 1994 Atwood Modular building from Capital Modular in Bernalillo County, NM. It was placed at 7 Firehouse Road next to the Village Office to be utilized as a police station. Staff was unable to locate a capital folder nor a bill of sale, so the building purchase price is unknown. Staff estimates the expense at \$25,000 based on the current pricing of these types of units. The Police Offices have now been relocated to the Village Complex and the modular building is not in use. Additionally, the modular building has endured over 20 years of weather and usage and needs significant repairs. The building has been relocated to an area near the plant and the Village has no further plans to utilize it.

When the modular building was purchased, it was not registered with Motor Vehicle (MVD) because of the assumption it would not be moved. Efforts were made to contact the MVD, requesting a duplicate title. MVD advised the Village to contact the place of purchase, however Capital Modular is no longer in business. Because of this, a title cannot be obtained, and the building will need to be moved with a trailer. Staff will dispose of the building via surplus auction, but if unable to sell it, it will be disposed of as scrap. Estimated salvage value of the building is \$500.

**RECOMMENDATION:** Staff recommends approval of Resolution No. 2022-482 approving the disposal of the capital asset owned by the Village of Taos Ski Valley.

**STATE OF NEW MEXICO  
VILLAGE OF TAOS SKI VALLEY**

**RESOLUTION NO. 2022-482**

**A RESOLUTION TO APPROVE OF THE DISPOSAL OF CAPITAL ASSETS  
OWNED BY THE VILLAGE OF TAOS SKI VALLEY**

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

**WHEREAS**, The Village has specifically identified such property herein; 1994 Atwood Modular building formerly being utilized as a police station and,

**WHEREAS**, The Village purchased this building in 1997, but has no record of the purchase price. The estimated expense at the time of purchase is \$25,000 and,

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

**WHEREAS**, Staff believes it is in the best interest of the Village to dispose of assets via surplus auction with an estimated value of \$500, pursuant to State and Village requirements.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the governing body of the Village of Taos Ski Valley, State of New Mexico hereby approves authorizes and directs that the Village of Taos Ski Valley dispose of the 1994 Atwood Modular building as an obsolete capital asset.

PASSED, ADOPTED, AND APPROVED this \_\_\_\_\_

VOTES: \_\_\_\_\_ Yes      \_\_\_\_\_ No

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

\_\_\_\_\_  
Mayor

ATTEST:

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

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

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**AGENDA ITEM TITLE:** Consideration to Approve Resolution No. 2022-483, the Village of Taos Ski Valley 2023-2027 Infrastructure & Capital Improvements Plan (ICIP)

**DATE:** August 24, 2021

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

**STATUS OF AGENDA ITEM:** New business

**CAN THIS ITEM BE RESCHEDULED:** Not Recommended due to submission deadline.

**BACKGROUND INFORMATION:** The 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 2023-27. Unlike the Capital Improvements Plan (CIP), the ICIP contains a vast assortment of desirable and necessary projects proposed by Village department directors and elected officials. Considerable work remains to identify and secure project funding, designate a Village project manager, coordinate project planning and development across departments, and eventually manage construction activities. Department directors developed, reviewed, and approved this year's ICIP submission.

**RECOMMENDATION:** Staff recommends the Village Council approve Resolution No. 2022-483 approving the Village of Taos Ski Valley 2022-2026 Infrastructure & Capital Improvements Plan.





**RESOLUTION No. 2022-483**

**ADOPTING THE 2023-2027  
INFRASTRUCTURE & CAPITAL IMPROVEMENTS PLAN**

**WHEREAS,** the Village of Taos Ski Valley recognizes that the financing of public capital projects has become a major concern in New Mexico and nationally; and

**WHEREAS,** in times of scarce resources, it is necessary to find new financing mechanisms and maximize the use of existing resources; and

**WHEREAS,** systematic capital improvements planning is an effective tool for communities to define their development needs, establish priorities and pursue concrete actions and strategies to achieve necessary project development; and

**WHEREAS,** this process contributes to local and regional efforts in project identification and selection in short and long-range capital planning efforts.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL,** that:

1. The Village Council has adopted the attached FY 2023-2027 Infrastructure & Capital Improvement Plan, and
2. It is intended that the Plan be a working document and is the first of many steps toward improving rational, long-range capital planning and budgeting for the Village of TSV and New Mexico's infrastructure.

**PASSED, ADOPTED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**THE VILLAGE OF TAOS SKI VALLEY**

\_\_\_\_\_  
Mayor

Attest:

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

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

2023-2027 VTSV INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN

Year & Priority	Project Name	Total Cost	Funded	Unfunded Amount	2023	2024	2025	2026	2027
23.1	Kachina Distribution Lines	\$ 225,000	\$	\$ 225,000	\$ 225,000				
23.2	Twining Rd. Improvements - Planning, Engineering, Design, & Construction	\$ 5,400,000	\$ 362,500	\$ 5,037,500	\$ 2,725,000	\$ 1,500,000	\$ 812,500		
23.3	Water Line Upgrades and Expansion Village Wide (see note for specific segments)	\$ 6,500,000		\$ 6,500,000	\$ 2,000,000	\$ 2,000,000	\$ 1,000,000	\$ 1,000,000	\$ 500,000
23.4	Renovate and Expand Primary Fire Station #1	\$ 2,500,000		\$ 2,500,000		\$ 1,500,000	\$ 1,000,000		
23.5	Fire Hydrants Additional (see note for locations)	\$ 250,000		\$ 250,000		\$ 125,000	\$ 125,000		
23.6	Multi-Purpose Trails (Amizette to Kachina) Planning, Acquisition, and Development	\$ 750,000		\$ 750,000	\$ 250,000	\$ 250,000	\$ 250,000		
23.7	Acquire Snow Storage Area/Land	\$ 1,500,000		\$ 1,500,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000
23.8	Pumper Tender (Fire Dept.)	\$ 500,000		\$ 500,000	\$ 500,000				
23.9	Renovate and Expand New Village Hall Complex (incl. Public Safety facilities)	\$ 3,350,000	\$ 1,200,000	\$ 2,150,000	\$ 1,850,000	\$ 300,000			
23.10	Waste/Water Line Upgrades and Expansion - Amizette	\$ 12,694,584		\$ 12,694,584			\$ 4,000,000	\$ 4,694,584	\$ 4,000,000
24.1	Water Line Upgrades and Expansion - Amizette	\$ 4,750,000		\$ 4,750,000				\$ 2,750,000	\$ 2,000,000
24.2	Road Improvements Village Wide (see note for specific locations)	\$ 12,687,808		\$ 12,687,808	\$ 1,000,000	\$ 2,000,000	\$ 2,687,808	\$ 4,000,000	\$ 3,000,000
24.3	Purchase Public Safety Vehicles and Equipment	\$ 150,000		\$ 150,000		\$ 150,000			
24.4	Road Grader	\$ 250,000		\$ 250,000		\$ 250,000			\$ 250,000
24.5	Fire Rescue Truck	\$ 400,000		\$ 400,000		\$ 400,000			
24.6	Helpad Site Development	\$ 750,000		\$ 750,000		\$ 750,000			
24.7	Public Safety Building Land Acquisition	\$ 230,000		\$ 230,000			\$ 230,000		
24.8	Electric Vehicle Charging Station	\$ 75,000		\$ 75,000			\$ 75,000		
24.9	Solar Energy Collection and Panel Installation	\$ 175,000		\$ 175,000			\$ 175,000		
24.10	Gunsite Springs Engineering, Design, Construction and Distribution Lines	\$ 1,750,000		\$ 1,750,000			\$ 1,750,000		
24.11	Water Line Upgrades and Expansion - Bull of the Woods	\$ 1,000,000		\$ 1,000,000			\$ 1,000,000		
24.12	Purchase Replacement Fire Engine	\$ 475,000		\$ 475,000			\$ 475,000		
25.1	Fire Sub-station #2 Expand and Renovate	\$ 1,500,000		\$ 1,500,000				\$ 1,500,000	
25.2	Undergrounding of Electric Lines Village Wide	\$ 2,000,000	\$ 400,000	\$ 1,600,000	\$ 400,000	\$ 400,000	\$ 400,000	\$ 400,000	\$ 400,000
25.3	Waste/Water Line Upgrades and Expansion - Bull of the Woods	\$ 750,000		\$ 750,000			\$ 750,000		
25.4	Public Safety Repeater Building	\$ 150,000		\$ 150,000			\$ 150,000		
25.5	Phoenix Spring Redevelopment & Repair (Planning, Engineering, Design, & Construction )	\$ 500,000		\$ 500,000		\$ 250,000	\$ 250,000		
25.6	Purchase Village Vehicles	\$ 150,000		\$ 150,000			\$ 150,000		
25.7	Hiker Parking Lot, Expansion or Additional Location and Improvements	\$ 350,000		\$ 350,000		\$ 350,000			
25.8	Public Transit (NCRD) Stops/Pull-outs/Shellers (match)	\$ 150,000		\$ 150,000			\$ 150,000		
25.9	Kachina Weiland Park Improvements	\$ 300,000		\$ 300,000		\$ 50,000	\$ 150,000		
25.10	Public Restrooms and Recreational Structures	\$ 350,000		\$ 350,000		\$ 300,000	\$ 50,000		
25.11	Pumper Vactor Truck - Purchase and Equip	\$ 175,000		\$ 175,000		\$ 350,000			
25.12	Snow Dragon (snow melt)	\$ 150,000		\$ 150,000				\$ 175,000	
26.1	Public Works Material & Vehicle Storage Building	\$ 750,000		\$ 750,000				\$ 150,000	
26.2	Surface Water Treatment Plant Gunsite (Plan, Engineer, Design, & Construction)	\$ 1,500,000		\$ 1,500,000				\$ 500,000	\$ 250,000
26.3	Land Acquisition for Conservation Easements (SWPP Phoenix and Gunsite)	\$ 350,000		\$ 350,000				\$ 350,000	
26.4	Recycling Facility - Planning, Design, & Construction	\$ 300,000		\$ 300,000				\$ 50,000	\$ 250,000
26.5	Public Works Dumptruck	\$ 125,000		\$ 125,000					\$ 125,000
26.6	Purchase Water Truck	\$ 100,000		\$ 100,000					\$ 100,000
27.1	Multi-Hog Attachment - Trifely sweeper	\$ 70,000		\$ 70,000					\$ 70,000
27.2	Ladder Truck (Fire Dept.)	\$ 2,250,000		\$ 2,250,000					\$ 2,250,000
	<b>SubTotal (excluding funded projects)</b>	<b>\$ 66,369,892</b>			<b>\$ 9,252,023</b>	<b>\$ 11,227,024</b>	<b>\$ 15,432,333</b>	<b>\$ 17,671,610</b>	<b>\$ 13,495,000</b>
	<b>Funded Projects:</b>	<b>\$ 1,962,500</b>	<b>\$ 1,962,500</b>						
	<b>Total all Projects from 2023 to 2027</b>	<b>\$ 68,332,392</b>	<b>\$ 1,962,500</b>	<b>\$ 66,369,892</b>					

\* CIP projects noted in green

**VILLAGE OF TAOS SKI VALLEY**

**Village Council**

**Agenda Item**

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**AGENDA ITEM TITLE:** Approval of Resolution 2022- 484 assignment of designee to sign agreement with the NM Department of Environment Accepting the reauthorized Capital Outlay for use to plan, design, construct, equip and install the Kachina Water Booster Station for the Kachina Water Tank and Water Distribution Lines

**DATE:** August 20, 2021

**PRESENTED BY:** John Avila, Village Administrator

**STATUS OF AGENDA ITEM:** New Business

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

**BACKGROUND INFORMATION:**

The Village of Taos Ski Valley had applied and received Capital Outlay funding for planning development of the Kachina Water Boosting Station, however funding was incomplete to start construction of the Permanent Kachina Water Boosting Station the immediate and critical need to fund the Kachina Booster station was partially resolved by Reauthorization of funds and the additional capital outlay is awarded for the updated agreement

The funding agreement for \$385,000 requires Council authorization for the Mayor to sign and also name the designated individual (Village Administrator) to sign the agreement documentation

**STAFF RECOMMENDATION:** Staff recommends approval of the Resolution assigning the Mayor to sign the funding agreement to accept the FY2022, \$385,000 capital outlay for the Kachina Booster Station and the Village Administrator to sign grant documents.

**VILLAGE OF TAOS SKI VALLEY**  
**RESOLUTION NO. 2022-484**  
**A RESOLUTION AUTHORIZING THE ASSIGNMENT OF AUTHORIZED**  
**OFFICER(S) AND AGENT(S) TO ENTER INTO AGREEMENT FOR CAPITAL**  
**APPROPRIATIONS PROJECT WATER BOOSTER CONSTRUCT SAP 21-F2393-STB**

**WHEREAS**, the Village Council of Taos Ski Valley of Taos County of the State of New Mexico shall enter into a Grant Agreement with the State of New Mexico Environment Department, and;

**WHEREAS**, the Agreement is identified as Project Number SAP 21-F2393- STB;

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE VILLAGE OF TAOS SKI VALLEY AS FOLLOWS:** that Christof Brownell, Mayor, or successor is authorized to sign the Grant Agreement for this project, and Authorized John Avila, Village Administrator, or successor is the OFFICAL REPRESENTATIVE or ALTERNATE OFFICAL REPRESENTATIVE who is authorized to sign all other documents necessary to fulfill the Grant Agreement and the requirements and to act as the project contact and the same , or successor is the Capital Projects Monitoring System (CPMS) contact who is authorized to update the CPMS database on a monthly basis.

**ADOPTED THIS 24 DAY OF AUGUST 2021.**

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

ATTEST:

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

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

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**AGENDA ITEM TITLE: Consideration to Approve an Amendment and Renewal of the Contract between the Village of Taos Ski Valley and Willdan Financial Services for the Completion of the Impact Fee Study Report**

DATE: August 24, 2021

PRESENTED BY: Nancy Grabowski, Finance Director

STATUS OF AGENDA ITEM: New Business

CAN THIS ITEM BE RESCHEDULED: Not Recommended

**BACKGROUND INFORMATION:** The Village entered into contract with Willdan Financial to complete an Impact Fee Study. An RFP was done and Willdan Financial was the selected contractor. The original contract, No. 2020-09 was dated October 8, 2019, with a total amount not to exceed \$53,365.00 to complete the project.

Due to changes in the expense of estimated Village infrastructure needs, along with substantial input from the community, the project report has been revised several times. As of June 30, 2021, the total amount of the contract has been expended and the final report has not been completed because of these adjustments. Willdan Financial estimated that the additional services to complete the contract would not exceed an additional \$10,000. This would bring the total contract amount to \$63,365.00. Willdan Financial estimates that the Impact Fee Study report will be completed by December 31, 2021, however, should subsequent events occur that effect that, they requested an extension date of June 30, 2022.

**RECOMMENDATION:** Staff recommends authorization and approval to amend and renew the contract between the Village and Willdan Financial Services with an additional \$10,000 of services, to complete the final Impact Fee Study report no later than June 30, 2022.

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

**AGENDA ITEM TITLE: Consideration to Approve the Memorandum of Agreement between the Village of Taos Ski Valley and the North Central Regional Transit District to provide Winter Transit Service to the Village of Taos Ski Valley**

DATE: August 24, 2021

PRESENTED BY: John Avila, Village Administrator

STATUS OF AGENDA ITEM: New Business

CAN THIS ITEM BE RESCHEDULED: Not Recommended

**BACKGROUND INFORMATION:**

The Village of Taos Ski Valley is a Member of the NCRTD and Mayor Brownell is the designated representative. The Village has had a Memorandum of Agreement with NCRTD in prior years, to provide Winter Transit Service to the Taos Ski Valley. The Service this year is expanded by two additional round trips Monday through Sunday for 341 TSV Green Route.

The North Central Rural Transportation Department has proposed to the Village of Taos Ski Valley, Town of Taos, Taos County a cost allocation to resume Winter Service to the Taos Ski Valley. The NCRTD proposed the expanded winter service for \$ 150,000, with cost allocation of \$60,000 for NCRTD, \$45,000 for the Village, \$25,000 for the Town and \$20,000 for the County

The Village and NCRTD have previously made the agreement for service for the Winter (Ski Season) supported by Lodgers Tax and contributions from the Town and recently the County. However, the Town and County contributions follow the Village/NCRTD agreement and those will be heard by Council before the NCRTD service starts.

Should conditions not allow the service this Winter, the NCRTD can discontinue service and as in the past when not able to complete the program the Village receives a prorated credit. Should funding not be available the Village may terminate the agreement. *Notice of termination by either party shall be effective upon the date of receipt.*

**STAFF RECOMMENDATION:** Staff recommends approval of the MOA between the Village and NCRTD to provide the Winter of 2021-2022 Transportation Service Route to Taos Ski Valley



MEMORANDUM OF AGREEMENT  
BETWEEN THE VILLAGE OF TAOS SKI VALLEY  
AND THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT  
TO PROVIDE A BUS ROUTE TO TAOS SKI VALLEY

This Memorandum of Agreement (the “Agreement”) is entered into as of this 10 day of September 2021, by and between the NCRTD (“District”), a Regional Transit District organized and existing under the Laws of the State of New Mexico and specifically the Regional Transit District Act, NMSA 1978, Sections 73-25-1 et seq., and the Village of Taos Ski Valley (“Village”), a duly organized and incorporated municipality in the State of New Mexico, (each being a “Party” and collectively, the “Parties”) for the purpose of operating a bus route to the Village.

WHEREAS, the Village has historically contracted with the Taos Chile Line for the provision of some public transportation services; and

WHEREAS, in 2015 the District acquired and now owns and operates the Taos Chile Line as the NCRTD Taos Chile Line; and

WHEREAS, the Parties wish to provide bus service between the Village of Taos and the Village of Taos Ski Valley for the purpose of employment and to encourage tourism; and

WHEREAS, the Parties enter into this Agreement to provide bus service to the Village of Taos Ski Valley.

NOW, THEREFORE IT IS AGREED between the parties as follows:

1. Services Provided by the NCRTD. The District will provide bus service consistent with the transit schedule of the District as outlined on Attachment “A”, attached hereto and incorporated by reference herein. The services provided under this Agreement shall conform to the standards for service, policies and procedures of the District for general NCRTD transit services. The Parties acknowledge that the services as outlined on Attachment “A” may be altered, substituted, or reduced in the future if the Parties jointly agree that changes are warranted based upon ridership and the needs of the Parties. The Parties agree that any alteration, substitution, or reduction of any or all of the services will not be grounds for the termination or alteration of the Parties’ obligations pursuant to this Agreement provided that the District continues to provide public transportation service to and from the Village equivalent to the service described in Attachment “A”. Nothing

herein shall be deemed to limit the ability of the Parties to the Agreement from agreeing to additional services during the term of this Agreement.

The District reserves the right to cancel services without penalty if, in the District's sole discretion, it determines that snow removal has not been adequately performed or maintained and that the service would not be reasonably safe. Said cancellations may be made by the District without penalty, offset or reduction in the compensation due under this Agreement.

2. Fares. The District will not charge fares for this route.

3. Term of Service. The District shall provide District buses, personnel and related services as necessary to provide the service as depicted in Attachment "A" for a term of three (3) months and eleven (11) days; the District shall provide transit service from December 18, 2021 (3<sup>rd</sup> Saturday of December) through March 27, 2022 (4<sup>th</sup> Sunday in March).

4. Sum Paid to the District. The Village agrees to pay the sum of \$90,000.00 to the District, as full payment of the cost of service on or before December 18, 2021. The check shall be made payable to the North Central Regional Transit District, Attention Finance Department at 1327 N. Riverside Drive, Española, NM 87532. This sum may be modified by subsequent agreement of the parties in the event that the Village seeks and obtains additional services from the District during the term of this Agreement.

5. Village's Duties. The Village agrees to work with Taos Ski Valley, Inc. to enforce any and all valid agreements regarding snow removal on the routes where the District is providing services. Said enforcement shall be at the Village's sole cost and expense. Failure to enforce any such agreements shall be grounds for the District, on a case-by-case basis, to cancel trips or services which it, in its sole discretion, determines to be unreasonably unsafe. The Village further agrees to enforce access to and use of drop of and pick up locations designated by the District against any and all private parties that seek to impair the delivery of the service including but not limited to Taos Ski Valley.

6. Liability. As between the Parties, each party shall be solely responsible for fiscal or other sanctions, penalties or fines occasioned as a result of its own violation or alleged violation of requirements applicable to performance of this Agreement. Each Party shall be liable for its acts or failure to act in accordance with this Agreement, subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, § 41-4-1 through 41-4-27. The Parties agree that this document is not intended, by any provisions or part hereof, to create any right to maintain a suit, claim or cause of action of any type whatsoever or however designated, by any individual or third party that is based upon, related to or arising out of any of the provisions of this Agreement.

7. Appropriations and Authorizations. This Agreement is contingent upon there being sufficient appropriations available and proper authorization from the respective governing bodies of the Parties. Each Party shall be the sole and final determiner of whether sufficient appropriations and authorization exist. If this Agreement encompasses more than one fiscal year, this Agreement is contingent upon continuing appropriations being available.

8. Termination. This Agreement may be terminated at will, by either Party, with or without cause. Termination shall be by written notice to the other party by U.S. mail or by e-mail so long as there is confirmation of receipt. Notice of termination by either party shall be effective upon the date of receipt. However, neither party may nullify obligations to deliver services or to make payment for



services prior to the date of termination. If notified of termination, the District shall cease performing services upon the effective date of termination. If the Village terminates this contract prior to a payment date the village shall remain liable for payment of a pro- rated portion of the contract amount. If the District terminates this contract, it shall refund a prorated portion of the contract sum based upon days of service delivered compared to the pro- rated amount paid prior to the date of termination. In no event shall termination nullify obligations of either party prior to the effective date of termination.

9. Severability. In the event that a court of competent jurisdiction finds that any term or provision of this Agreement is void, or otherwise unenforceable, all other terms and provisions shall remain intact and enforceable where not otherwise inconsistent with the Court's findings.

10. Scope of Agreement. This Agreement 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.

11. Amendment(s) to this Agreement. This Agreement shall not be altered, changed, modified or amended, except by instrument, in writing, executed by both parties.

12. Applicable Law. This Agreement shall be governed by the Laws of the State of New Mexico and the resolutions, rules and regulations of the District. Any legal proceeding brought against the District, arising out of this contract, shall be brought before the First Judicial District Court, Santa Fe County, State of New Mexico.

13. Illegal Acts. Pursuant to NMSA 1978, § 13-1-191, it shall be unlawful for either party 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 the Agreement as of the date first written above.

#### **NORTH CENTRAL REGIONAL TRANSIT DISTRICT**

\_\_\_\_\_  
**Daniel Barrone, Chair**

\_\_\_\_\_  
**Date signed**

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

\_\_\_\_\_  
**Date Signed**

**Attest:** \_\_\_\_\_  
**Ann M. Wooldridge, Village Clerk**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Peter Dwyer, District Counsel**

**Date:** \_\_\_\_\_

\_\_\_\_\_  
**Village Attorney:**

**Date:** \_\_\_\_\_

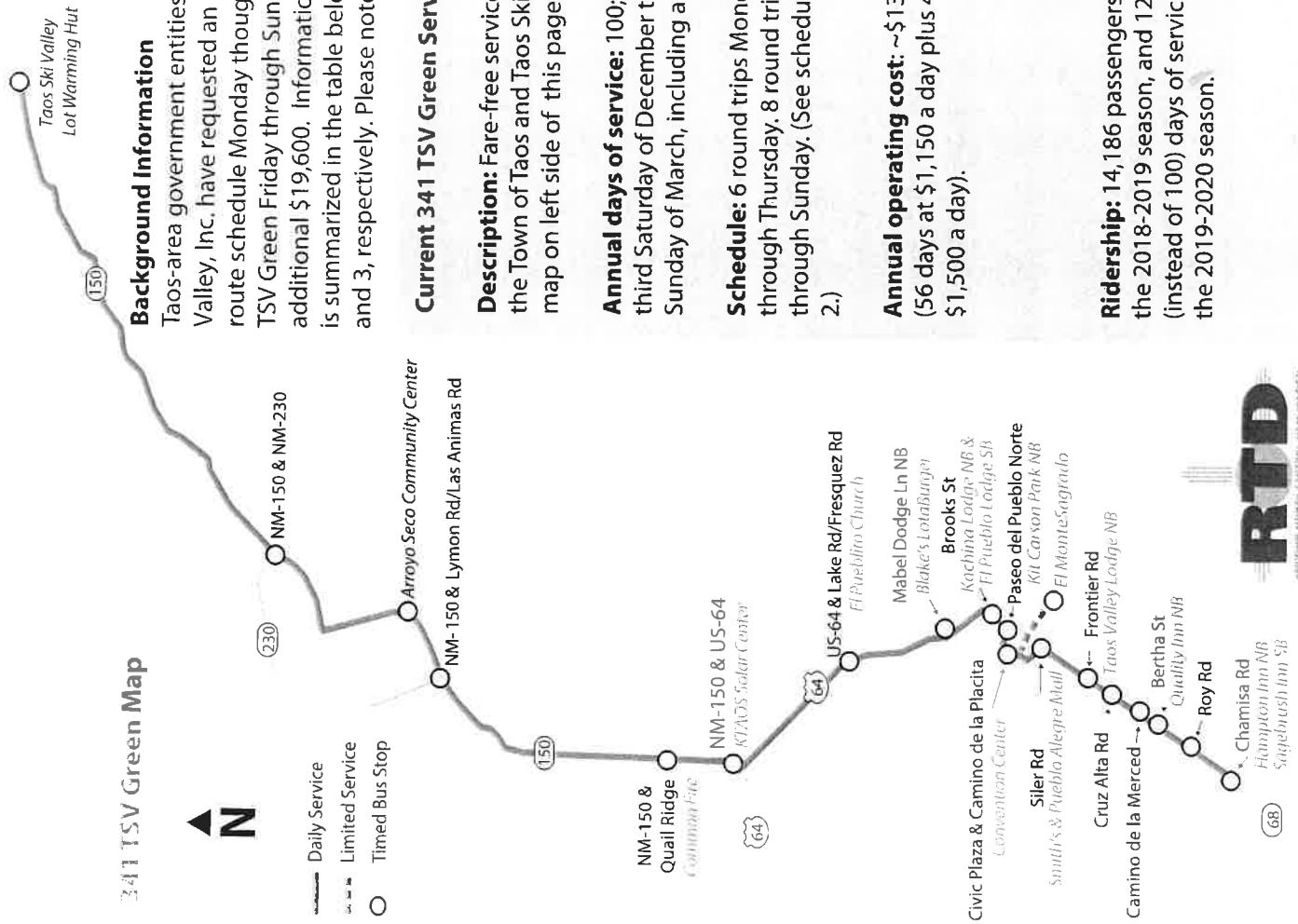
Taos Ski Valley 341 & Night Rider Service				
EXPENSES	FY19	FY20	FY 21	FY 21 Enhanced
Daily Bus service (100 days)	\$108,497.00	\$110,466.00	\$130,400.00	\$150,000.00
Night Rider (29 days)	\$10,387.00	\$10,906.00	\$11,600.00	\$0.00
<b>Total Cost</b>	<b>\$118,884.00</b>	<b>\$121,372.00</b>	<b>\$142,000.00</b>	<b>\$150,000.00</b>
<b>INCOME</b>				
VTSV Contribution	\$65,965.00	\$74,587.00	\$40,000.00	\$45,000.00
Taos County Contribution			\$20,000.00	\$20,000.00
Town of Taos Contribution	\$20,000.00	\$0.00	\$25,000.00	\$25,000.00
FY18 Credit	-\$10,387.00	NA	NA	NA
RTGRT, 5311 Contribution (NCR1D)	\$43,306.00	\$46,785.00	\$57,000.00	\$60,000.00
<b>Total Contributions</b>	<b>\$118,884.00</b>	<b>\$121,372.00</b>	<b>\$142,000.00</b>	<b>\$150,000.00</b>

\*FY 21 RTGRT, 5311 contributions increased to reflect increase in GRT from FY 19 to FY 20 and 5311 increase award.

## 341 TSV Green Map



- Daily Service
- Limited Service
- Timed Bus Stop



## NCRTD Transit Service Proposal: 341 TSV Green Service Expansion

### Background Information

Taos-area government entities, North Central Regional Transit District (NCRTD) passengers and Taos Ski Valley, Inc. have requested an increased level of service on NCRTD route 341 TSV Green and a consistent route schedule Monday through Sunday. NCRTD has evaluated the request and proposes to operate the 341 TSV Green Friday through Sunday schedule every day of the week. The expansion in service will cost an additional \$19,600. Information about the current 341 TSV Green route and the proposed service expansion is summarized in the table below. The current route schedule and the proposed schedule are on pages 2 and 3, respectively. Please note that information contained in this proposal is subject to change.

### Current 341 TSV Green Service

**Description:** Fare-free service between the Town of Taos and Taos Ski Valley. (See map on left side of this page).

**Annual days of service:** 100; from the third Saturday of December to the fourth Sunday of March, including all holidays.

**Schedule:** 6 round trips Monday through Thursday. 8 round trips Friday through Sunday. (See schedule on page 2.)

**Annual operating cost:** ~\$130,400 (56 days at \$1,150 a day plus 44 days at \$1,500 a day).

**Ridership:** 14,186 passengers for the 2018-2019 season, and 12,656 for 86 (instead of 100) days of service during the 2019-2020 season.

NO CHANGE

NO CHANGE

CHANGE

CHANGE

CHANGE

### Proposed 341 TSV Green Service Expansion

**Description:** Fare-free service between the Town of Taos and Taos Ski Valley. (See map on left side of this page).

**Annual days of service:** 100; from the third Saturday of December to the fourth Sunday of March, including all holidays.

**Schedule:** 8 round trips Monday through Sunday. (See schedule on page 3.)

**Annual operating cost:** ~\$150,000 (100 days at \$1,500 a day). Local government organizations are responsible for securing the additional \$19,600 required to provide the increased level of service.

**Ridership:** The addition of two additional round trips per day (on Monday through Thursday) and the shift to a consistent schedule is expected to boost ridership.

# Current 341 TSV Green Service Schedule

## Monday - Thursday Service

Northbound Monday-Thursday Service											
Trip No.	Paseo del Pueblo Sur & Chamisa Rd	Paseo del Pueblo Sur & Chamisa Rd	Paseo del Pueblo Sur & Chamisa Rd	Paseo del Pueblo Sur & Chamisa Rd	Paseo del Pueblo Sur & Chamisa Rd	Paseo del Pueblo Sur & Chamisa Rd	Paseo del Pueblo Sur & Chamisa Rd	Paseo del Pueblo Sur & Chamisa Rd	Paseo del Pueblo Sur & Chamisa Rd	Paseo del Pueblo Sur & Chamisa Rd	Taos Ski Valley Lot
1	7:30	7:33	7:34	7:36	7:38	7:40	7:42	7:45	7:55	8:03	8:30
2	8:15	8:18	8:19	8:21	8:23	8:25	8:27	8:30	8:40	8:48	9:00
3	9:00	9:03	9:04	9:06	9:08	9:10	9:12	9:15	9:25	9:33	10:00
4	9:45	9:48	9:49	9:51	9:53	9:55	9:57	10:00	10:10	10:18	10:30
5	10:30	10:33	10:34	10:36	10:38	10:40	10:42	10:45	10:55	11:03	11:30
6	11:15	11:18	11:19	11:21	11:23	11:25	11:27	11:30	11:40	11:48	12:00
7	12:00	12:03	12:04	12:06	12:08	12:10	12:12	12:15	12:25	12:33	13:00
8	12:45	12:48	12:49	12:51	12:53	12:55	12:57	13:00	13:10	13:18	13:30
9	13:15	13:18	13:19	13:21	13:23	13:25	13:27	13:30	13:40	13:48	14:00
10	14:00	14:03	14:04	14:06	14:08	14:10	14:12	14:15	14:25	14:33	15:00

## Southbound Monday-Thursday Service

Trip No.	Taos Ski Valley Lot	Arroyo Seco Community Center	NH-150 & US-64 RTMS Solar Center	NH-150 & US-64 RTMS Solar Center	NH-150 & US-64 RTMS Solar Center	NH-150 & US-64 RTMS Solar Center	NH-150 & US-64 RTMS Solar Center	NH-150 & US-64 RTMS Solar Center	NH-150 & US-64 RTMS Solar Center	NH-150 & US-64 RTMS Solar Center	NH-150 & US-64 RTMS Solar Center
1	7:30	7:33	7:34	7:36	7:38	7:40	7:42	7:45	7:55	8:03	8:30
2	8:15	8:18	8:19	8:21	8:23	8:25	8:27	8:30	8:40	8:48	9:00
3	9:00	9:03	9:04	9:06	9:08	9:10	9:12	9:15	9:25	9:33	10:00
4	9:45	9:48	9:49	9:51	9:53	9:55	9:57	10:00	10:10	10:18	10:30
5	10:30	10:33	10:34	10:36	10:38	10:40	10:42	10:45	10:55	11:03	11:30
6	11:15	11:18	11:19	11:21	11:23	11:25	11:27	11:30	11:40	11:48	12:00
7	12:00	12:03	12:04	12:06	12:08	12:10	12:12	12:15	12:25	12:33	13:00
8	12:45	12:48	12:49	12:51	12:53	12:55	12:57	13:00	13:10	13:18	13:30
9	13:15	13:18	13:19	13:21	13:23	13:25	13:27	13:30	13:40	13:48	14:00
10	14:00	14:03	14:04	14:06	14:08	14:10	14:12	14:15	14:25	14:33	15:00

## Friday - Sunday Service

Northbound Friday - Sunday Service											
Trip No.	Paseo del Pueblo Sur & Chamisa Rd	Paseo del Pueblo Sur & Chamisa Rd	Paseo del Pueblo Sur & Chamisa Rd	Paseo del Pueblo Sur & Chamisa Rd	Paseo del Pueblo Sur & Chamisa Rd	Paseo del Pueblo Sur & Chamisa Rd	Paseo del Pueblo Sur & Chamisa Rd	Paseo del Pueblo Sur & Chamisa Rd	Paseo del Pueblo Sur & Chamisa Rd	Paseo del Pueblo Sur & Chamisa Rd	Taos Ski Valley Lot
1	7:30	7:33	7:34	7:36	7:38	7:40	7:42	7:45	7:55	8:03	8:30
2	8:15	8:18	8:19	8:21	8:23	8:25	8:27	8:30	8:40	8:48	9:00
3	9:00	9:03	9:04	9:06	9:08	9:10	9:12	9:15	9:25	9:33	10:00
4	9:45	9:48	9:49	9:51	9:53	9:55	9:57	10:00	10:10	10:18	10:30
5	10:30	10:33	10:34	10:36	10:38	10:40	10:42	10:45	10:55	11:03	11:30
6	11:15	11:18	11:19	11:21	11:23	11:25	11:27	11:30	11:40	11:48	12:00
7	12:00	12:03	12:04	12:06	12:08	12:10	12:12	12:15	12:25	12:33	13:00
8	12:45	12:48	12:49	12:51	12:53	12:55	12:57	13:00	13:10	13:18	13:30
9	13:15	13:18	13:19	13:21	13:23	13:25	13:27	13:30	13:40	13:48	14:00
10	14:00	14:03	14:04	14:06	14:08	14:10	14:12	14:15	14:25	14:33	15:00

## Southbound Friday - Sunday Service

Trip No.	Taos Ski Valley Lot	Arroyo Seco Community Center	NH-150 & US-64 RTMS Solar Center	NH-150 & US-64 RTMS Solar Center	NH-150 & US-64 RTMS Solar Center	NH-150 & US-64 RTMS Solar Center	NH-150 & US-64 RTMS Solar Center	NH-150 & US-64 RTMS Solar Center	NH-150 & US-64 RTMS Solar Center	NH-150 & US-64 RTMS Solar Center	NH-150 & US-64 RTMS Solar Center
1	7:30	7:33	7:34	7:36	7:38	7:40	7:42	7:45	7:55	8:03	8:30
2	8:15	8:18	8:19	8:21	8:23	8:25	8:27	8:30	8:40	8:48	9:00
3	9:00	9:03	9:04	9:06	9:08	9:10	9:12	9:15	9:25	9:33	10:00
4	9:45	9:48	9:49	9:51	9:53	9:55	9:57	10:00	10:10	10:18	10:30
5	10:30	10:33	10:34	10:36	10:38	10:40	10:42	10:45	10:55	11:03	11:30
6	11:15	11:18	11:19	11:21	11:23	11:25	11:27	11:30	11:40	11:48	12:00
7	12:00	12:03	12:04	12:06	12:08	12:10	12:12	12:15	12:25	12:33	13:00
8	12:45	12:48	12:49	12:51	12:53	12:55	12:57	13:00	13:10	13:18	13:30
9	13:15	13:18	13:19	13:21	13:23	13:25	13:27	13:30	13:40	13:48	14:00
10	14:00	14:03	14:04	14:06	14:08	14:10	14:12	14:15	14:25	14:33	15:00

\* If exiting at El Monte Sagrado, on Southbound trips, please notify your Transit Operator upon boarding the bus.

(-) The bus does not stop at this location during this trip.

RTD

# Proposed 341 TSV Green Service Expansion Schedule

## Monday - Sunday Service

Northbound Monday - Sunday Service																				
Trip No.	Paseo del Pueblo Sur & Chamisa Rd Sagebrush Inn	Paseo del Pueblo Sur & Chamisa Rd Hampton Inn	Paseo del Pueblo Sur & Roy Rd	Paseo del Pueblo Sur & Bertha St Quality Inn	Paseo del Pueblo Sur & Camino de la Merced	Paseo del Pueblo & Cruz Alta	Paseo del Pueblo Sur & Frontier Rd Toot Valley Lodge	Paseo del Pueblo Sur & Siler Rd	Civic Plaza & Camino de la Placita Town Council Chambers	El Monte Sagrado *	Paseo del Pueblo Norte Mt Carson Park	Paseo del Pueblo Norte & Brooks St Kachino Lodge	Paseo del Pueblo Norte & Mabel Dodge Ln Blake's Lotaburger	US-64 & Lake Rd El Pueblo Church	NW-150 & US-64 KTADS Solar Center	NM-150 & Quail Ridge Common Fire	NM-150 & Lymon/Las Animas Rd	Arroyo Seco Community Center	NM-150 & NM-230	Taos Ski Valley Lot Warning Hut
1N	7:30	7:33	7:34	7:36	7:38	7:40	7:42	7:45	7:49	-	7:50	7:53	7:55	7:57	8:03	8:05	8:09	8:11	8:15	8:30
2N	7:45	7:48	7:49	7:51	7:53	7:55	7:57	8:00	8:04	-	8:05	8:08	8:10	8:12	8:18	8:20	8:24	8:26	8:30	8:45
3N	8:15	8:18	8:19	8:21	8:23	8:25	8:27	8:30	-	8:37	8:42	8:45	8:47	8:49	8:55	8:57	9:01	9:03	9:07	9:22
4N	10:35	10:38	10:39	10:41	10:43	10:45	10:47	10:50	10:54	-	10:55	10:58	11:00	11:02	11:08	11:10	11:14	11:16	11:20	11:35
5N	12:15	12:18	12:19	12:21	12:23	12:25	12:27	12:30	12:34	-	12:35	12:38	12:40	12:42	12:48	12:49	12:54	12:56	1:00	1:15
6N	2:55	2:58	2:59	3:01	3:03	3:05	3:07	3:10	3:14	-	3:15	3:18	3:20	3:22	3:28	3:29	3:34	3:36	3:40	3:55
7N	3:25	3:28	3:29	3:31	3:33	3:35	3:37	3:40	3:44	-	3:45	3:48	3:50	3:52	3:58	3:59	4:04	4:06	4:10	4:25
8N	3:55	3:58	3:59	4:01	4:03	4:05	4:07	4:10	4:14	-	4:15	4:18	4:20	4:22	4:28	4:29	4:34	4:36	4:40	4:55

Southbound Monday - Sunday Service																		
Trip No.	Taos Ski Valley Lot Warning Hut	NM-150 & NM-230	Arroyo Seco Community Center	NM-150 & Lymon/Las Animas Rd	NM-150 & Quail Ridge Common Fire	NM-150 & US-64 RTA05 Solar Center	US-64 & Fresquez Rd El Pueblo Church	Paseo del Pueblo Norte & Brooks St El Pueblo Lodge	Civic Plaza & Camino de la Placita Convention Center	Paseo del Pueblo Sur & Siler Rd	Paseo del Pueblo Sur & Frontier Rd	Paseo del Pueblo Sur & Cruz Alta	Paseo del Pueblo & Camino de la Merced	Paseo del Pueblo Sur & Bertha St	Paseo del Pueblo Sur & Chamisa Rd Sagebrush Inn	Paseo del Pueblo Sur & Chamisa Rd Hampton Inn	Paseo del Pueblo Sur & Roy Rd	Paseo del Pueblo Sur & Bertha St Quality Inn
1S	8:50	9:04	9:08	9:10	9:14	9:16	9:20	9:24	9:28	9:32	9:35	9:37	9:39	9:39	9:42	9:45	9:46	9:48
2S	9:05	9:19	9:23	9:25	9:29	9:31	9:35	9:39	9:43	9:47	9:50	9:52	9:54	9:54	9:57	10:00	10:01	10:03
3S	9:35	9:49	9:53	9:55	10:01	10:01	10:05	10:09	10:13	10:17	10:20	10:22	10:25	10:25	10:28	10:31	10:32	10:34
4S	11:50	12:04	12:08	12:10	12:14	12:16	12:20	12:24	12:28	12:32	12:35	12:37	12:39	12:39	12:42	12:45	12:46	12:48
5S	1:35	1:49	1:53	1:55	1:59	2:01	2:05	2:09	2:13	2:17	2:20	2:22	2:24	2:24	2:27	2:30	2:31	2:33
6S	4:10	4:24	4:28	4:30	4:34	4:36	4:40	4:44	4:48	4:52	4:55	4:57	4:59	4:59	5:02	5:05	5:06	5:08
7S	4:40	4:54	4:58	5:00	5:04	5:06	5:10	5:14	5:18	5:22	5:25	5:27	5:29	5:29	5:32	5:35	5:36	5:38
8S	5:10	5:24	5:28	5:30	5:34	5:36	5:40	5:44	5:48	5:52	5:55	5:57	5:59	5:59	6:02	6:05	6:06	6:08

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