

Town of Edgewood

Agenda

Regular Meeting

Tuesday, January 3, 2023 @ 6:30 PM

Townhall of Edgewood Commission Chambers - 171A State Rd. 344

This meeting will be in person; however, we welcome members of the public to listen in and participate by joining online at: [Welcome to Edgewood, NM \(edgewood-nm.gov\)](https://www.facebook.com/TownOfEdgewoodNM). The meeting will also be live streamed on the Town of Edgewood Facebook Page at: <https://www.facebook.com/TownOfEdgewoodNM>.

If you are an individual with a disability who needs a reader; amplifier; qualified sign language interpreter; or any other form of auxiliary aid or service to attend or participate in the hearing or meeting; please contact the Clerk at the Town Offices located at 171 A State Rd. 344 at least three (3) days prior to the meeting or as soon as possible. Public documents, including the agenda and minutes can be provided in various accessible formats. Please contact the Town Clerk at (505) 286-4518 or by e-mail at clerk@edgewood-nm.gov if a summary or other type of accessible format is needed. The complete Commission packet may be viewed on the web, visit <https://www.edgewood-nm.gov/index.php> and click on Government, then Agendas and Minutes.

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I. WELCOME, INTRODUCTION, & ROLL CALL

- A. Invocation
- B. Pledge of Allegiance
- C. NM Flag Salute
"I salute the flag of the state of New Mexico, the Zia symbol of perfect friendship among united cultures."

II. AGENDA APPROVAL

III. PUBLIC COMMENTS ON AGENDA ITEMS

IV. CONSENT AGENDA

- A. Approve/Amend/Disapprove Minutes
 - i. December 20th, 2022
[Dec. 20th minutes](#)

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V. MATTERS FROM THE COMMISSIONERS

- A. Audrey Jaramillo, Mayor
- B. Jerry Powers, Mayor Pro Tem
- C. Phil Anaya
- D. Ken Brennan
- E. Sterling Donner

VI. MATTERS FROM THE CLERK

VII. MATTERS FROM THE TREASURER

VIII. MATTER FROM THE CHIEF OF POLICE

IX. MATTERS FROM THE TOWN MANAGER

X. DISCUSSION AND ACTION ITEMS

- i. Open Meetings Act Resolution 2023-001. 15 - 17
[RESOLUTION 2023-001](#)
- ii. Appointment of Roger Holden as a Part Time Employee
- iii. Appointment of Mike Ring as Temporary Animal Control Officer
- iv. Appointment of Commissioner Sterling Donner, Mayor Audrey Jaramillo and Tom Torres for Economic Development Advisory Board 18 - 21
[Torres Cover Letter](#)
[Torres Resume](#)
- v. Planning for 2023 State of the Town Address.
- vi. Setting the Date for the 2023 State of the Town Address
- vii. Letter Authorizing the Increase in the Town of Edgewood's Match for the Pedestrian Bridge. 22 - 25
[Pedestrian Bridge packet for NMDOT\[9047\]](#)
- viii. Memorandums of Understanding for the NMED Appropriation SAP 22-G2417-STB. 26 - 31
[MOU Edgewood MRCOG 22-G2417 STB 12.28.2022](#)
[MOU Edgewood NMED MRCOG 22-G2417 STB 12.28.2022](#)
- ix. Legal Shield Presentation.
- x. Use of \$10,000.00 Lodger's Tax for the Edgewood Chamber of Commerce dba Greater East Mountain Chamber of Commerce for Promotional Use. 32 - 37
[Edgewood Lodgers Tax 2022 FY 2023 Funding Application](#)
- xi. Use of \$1,000 Lodgers Tax and \$500 General Funds for advertising on East Mountain Radio 102.1FM and 1080AM.
- xii. Call for Public Hearing on Procurement Ordinance 2022-01. 38 - 52
[2022-01 Procurement Ordinance](#)
- xiii. MESD Notice of Lease Increase on Edgewood Town Hall and Library.

XI. PUBLIC COMMENTS

XII. FUTURE MEETINGS

- i. Regular Commission Meeting January 17th, 2023 @ 6:30 PM, Town of Edgewood Commission Chambers
- ii. MESD Appeal Hearing January 24th, 2023 @ 5:30pm, Town of Edgewood Commission Chambers
- iii. Regular Commission Meeting February 7th, 2023 @ 6:30pm, Town of Edgewood Commission Chambers

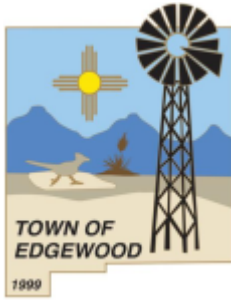
XIII. CLOSED SESSION

- i. As per motion and roll call vote pursuant to NMSA 1978,: Section 10-15-1(H)(2), for confidential discussion on the hiring, promotion, demotion, dismissal, assignment, or resignation of a public employee, or the investigation or consideration of complaints or charges against a public employee. Specifically, Animal Control.
- ii. Section 10-15-1(H)(8), for confidential discussion of the purchase, acquisition or disposal of real property or water rights, specifically, accepting donation, leasing, or purchasing. Specifically, Public Notice of Old Town Hall 1911 U.S. Rt. 66, Edgewood, NM 87015.
- iii. As per motion and roll call vote pursuant to NMSA 1978,: Section 10-15-1(H)(7) for confidential discussion pertaining to threatened or pending litigation in which the public body is or may become a participant, specifically, MESD regarding the Edgewood Elementary School.

XIV. DISCUSSION AND ACTION ITEMS

- i. Action Regarding Closed Session Items specified above.

XV. ADJOURN



Town of Edgewood
Regular Meeting **Minutes**
Tuesday, December 20, 2022, 6:30

The Town of Edgewood Commission met in regular session on Tuesday, December 20, 2022, at 6:30 in the Townhall of Edgewood Commission Chambers - 171A State Rd. 344.

I. WELCOME, INTRODUCTION, & ROLL CALL

A. Invocation

B. Pledge of Allegiance

C. NM Flag Salute

"I salute the flag of the state of New Mexico, the Zia symbol of perfect friendship among united cultures."

i. Donner online.

Commissioner Jerry Powers moved to approve the agenda with one change X L to where X C is and move X C to X L.

Commissioner Kenneth Brennan seconded the motion.

Commissioner Filandro Anaya	Aye
Commissioner Kenneth Brennan	Aye
Commissioner Sterling Donner	Aye
Commissioner Audrey Jaramillo	Aye
Commissioner Jerry Powers	Aye

The Motion Carried 5 to 0.

II. AGENDA APPROVAL

III. PUBLIC COMMENTS ON AGENDA ITEMS

A. Tom Sullivan- Has packets for commission and staff, and an apology for the community. Request for the Clerk to read a letter from card. Offered a gift card to the Clerk and Commission advised the Clerk cannot accept. Resolution 2022-033 is the agenda item that he wanted to discuss. Mr. Sullivan stated he wanted to defend his reputation and what has been stated about him in previous meeting. Promoting and alleging items that Mr. Sullivan has said to have promised. References transcript taken from previous meeting audio. Will wait until the public comment to continue.

Cheryl Hubbartz- 49 E Hill Ranch- Topic is roads, and wants to talk about Church St Road project and wants to advocate for money for the project and not lose the cost. The diversion of water can be included, but is upset about Camino Coyote being capital maintenace. Normally the road has to be brought up to standard before adoption of a town road. The town partially taking the road? It is unclear on what is going on and concerned that Church St. road still needs to be paved and we should be taking care of before taking on other roads. Once you do it for one you have to do it for other. I am concerned about the \$10,000 being used for the Chamber when it was an audit finding before. Why are we using Lodger Tax for the website and is this ok?

Jannie Klat- regarding the Animal Control, I am on the Animal Control Welfare Board as an appointed member, We appreciate the commissioner and keeping their promises. We have been taking care of the Animal Shelter since Dec. 1st and the animals are doing well. Atlas, a Pitbull, is doing great and the animals are getting socialized. We are all taking on 30 hours each to cover the shelter and we are asking for volunteers to help with the shelter. We ask that the commissioner come and help and the town. Once the room is ready we will be taking cats.

Linda Burke- Greater East Mountain Chamber of Commerce. I am available for Lodger's Tax grant questions

IV. CONSENT AGENDA

A. Approve/Amend/Disapprove Minutes

- i. October 4, 2022
- ii. December 6, 2022

Commissioner Kenneth Brennan moved Remove A ii. Dec. 6th due to formatting issues with Icompass

Commissioner Sterling Donner seconded the motion.

<i>Commissioner Kenneth Brennan</i>	<i>Aye</i>
<i>Commissioner Filandro Anaya</i>	<i>Aye</i>
<i>Commissioner Sterling Donner</i>	<i>Aye</i>
<i>Commissioner Audrey Jaramillo</i>	<i>Aye</i>
<i>Commissioner Jerry Powers</i>	<i>Aye</i>

The Motion Carried 5 to 0.

B. Department and Advisory Board Reports

- i. Police
- ii. Animal Control
- iii. Tim Miller- Chair of AC Advisory Board- everything is real positive. thank you to the Chief and everyone who has helped. It is moving along very well. We

have some new volunteers that should help with Christmas. We have a guy helping from Manny's crew, Chief has given us Sgt. Walker who has been a huge help feeding dogs and on clean up duty. Everyone is doing their part and helping out.

iv. Municipal Court

v. Roads

vi. Library

vii. Parks and Recreation

viii. KR Scott- Parks and Recs Advisory Board- We have the improved YAC but now TAC. The Teen Advisory Council. This includes the homeschools and outlines a voting member and nonvoting member. It is the same thing but increases the representation from 8-10. Once member from P&R Advisory to keep an eye.

July 4th- Project 425, because the week of Founder's Day is July 1st we have plans for July 1st-4th. for 2024 for the anniversary.

Anaya- it is a onetime thing?

ix. Maintenance

x. Wasterwater

xi. IT Technology

xii. Planning & Zoning

V. MATTERS FROM THE COMMISSIONERS

A. Audrey Jaramillo, Mayor

i. A few things

Thank you for the Tree lighting, thank you Ben, staff and volunteers. We had our bonfire and that was enjoyable as well.

I wanted to update the progress on ICompass, thank you Clerk Nina for getting this going, We are working on formating the agenda and the minutes. Soon it will be live for the public and will be easier to search things. Exicted for the progress on that. thank you Nina

Update on Monday.com is now being used and implemented.

I also want to bring up the state of the town address, Alamogordo does this, and we suggest that Jan. 24th meeting to discuss and see what the commissioners want to cover and do at that meeting or not. Recap the year and go over the changes that have occurred this past year. Merry Christmas and Happy New Year and thanks to all our team members and new team members.

B. Jerry Powers, Mayor Pro Tem

- i. We have a tremendous team and has taken us a while to fill vacant positions and I am happy to be here. The lack of transparency we saw was the animal shelter, and I want to thank the advisory board for coming forward. The animals look like brand new animal. Anyone who wants to see the animals can see them at town hall new cameras are being installed to keep an eye on animals 24/7.

C. Phil Anaya

- i. thank Nina for Icompass and placing everything in the packet can be clicked. Hopefully we can do without paper and utilize laptops instead. I look forward to utilizing.
Thank the staff and everybody that gave me well wishes for my little brother that past away from the flu. Please go the dr for the flu, but thank you for all the wellwishes and thank yo uvery mcuh.

D. Ken Brennan

- i. I would like to apologize to the Town for showing up late, I had my schedule mixed up, and I apologize for that. Merry Christmas and happy and safe New Year. Due diligence on the road and not everyone has safe techniques at gathering. Please watch out for your guests. I attended the SF C. fire dedication for Stan Holden Fire Station and it was a very wonderful ceremony. It was a wonderful ceremony and grateful to the fire dept.

E. Sterling Donner

- i. Apologize I can not be there, I am feeling under the weather this afternoon. Thank you all for the incredible support for the 1 year of this term and all the feedback and input. Blessed to be served. Merry Christmas. Happy New Year. Look forward to another prosperous year.

VI. MATTERS FROM THE CLERK

- A. We have been busy as an HR department. We have had a few promotions lately, Lenora Lujan as Financial Specialist and moved to the Treasurer's Office. We sent out an email regarding promotions and wanted to recognize Lt. Lovato and Sgt. Walker on his interim position. Also had a promotion of Josh Jantz to Road Crew Supervisor. We have also posted the Animal Control Officer position internally and did not receive any internal applicants. We have posted the job externally on Monday. We have also posted the Heavy Equipment Operator position internally until Friday and have received one applicant and we see how they would like to proceed.
We are working to continuing to catch up the resolutions, ordinances and minutes on the website. Rebecca and I are in the process of reorganizing the records in a way that is easier to pull items. The Clerk's Office recently moved from where we were and in the process had to reorganize records and are bringing all the records to one place.

VII. MATTERS FROM THE TREASURER

- A. I am going on my 11th hour on my first day. I spent my day speaking to Manager, Commissioner Anaya and my staff and anyone else. I would like the fincial report and

GRT next month, also the quarterly report next month. I should be here full time shortly after the new year.

VIII. MATTER FROM THE CHIEF OF POLICE

- A. We held a testing for new police, uncertified, this is the 2nd time the town has ever done this. We had 14 people show up. My understanding was it was very cold, which was the first test. We will have a few more tests. we did hire 2 lateral positions we are hiring. We are losing two great officers, one out of state and one to another agency. We have some great applicants and will get the dept. fully staffed by the end of the year.

Powers- Where are we losing the officer too? NMSP.

No, to a metro area where his wife works and he wants to start a family.

IX. MATTERS FROM THE TOWN MANAGER

- A. I am still focusing my lens as an outside. there is a tremendous amount of work that has been done to keep the town going. I think we have an opportunity to look at what commissioners do and the public isn't ware of. We have small operational items, and some bigger items and we are so blessed to have commissioners that help. Mayor you have helped with the audit, and would like to point out Mayor Pro Tem, for working on the capital appropriation resolutions. Really appreciate those big ticket items that the community wants.

I hope what you see is that it is a beehive that is working together. We have a dream team, and I think its a very special moment in our history. Its a backwards world, but we are moving forward.

Josh Jants, I recognized that the roads are very important to the community. He has understands the importance of the roads and has big plans and transformation for the roads.

We are doing system fidelity checks from cyber to paying people to protect the sanctity of the employees. Ms. Hubber talked about Church St., when there is a change in leadership we lose the history so those little reminders, and it is on the radar and being discussed.

budget season is around the corner and with the increase in housing, we would like to plant seeds to begin the conversation at later time, the process and procedure. We need to organize and plan, and want to be the most efficient town in the state. It is important and we need to plan ahead. We do want to consider how to plan special meetings and how we do. We have to keep an eye on the humans who have families who are working 16 hours days.

We need to look back at Edgewood 7, and relook at the agreement and make sure we are keeping the promises, to connect the Middle school trail and town hall. That is one that will really help us grow as a community. Keep that on our radar.

MESD did increase our lease agreement, and we need to build that into our budget or stratigize.

Thank you for Monday.com and train the commission and Town Manager.

X. DISCUSSION AND ACTION ITEMS

- A. Recognition of Officer Kyle Elliott
- B. Presentation of Santa Fe County LEADS, Elizabeth Peterson COSSAP Administrative Program Manager and Lieutenant Michael Delgado, Santa Fe County Sheriff's Office
- C. Animal Control Department Reorganization, Animal Care Tech, Job Description, hours and duties.

Commissioner Jerry Powers moved to adopt the new Animal Care Tech job description, duties and hours. It is reidentifying one of the animal control officer positions to an animal care tech position. One suggested changed summary, work under animal control officer or chief but would like it under the Town Manager. it is more like a daycare, opposed to law enforcement. Commissioner Sterling Donner seconded the motion.

<i>Commissioner Filandro Anaya</i>	<i>Aye</i>
<i>Commissioner Kenneth Brennan</i>	<i>Aye</i>
<i>Commissioner Sterling Donner</i>	<i>Aye</i>
<i>Commissioner Audrey Jaramillo</i>	<i>Aye</i>
<i>Commissioner Jerry Powers</i>	<i>Aye</i>

The Motion Carried 5 to 0.

- D. ARPA fund for EOC Mobile Command Center

Commissioner Jerry Powers moved to explore the ARPA funds and what it would cost for mobile EOC.

Commissioner Filandro Anaya seconded the motion.

<i>Commissioner Filandro Anaya</i>	<i>Aye</i>
<i>Commissioner Kenneth Brennan</i>	<i>Aye</i>
<i>Commissioner Sterling Donner</i>	<i>Aye</i>
<i>Commissioner Audrey Jaramillo</i>	<i>Aye</i>
<i>Commissioner Jerry Powers</i>	<i>Aye</i>

The Motion Carried 5 to 0.

- E. Adoption of Resolution 2022-035 Designating Old Town Hall 1911 US 66, Edgewood, NM 8701 as a Historic Landmark

Commissioner Jerry Powers moved to approve the adoption of resolution 2022-035 Designating Old Town Hall 1911 US 66, Edgewood, NM 87015 as a Historic Landmark.

Commissioner Kenneth Brennan seconded the motion.

<i>Commissioner Filandro Anaya</i>	<i>Aye</i>
<i>Commissioner Kenneth Brennan</i>	<i>Aye</i>

<i>Commissioner Sterling Donner</i>	<i>Aye</i>
<i>Commissioner Audrey Jaramillo</i>	<i>Aye</i>
<i>Commissioner Jerry Powers</i>	<i>Aye</i>

The Motion Carried 5 to 0.

F. 2023 Employee Holiday Calendar and pay schedule

Commissioner Kenneth Brennan moved Approve resolution and Holiday Calendar and Pay Schedule. Friendly admend. to remove pay schedule and only approve Holiday Calendar.

Monday June 19th as Amanicpation day.

Commissioner Jerry Powers seconded the motion.

<i>Commissioner Filandro Anaya</i>	<i>Aye</i>
<i>Commissioner Kenneth Brennan</i>	<i>Aye</i>
<i>Commissioner Sterling Donner</i>	<i>Aye</i>
<i>Commissioner Audrey Jaramillo</i>	<i>Aye</i>
<i>Commissioner Jerry Powers</i>	<i>Aye</i>

The Motion Carried 5 to 0.

G. Budget Adjustment, Bar #1 2022-037

H. Resolution # 2022-039 Designating Edgewood's First Community Center and Park, 27 E. Frontage Rd, as a Historic Landmark and Historic Area

Commissioner Jerry Powers moved to adopt Resolution #2022-039 Designating Edgewood's First Community Center and Park

Commissioner Kenneth Brennan seconded the motion.

<i>Commissioner Filandro Anaya</i>	<i>Aye</i>
<i>Commissioner Kenneth Brennan</i>	<i>Aye</i>
<i>Commissioner Sterling Donner</i>	<i>Aye</i>
<i>Commissioner Audrey Jaramillo</i>	<i>Aye</i>
<i>Commissioner Jerry Powers</i>	<i>Aye</i>

The Motion Carried 5 to 0.

I. Resolution No. 2022-041 Approval of Capital Appropriation Project Edgewood Water Quality Treatment Plant Construct Grant Agreement SAP 22-G2417-STB and designating a signatory for the agreement and all necessary submittals.

Commissioner Filandro Anaya moved
Commissioner Jerry Powers seconded the motion.

<i>Commissioner Filandro Anaya</i>	<i>Aye</i>
<i>Commissioner Kenneth Brennan</i>	<i>Aye</i>
<i>Commissioner Sterling Donner</i>	<i>Aye</i>
<i>Commissioner Audrey Jaramillo</i>	<i>Aye</i>
<i>Commissioner Jerry Powers</i>	<i>Aye</i>

The Motion Carried 5 to 0.

**Commissioner Filandro Anaya moved to approve resolution
Commissioner Kenneth Brennan seconded the motion.**

<i>Commissioner Filandro Anaya</i>	<i>Aye</i>
<i>Commissioner Kenneth Brennan</i>	<i>Aye</i>
<i>Commissioner Sterling Donner</i>	<i>Aye</i>
<i>Commissioner Audrey Jaramillo</i>	<i>Aye</i>
<i>Commissioner Jerry Powers</i>	<i>Aye</i>

The Motion Carried 5 to 0.

J. Resolution No. 2022-040 Approval of Capital Appropriation Project Edgewood Wastewater Treatment Plant Construct Grant Agreement SAP 21-F2381-STB_and designating a signatory for the agreement and all necessary submittals.

**Commissioner Jerry Powers moved to approve Resolution #2022-040 approving grant for water treatment plant. Motion to include redline
Commissioner Filandro Anaya seconded the motion.**

<i>Commissioner Jerry Powers</i>	<i>Aye</i>
<i>Commissioner Filandro Anaya</i>	<i>Aye</i>
<i>Commissioner Kenneth Brennan</i>	<i>Aye</i>
<i>Commissioner Sterling Donner</i>	<i>Aye</i>
<i>Commissioner Audrey Jaramillo</i>	<i>Aye</i>

The Motion Carried 5 to 0.

K. Resolution No. 2022-042 A Resolution Accepting Camino Coyote (Et al), a Road in Edgewood, New Mexico for road maintenance.

**Commissioner Sterling Donner moved to approve Resolution #2022-042
Commissioner Audrey Jaramillo seconded the motion.**

<i>Commissioner Filandro Anaya</i>	<i>Aye</i>
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<i>Commissioner Kenneth Brennan</i>	<i>Aye</i>
<i>Commissioner Sterling Donner</i>	<i>Aye</i>
<i>Commissioner Audrey Jaramillo</i>	<i>Aye</i>
<i>Commissioner Jerry Powers</i>	<i>Aye</i>

The Motion Carried 5 to 0.

- L. Joint Powers Agreement with the Santa Fe Regional Emergency Communications Center ("RECC")

Commissioner Sterling Donner moved to approve RECC agreement, release the funds for the capital improvement funds.

Commissioner Jerry Powers seconded the motion.

<i>Commissioner Filandro Anaya</i>	<i>Aye</i>
<i>Commissioner Kenneth Brennan</i>	<i>Aye</i>
<i>Commissioner Sterling Donner</i>	<i>Aye</i>
<i>Commissioner Audrey Jaramillo</i>	<i>Aye</i>
<i>Commissioner Jerry Powers</i>	<i>Aye</i>

The Motion Carried 5 to 0.

- M. East Mountain Chamber of Commerce Promotional Uses
N. Approval of using \$3000.00 from Lodger's Tax Board for Website RFQ.

Commissioner Sterling Donner moved approval of using \$3000 for Website RFQ

Commissioner Filandro Anaya seconded the motion.

<i>Commissioner Filandro Anaya</i>	<i>Aye</i>
<i>Commissioner Kenneth Brennan</i>	<i>Aye</i>
<i>Commissioner Sterling Donner</i>	<i>Aye</i>
<i>Commissioner Audrey Jaramillo</i>	<i>Aye</i>
<i>Commissioner Jerry Powers</i>	<i>Aye</i>

The Motion Carried 5 to 0.

XI. PUBLIC COMMENTS

- A. Tom Sullivan- I attended an Intergovernmental conference, Native American man said I apologize in advance for what I may offend. Commissioner Brennan please do not improve your policies because of me. I provided a packet of transcripts. I did get an IPRA request and the hallway was not picked up. When I was leaving the other day, I know what I said, Ms. Jaramillo questioned me, Charles is now the board president of MESD, he had abstained as he had just been appointed to the board when he recused himself. Mr. McCarthy stated that he felt it was manipulation of board. Ms. Howl

motioned to wait to appoint Charles, Jaramillo seconded. Anytime there is an issues with MESD and the TOE Ms. Jaramillo is always in the middle of it. If you look further into the minutes I provided, he was sworn in at the end of the meeting, Honorable Judge Page swore in Mr. Armijo, Mr. Page was the one stepping down. He was the 1st cousin of Mr. page and was fully informed on the school board. Audrey manipulated that vote to prevent him from voting.

Cheryl Hubbertz- Wanted to welcome Manager and Finance Director and IT. I hope you enjoy working for the Town. I was really interested in the LE presentation; Officers need that help. I had a few concerns about the historical resolution. I have a concern on long term maintenance on Old Town Hall, cost. The EOC is a great idea but there is a long-term cost. Would like to be explained what ARPA funds can be used for. I would like more clarification on them, and we don't need to use them.

Commissioner Jaramillo- Clarified ARPA but also wants clarification. Mental Health center was moved to Tijeras.

Commission Powers- Wants to clarify this is a reflection of the people, not Commissioner Jaramillo's personal project.

Commissioner Jaramillo- Many

XII. FUTURE MEETINGS

- A.
 - * January 3rd, 2022
 - * January 17th, 2022
 - * Hearing January 24th, 2022
 - * State of the Town Address- talk about next time what we want at next meeting.
- Brennan- move to after Municipal Day to update.

XIII. CLOSED SESSION

A. As per motion and roll call vote pursuant to NMSA 1978,:

Section 10-15-1(H)(2), for confidential discussion on the hiring, promotion, demotion, dismissal, assignment, or resignation of a public employee, or the investigation or consideration of complaints or charges against a public employee. Specifically, Town Manager

XIV. DISCUSSION AND ACTION ITEMS

- A. Action Regarding Closed Session Items specified above

Commissioner Kenneth Brennan moved moved to closed session at 9:50pm
Commissioner Jerry Powers seconded the motion.

Commissioner Filandro Anaya Aye

<i>Commissioner Kenneth Brennan</i>	<i>Aye</i>
<i>Commissioner Sterling Donner</i>	<i>Aye</i>
<i>Commissioner Audrey Jaramillo</i>	<i>Aye</i>
<i>Commissioner Jerry Powers</i>	<i>Aye</i>

The Motion Carried 5 to 0.

Commissioner Kenneth Brennan moved Moved to open session 10:19pm
Commissioner Jerry Powers seconded the motion.

<i>Commissioner Filandro Anaya</i>	<i>Aye</i>
<i>Commissioner Kenneth Brennan</i>	<i>Aye</i>
<i>Commissioner Sterling Donner</i>	<i>Aye</i>
<i>Commissioner Audrey Jaramillo</i>	<i>Aye</i>
<i>Commissioner Jerry Powers</i>	<i>Aye</i>

The Motion Carried 5 to 0.

B. Mayor Jaramillo: I affirm only those items on the agenda were discussed and no decisions were made in Executive Session. All affirm.

Commissioner Jerry Powers moved Move to approve Jerrett Perry as Town Manager and accept the contract as is.

Commissioner Kenneth Brennan seconded the motion.

<i>Commissioner Filandro Anaya</i>	<i>Aye</i>
<i>Commissioner Kenneth Brennan</i>	<i>Aye</i>
<i>Commissioner Sterling Donner</i>	<i>Aye</i>
<i>Commissioner Audrey Jaramillo</i>	<i>Aye</i>
<i>Commissioner Jerry Powers</i>	<i>Aye</i>

The Motion Carried 5 to 0.

XV. ADJOURN

A.

Commissioner Kenneth Brennan moved Move to Adjourn at 10:21PM
Commissioner Jerry Powers seconded the motion.

The Motion Carried

**RESOLUTION 2023-001
TOWN OF EDGEWOOD
OPEN MEETINGS RESOLUTION**

A RESOLUTION ESTABLISHING RULES OF PROCEDURE FOR TRANSACTION OF ALL MATTERS PRESENTED TO THE COMMISSION OF THE TOWN OF EDGEWOOD PRESENTING DETAILED RULES OF CONDUCT THEREOF, ESTABLISHING POLICY AND PROCEDURE WITH REFERENCE TO NOTICE OF GENERAL, SPECIAL, AND EMERGENCY MEETINGS OF THE MUNICIPAL COMMISSION.

WHEREAS,

2022-02 Open Meetings Act Resolution will replace Open Meetings Resolution 2022-002; and

WHEREAS,

the Edgewood Governing Body met in regular session in the Commission Chambers located at 171-A State Road 344 Edgewood, NM 87015 on this 3rd day of January 2023 at 6:30 pm; and

WHEREAS,

section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 to -4) states that, except as may be otherwise provided in the Constitution or the provisions of the Open Meetings Act, all meetings of a quorum of members of any board, Council, Commission, Administrative Adjudicatory body or other policy making body of any state or local public agency held for the purpose of formulating public policy, discussing public business or for the purpose of taking action with the authority of or the delegated authority of such body, are declared to be public meetings open to the public at all times; and

WHEREAS,

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

WHEREAS,

Section 10-15-1(D) of the Open Meetings Act requires the Commission to determine annually what constitutes reasonable notice of its public meeting.

NOW, THEREFORE, BE IT RESOLVED by the Commission that:

- 1) All meetings shall be held at the Town of Edgewood Commission Chambers located at 171-A State Road 344, Edgewood, NM 87015 at 6:30 pm or as indicated in the meeting notice.
- 2) Unless otherwise specified, regular meetings shall be held on the 1st and 3rd Tuesday of each month beginning in February 2022. The agenda will be available at least seventy-two (72) hours prior to the scheduled meeting, posted at the following locations:

- I. Smith's Grocery - 2B Highway 344
 - II. Mr. Gas - #1 Highway 344
 - III. Edgewood Community Center - 27 E. Frontage Road
 - IV. Mail and Copy Business Center - 2 Marietta Court
 - V. Town Hall Office - 171A New Mexico 344
 - VI. Town Website (www.edgewood-nm.gov)
 - VII. Town Electronic Sign - (corner of NM 344 and I-40)
- 3) Special meetings may be called by the Mayor or a majority of the Commission members upon seventy-two (72) hours' notice. The notice for all special meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda.
 - 4) Emergency meetings will be called only under the unforeseen circumstances that demand immediate action to protect the health, safety and property of citizens, acts of God, or to protect the public body from substantial financial loss. The Mayor and Commission will avoid emergency meetings whenever possible. The notice for all emergency meetings shall be given as soon as practicable and shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda.
 - 5) For the purposes of regular meetings described in paragraph two (2) of this resolution, notice required is met if the notice of the date, time, place, and the manner in which a copy of the agenda may be obtained is posted at the same locations listed in 2) above. Copies of the written notice shall also be emailed to those broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have made a written request for notice of public meetings.
 - 6) For the purposes of special meetings and emergency meetings described in paragraph 3 and 4 of this resolution, notice requirements are met if notice of the date, time, place, and agenda is posted at the same locations listed in 2) above:

Copies of the notice shall also be emailed to those broadcast stations licensed by the Federal Communications Commission and newspaper of general circulation that have made a written request for notice of public meetings.
 - 7) In addition to the information specified above, all notices shall include the following language: if an individual with a disability is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Town of Edgewood five (5) days prior to the Commission meeting or as soon as possible at 505-286-4518. Public documents, including the agenda and minutes can be provided in various accessible formats.
 - 8) When it is otherwise difficult or impossible for the Commission members to attend a meeting in person, the Commission members may participate in the meeting by means of conference telephone or other similar communications equipment, provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time, and members of the public attending the meeting are able to hear any member of the Governing Body who speaks during the meeting.

- 9) The Mayor or Commission may close a meeting to the public only if the subject matter of such discussion or action is exempted from the open meeting requirement under Section

10-15-1 (H) of the Open Meetings Act.

- a) If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the Commission taken during the open meeting. The authority for the closed meeting and the subjects to be discussed shall be stated with reasonable specificity in the motion to close and the vote of each individual member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting.
- b) If a decision to hold a closed meeting is made when the Commission is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of the law authorizing the closed meeting and the subjects to be discussed with reasonable specificity, is given to the members and to the general public.
- c) Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited to those specified in the motion or notice for closure.
- d) Except as provided in Section 10-15-1(H) of the Open Meetings Act, any action taken as a result of discussion in a closed meeting shall be made by vote of the Commission in an open public meeting.

PASSED, APPROVED, and ADOPTED by the Governing Body this 3rd day of January 2023.

Audrey J. Jaramillo, CMO, Mayor

ATTEST:

Nina R. McCracken, Clerk

THOMAS TORRES

38 Cactus Road | Edgewood, NM 87015 | 505.364.3431
ttorres@epcor.com

Anjali Bean
Water Resources Manager
Santa Fe County Utilities
424 NM 599 Frontage Road
Santa Fe, NM 87507

DEAR REVIEW BOARD,

I am writing to express my interest in joining the Santa Fe County Water Policy Advisory Commission. I am an executive with 25 years' experience in water and wastewater operations and am active in the Edgewood community. I hold specialized knowledge of the water utility industry and the particular challenges of the central New Mexico region. I oversee the operations of EPCOR's water districts in Edgewood and Clovis, two distinct systems with particular challenges. I have also managed small community water and wastewater systems for Homeowners' Associations and the Town of Edgewood's Wastewater plant.

Some of my current projects include:

Working with a team in conservation matters, which features programs to replace old fixtures with high-efficiency washers and toilets, replace irrigated landscaping with xeriscape, and offer household water audits and retrofit kits.

Implementing a leased well program to supplement EPCOR's existing ground water infrastructure and preparing for the delivery of Ute Reservoir water on behalf of the City of Clovis, which is a member of Eastern New Mexico Water Utility Authority (ENMWUA).

Collaborating with EPCOR's water quality experts who closely follow the national study of man-made substances called per- and polyfluoroalkyl substances (PFAS).

The stewardship of water resources is one of the most pressing issues facing the state of New Mexico today. My technical knowledge and community engagement make me uniquely situated to guide policy decisions that will affect this resource now and for years to come. I look forward to speaking with you about how my skills and experience may be of service to the Santa Fe County Water Policy Advisory Commission.

Thomas Torres

THOMAS TORRES

38 Cactus Road | Edgewood, NM 87015 | 505.364.3431
ttorres@epcor.com

EXPERIENCE

2012 – PRESENT

REGIONAL MANAGER, EPCOR WATER

Responsible for all aspects of the operation of the Edgewood, Thunder Mountain, and Clovis water districts, located in the Estancia and Ogalala basins.

2002 – 2012

OPERATIONS SUPERINTENDENT, NEW MEXICO AMERICAN WATER COMPANY

Managed the Edgewood water system and maintained five local water and wastewater systems on service contracts.

1995 – 2002

VICE PRESIDENT AND SYSTEM MANAGER, EDGEWOOD WATER

PROJECT MANAGER, DENNIS ENGINEERING

CONSTRUCTION MANAGER, CDS CONSTRUCTION

Oversaw all maintenance and capital improvement projects for the Edgewood water system. Provided project oversight on various engineering projects throughout New Mexico. Constructed water mains mostly in the East Mountain area.

2002 – 1989

NON-COMMISSIONED OFFICER, Army National Guard, Active Duty Status

EDUCATION AND TRAINING

CURRENT

CERTIFICATION, STATE OF NEW MEXICO WATER QUALITY CONTROL COMMISSION

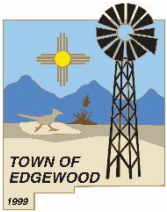
Water and Wastewater Systems Operator

1996

BACHELOR OF SCIENCE, CHAPMAN UNIVERSITY

SERVICE

- Member, Board of Directors Estancia Basin Resource Association
- President, Greater Edgewood Chamber of Commerce, 2015 to present
- Army Veteran, New Mexico National Guard and Washington State National Guard



TOWN OF EDGEWOOD

171A State Rd. 344
P.O. Box 3610
Edgewood, NM 87015
Phone: (505) 286-4518 Fax (505) 286-4519
www.edgewood-nm.gov

January 3, 2023

Sharon R. Cruz
Tribal/Local Public Agency Coordinator; North Region Design
1120 Cerrillos Road,
PO Box 1149 Santa Fe, NM 87504

Subject; Pedestrian Bridge Project CN5101330;
Request for Time Extension and Town Matching Funds Source

Ms. Cruz,

The Town of Edgewood requests a time extension to 30 September 2023 for the construction of the Edgewood Bachelor Draw Pedestrian Bridge Project CN5101330 in Edgewood, NM.

Project Description:

The project is located near NM 344 on the Bachelor Draw in the Town of Edgewood, New Mexico. The project includes the construction, rehabilitation and placement of an existing pedestrian bridge over the draw. The bridge will be connected to the existing trail system. Attached you will find a revised ARF, construction estimate and schedule.

Request for Time Extension:

- 1-The only bid we received was significantly exceeded the engineers estimate and was rejected.
- 2-Additional funds have been recently secured from NMDOT and New Mexico State Legislature. These funds exceed the revised estimate for construction of the bridge and allow us to proceed with an RFP.

Town Matching Funds Source:

The source for town matching funds of \$115,598 is the Capital Outlay Fund A22-G3000.

Thank you for your consideration in this matter. Should your office require any further information or assistance please contact me or Roger Holden.

Sincerely,

Jerrett Perry
Town Manager

Audrey J. Jaramillo,
CMO, CPA, CFE, JM
Mayor

Jerry Powers
Mayor Pro Tem

Filandro R. Anaya
Kenneth Brennan
Sterling Donner
Audrey Jaramillo
Jerry Powers
Town Commissioners

Jerrett Perry
Acting Town Manager

Nina R. McCracken
Clerk

Michael Steininger
Treasurer

Roger P. Jimenez,
Chief of Police

William H. White
Municipal Judge

New Mexico Department of Transportation
AGREEMENT REQUEST FORM (ARF)

AGENDA ITEM #X.vii.

Control No. CN-5101330

New Agreement _____

Amendment 4

Tribal/Local Public Agency (T/LPA) Town of Edgewood

Address PO Box 3610, Edgewood NM 87015

Contact Person Ben Wiltbank Title Parks and Recreation Manager

Phone 505-401-4615 Email bwiltbank@edgewood-nm.gov

T/LPA DUNS Number: UEI# DSKCQBKAZCT8

Who Executes agreement at T/LPA (Mayor, Governor, Chairman): Jerrett Perry, Town Manager

Termini/ Project Description will be pulled directly from STIP database.

STIP YEAR (Const.) FY 2023 PROPOSED WORK /PHASE (PER STIP)

FUNDING SOURCE	CONSTRUCTION	CONSTRUCTION MANAGEMENT
Federal Funds	\$ 738,362.00	\$ 13,500.00
State Funds	\$ 240,000.00	\$ 4,388.00
Local Match	\$ 115,598.00	\$ 2,112.00
Soft Match	\$	\$
Other	\$	\$ 20,050.00
TOTAL AMOUNT OF CONSTRUCTION AGREEMENT	\$ 1,093,957.00	

Anticipated Begin Date Fy 2021 Anticipated End Date FY 2023

What month will this project be ready to authorize Federal Funds? February 2023

You must also submit a estimated graphical project timeline (e.g., Microsoft Project, Primavera, Critical Path or Gantt chart) that provides the projected completion dates for applicable certifications for construction, right of way and design phases.

Additional Information: _____

T/LPA Authorized Signature _____ Date _____

Region T/LPA Authorized Signature _____ Date _____

District T/LPA Authorized Signature _____ Date _____

CLE T/LPA Authorized Signature _____ Date _____

By signing this Agreement Request Form, representatives are certifying the Project End Date for the requested project is true and accurate based on project scope. The Project End Date will be entered into FMIS as mandated per 2 CFR 200.309.

A project agreement **WILL NOT** be processed until this ARF is received and has all signatures.

T/LPA must submit completed Agreement Request Form and estimated project timeline to your T/LPA Region Coordinator for review.

Bachelor Draw Pedestrian Bridge

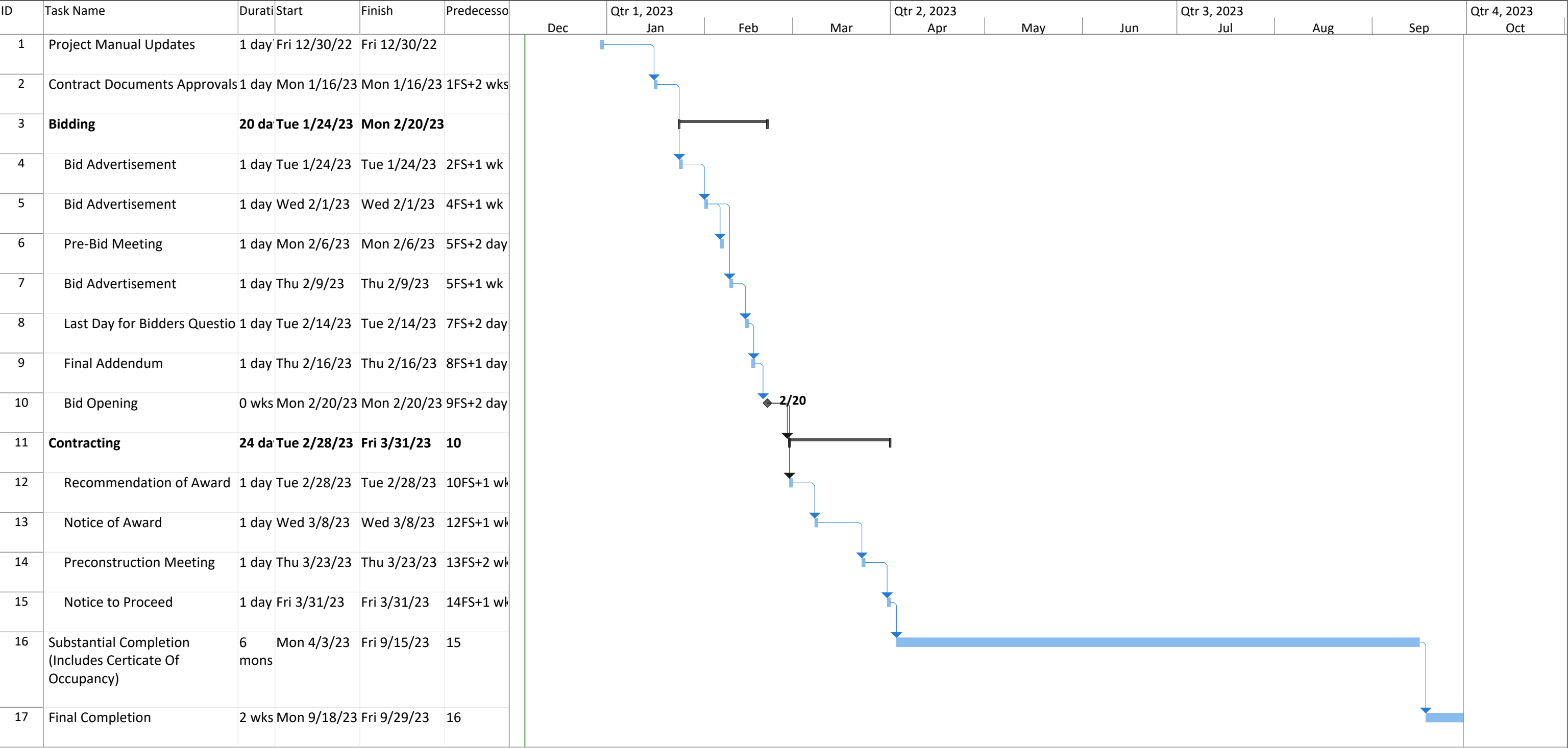
Town of Edgewood, NM

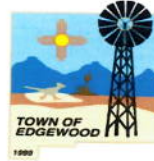
12/19/2022

LINE ITEM	SUMMARY OF QUANTITIES									COST ESTIMATE	
	NUMBER	DESCRIPTION	UNIT	TRAIL		BRIDGE		PROJECT TOTAL		UNIT COST	TOTAL COST
				EST	FINAL	EST	FINAL	EST	FINAL		
1	201000	CLEARING AND GRUBBING	L.S.	1				1		\$4,500.00	\$4,500.00
2	203000	UNCLASSIFIED EXCAVATION	C.Y.	6				6		\$250.00	\$1,500.00
3	203100	BORROW	C.Y.	270				270		\$104.00	\$28,080.00
4	207000	SUBGRADE PREPARATION	S.Y.	290				290		\$12.00	\$3,480.00
5	210002	MAJOR STRUCTURE EXCAVATION	C.Y.			40		40		\$100.00	\$4,000.00
6	210003	MAJOR STRUCTURE BACKFILL	C.Y.			26		26		\$140.00	\$3,640.00
7	303900	CRUSHER FINES	C.Y.	49				49		\$140.00	\$6,860.00
8	502036	DRILLED SHAFT FOUNDATION 36"D	LIN. FT.			52		52		\$1,500.00	\$78,000.00
9	502600	OBSTRUCTION REMOVAL	LIN. FT.			2		2		\$1,000.00	\$2,000.00
10	511000	STRUCTURAL CONCRETE CLASS A	C.Y.			13		13		\$1,250.00	\$16,250.00
11	511300	SUBSTRUCTURE CONCRETE CLASS A	C.Y.			36		36		\$1,250.00	\$45,000.00
12	540060	REINFORCING BARS GRADE 60	LB			8760		8760		\$5.00	\$43,800.00
13	540160	EPOXY COATED REINFORCING BARS GRADE 60	LB			1180		1180		\$6.00	\$7,080.00
14	541100	STRUCTURAL STEEL FOR STEEL BRIDGES	LB			10150		10150		\$8.00	\$81,200.00
15	541405	PEDESTRIAN BRIDGE (REHABILITATION)	L.S.			1		1		\$85,000.00	\$85,000.00
16	541406	METAL RAILING, PEDESTRIAN (OFF BRIDGE)	LIN. FT.			56		56		\$300.00	\$16,800.00
17	546000	RECOATING STRUCTURES	S.F.			2705		2705		\$10.00	\$27,050.00
18	546206	SP 6 COMMERCIAL BLAST CLEANING	L.S.			1		1		\$50,000.00	\$50,000.00
19	547000	SAFETY AND ENVIRONMENTAL REQUIREMENTS	L.S.			1		1		\$15,000.00	\$15,000.00
20	548001	COATING OF CONCRETE - STAIN	S.F.			855		855		\$4.00	\$3,420.00
21	560000	ELASTOMERIC BEARING PAD	EACH			4		4		\$2,500.00	\$10,000.00
22	621000	MOBILIZATION	L.S.	1				1		\$60,000.00	\$60,000.00
23	632000	CLASS A SEEDING	AC	0.6				0.6		\$20,000.00	\$12,000.00
24	667500	BOLLARD	EACH	2				2		\$950.00	\$1,900.00
25	701000	PANEL SIGNS	S.F.	5				5		\$50.00	\$250.00
26	701100	STEEL/BASE POSTS FOR ALUMINUM PANEL SIGNS	LIN.FT.	25				25		\$30.00	\$750.00
27	801000	CONSTRUCTION STAKING BY THE CONTRACTOR	L.S.	1				1		\$10,000.00	\$10,000.00
28	906000	CONTRACTOR TESTING ALLOWANCE (QC)	L.S.	1				1		\$20,000.00	\$20,000.00
29	XXXXX	BIDDING, CONST. INSPECTION, AND MAT. TESTING (QA)	L.S.	1				1		\$167,950.00	\$167,950.00
30	XXXXX	CONSTRUCTION MANAGEMENT	L.S.	1				1		\$20,050.00	\$20,050.00
31	XXXXX	ADMINISTRATIVE FEE, TOWN OF EDGEWOOD	L.S.	1				1		\$5,000.00	\$17,079.00

SUBTOTAL	\$842,639.00
15% CONTINGENCY, (Excl. Line 30)	\$123,388.35
SUBTOTAL	\$966,027.35
GRT on SUBTOTAL (8.0625%)	\$77,885.96
GRAND TOTAL	\$1,043,913.31

Owner: Town of Edgewood, NM





MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF EDGEWOOD AND THE MID REGION COUNCIL OF GOVERNMENTS

This Agreement, hereinafter referred to as “MOU” is entered into on ____ day of _____, 2023 between the Mid Region Council of Governments (“MRCOG”) a regional planning organization of the State of New Mexico and the Town of Edgewood (“Town”), collectively referred to as the “Parties”.

RECITALS

WHEREAS the Town of Edgewood and MRCOG entered into a separate Memorandum of Understanding designating MRCOG as the Town’s Fiscal Agent, as required by the New Mexico Environment Department, to enable the Town to receive a New Mexico legislative special appropriation; and

WHEREAS, the Town has requested that MRCOG serve as the fiscal agent and oversee the procurement process, issuance of any contracts and process payment for services for New Mexico Environment Department special appropriation number SAP 22-G2417-STB in the amount of \$1,150,000; and

WHEREAS, this MOU is required to outline the duties of the Parties as they relate to the provision of Fiscal Agent services.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES AND REPRESENTATIONS IN THIS MOU, THE PARTIES AGREE AS FOLLOWS:

This Agreement is entered into by and between the Town and MRCOG pursuant to the following purposes, conditions and terms:

Section 1. PURPOSE.

The purpose of this MOU shall be for MRCOG to provide fiscal agent services in connection with Capital Outlay Project #SAP 22-G2417-STB, which is funded by the NM Legislature and administered by the New Mexico Environment Department.

Section 2. SCOPE OF WORK

1. MRCOG’s Role and Responsibilities:

- MRCOG shall ensure that grant funds are expended in compliance with all applicable laws, regulations, municipal ordinances and grant agreement and the transactions are appropriately accounted for in compliance with such laws, regulations, and grant agreement;

- MRCOG will ensure safeguarding of grant funds and assets acquired with grant funds and proper accounting thereof in compliance with applicable laws, regulations, municipal ordinances and grant agreement;
- MRCOG will provide oversight to the Town in preparing requests for bid (RFB) or requests for proposals (RFP) in accordance with the Town's Procurement Code and/or the New Mexico Procurement Code, NMSA § 13-1-1 *et seq.*;
- MRCOG will coordinate with the purchasing agent designated by the Town to oversee the procurement process and administration of any contracts awarded for the Project;
- MRCOG will provide technical assistance regarding Project #SAP 22-G2417-STB, process, and reporting required by the appropriate State/Federal agency;
- MRCOG will review, approve, and sign-off on all disbursement requests including supporting documentation and project invoices in a timely manner;
- MRCOG will work with Department of Finance and Administration to facilitate direct project reimbursements to the Town;
- MRCOG will charge the Town for direct labor costs that are associated with oversight of the Project.

2. Town's Role and Responsibilities:

The Town understands it is still ultimately responsible for executing and complying with all applicable State and Federal laws, its own ordinances and grant agreement requirements as flow down provisions, executing procurement responsibilities and subcontractor management, as well as project, grant, and financial management, including CPMS, quarterly, final, and other reporting.

- The Town will prepare and manage the Requests for Bid ("RFB") or Requests for Proposal ("RFP") pursuant to its own and/or the New Mexico Procurement Code for all equipment purchases, design documents and the necessary information to issue a request for proposals or invitation to bid for the Project;
- Upon completion of the Project, the equipment purchased shall be the property of the Town and all purchased equipment shall be placed on the Town's inventory;
- The Town will designate a purchasing agent to coordinate with MRCOG on the issuance of the requests for bid or proposals, managing the procurement process and administering any and all contracts issued for the Project;
- The Town shall provide MRCOG with a copy of the executed grant agreement for the aforementioned project, Capital Outlay Project #SAP 22-G2417-STB; and
- The Town shall pay MRCOG for direct labor costs associated with oversight of Capital Outlay Project #SAP 22-G2417-STB.

Section 3. COMPENSATION AND METHOD OF PAYMENT.

The Town shall pay MRCOG an amount equal to the direct labor costs associated with oversight of the Project not to exceed 2.5 percent of the total amount of the appropriation. Payment shall be made on a payment schedule to be negotiated by the Parties, with final payment to be received upon completion of the Project.

In no event shall the administrative fee be paid from the appropriation authorized by the New Mexico Environment Department and funded by the Capital Outlay Funds. The administrative fee shall be paid by the Town out of its General Fund.

Section 4. TERM. This agreement shall be from the date of approval to June 30, 2026, which is the reversion date for Appropriation # SAP 22-G2417-STB. This agreement may be renewed or terminated upon the written consent of both parties.

Section 5. TERMINATION. Either party may terminate this MOU upon 30 days written notice. Such early termination shall not nullify obligations incurred for performance or failure to perform prior to termination.

Section 6. AMENDMENT. This MOU may be amended at any time by mutual agreement of the parties. Any amendment shall be in writing and executed by the Parties.

Section 7. COMPLIANCE WITH LAWS: The laws of the State of New Mexico shall govern this agreement, without giving effect to its choice of law provisions. Venue shall be proper in the Thirteenth Judicial District Court in Bernalillo, New Mexico.

Section 8. STATUS. MRCOG, its employees and agents performing the services pursuant to this MOU are not employees of the Town. The MRCOG and its agents and employees shall not accrue leave, retirement, insurance, bonding, use of Town vehicles, or any other benefits afforded to employees of the Town.

Section 9. ASSIGNMENT. The MRCOG shall not assign or transfer any interest in this agreement or assign any claims for money due or to become due under this agreement without the prior written approval of both Parties.

Section 10. SUBCONTRACTING. The MRCOG may not subcontract portions of the services to be performed under this agreement without the prior written approval of the Town.

Section 11. APPROPRIATIONS. The terms of this MOU are contingent upon sufficient funds being made available by the Legislature of the State of New Mexico for the performance of this agreement. If sufficient funds are not made available, this MOU shall terminate. Termination pursuant to this section shall be effective upon written notice being given by the Town to MRCOG.

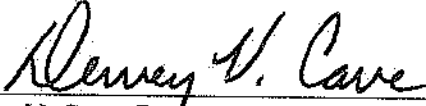
Section 12. RELEASE. The MRCOG, upon final payment of all amounts due under this MOU, shall release the Town, its officers and employees from all liabilities, claims and obligations whatsoever arising from or under this MOU.

Section 13. LIABILITY. Each Party shall be solely responsible for its own actions and for the actions of its employees, officers or agents under this MOU. Nothing herein shall be deemed to waive any and all limitations on liability and other protections under the New Mexico Tort Claims Act. All of the privileges and immunities from liability, exemptions from laws, ordinances and rules, all pension, relief, disability, workmen's compensation and other benefits which apply to the activity of officers, agents or employees of any Party when performing their respective functions within the territorial limits of their respective public agencies, shall apply to them to the same extent while engaged in the performance of their functions and duties extraterritorially under the provisions of this MOU.

Section 14. SCOPE OF AGREEMENT. This MOU incorporates all the agreements and understandings between the Parties concerning its subject matter, and all agreements and understandings have been merged into this MOU. No prior or contemporaneous agreement or understanding, verbal or otherwise, of the parties or their agents concerning the subject matter of this MOU is valid or enforceable unless included in this MOU.

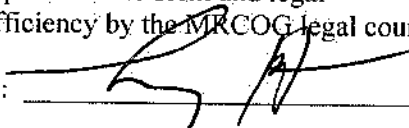
IN WITNESS WHEREOF, the parties have executed this MOU on the dates specified below.

MID REGION COUNCIL OF GOVERNMENTS

By: 
Dewey V. Cave, Executive Director

Date: 12, 28, 2022

Approved as to form and legal
sufficiency by the MRCOG legal counsel

By: 

Date: 12.28, 2022

TOWN OF EDGEWOOD BOARD OF COMMISSIONERS

APPROVED, ADOPTED, AND PASSED on this ____ day of _____, 2023.

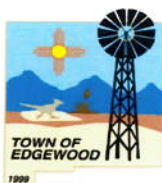
Audrey Jaramillo, Mayor

Attest: Nina McCracken, Town Clerk

Approved as to form and legal
sufficiency by the Town legal counsel

By: _____

Date: _____, 2023



**MEMORANDUM OF UNDERSTANDING BETWEEN THE
TOWN OF EDGEWOOD
AND THE
MID REGION COUNCIL OF GOVERNMENTS**

This Memorandum of Understanding (hereinafter "MOU") confirms that the Grantee, Town of Edgewood (hereinafter "Grantee") is working with the Mid-Region Council of Governments, the designated Fiscal Agent (hereinafter "Fiscal Agent"), for the administration of a New Mexico legislative special appropriation to the New Mexico Environment Department (hereinafter "NMED").

In accordance with the terms of the NMED Grant Agreement (Article X, B., (v)), the governing board of the Grantee will adopt a resolution "authorizing the person identified as the official representative of the Grantee to sign the Agreement and to sign Requests for Payment" The resolution will also authorize the Fiscal Agent and a Fiscal Agent signatory authority.

The special appropriation grant agreement is:

SAP 22-G2417-STB, in the amount of One Million One Hundred Fifty Thousand Dollars (\$1,150,000), expiring June 30, 2026, and has been appropriated "to acquire rights of way and easements for and to plan, design, construct, equip, and furnish a water treatment facility in Edgewood in Santa Fe County. (Project).

It is mutually agreed that the Town of Edgewood will determine the specific work to be completed, will oversee construction, and will own and operate the improvements resulting from completion of the Project. By this MOU, it is understood between the parties that the Mid-Region Council of Governments (Fiscal Agent) is authorized to act as the Fiscal Agent for the project, and will be responsible for administration, procurement, and payments related to the project.

The Fiscal Agent shall not be compensated from any grant funds for services rendered, or credited for services rendered, during the term of this MOU or during the duration of the Project.

This MOU shall be in effect for the duration of the grant agreement and terminates if the Grantee designates a new Fiscal Agent, or when the grant agreement expires or the project is complete and all appropriate close out documents are received, whichever comes first. The parties affirm their understanding and agreement by their signatures below. The parties may enter into a separate contractual agreement which sets forth duties and responsibilities of the parties related to this project, but the terms of the agreement shall not conflict with the terms of this MOU or the Resolution.

[THIS SPACE LEFT BLANK INTENTIONALLY]

IN WITNESS WHEREOF, the parties have duly executed this MOU as of the date of execution by the Fiscal Agent.

GRANTEE:

Signature of Official with Authority to Bind Grantee

By: _____
(Type or Print Name)

Its: _____
(Type or Print Title)

Date: _____

FISCAL AGENT:

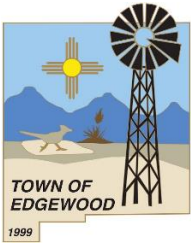
Dewey V. Cave

Signature of Official with Authority to Bind Grantee

(LA) By: Dewey V. Cave
(Type or Print Name)

Its: Executive Director
(Type or Print Title)

Date: 12/28/12



TOWN OF EDGEWOOD

LODGERS' TAX FUNDING APPLICATION

PART 1: PROJECT INFORMATION

Organization Name (As Listed on W9): Edgewood Chamber of Commerce (dba Greater East Mountain Chamber)

Event Name: General Promotions of Edgewood-based events, Tourism activities, and Destination Information

Event Date(s): July 1, 2022-June 30, 2023

Event Organizer & Title within Organization: Linda Burke, Executive Director

Phone Number of Organization: (505) 596-0566 -or- (760) 331-7781 (mobile)

Email of Organizer: director@GEM-NM.com

Organization Address (where check should be mailed): PO Box 457, Edgewood, NM 87015

Contact Person (If different than person who prepares application): _____

Contact Phone and Email for Secondary Person: _____

Event Location: various locations in Edgewood, NM

PART 2: PROJECT COST AND FUNDING REQUEST

Lodgers Tax Funding Requested: \$13,599

Total Anticipated Project/Event Cost: \$31,397

Additional Funding Sources: NM Tourism, Greater East Mountain Chamber, East Mountain Radio, The Independent, STROLL Magazine (leveraged grants/expertise/discounts)

Other Anticipated Sources for Future Development: see above

Anticipated Number of Volunteers: 12 (plus assistance from member/business groups involved with events)

Anticipated Attendance (not including volunteers/staff): *Broad promotion of Edgewood events/activities, attendance figures would be specific to event organizer (ie: Father's Day Car Show, July 4th Arts & Craft Show, Brews Fest, Family Music Festivals & Suppers, Woofstock, etc) plus destination tourism year-round.*

PART 3: CRITERIA

Were you funded previously? Circle one: ☒ Yes ☐ No

How much have you received previously (list year/award amount)? \$12,369 (2021 - FY 2022)

How many times has your event occurred? Please list years of previous events. Not event-specific request

Is your organization a non-profit? Yes (Must provide copy of non-profit status with application)

1. Define/Describe the overall project/event (what is happening at the event?):

Summary: The Chamber seeks to provide general promotions of events and activities in the Edgewood area to increase attendance, return visits, and overnight stays. Goal is to promote Edgewood as a travel add-on destination and reliable stop for travelers on I-40 and Route 66, as well as a regional get-away for New Mexicans (overnight and day trips).

(SEE ATTACHED Project/Event Information, pg 5)

2. Who is your target audience for your event and advertising (who do you want to see it and come?)

Central New Mexico residents, New Mexico visitors/state-wide travelers, and Out-of-state travelers passing through NM on I-40 and Route 66.

3. Describe the regions/cities in which you plan to market your event outside Edgewood?

The proposed promotions use a combination on print, radio, television, and social media for wide-spread coverage on events and general tourism promotions. This approach will reach well beyond residents of the East Mountains, to heavily target Central New Mexico as well as wider New Mexico and Southern Colorado.

4. Describe your event assessment/evaluation plans in terms of counting your participants, where they are from, their hotel stays, etc:

For events, evaluation can be done by door counts and/or exhibitor surveys. For general promotions of destinations, activities, and events not directly hosted by the Chamber, such as Woofstock or Car Shows, headcounts may not be possible. Our goal is to increase Edgewood's profile as a travel stop and destination for events and activities year-round.

PART 4: ADVERTISING PLAN AND BUDGET Fill out this chart with your advertising plan and the estimated costs for these ads.

Advertising Provider	Type of Ad/Promotion	Cost
<i>Please see Ad Plan/Budget (pg 3)</i>	<i>Please see Ad Plan/Budget (pg 3)</i>	<i>See pg 3</i>

PART 4: ADVERTISING PLAN AND BUDGET

Provider	Type of Ad/Promotion	Cost	Target	Reach
Greater East Mountain Chamber	Tourism website SEO, content development, local image library sourcing and production, and site maintenance	\$ 6,000	Region-wide travelers, I-40 and Route 66 travelers, regional visitors, and local residents	I-40 and Route 66 travelers, scenic byways travelers, EM regional residents, in-state and out-of-state travel planners
On-Air Media (Radio): KKOB, KEMR	Special Events promos and general tourism	\$ 2,800	Central NM residents & visitors	1 million+ residents and visitors in Central EM region
On-Air Media (TV) KRQE and CW	Special Events promos and general tourism (radio and streaming)	\$ 1,100	Central NM residents & visitors	1 million+ residents and visitors in Central EM region
New Mexico Magazine	Feature destination articles plus social media amplification for out-of-state travelers reach	\$ 5,952 + \$3,000	New Mexico residents and NM trip planners & visitors	Print Circulation: 60,000 / 150,000 print readers Digital Audience: 416,500
East Mountain Living Magazine	General tourism/promotions	\$ 1,000	EM residents and visitors	Locals / visitors to spend / extend stay in Edgewood
Print Medium	Special events and general tourism	\$ 1,000	EM residents and visitors	Print circulation: 1,000 / 3,000 weekly readership + digital audience
STROLL Magazine	Special Events promos and general tourism	\$ 500	EM residents and visitors	Print circulation: 1,000 / 3,000 monthly
NMTD Photo Shoot	Professional photos of area for print and social media	\$4,308	EM & NM residents & visitors, plus out-of-state travelers	425,000+ reach
Social Media	Facebook / Instagram on several chamber-run pages; far-reaching static ads; boosted posts for addl reach	\$ 5,400	EM & NM residents & visitors, plus out-of-state travel planners	425,000+ reach
Email outreach	Direct e-mail - monthly	\$ 600	EM region	1,000+
SUBTOTAL		\$31,397		
<i>Leveraged Partner Funding</i>	<i>Matching grants, professional & creative services, negotiated discounts</i>	(\$17,798)		Print:440,000 Digital: 840,000 On-Air: 1M+
TOTAL REQUEST		\$13,599		2.38M

PART 4: LODGERS' TAX GOALS & PURPOSE Lodgers' Tax Funders are allocated to meet the purpose and goals of the Town of Edgewood regarding advertising, marketing, and promotion of tourism related events and activities.

Describe how your event will increase tourism in the area and impact lodging:

Chamber-organized events and promotions are geared specifically to increasing visitorship to Edgewood. By actively promoting and cross-promoting Edgewood events, activities, recreational/tourism opportunities, and businesses, we aim to keep visitors engaged and circulating throughout Edgewood.

Ideally, we want promotions and information access to encourage an extended stop/stay and return stops/stays and to encourage use of numerous businesses while in Edgewood (lodging, restaurants, gas, retail, services). Ultimately, our goal is to increase overall business activity and local GRTs (gross receipts taxes) by increasing visitor/resident traffic and repeat visits.

Describe any partnerships/collaborations your organization will engage in to successfully complete your event:

The Chamber partners with/collaborates with numerous businesses, regional media, and New Mexico Tourism Department to maximize reach, stretch funding dollars, and cross-promote whenever and wherever possible. Some key local partners are: Church Street Market, Route 66 Arts Alliance, Wildlife West Nature Park, TJ Productions (Father's Day Car Show, Rods & Brews). Media partners/collaborators include: KRQE TV, CW TV, KKO Radio, KEMR Radio, The Independent, East Mountain Living Magazine, New Mexico Magazine, STROLL Magazine.

By submitting this application, you agree to the following (initial next to each):

LB Promote a positive image for Edgewood

LB Submit materials related to advertising, promotion, and marketing that use the Town of Edgewood logo

PART 5: ASSURANCES AND CERTIFICATIONS

I/WE CERTIFY THAT I/WE AM/ARE AUTHORIZED TO ACT ON BEHALF OF THE ORGANIZATION MAKING THIS APPLICATION AND THAT THE STATEMENTS HEREIN ARE COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE. IF FUNDED, WE WILL KEEP CLEAR AND ACCURATE ACCOUNTING OF HOW THE FUNDS WERE USED. WE WILL EVALUATE THE USE OF FUNDS AS REQUIRED AND APPROVED BY THE TOWN OF EDGEWOOD AND WILL DELIVER AN ANNUAL EVALUATION REPORT TO THE TOWN ON OR BEFORE THE DATE ESTABLISHED FOR SUBMITTAL. Print your name and

TITLE: Executive Director

SIGNATURE: Linda Burke

DATE: July 1, 2022

1. Define/Describe the overall project/event (what is happening at the event?):

GENERAL: *Our goal is to develop local and regional tourism to stimulate economic growth. By expanding our promotions in frequency and consistency year-round, we will encourage more overnight stays and local visits. Edgewood is well positioned as the hub of the region with ample lodging, retail, and restaurants to support that role. Using this hub approach, we will solicit multi-day stops by providing information on exploring the Edgewood and EM region that provide enough interests and destinations to make multi-day stops and/or return/repeat visits desirable.*

TOURISM/TRAVEL PROMOTIONS – *utilizing year-round on-air media (KRQE, CW, Cumulus radio, KEMR), both targeted and organic social media, website, and print media options such as Albuquerque the Magazine, New Mexico Magazine, Route 66 Magazine, we will position Edgewood/EM as an “experience” and travel stop destination for day trips, special events, repeat visits, and overnight stays.*

Utilizing additional, intentional connection with New Mexico Tourism, we will expand our reach beyond the state to reach audiences planning travel to and through New Mexico with an intent of capturing stops in Edgewood for both exploration and as an alternate overnight stop to Albuquerque.

Targeted audiences include: I-40 or Route 66 travelers, nearby get-away seekers, add-on nights/stops in Edgewood for Albuquerque/Santa Fe visitors.

Targeted Areas of Interest include: family activities, outdoor activities, scenic byways, special events, breweries, shooting sports and equestrian lifestyle.

DISCOVER THE EAST MOUNTAINS – *New website subsegment specifically focused on tourism development and the “Discover the East Mountains” branding/theme. Drawing on high visual impact, search engine optimization, and integrated connections to the highly successful New Mexico tourism website. This project is also being developed in conjunction with New Mexico Tourism Department resources and expertise.*

SHOP LOCAL/KEEP IT LOCAL PROMOTIONS – *Additional on-air, social and local print media promotions will be utilized to keep local events front of mind within the community and encourage patronizing local businesses.*

COMMUNITY CALENDAR & YEAR-ROUND OUTREACH – *Greater East Mountain Chamber website and social media is a source of information that includes community calendar, spotlight on local events/activities, rotating posts provide information on what’s coming up/happening in Edgewood/EM region. Our business directory, Discover Edgewood, and other information pages help to provide a regular, searchable source of information for travelers/visitors, locals, and those considering relocation. Additional print promotions will be utilized in local media to keep local events front of mind within the community.*

Status: Good Standing



Corporations and Business Services
New Mexico Secretary of State

01/14/20

Search Information

Home

Entity Details

Business ID#: 1551522

Status: Active

Entity Name: EDGEWOOD CHAMBER OF COMMERCE

Standing: Good Standing

DBA Name: Not Applicable

Entity Type and State of Domicile

Entity Type: Domestic Nonprofit Corporation

State of Incorporation: New Mexico

Benefit Corporation: No

Statute Law Code: 53-8-1 to 53-8-99

Formation Dates

Reporting Information

Period of Existence and Purpose and Character of Affairs

Outstanding Items

Reports:

No Pending Reports.

Registered Agent:

No Records Found.

License:

No Records Found.

Contact Information

Mailing Address: PO BOX 457, Edgewood, NM 87015

Principal Place of Business in New Mexico: 1 Liberty Square Circle, Edgewood, NM 87015

Secondary Principal Place of Business in New Mexico:

Principal Office Outside of New Mexico: Not Applicable

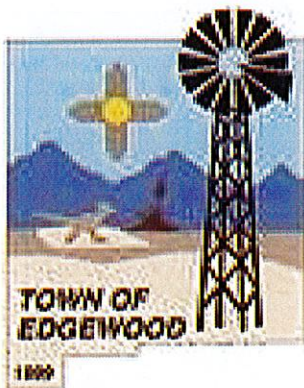
Registered Office in State of Incorporation:

Principal Place of Business in Domestic State/ Country: Not Applicable

Principal Office Location in NM: Not Applicable

Town of Edgewood

Procurement Ordinance



ORDINANCE NO. 2022-01

**AN ORDINANCE ADOPTING PROCUREMENT PROCEDURES AND SIGNATURE
AUTHORITY FOR THE TOWN OF EDGEWOOD, NEW MEXICO
SUPERCEDING ORDINANCE 2018-005**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF EDGEWOOD,
NEW MEXICO, AS FOLLOWS:**

SECTION 1. TITLE

This ordinance may be cited as the "Procurement Ordinance".

SECTION 2. LEGAL FRAMEWORK

The Town of Edgewood (hereinafter, the "Town") adheres to the State of New Mexico Procurement Code (NMSA 1978 Sections 13-1-28 through 13-1-199) which strictly governs the purchasing policies of governmental agencies. Any conflict between the Procurement code and this Ordinance shall be resolved in favor of the Procurement Code. Purchases involving the expenditure of federal funds must be conducted in accordance with the mandatory applicable federal laws and regulations. Such laws and regulations will supersede the NM State Procurement Code where the Procurement code is inconsistent with the Federal laws and regulations. The Town also adheres to the procurement regulations of the Governmental Conduct Act (NMSA 1978 Chapter 10, Article 16) and the New Mexico Administrative Code. To the extent any other law contains requirements concerning procurement applicable to The Town of Edgewood, this policy shall be interpreted consistently with those requirements, and if it cannot be interpreted consistently with those requirements, the requirements of law will prevail. For any procurement funded in part or in fully by grants from the State of New Mexico, the Federal Government or other funding sources, the solicitation documents and contracts must conform to the terms and requirements of the grant agreement.

No political or other invidious prejudicial considerations governs the award of Town contracts or orders: rather every purchase is made in the Town's best interest efficiently obtaining high quality goods, construction and services in a timely manner while providing qualified vendors a fair opportunity to compete. Consistent with the Procurement Code, it is the objective of the Town of Edgewood to procure the necessary supplies, equipment and services at the lowest cost consistent with the quality and timeliness needed to meet departmental requirements and the principle that the taxpayer receives the maximum value for each dollar expended.

On or before January 1 of each year, and every time a chief procurement officer is hired, the Town of Edgewood shall provide to the State Purchasing Agent the name of the Town's Procurement Officer. It is the responsibility of the Procurement Officer to administer, make determinations and approve all procurement for the Town of Edgewood. (NMSA 1978 13-1-18.1 and 13-1-95.2). Any procurement not authorized and approved by the Procurement Officer shall be considered a violation of this policy.

It is unlawful for any employee or official of the Town of Edgewood, to participate directly or indirectly in Town procurement when the employee knows that the employee or any member of the employee's immediate family (spouse, parents, children or siblings) has a financial interest in the business seeking or obtaining a contract. In the event that a Town employee or official becomes aware of a conflict described in this paragraph, such employee or official shall immediately notify their supervisor and the Town's legal counsel.

Persons knowingly and/or willfully violating the State Procurement Code, State Statutes, or this policy may be subjected to a fourth degree felony if the transaction involves more than \$50,000, a misdemeanor if the transaction is \$50,000 or less as per New Mexico Statutes. In addition, employees violating this policy, State Statutes, or the State Procurement Code may be subject to disciplinary action up to and including termination of employment by the Town.

SECTION 3. POLICY

The application of the principles of integrity, transparency, accountability, fairness, and efficiency to all decision making on public investments and purchases will prevent corruption and maximize the economic, financial, social, environmental and public benefits of public procurement. As public buyers, representatives of the taxpaying people of Edgewood, expending public funds, the Town of Edgewood fully supports these principles.

The Town of Edgewood welcomes the opportunity to do business with interested vendors willing to supply quality goods and services at competitive prices, meet deadlines, and become an integral partner dedicated to serving the citizens of the Town of Edgewood. Whenever possible, it is the preference of the Town of Edgewood to procure goods and services locally. The overall procurement objective of the Town of Edgewood is to obtain quality goods and services at the lowest cost from qualified, responsive, and responsible vendors while ensuring that all purchases are made in accordance with local, state and federal laws, regulations and ordinances; are open, fair, and competitive; and are obtained at the best value maximizing the use of public funds.

This Purchasing Policy was prepared with the sincere hope that it will be helpful to all vendors engaged in selling supplies, materials, equipment and/or services and who would like to do business with the Town of Edgewood. This Policy is also intended to serve as a guide for Town Officials and employees who participate in the procurement process on behalf of the Town of Edgewood.

SECTION 4. PURCHASING POLICY - PROCUREMENT METHODS

All formal and informal solicitations for goods, services or construction shall include a uniform, detailed scope of work or set of specifications including a timeline if applicable, detailing the requirements of the procurement. For Town procurement, a purchase order must be generated and (when applicable) issued to the vendor in which the construction, tangible goods or services are being provided.

A. Informal Procurement Procedure

The Town follows an Informal Procurement Procedure as permitted by the Procurement Code in the following situations listed below. The Procurement Officer has the authority to recommend any procurement of \$20,000.00 or less.

(1) Small Purchases

Small purchases, used when the Town is procuring construction, tangible goods, or services valued at less than \$60,000 or professional services (other than landscape architects and surveyors) valued at less than \$60,000. For landscape architects and surveyor services, the small purchase informal procedure is used for services valued at less than \$10,000. For all small purchases, except for extremely small purchases (\$3,000 or less, see below), every effort shall be made to obtain three (3) quotations for the procurement of construction, tangible goods or services sought. Each solicitation should describe the scope of work in sufficient detail and any applicable timeline or deadline. It is strongly recommended that the three (3) quotations be obtained from local small businesses when possible. If fewer than three responsible quotes are obtainable in this manner, the purchase may be made at the best obtainable price and/or in the best interests of the Town and a memo shall be written to the Town Procurement Officer describing the steps taken to obtain the quotes and determine the qualifications of the vendors and price. Such memo shall be retained as part of the procurement file. Awards for construction, tangible goods, or services shall be made only to the lowest responsible bidder and awards for professional services shall be made to the responsible offeror or offerors whose proposal is most advantageous to the Town of Edgewood.

a.) Up to \$3,000 - Extremely Small Purchases

Services, construction, or items of tangible personal property a value not exceeding \$3,000 may be procured by notice being given to the Procurement Officer prior to the purchase being made and the receipt evidencing the purchase being given to the Procurement Officer as soon as practicable and purchase from a vendor being based upon the best obtainable price (and/or in the best interests of the Town). The Town employee making the purchase should have sufficient knowledge or make reasonable efforts to assure that the goods are being purchased at the lowest reasonably available price.

b.) \$3,000.01 - \$20,000

The Town shall make a reasonable effort to obtain three (3) written quotes for the purchase of construction, goods, or services. All quotes should be based on the description of the scope of work provided by the Town and must be written down and placed in the internal notes section on the requisition process. If three (3) written quotes cannot be obtained, the Town Procurement Officer shall document the reasons and include such document in the procurement file.

The CPO shall report monthly to the Commission with the financial report the procurements awarded for the previous month, including CES and Statewide contract awards.

c.) \$20,000.01 - \$60,000

Insofar as it is practical for small purchases of services, construction or items of tangible personal property having a value exceeding twenty thousand dollars but not exceeding sixty thousand dollars, a minimum of three (3) written quotes on company letterhead must be obtained based on the description of the scope of work provided by the Town. The written quotations must be attached to the purchase order and invoice for inclusion in the voucher.

d.) Professional Services up to \$60,000 (or Landscape Architect or Surveyor Services up to \$10,000)

The Town shall obtain reasonable number of responses for the procurement of professional services based on the same scope of work and taking into consideration such factors as the respondents' qualifications, experience, references, and price. If fewer than three (3) qualified responses are obtainable using the procurement set forth above, the procurement may be made and a memo shall be written to the Town Procurement Officer describing the steps taken to obtain the responses. Such memo shall be retained as part of the procurement file.

B. Formal Procurement Procedure

(1) All formal procurements greater than \$20,000 shall be authorized by the Town of Edgewood Governing Body prior to obtaining quotes or issuing any request or invitation to bid. Once the Town of Edgewood governing body has authorized the procurement, the Procurement Officer shall be responsible for the procurement process. All awards and contracts must be approved by the Governing Body prior to execution.

(2) Invitation for Bids (IFB) – The formal bid procedure is followed when the services, construction or items of tangible personal property to be purchased are valued at sixty thousand dollars (\$60,000) or more. This method requires a formal advertisement, sealed bid, public opening and in many cases proof of insurance, licensing, contractor registration, bid bonds, payment and performance bonding. All requirements and specifications for bids must be set forth in the IFB and/or accompanying bid documents. The Town is statutorily required to select the lowest responsive bid (that is the lowest bid meeting all requirements and specifications) submitted by a responsible bidder. (NMSA 1978 Section 13-1-108)

(3) Requests for Proposals (RFP) – The formal proposal procedure is followed when the Town is soliciting professional services with a value exceeding sixty thousand dollars (\$60,000) excluding applicable state and local gross receipts taxes, except for the services of landscape architects or surveyors which require the formal proposal process when the professional services being procured have a value exceeding ten thousand dollars (\$10,000), excluding applicable state and local gross receipt taxes. These methods require formal advertisement, a sealed proposal and in many cases, proof of insurance and bonding. All evaluation factors to be used in selecting a proposal must be stated in the RFP. The Town

will select the responsible respondent whose proposal is most advantageous to the Town, using the evaluation factors stated in the RFP. (NMSA 1978 Section 13-1-117) For the formal procurement of professional services ("qualifications based proposals"), price shall be determined by formal negotiations related to the scope of work. (NMSA 1978 Section 13-1-112.C, 13-1-120.)

(4) Obtaining Information for Formal Bids and Proposals- Specific information pertaining to our requests for information (RFIs), invitations for bids (IFBs), requests for proposals (RFPs) and awards is available publicly and upon request. The Town works diligently to ensure vendors have equal access to this information. This information is available on the Town website and at Town Hall. The Town accomplishes this by:

a.) Availability on Town Website and at Town Hall

The information is posted on our website <http://www.townofEdgewood.org/bids.htm>. Vendors may download RFIs, IFBs, and RFPs directly from this website. The RFI, IFB, and RFP information can be obtained at the front desk of Town Hall. Some bid packets may require payment of a deposit related to the actual, direct cost of furnishing copies. If bidding documents require shipping, the respondent must prepay the cost of shipping with certified funds or provide a Fed-X or UPS account number. Costs associated with shipping are not refundable. The deposit shall be refunded if the documents for bids are returned in a usable condition within the time limits specified in the documents for bid. (NMSA 1978 Section 13-1-104 D)

To download an RFI, IFB or RFP, go to our website, select the bid or proposal that interests you, and download it.

At times, only portions of a proposal/bid may be posted on our website due to technical or document size constraints, in which case, a copy may be obtained at Town Hall.

b.) You may obtain copies of open RFIs, IFBs, and RFPs by visiting our offices during normal business hours. If you wish to be notified of a particular solicitation please send your information to the Procurement Officer and you will be contacted when the RFI, IFB, or RFP solicitation is advertised.

(5) Legal Advertising

The Town advertises formal IFBs valued at greater than \$60,000 for construction, tangible goods and services, and RFPs expected to cost more than \$60,000 for professional services and services of landscape architects or surveyors exceeding \$10,000 at least ten (10) calendar days before the date set for opening of the bids or proposals in the legal section of a newspaper of general circulation in the area in which the Town of Edgewood is located, or may use any other legally sufficient notice procedure.

(6) Selection Committee

1. After the governing body authorizes issuance of an RFP, the Mayor, Town Manager, or designee will then formulate recommendations for Commission approval regarding the appointment of the Selection Committee.

2. The Selection Committee will be composed of at least 5 members.
3. The 5 members will consist of (2) two members of the Governing Body (2) two members of staff and (1) one member at large.
4. The member at large can be a member of an established Town Committee, a representative of the Chamber of Commerce, or another appropriate member of the community. This individual normally shall, but need not in all cases, be a resident of the municipality.
5. The Mayor, Town Manager, or designee will recommend to the Commission the appointment of the Selection Committee.
6. Committee members will be contacted regarding their appointment and availability to review RFP.
7. Once Proposals are received the Clerk/Treasurer will distribute copies of the proposals to each member of the Selection Committee with a proposed review calendar and any other pertinent material/information.
8. The Committee will review the Proposals. Each member is to rate and rank the proposals before meeting with the Committee. The Committee will then meet and discuss each proposal and reach a consensus on the rating and ranking that will be submitted to the Governing Body for recommendation. The Committee will determine if a need exists to interview top ranked offerors prior to submitting a recommendation to the Governing Body.
9. If interviews are to be conducted, the Committee will determine a time and place for the interviews and notify the offerors to be interviewed.
10. The Committee will return all material/information, such as Proposals and rating and ranking sheets, to the Clerk/Treasurer and provide its recommendations to the Governing Body.
11. The Governing Body will duly consider the recommendations of the Selection Committee during a meeting of said body held in accordance with the Open Meetings Act.

(6) Submittal of Bids and Proposals

All bids and proposals submitted pursuant to formal IFB or RFP must be in sealed containers and received by the Town no later than the deadline time and date specified in the IFB or RFP (or an amendment to either). It is the bidders' responsibility to ensure timely delivery and that any bids submitted are sealed and identifiable prior to delivery to the Town. To be considered responsive, a bid or proposal must meet all material requirements and specifications set forth in the IFB or RFP. The sealed bid may be placed in either an envelope or a box and must bear the official Bid or Proposal number, Title of Bid and the official Bid due time and date clearly marked on the cover of the Bid Document. If a bid is hand-delivered, it is the bidder's sole responsibility to ensure that a bid is time stamped and physically deposited with the Town prior to the date and time specified on the cover page of the IFB or RFP. Bids received via U.S. Mail

or other express mail services will be time stamped by the Town as they are received. The official "Bid Due Time" for all bids and proposals is Mountain Standard Time or Mountain Daylight time, as applicable. Failure to submit a timely and complete bid or proposal will result in rejection of the bid or proposal. The Town may waive technical irregularities in the form of a bid or proposal that do not alter the price, quality or quantity of the services, construction or items of personal property bid or offered. (NMSA 1978 Section 13-1-132)

(7) Town's Right to Cancel a Procurement and Reject Bids or Proposals

The Town has the right under the Procurement Code to cancel any invitation for bids (IFB) or request for proposals (RFP), or to reject any or all bids or proposals, when it is in the best interest of the Town to do so. In such event, the Town must issue a written determination stating the reasons for the cancellation or rejection and the written determination must become a part of the procurement file. (NMSA 1978 Section 13-1-131.) If, prior to execution of a valid contract, the Town determines that a solicitation or a proposed award is in violation of law, the solicitation or proposal shall be cancelled. (NMSA 1978 Section 13-1-181.)

(8) Bid and Proposal Opening

Bid opening times are listed on the cover page of the IFB. The bidders and the public are invited, but not required, to attend the formal bid opening. Prices are read aloud at the bid opening. No decision is made relative to an award of a contract or purchase order at the bid opening.

Proposals submitted in response to an RFP are not publicly opened and no pricing or other information will be revealed until after the evaluation has been completed and an award has been made and approved by the Governing Body.

(9) Award Policy-Criteria for Award

With respect to an IFB, the award will be made to the lowest, responsive, responsible, qualified bidder that meets the specifications and other requirements of the solicitation. (NMSA 1978 Section 13-1-108) The Procurement Officer shall make the final recommendation for the award. (NMSA 1978 Section 13-1-95.2) All awards and contracts must be approved by the Governing Body prior to execution.

With respect to RFP, the award shall be made to the responsible respondent whose proposal is most advantageous to the Town taking into consideration the evaluation factors set forth in the request for proposals (See NMSA 1978 Section 13-1-117). The Procurement Officer shall make the final recommendation for the award. (See NMSA 1978 Section 13-1-95.2) In the case of qualifications-based proposals, which include but are not limited to engineers, architects, surveyors and landscape architects, price shall be determined by formal negotiations related to scope of work. (NMSA 1978 Section 13-1-112C)

Once the recommendation for final award has been determined, the Procurement Officer shall notify the governing body at the next meeting for award.

The Town will notify the successful bidder(s) in writing. It is the responsibility of the bidder to inquire about the award of INFORMAL bids or proposals.

(10) Post Award

After analysis and award, all successful bids and tabulation sheets are kept by the Clerk-Treasurer. After an award, the documents are available for inspection, subject to the Inspection of Public Records Act (see below). Bid tabs are available on the web page shortly after bid opening, or you may make an appointment with the Town Clerk-Treasurer to review bid results.

Bids or Proposals received at any time AFTER the date/time deadline set forth on the cover will NOT be considered and will be returned unopened.

(11) Protests

Any Bidder or Respondent who is aggrieved in connection with a solicitation or award of a contract may file a written protest with the Town Clerk-Treasurer, P.O. Box 3610, Edgewood, NM 87015 outlining the reason and merit for protest. The protest shall be submitted in writing fifteen (15) calendar days after knowledge of the facts or occurrences giving rise to the protest. (NMSA 1978 Section 13-1-172)

This is a formal process. The protestor must submit with the written protest any pertinent documentation and a description of relevant facts to support the claim. Once the protest is received an Acknowledgement of Receipt letter will be sent to the protestor. The Clerk-Treasurer will then collect data and conduct an investigation. As part of the investigation the Clerk-Treasurer may request additional information from the protestor or other sources. A protestor's failure to respond in a timely and adequate manner to the Clerk-Treasurer's request for additional information may result in denial of the protest. Based on the investigation a determination will be made and sent to the protestor informing him or her of the reasons for the determination. The determination shall inform the protestor of the reasons for the determination and of the protestor's right to judicial review under NMSA 13-1-183. (NMSA 1978 Section 13-1-175)

C. Sole Source Purchases (NMSA 1978 Section 13-1-126)

Sole Source Purchases require a written determination issued by the Procurement Officer with advice from the Town's legal counsel if needed, that there is only one source for the required goods, construction, or services. Before any determination will be issued, the department requesting the determination must submit a justification form to the Procurement Officer for review. Sole source purchases are not encouraged by the Town of Edgewood because pricing and terms and conditions are difficult or impossible to negotiate. No open market exists to validate that pricing and conditions are reasonable. At least thirty (30) days before a sole source contract is awarded, the Town's Procurement Officer or designee shall post notice of the intent to award a sole source contract on the Town's web site as well as the State's Sunshine Portal. The notice shall identify at a minimum: (1) the parties to the proposed contract; (2) the nature and quantity of the service, construction or item of tangible personal property being contracted for; and (3) the contract amount.

Any qualified potential contractor who was not awarded a sole source contract may file a written protest with the Town Clerk-Treasurer, P.O. Box 3610, Edgewood, NM 87015 outlining the reason and merit for

protest. The protest shall be submitted in writing within fifteen (15) calendar days of the notice of intent to award a contract being posted. Any Sole Source Purchase will be published in accordance with law (NMSA 1978 Section 13-1-128).

D. Emergency Procurements

The Town Procurement Officer may make emergency procurements when public health, welfare, safety or property is threatened as may arise from floods, fires, epidemics, riots, acts of terrorism, equipment failure and similar events, requiring procurement under emergency conditions; providing that emergency procurements shall be made with such competition as is practicable under the circumstances. Purchase or lease of heavy road equipment is not included (NMSA 1978 Section 13-1-127-A-B-C-D-E). Any Emergency Purchase will be published in accordance with law (NMSA 1978 Section 13-1-128).

E. Utilizing Other Existing Contracts

The Town may contract for services, professional services, construction, or items of tangible personal property without the use of competitive sealed bids or competitive sealed proposals as follows (NMSA 1978 Section 13-1-129):

(1) At a price equal to or less than the contractor's current federal supply contract (GSA), providing the contractor has indicated in writing a willingness to extend the contract's pricing, terms and conditions to the state agency and the purchase order adequately identifies the contract relied upon; or

(2) With a business which has a current price agreement with the state purchasing agent or a central purchasing office for the item, services, or construction meeting the same standards and specifications as the items to be procured, as long as the total quantity purchased does not exceed the quantity which may be purchased under the applicable price agreement, and the purchase order adequately identifies the prices agreement relied upon.

(3) Notwithstanding the foregoing, whenever possible, every effort must be attempted to receive competitive bids.

F. Cooperative Procurement

The Town may either participate in, sponsor or administer a cooperative procurement agreement for the procurement of any services, construction or items of tangible personal property with any other state agency, local public body or external procurement unit in accordance with an agreement entered into and approved by the governing authority of each agency, public body or external procurement unit. (NMSA 1978 Section 13-1-135).

SECTION 5. PURCHASE ORDERS AND CONTRACTS

A. Purchase Orders (POs)

POs are issued solely by the Procurement Officer. POs are required for any purchases with a value of \$3,000.00 or more. In the event the value of a purchase is less than \$3,000.00, notice shall be given to

the Procurement Officer prior to the purchase being made and the receipt evidencing the purchase shall be given to the Procurement Officer as soon as practicable. An official purchase order consists of an authorized signature or facsimile signature and purchase order number. All purchase orders should clearly specify what types of goods or services are being obtained. A PO number, when required, should be obtained by the vendor prior to conducting business with the Town. Vendors are cautioned to not sell materials, equipment and/or services without an official purchase order or purchase order number. Failure to obtain a PO number prior to delivery of goods or services could result in non-payment. Vendors should also identify the department and request the identity and departmental phone number of the person(s) purchasing for the Town. Questionable purchases should be referred to the Town Procurement Officer immediately at 505-286-4518.

Prior to issuance of PO, vendors conducting business with the Town of Edgewood must complete a W-9 Form (Request for Taxpayer Identification Number and Certification) Any vendor requesting a tax-exempt certificate (Nontaxable Transaction Certificate) from the Town must provide their State of New Mexico Combined Reporting System (CRS) identification number to the Clerk-Treasurer.

B. Entering Into a Written Contract

Once the Procurement Officer has made the determination for the award (see NMSA 1978 Section 13-1-95.2), has presented the recommendation to the Governing Body and obtained approval by roll call vote to proceed with a vendor, and before work commences or goods delivered, the Town of Edgewood and the Contractor must enter into a written contract signed by both parties. Once approved by the Governing Body, the Mayor, Town Manager, or a designee may sign the contract on behalf of the Town of Edgewood (NMSA 1978 Section 13-1-100). Written permission from the Mayor or Town Manager granting a designee authority to sign a contract shall be included with the procurement file and/or attached to the contract. The Clerk-Treasurer shall attest to any signed contract. A purchase order must also be issued by the Town and accepted by the contractor. Contracts shall be based on the Town's contract templates except where special circumstances justify using a different form. All contracts must state that bribes, gratuities and kickbacks violate the criminal laws of New Mexico.

All contracts shall specify, either in the body or an attachment the detailed scope of work and the basis on which payment is to be calculated (hourly rate, price per unit, price per job, etc.). All contracts shall also state that the performance of the Town's obligation is contingent upon sufficient appropriations, availability of funds and legal authority. In addition, all contracts shall contain other standard clauses including but not limited to requirement that records be maintained for a minimum of three (3) years (or longer if required by funding agencies or law); a non-discrimination clause; and a statement that the contractor has no conflict of interest with respect to the contract or its performance. Before the Town executes any contract, the contractor must provide a completed and signed campaign contribution disclosure form. (NMSA 1978 Section 13-1-191.1)

No services, construction, or furnishing of goods is permitted before a written contract is signed by the Mayor, Town Manager or a designee and the Contractor or after the contract terminates. Working without a contract may result in non-payment for such work.

(1) Contract Modifications, Construction Contracts, Change Orders and Field Orders

a.) Amendment – after a written contract is entered into, only a written instrument signed by all parties involved may modify it.

b.) Change Order – A form of contract amendment for construction contracts that usually adds or deletes tasks or quantities of work and/or addresses changes in work that were not foreseen. Change orders are limited to the amount of money needed to make the changes required or requested by the Town. A change order shall describe changes in the work, time and/or compensation, and may require as appropriate, attachments of revised contract documents describing the change(s) and a full accounting of the adjustment to the contract sum and the contract time.

c.) Field Order – is a directive issued by the project manager to the contractor for immediate action to be taken, the field order shall include costs and quantities and be made a part of the change order.

d.) Any change order, or other amendment to a contract that has been previously approved by the Town Governing Body, must be approved by both the Town Procurement Officer and Mayor or Town Manager provided the amount of the change order or contract amendment is not greater than \$20,000, and that sufficient monies are appropriated in the budget to accommodate the change order or amendment.

e.) Any change order or amendment greater than \$20,000 will require the specific approval of the Town's Governing Body. If it is determined that an emergency or urgent situation exists that such delays will cause damage, increases in cost, or loss of construction time and it is in the best interest of the Town of Edgewood, a determination may be issued by both The Town Procurement Officer and Mayor or Town Manager with detailed documentation which supports the determination and signed by the Town Procurement Officer, Mayor or Town Manager and the Project Manager/Department Head that the contract modification or change order over \$20,000 may be issued, subject to Town Governing Body approval at the earliest date possible after the issuance.

(2) Cost or Pricing Data for Change Orders or Contract Modifications

(NMSA 1978 Section 13-1-140 through 144)

For construction contracts, the contractor shall submit costs or pricing data prior to the execution of any change order or contract modification regardless of whether or not the pricing data was required in connection with the initial award of the contract if the change order or modification involves aggregate increases or decreases expected to exceed \$20,000.

Any change order or amendment that will exceed the amount in the appropriated budget will require the specific approval of the Town Governing Body, regardless of the amount of the change order or amendment.

C. Insurance

The Town of Edgewood may require vendors to obtain certain amounts and types of insurance coverage for goods, construction or services. Insurance coverage such as worker's compensation, auto liability, general liability, and in some cases, builders' risk or professional liability may also be required prior to conducting business within the Town. For further information regarding insurance requirements, please contact the Clerk-Treasurer.

D. Payment Procedure

After delivery of goods, construction or services ordered, the vendor must prepare and submit an invoice to the requesting department specified on the PO. The Town's payment terms are Net 30. Any questions should be directed to the Town of Edgewood, Clerk-Treasurer, P.O. Box 3610, Edgewood, NM 87015.

No payment may be made on any purchase of goods, construction or services unless the goods, construction or services have been received and meet specifications and requirements. (NMSA 1978 Section 13-1-158.A). (Prepayment is not permitted except for types of goods and services excluded from the Procurement Code pursuant to NMSA 13-1-98.)

When goods, construction or services are received by the Town and an invoice for them is received, the Town will inspect the goods, construction, or services in light of the relevant requirements and specifications. Within thirty (30) days after receiving an invoice for goods, construction or services received, if the goods, services, or construction are found acceptable and the invoice correct, the Town shall pay the invoice. If the goods, construction or services are found unacceptable the Town shall, within thirty (30) days of receiving an invoice for them, issue a written notice of partial or complete rejection with letter of exception explaining what action the contractor must take to cure the deficiencies. The town shall pay the vendor within thirty (30) days of receiving adequate, approved, properly invoiced goods, construction, or service. The Town may extend payment beyond the 30-day period provided herein if unforeseen circumstances prevent timely payment, in which case, within 30 days after receiving an invoice for goods, construction or services received, the Town shall provide a written explanation to the contractor, stating also when payment can be expected. A provision to the effect of this paragraph shall be included in formal IFB and RFP and in contracts awarded pursuant to solicitations by the Town. (NMSA 1978 Section 13- 1-158.)

For projects lasting more than a month, the contractor shall invoice the Town monthly or at such other intervals as the parties agree.

EXCEPT AS OTHERWISE PROVIDED HEREIN, PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES AND ALL CORRESPONDENCE

E. Prevailing Wages (Public Works Projects)

Every contract or project in excess of sixty thousand dollars (\$60,000) that the Town of Edgewood is a party to for construction, alteration, demolition or repair or any combination of these, including painting and decorating, of public buildings, public works, or public roads and that requires or involves the employment of mechanics, laborers or both shall contain a provision stating the minimum wages and

fringe benefits to be paid to various classes of laborers and mechanics, which shall be based upon the wages that will be determined by the director of the Labor Relations Division of the Department of Workforce Solutions to be prevailing for the corresponding classes of laborers and mechanics employed on contract work of similar nature in the state or locality, and every contract or project shall contain a stipulation that the contractor, subcontractor, employer or a person acting as a contractor shall pay all mechanics and laborers employed on the site of the project, unconditionally and not less often than once a week and without subsequent payment computed at wage rates not less than those stated in the minimum wage rates issued for the project. The specific wage and fringe benefits required to be paid to these categories of workers will be set forth in the IFB document. (NMSA 1978 Section 13-4-11)

F. Federally Funded Construction Projects

If a public construction project is funded or assisted by the federal government and the project or contract is over \$2,000, pursuant to the Davis-Bacon Act, federal prevailing wage and fringe benefits must be paid to mechanics and laborers. See <https://www.dol.gov/whd/govcontracts/dbra.htm>.

G. Registration Of Construction Contractors And Subcontractors Pursuant To Public Works Minimum Wage Act

In order to submit a bid valued at more than sixty thousand dollars (\$60,000) in order to respond to a RFP or to be considered for award of any portion of a public works project greater than (\$60,000) for a public works project that is subject to the Public Works Minimum Wage Act (NMSA 1978 Section 13-4-10) a contractor, serving as a prime contractor or not, shall be registered with the Labor Relations Division of the New Mexico Department of Workforce Solutions pursuant to 13-4-13.1. The registration number and copy of the official "Certificate of Public Works Registration" are required when submitting either a bid or proposal valued at over \$60,000 on a public works project. Failure of a bidder whose bid exceeds \$60,000 to obtain a Public Works Minimum Wage Act registration from the Labor Relations Division of the Department of Workforce Solutions will result in mandatory rejection of the bid. (NMSA 13-4-13.1A)

SECTION 6. INSPECTION OF PUBLIC DOCUMENTS

Pursuant to the inspection of Public Records Act, NMSA 1978 Section 14-2-1, everyone has the right to inspect Town of Edgewood public records including those records that reside with the Clerk-Treasurer. Requests should be made in writing to the Town Clerk-Treasurer, P.O. Box 3610, Edgewood, NM 87015 using the Town's inspection of public records request form available on the Town's web site, <http://www.edgewood-nm.gov/2494/Request-for-Proposals-RFPS> or by calling (505) 286-4518. Bids are not available for inspection until public bid opening. Proposals are not available for inspection until after contract award. (NMSA 1978 Section 13-1-116) Other restrictions on availability of documents may apply pursuant to the Inspection of Public Records Act. (NMSA 1978 Section 14-2-1).

SECTION 7. AMENDMENT PROCEDURE

The Town Governing Body may, from time to time, amend or modify this Ordinance after Public Hearing, due notice of which shall be given as required by law.

SECTION 8. CORRECTIONS

The Town Clerk/Treasurer and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

SECTION 9. SEVERABILITY OF PROVISIONS

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the Governing Body to enact each section, subsection, sentence, clause or phrase of this Ordinance separately and independently of each other section, subsection, sentence, clause or phrase.

PASSED, APPROVED, and ADOPTED this 5th day of April 2022.


Audrey J. Jaramillo, CMO, CPA, CFE, JM
Mayor

ATTEST:


Stefanie Muller
Clerk/Treasurer

