

Town of Edgewood

Agenda

Regular

Tuesday, February 13, 2024 @ 6:00 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: [Commission Agendas/Minutes/Audio | Town of Edgewood \(edgewood-nm.gov\)](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.

Page

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. MATTERS FROM THE COMMISSIONERS

- A. Sterling Donner
- B. Patrick Milligan
- C. Phil Anaya
- D. Ken Brennan
- E. Jerry Powers

V. CONSENT AGENDA

- A. Approve/Amend/Disapprove Minutes
 - i. Minutes - January 16th, 2024
[01-16-24 Minutes](#)

4 - 13

VI. MATTERS FROM THE CLERK

VII. MATTERS FROM THE CHIEF OF POLICE

VIII. MATTERS FROM THE TOWN MANAGER

IX. DISCUSSION AND ACTION ITEMS

- i. Discussion, Consideration, and Action on Proposed Changes to Library Policies (Manager McCracken and Library Operations Manager Brandyn Burke) 14 - 32
[Proposed Changes to Library Policies August 2023](#)
- ii. Discussion, Consideration, and Action on Memorandum of Understanding (MOU) Between the Town of Edgewood and Santa Fe County Regarding the Use of County Land and Buildings at #5 Martin Rd (Commissioner Powers) 33 - 35
[Town of Edgewood MEMORANDUM OF UNDERSTANDING V2](#)
- iii. Discussion, Consideration, and Action on Resolution 2024-006 Efficient Use of Legal Services (Commissioner Powers) 36 - 38
[Resolution 2024-006 Legal Services Resolution](#)
- iv. Discussion, Consideration, and Action on Memorandum of Understanding (MOU) Between the Town of Edgewood and Santa Fe County Clerk's Office - Facilities Rental Agreement for the Use of Edgewood Town Office Administration Building to hold Special Election (Clerk Martinez) 39 - 40
[2024 Election Facility Agreement Town of Edgewood](#)

X. CLOSED SESSION

- i. As per Motion and Roll Call Pursuant to NMSA 1978 Section 10-15-1(H)(7) - Meetings Subject to attorney client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant regarding pending litigation, Specifically, pending cases in which the New Mexico Self-Insurer's Fund is involved, including Claim #: 2021029823 Huppertz IPRA matter and Claim # 2023030298 Moriarty Edgewood School District. (Manager McCracken)
- ii. As per Motion and Roll Call Pursuant to NMSA 1978 Section 10-15-1(H)(7) - Meetings Subject to attorney client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant regarding pending litigation McGill et. al. v. John Bassett et. al. and Town of Edgewood v. Moriarty-Edgewood School District No. D-101-CV-2022-01955 (Commissioner Powers).
- iii. As per Motion and Roll Call pursuant to NMSA 1978 Section 10-15-1(H)(8) - Meetings for the discussion of the purchase, acquisition or disposal of real property or water rights by the public body - Specifically, City of Albuquerque Open Space Lots (Commissioner Anaya)

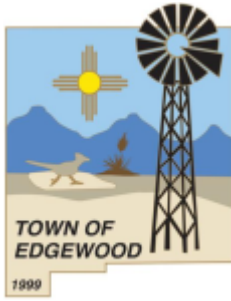
XI. PUBLIC COMMENTS

XII. FUTURE MEETINGS

- i. Regular Commission Meeting February 27th, 2024 @ 6pm in the Town of Edgewood Commission Chambers
- ii. Regular Commission Meeting March 12th, 2024 @ 6pm in the Town of Edgewood Commission Chambers

XIII. FUTURE EVENTS

XIV. ADJOURN



Town of Edgewood
Regular Minutes
Tuesday, January 16, 2024, 6:00PM

The Town of Edgewood Commission met in regular session on Tuesday, January 16, 2024, at 6:00 in the Townhall of Edgewood Commission Chambers - 171A State Rd. 344.

I. WELCOME, INTRODUCTION, & ROLL CALL

The meeting was called to order at 6:00pm.

Roll Call

Present: Commissioner Anaya, Commissioner Donner, Commissioner Milligan, Commissioner Powers, Commissioner Brennan.

Staff Present: Town Manager Nina McCracken, Clerk Rachel Martinez, Police Chief Roger Jimenez, and IT Administrator Noah Miller.

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

Motion: Commissioner Powers made the motion to approve the agenda removing item 9I per the request from Commissioner Milligan and moving the Consent Agenda to after Matters from the Commissioners.

Second: Commissioner Donner

Vote: Commissioner Anaya - Aye
Commissioner Donner - Aye
Commissioner Milligan - Aye
Commissioner Powers - Aye
Commissioner Brennan - Aye

III. PUBLIC COMMENTS ON AGENDA ITEMS

The Governing Body heard Public Comment from the following citizens.

Harvey Kimroy - Resolution 2024-005

Frank Barbera - Resolution 2024-005

Dawn Middleton - Resolution 2024-005

Richard Baker - Resolution 2024-005

Kevin McCowan - Property Values and the Paving of Sandia Airpark

Steve Mcmarlan - Resolution 2024-005
Barbara Mcmarlan - Rainbow Road Paving
Mike Davison - Yielded his time to Karen Davison
Karen Davison - Sandia Airpark homeowners association petition, roads being private versus public
Sherry Abraham - Resolution 2024-005 and the grading of roads
Louis Abraham - Edgewood business and public comment
Chris Willson - Sandia Airpark, road paving and snow plowing
Tom Clausen - Resolution 2024-005
Kelly Tanis - Resolution 2024-005
John Lorenz - Resolution 2024-005
Teresa Benton - Open Meetings Act
Elaine Evans - Pilots concern to land in Edgewood
Linda Wheeler - Working together as a Town
Audrey Jaramillo - Wastewater Treatment Plant, Airpark use and ownership

IV. MATTERS FROM THE COMMISSIONERS

A. Phil Anaya

Commented on the Sandia Airpark being a subject for 10 years; Commented on Santa Fe County working with the Town of Edgewood, revenue from Sandia Airpark; Introduced Camilla Bustamante to speak on Santa Fe County and the Town of Edgewood working together.

B. Sterling Donner

Commented on the Pokémon Tournament held at Edgewood Community Library

C. Patrick Milligan

Commented on the MOLI training the Commissioners and Appointed Officials recently attended.

D. Jerry Powers

Commented on the Public Comment portion of Commission meetings, Resolution 2024-005 and the Town Attorney's comments regarding it.

E. Ken Brennan

Commented on the Public Comment portion of meetings and Planning and Zoning Commission meetings.

V. CONSENT AGENDA

- A. Resolution 2024-002 Open Meetings Resolution
- B. Resolution 2024-003 Signatory Authority
- C. Minutes December 19th, 2023

- D. Minutes December 29th, 2023
- E. Department and Advisory Board Reports
- F. Police
- G. Municipal Court
- H. Library
- I. Planning & Zoning

The Commission had no objections to the Consent Agenda, therefore the Consent Agenda was approved.

VI. MATTERS FROM THE CLERK

Clerk Martinez had no comments but stood for questions from the Governing Body.

VII. MATTERS FROM THE CHIEF OF POLICE

Chief Jimenez commented on the Walmart shooting suspect that was captured, and a reverse 911 warning system through Santa Fe County.

VIII. MATTERS FROM THE TOWN MANAGER

Manager McCracken commented on the MOLI training, Municipal Day, the Senior Advisory Committee, the Town of Edgewood Personnel Policy, Incode 10, the Town of Edgewood 25 Year Celebration, and the February 1, 2024 Planning and Zoning Commission Meeting. Manager McCracken introduced Planning and Zoning Manager Brad Hill to speak on the Town working with Santa Fe County and coordinating efforts. She then introduced a representative from CDM Smith to speak on the Wastewater Treatment Plant.

IX. DISCUSSION AND ACTION ITEMS

- A. Resolution 2024-004 Operating Resolution (Commissioner Powers)

Motion: Commissioner Powers made the motion to adopt the redline version of Resolution 2024-004 provided in the Agenda Packet.

Second: Commissioner Anaya

Discussion: The Commissioners discussed limiting personal attacks, questioning motives, and time frames on public comment. They chose to make edits to Resolution 2024-004 by individual motions below.

Motion: Commissioner Powers made the motion to amend his motion striking the entire third sentence in paragraph 19.

Second: Commissioner Donner

Vote: Commissioner Anaya - Aye

Commissioner Donner - Aye

Commissioner Milligan - Aye

Commissioner Powers - Aye

Commissioner Brennan - Aye

Motion: Commissioner Anaya made the motion to have paragraph 19 read "Robert's Rules of Order Current/Amended Edition"

Second: Commissioner Powers

Vote: Commissioner Anaya - Aye
Commissioner Donner - Aye
Commissioner Milligan - Aye
Commissioner Powers - Aye
Commissioner Brennan - Aye

Motion: Commissioner Milligan made the motion to remove the word "friendly" in section G5.

Second: Commissioner Donner

Vote: Commissioner Anaya - Aye
Commissioner Donner - Aye
Commissioner Milligan - Aye
Commissioner Powers - Aye
Commissioner Brennan - Aye

Motion: Commissioner Powers made the motion to strike the F15 redline limiting public comment to 20 minutes and allowing 2 people to yield their public comment time to someone else for a total of six minutes.

Second: Commissioner Donner

Vote: Commissioner Anaya - Aye
Commissioner Donner - Aye
Commissioner Milligan - Aye
Commissioner Powers - Aye
Commissioner Brennan - Aye

Vote on Original Motion: Commissioner Anaya - Aye
Commissioner Donner - Aye
Commissioner Milligan - Aye
Commissioner Powers - Aye
Commissioner Brennan - Aye

- B. Re-appointment of David Burgsten to the Parks and Recreation Advisory Board (Manager McCracken)

Motion: Commissioner Powers made the motion to re-appoint David Burgsten to the Parks and Recreation Advisory Board

Second: Commissioner Donner

Vote: Commisisoner Anaya - Aye
Commissioner Donner - Aye
Commissioner Milligan - Aye
Commissioner Powers - Aye
Commissioner Brennan – Aye

- C. Re-appointment of Michael Morrow to the Parks and Recreation Advisory Board
(Manager McCracken)

Motion: Commissioner Powers made the motion to re-appoint Michael Morrow to the Parks and Recreation Advisory Board.

Second: Commissioner Donner

Vote: Commisisoner Anaya - Aye

Commissioner Donner - Aye

Commissioner Milligan - Aye

Commissioner Powers - Aye

Commissioner Brennan - Aye

- D. Approval of Weeded Library Materials for Donation and Disposal of Library Chairs
(Clerk Martinez and Library Operations Manager Brandyn Burke)

Motion: Commissioner Donner made the motion to approve the weeded library materials for donation and disposal of library chairs.

Second: Commissioner Powers

Vote: Commisisoner Anaya - Aye

Commissioner Donner - Aye

Commissioner Milligan - Aye

Commissioner Powers - Aye

Commissioner Brennan - Aye

- E. Discussion, Consideration, and Action on Resolution 2024-005 Affirming Approvals
and Permission to Taxi Aircraft on Internal Subdivision Roads of Sandia Airpark
Estates East (Commissioner Powers)

Motion: Commissioner Powers made the motion to approve Resolution 2024-005 Affirming Approvals and Permission to Taxi Aircraft on Internal Subdivision Roads of Sandia Airpark Estates East.

Second: Commissioner Anaya

Discussion: Frank Coppler commented on Resolution 2024-005 that he helped draft and whether these roads are public or private. The Commission also discussed the maintenance of the road.

Vote: Commissioner Anaya - Aye

Commissioner Donner - Aye

Commissioner Milligan - Aye

Commissioner Powers - Aye

Commissioner Brennan - Aye

- F. Discussion, Consideration, and Action on the Selection of Mayor and Mayor Pro Tem.
(Commissioner Powers)

Motion: Commissioner Powers made the motion to appoint Commissioner Brennan as the Mayor and Commissioner Anaya as the Mayor Pro Tem for the Governing Body.

Second: Commissioner Milligan

Vote: Commissioner Anaya - Aye
Commissioner Donner - Aye
Commissioner Milligan - Aye
Commissioner Powers - Aye
Commissioner Brennan - Aye

- G. Discussion, Consideration, and Action on Clarification of Holiday Pay. (Manager McCracken, Chief Jimenez, and Commissioner Donner)

Motion: Commissioner Donner made the motion have holiday pay start at 5:00pm the day before the holiday to five 5:00pm the day after the holiday and any overtime will be at the digression of the Town Manager.

Second: Commissioner Powers

Vote: Commissioner Anaya - Aye
Commissioner Donner - Aye
Commissioner Milligan - Aye
Commissioner Powers - Aye
Commissioner Brennan - Aye

- H. Approval of MOU Between the Town of Edgewood and MRCOG for \$10,000 to Plan, Design, Construct, Equip, and Install an Infant Safety Surrender Device. (Clerk Martinez)

Motion: Commissioner Donner made the motion to approve the MOU Between the Town of Edgewood and MRCOG for \$10,000 to Plan, Design, Construct, Equip, and Install an Infant Safety Surrender Device

Second: Commissioner Milligan

Vote: Commissioner Anaya - Aye
Commissioner Donner - Aye
Commissioner Milligan - Aye
Commissioner Powers - Aye
Commissioner Brennan - Aye

- I. Discussion, Consideration, and Action on the Changing of the Town of Edgewood Logo (Commissioner Milligan)

This item was removed during the Agenda Approval portion of the meeting per the request of Commissioner Milligan.

- J. Discussion, Consideration, and Action on the Wastewater Option(s) presented by CDM Smith (Manager McCracken)

Manager McCracken requested her item be removed, and she would bring the item back at a future meeting.

- K. Commission Executive Level Appointments (Clerk Martinez)

- i. Town Manager
 - 1. Nina McCracken, Current Town Manager
- ii. Town Clerk
 - 1. Rachel Martinez, Current Town Clerk
- iii. Chief of Police
 - 1. Rodger Jimenez, Current Chief of Police

Clerk Martinez requested this item be removed after receiving clarification that it is not required for Commission Manager form of Government.

Motion: Commissioner Donner made the motion to postpone this item indefinitely.

Second: Commissioner Powers

Vote: Commissioner Anaya - Aye

Commissioner Donner - Aye

Commissioner Milligan - Aye

Commissioner Powers - Aye

Commissioner Brennan - Aye

- L. Commission Appointments for Boards of Service - Mid Region Council of Governments (MRCOG) Board of Directors (Clerk Martinez)

Motion: Commissioner Powers made the motion to appoint Commissioner Milligan as the alternate member of the Mid Region Council of Governments Board of Directors.

Second: Commissioner Donner

Vote: Commissioner Anaya - Aye

Commissioner Donner - Aye

Commissioner Milligan - Aye

Commissioner Powers - Aye

Commissioner Brennan - Aye

- M. Commission Appointments for Boards of Service - Mid Region Council of Governments Rural Transportation Planning Organization (Clerk Martinez)

Clerk Martinez removed this item due to the appointments for this board already being filled.

- N. Commission Appointments for Boards of Service - Mid Region Council of Governments Waster Resource Board (Clerk Martinez)

Clerk Martinez removed this item due to the appointments for this board already being filled.

- O. Commission Appointments for Boards of Service - Estancia Valley Economic Development Association Executive Board (Clerk Martinez)

Clerk Martinez removed this item due to the appointments for this board already being filled.

P. Commission Appointments for Boards of Service - Estancia Basin Resource Association (EBRA) Board of Directors (Clerk Martinez)
Clerk Martinez removed this item due to the appointments for this board already being filled.

Q. Commission Appointments for Boards of Service - North Central New Mexico Regional Transit District (NCRTD) Board of Directors (Clerk Martinez)
Clerk Martinez removed this item due to the appointments for this board already being filled.

X. CLOSED SESSION

Motion: Commissioner made the motion to go into closed session.

Second: Commissioner

Vote: Commissioner Anaya - Aye
Commissioner Donner - Aye
Commissioner Milligan - Aye
Commissioner Powers - Aye
Commissioner Brennan - Aye

The Commission entered into Closed Session at 9:03pm.

Motion: Commissioner Donner made the motion to come out of Closed Session.

Second: Commissioner Powers

Vote: Commissioner Anaya - Aye
Commissioner Donner - Aye
Commissioner Milligan - Aye
Commissioner Powers - Aye
Commissioner Brennan - Aye

The Commission came out of Closed Session at 9:17pm.

Commissioner Brennan so affirmed that only items under closed Session were discussed, and no decisions were made in the Closed Session.

Commissioner Anaya so affirmed

Commissioner Donner so affirmed

Commissioner Milligan so affirmed

Commissioner Powers so affirmed

A. As per Motion and Roll Call Pursuant to NMSA 1978 Section 10-15-1(H)(7) - Meetings Subject to attorney client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant regarding pending litigation - Specifically, Town of Edgewood v. Moriarty-Edgewood School District No. D-101-CV-2022-01955 (Commissioner Powers)

Regular
January 16, 2024

- B. As per Motion and Roll Call Pursuant to NMSA 1978 Section 10-15-1(H)(7) - Meetings Subject to attorney client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant regarding pending litigation Specifically, IPRA Violation Huppertz Case (Commissioner Powers)
- C. As per Motion and Roll Call Pursuant to NMSA 1978 Section 10-15-1(H) (8) - Meetings for the discussion of the purchase, acquisition or disposal of real property or water rights by the public body - Specifically the Leasing of Old Town Hall (Manager McCracken)

XI. DISCUSSION AND ACTION ITEMS

- A. Discussion, Consideration, and Action on Closed Session Items Above.

No action was taken on the Closed Session items above.

XII. PUBLIC COMMENTS

The Governing Body heard public Comment from the following citizens:
Mark Mull - Commented on Planning and Zoning Manager Brad Hill answering his questions.

XIII. FUTURE MEETINGS

- A. Regular Commission Meeting January 30th, 2024 @ 6pm in the Town of Edgewood Commission Chambers
- B. Regular Commission Meeting February 13th, 2024 @ 6pm in the Town of Edgewood Commission Chambers

XIV. FUTURE EVENTS

- A. Pokemon Tournament - January 13th, 2024 at Edgewood Community Library
- B. Community Meeting - January 23rd, 2024 at Town Hall "Edgewood residents are encouraged to attend and offer input to help us update the Town's Comprehensive Plan (a vision for Edgewood's future)"

XV. ADJOURN

Motion: Commissioner Anaya made the motion to adjourn the meeting.

Second: Commissioner Powers

Vote: Commissioner Anaya - Aye
Commissioner Donner - Aye
Commissioner Milligan - Aye
Commissioner Powers - Aye
Commissioner Brennan - Aye

The meeting was adjourned at 9:26pm.

PASSED, APPROVED, and ADOPTED this 13th day of FEBRUARY 2024.

_____Initials

Kenneth Brennan, Mayor

ATTEST:

Rachel Martinez, Clerk

Edgewood Community Library

Policies

As reviewed and approved by the Library Advisory Board and Town of Edgewood
Commission

Library Operations Manager, Brandyn Burke

~~8-8-2023~~



171B NM-344 · PO Box 3610 · Edgewood, NM 87015 · 505.281.0138 · www.edgewood-nm.gov

CONTENTS

Activities Room	2
Building Use Rules.....	5
Cell Phones.....	6
Checking Out Materials.....	6
Collection Development	6
Community Information Board.....	11
Community Service	11
Public Access Devices & Internet Use Policy.....	12
Food/Drinks	14
Library Member Accounts.....	14
Lost/Damaged Materials.....	15
Overdue Materials	16
Privacy & Confidentiality.....	16
Unattended Minors.....	17



171B NM-344 · PO Box 3610 · Edgewood, NM 87015 · 505.281.0138 · www.edgewood-nm.gov

ACTIVITIES ROOM

Approved ~~August 2023~~

A. Philosophy

The library serves as friendly commons, offering programs and services to facilitate community engagement as well as the free exchange of knowledge and ideas. To encourage this, the Activities Room may be reserved by members of the local community when not in use by the library or Town of Edgewood. The Activities Room is available for use, within the guidelines and priorities of this policy, by all groups regardless of the beliefs or affiliations of any group or its individual members.

B. Disclaimer

The booking of a group, and the content of its subsequent meeting, does not constitute an endorsement of, or any opinion about, the philosophy of such group by the library or municipality.

C. Advertising and Publicity

The library only promotes library sponsored or co-sponsored programs. The library shall not be identified or implied as a sponsor. The name, phone number, or address of the library may not be used as the contact information or headquarters of an organization. The library will not supply or distribute any materials promoting meetings. Meeting announcements may *only* be displayed on the *Community Information Board* in accordance with its corresponding policy found on page ~~8~~ 10.

D. Priorities

The Activities Room is primarily intended for library use and for programs sponsored and co-sponsored by the library, taking priority over all other reservations. The library reserves the right to deny or cancel any reservation or meeting-in-progress due to:

1. An emergency or unsafe circumstance
2. Unexpected delay/closure (see the Town of Edgewood website or Edgewood Community Library Facebook page for updates on unexpected delays/closures)
3. A conflict with a library or municipal sponsored function
4. Failure to follow Activities Room Policy and Rules



171B NM-344 · PO Box 3610 · Edgewood, NM 87015 · 505.281.0138 · www.edgewood-nm.gov

E. Restrictions

1. As a noncommercial, governmental service, the library reserves the right to determine if the sole or primary purpose of a meeting is for the commercial promotion or sale of any product or service and to prohibit meetings determined to be primarily for this reason.
2. Group activities may not interfere with the conduct of library business or safety and must abide by library policies. The library reserves the right to enforce fire codes, safety/emergency protocol, and noise limitations. Open aisles must be maintained and exits/windows may not be blocked. Activities of a vigorous nature (ex: aerobic exercise, gymnastics classes, open flames, gambling, etc.) are not permitted. Attendance may not exceed the posted capacity. Activities involving the use of any firearms, live ammunition, or hazardous substances are not permitted. The Activities Room may not be used for purposes prohibited by municipal, county, state, or federal law.
3. Failure to abide by the Activities Room Policy and Rules may result in loss or suspension of privilege to reserve and use the Activities Room and may also result in the termination of meetings (scheduled or in-progress) and immediate removal of such group from the library.
4. Only library administration/municipality may grant exceptions to the Activities Room Policy and Rules or deny Activities Room privileges because of violations of the policy and/or rules.

F. Fees

There are no fees associated with reserving or using the Activities Room. However, the library and municipality reserve the right to bring an action for contribution and/or indemnification for claims that might result from the negligence or other wrongful conduct of any person, including the person or organization using the Activities Room.

G. Rules

1. To make a reservation, individuals must complete the Activities Room Reservation Form, found on the Town of Edgewood website or at the Library circulation desk. The form may be submitted in person or by email (edgewoodcommunitylibrary@edgewood-nm.gov). Reservations are scheduled on a first-come, first-serve basis. A reservation is not finalized until library staff contacts the reserving party confirming their reservation. Reservations may be made with a Librarian in-person, by email (edgewoodcommunitylibrary@edgewood-nm.gov).



171B NM-344 · PO Box 3610 · Edgewood, NM 87015 · 505.281.0138 · www.edgewood-nm.gov

~~nm.gov), or by phone (505-281-0138) and are scheduled on a first-come, first-serve basis.~~ Requests will be acted upon within 3 business days.

2. ~~If the reserving party would like to have drinks and/or food available during their reservation, they must complete the Activities Room Food/Drink Request Form. A request for food/drink is not approved until library staff contacts the reserving party. Requests will be acted upon within 3 business days.~~
3. The individual submitting the reservation request must:
 - Be at least 18 years old.
 - Be present during the entire meeting/activity.
 - Assume responsibility for the Activities Room setup/takedown, orderly conduct, proper use, and condition.
 - Provide accurate reservation details and current contact information.
 - Acknowledge having read and agree to the Library's Activities Room Policy and Rules prior to using the Activities Room
4. The Activities Room may be reserved only during the posted hours of operation. The Library Activities Room is available 15 minutes after the library opens and must be vacated 15 minutes before the library closes. Please make sure to include set up and take down time when making requests. ~~Exceptions can only be made by the Library Operations Manager for after-hours bookings.~~
5. The Activities Room may be reserved up to six (6) months in advance. No more than 1 meeting per week per individual, group, or organization may be scheduled at a time without approval from the Library Operations Manager.
6. Notification of cancellation must be given at least ~~24~~ 48 hours prior to the reservation time. If the reserving party does not show 15 minutes past the reservation time, the Activity Room booking will be cancelled and used for other purposes.
7. No funds of any kind, nor admission fees may be solicited or collected. Sales of products or services are prohibited.
8. Display materials must be contained to the Activities Room, may only be of a temporary nature, and may not be affixed to any surface/wall.
9. Only light, nonalcoholic refreshments may be served and consumed in the Activities Room. Any trash generated must be disposed of in the dumpster behind the library.



171B NM-344 · PO Box 3610 · Edgewood, NM 87015 · 505.281.0138 · www.edgewood-nm.gov

10. Smoking is not permitted in the library.
11. Access to or use of any library cabinets, closets, supplies, or equipment is strictly prohibited. Groups must furnish their own supplies and equipment, are responsible for their own property, and may not store any items in the library.
12. The Activities Room must be left in the same condition as when a group arrived.

BUILDING USE RULES

Approved August-2023

A. Building Use Rules

- a. As a show of respect of others and to keep the buildings safe, clean, and inviting, the following activities are not allowed:
 - i. Eating or drinking in the Computer Room or in carpeted areas of the library, except bottled water.
 - ii. Smoking, including eCigs, Vapor, or any tobacco products.
 - iii. Noisy, unruly, or other offensive behavior. Loud conversations, including on cell phones, or disruptive ring tones.
 - iv. Harassment – physical, sexual, or verbal abuse of customers or staff.
 - v. Abuse, destruction, or theft of Library materials, facilities, or equipment.
 - vi. Intoxicated behavior and/or possession of alcohol or illegal drugs.
 - vii. Selling, panhandling, or begging. Soliciting inside the building.
 - viii. Engaging in any activity in violation of federal, state, or local laws.
- b. The following may not be brought into the Library:
 - i. Pets (except service animals or animals in programs sponsored by the Library)
 - ii. Bicycles
 - iii. Deadly weapons unless specifically authorized by law.



171B NM-344 · PO Box 3610 · Edgewood, NM 87015 · 505.281.0138 · www.edgewood-nm.gov

- c. Any person to be found in violation of one or more of the above rules may be asked to leave by Library staff and could be banned from future library use. They may also be arrested or be subject to other legal action.

B. Photography

- a. Attendance at Library programs and events constitutes consent to be photographed for publicity purposes. Names of individuals will not be used in photo captions.

CELL PHONES

Approved ~~August-2023~~

~~The only quiet area in the library is the computer room, therefore, we ask any Computer Room users to silence all devices and take phone calls elsewhere in the library. In other areas of the library, patrons~~ Cell phones are allowed throughout the library; patrons should remain mindful of others when using cell phones.

CHECKING OUT MATERIALS

Approved ~~August-2023~~

A. Check Out Quantity

1. 10 materials per ~~member~~ account.

B. Check Out Period

- 3 weeks for: Books, Audiobooks, DVDs, Special Collection Items
- 2 weeks for: New Acquisitions
- 1 week for: Museum Passes
- 1 day/in library use only for: Graphing calculators and tablets.

COLLECTION DEVELOPMENT

Approved for ~~July-2023-June 2027~~



171B NM-344 · PO Box 3610 · Edgewood, NM 87015 · 505.281.0138 · www.edgewood-nm.gov

A. Community Needs & Services

1. Provide a collection of materials in a variety of formats to meet the cultural, educational, informational, and recreational needs of the community without discrimination based on age, gender, race, ethnic background, religion, education, political beliefs or occupation.
2. Offer the community a collection that incorporates a wide range of genres on a broad array of topics, materials that reflect current trends and popular titles, and items that help support lifelong learning for both personal enjoyment and enlightenment.

B. Current Collection

1. Approximately ~~36,000~~ 16,800 holdings.
 - ~~52% in purchased and shared e-content~~
 - ~~Library joined New Mexico Library to Go eBook consortium, with OverDrive as the lending platform, in April 2020~~
 - ~~47 other public, tribal, and school library branches with similar legal service area populations participate in the consortium. This gives library patrons access to materials purchased by any library participating in the consortium rather than just materials purchased by the Edgewood Community Library.~~
 - ~~42%~~ 80% in print materials (books)
 - ~~6%~~ 13% in media (DVD, audiobooks)
 - ~~6% in e-content (Edgewood Community Library patrons only access)~~
 - Less than 1% in special holdings (museum passes, learning backpacks, read-along kits)
2. Approximately 16,100 shared e-content holdings.
 - Library joined New Mexico Library to Go eBook consortium, with OverDrive as the lending platform, in April 2020
 - 47 other public, tribal, and school Library branches with similar legal Service area populations participate in the consortium. This gives library patrons access to materials purchased by any library participating in the consortium rather than just materials purchased by Edgewood Community Library.
3. Other e-content
 - Early learning stations with access to interactive educational applications
 - Access to NM State Library databases via EI Portal from Library's catalog
 - E-content from Project Gutenberg and LibriVox incorporated into Library's online catalog for download.
4. 17,420 average circulations per year (calculated over the past 10 years).



171B NM-344 · PO Box 3610 · Edgewood, NM 87015 · 505.281.0138 · www.edgewood-nm.gov

5. ~~\$19,250~~ **\$30,403** in acquisitions budget for FY~~23~~ **24**.

- State Grants in Aid and GO Bond funds are also used to supplement acquisitions.

C. Responsibilities

1. Collection development selections, deselections, maintenance, and budget allocations ultimately rest with the Library Operations Manager who operates within the framework of requirements determined by the Library Advisory Board, Town of Edgewood, and State of New Mexico.
2. The Library Operations Manager may delegate collection development tasks to qualified staff where necessary.

D. Selection Considerations

1. Timeliness
2. Value to collection and the community
3. Accuracy
4. Credibility (of author and publisher)
5. Format and clarity of presentation (size, illustrations, binding, indices, etc.)
6. Readability (for its intended audience)
7. Balance within the collection (equal number of materials on opposing views)
8. Community suggestions
9. Favorable reviews (Booklist, Library Journal, Kirkus, NY Times, Horn Book, USA Today, Amazon.com, etc.)
10. Budget
11. Appearance
12. Physical condition
13. Library Shelf Space

E. Maintenance

1. Weeding or deselecting items from the library collection, employing the CREW method, and subsequent inventory will be completed, at minimum, every even-numbered year.
 - CREW Method <https://www.tsl.texas.gov/lid/pubs/crew/index.html>
2. Any weeded or deselected materials will be managed in the following priority order:



171B NM-344 · PO Box 3610 · Edgewood, NM 87015 · 505.281.0138 · www.edgewood-nm.gov

1. Disposed of if items are in unusable condition.
2. Donated to other libraries.
3. Sold at Edgewood Community Library book sales.
4. Placed on a "Free Books" cart in the library.
5. Sold or donated to any organization described in Section 501(c)(3) of the Internal Revenue Code.

F. Donations

The Edgewood Community Library is pleased to accept donations to add to the collection. Library staff will determine acceptance of donation based on the same selection criteria as items acquired with library funds. Unsolicited donations will be disposed of as deemed appropriate by library staff. Please be aware there is a financial burden of the library to add donated items to the collection. These costs include: evaluation, data entry, accounting, cataloging, processing and distribution. In some cases these costs may exceed the value of the item being donated.

The library has the right to accept or reject donations as staff sees fit. The library does not accept the following:

- Reader's Digest, magazines/periodicals, textbooks, or encyclopedias
- Activities books, workbooks
- Audio cassette tapes, CDs, VHS tapes, LP records, computer software, 8-track tapes
- Annuals, yearbooks
- Case law, procedural books
- Custom course packets
- Directories, phone books
- Free/examination/advanced reading copies (ARCs)
- Microfilm, microfiche
- Tax forms, government documents, government forms

G. Censorship



171B NM-344 · PO Box 3610 · Edgewood, NM 87015 · 505.281.0138 · www.edgewood-nm.gov

Censorship ultimately rests with an individual; patrons are free to reject those library materials that they themselves do not approve of. Censorship also rests with the parent or legal guardian of a minor; parents/legal guardians are responsible for restricting their child's access to library resources. Therefore, an individual may not exercise this right of censorship to restrict the freedom of others to read, view, or hear. The library subscribes to and deeply values the principles embodied in the Library Bill of Rights, Freedom to Read Statement, Freedom to View Statement, and the Library Code of Ethics and does not discard or remove materials without due process.

1. Library Bill of Rights <http://www.ala.org/advocacy/intfreedom/librarybill>
2. Freedom to Read <http://www.ala.org/advocacy/intfreedom/freedomreadstatement>
3. Freedom to View <http://www.ala.org/advocacy/intfreedom/freedomviewstatement>
4. Library Code of Ethics <http://www.ala.org/tools/ethics>

H. Reconsideration of Materials

The Edgewood Community Library selects materials using established criteria and full consideration of the varying age groups and backgrounds of patrons. Library patrons who are concerned about the appropriateness of library materials may choose to make a formal request for reconsideration of the work in question. A formal request is a written document that is reviewed by the Library Advisory Board. ~~Library patrons may make a request for reconsideration of materials to be added or removed from the collection through the following process:~~

If a patron has a concern, they may discuss this concern with a library staff member. The staff member may provide the patron with a packet of materials that include the library's mission statement, Collection Development policy, reconsideration form, and the Library Bill of Rights.

Should a patron choose to submit a reconsideration form, the following process will take place:

1. Request a Reconsideration of Materials Form at the library circulation desk.
2. Fill out the form and return it to the circulation desk ~~and~~ or mail it to the library.
3. The Library Advisory Board will review the request during its next regularly scheduled meeting.



171B NM-344 · PO Box 3610 · Edgewood, NM 87015 · 505.281.0138 · www.edgewood-nm.gov

4. A written response will be sent to the requesting patron **with the Board's decision. The decision of the Board is final.**

COMMUNITY INFORMATION BOARD

Approved **August 2023**

The Edgewood Community Library recognizes its role as a source of community information. In this capacity, the Library supports the free flow of information and exchange of ideas by providing a Community Information Board. Because of space limitations, however, the Library must set limits and priorities for distribution or display of printed materials (flyers, posters, brochures, etc.) within the Library's facilities. Please be aware the Library does not advocate or endorse the viewpoints of any posting, assumes no responsibility for the preservation of notices, and reserves the right to remove any posted item.

A. Types of postings allowed:

1. Forthcoming educational, cultural, or charitable activities for the benefit of local residents
2. Flyers, brochures, or announcements sponsored by a local organization/group/agency
3. Flyers, brochures, or announcements sponsored by a federal/state/local government agency pertaining to services provided to its citizens

B. All postings must be:

1. Previewed by library staff
2. Dated
3. Posted for no more than a month
4. Placed so as not to obscure other notices
5. Posted on the magnetic board designated "Community Information"
6. The only copy for that posting

COMMUNITY SERVICE

Approved **August 2023**



171B NM-344 · PO Box 3610 · Edgewood, NM 87015 · 505.281.0138 · www.edgewood-nm.gov

The Edgewood Community Library ~~is always happy to~~ accepts ~~extra~~ help from community service volunteers. In order to maintain library safety and security, the library will only *consider* potential community service workers who need to satisfy required community service hours for their educational institution.

Community service workers are responsible for maintaining any records of their hours served with the library. Acceptance and dismissal will be at the Library Operations Manager's discretion.

PUBLIC ACCESS DEVICES & INTERNET USE POLICY

Approved ~~August 2023~~

The Edgewood Community Library strives to protect the public's right to information through free access to informational, educational, and recreational materials via public access devices, software programs, and the Internet. To promote equality, courtesy, and safety, the Library maintains usage guidelines and standards. Please be advised, patrons using the Library's Internet connection and public access devices do so at their own risk.

If patrons need assistance using the library's public access devices or Internet connection and time allows, staff ~~can will be happy~~ ~~to~~ help to the best of their ability. Extended explanations, in-depth training, and specific software assistance are not available; however, staff can provide resources and direction to extended trainings.

A. Content & Filtering

1. The Internet is a global entity without content restrictions. The Library does not censor access to information; users may encounter information they find controversial or offensive.
2. The Library is not responsible for the accuracy, completeness, usefulness, or security of information found on or accessed from the Internet.
3. Filtering software will not be used in the Computer Room or with the WiFi network as:
 - Filters may block sites that are informative and useful.
 - The Library operates in accordance with American Library Association's policies supporting unlimited access to information.
 - The First Amendment forbids government agencies from restricting information to the public based on viewpoint or content.



171B NM-344 · PO Box 3610 · Edgewood, NM 87015 · 505.281.0138 · www.edgewood-nm.gov

B. Public Access Devices in Children's & Youth Areas

1. All public access devices located in the Children's/Youth Areas are filtered and may only be utilized by underage patrons and their parents/~~guardians~~ ~~caregivers~~.

C. Catalog Stations

1. The "Look it Up" computer stations near the library circulation desk are only to be used for browsing the library's catalog.

D. Privacy

1. The Library does not monitor nor guarantee privacy regarding personal information entered, accessed, or downloaded using public access devices and Internet connection. Users are responsible for erasing personal content or securely closing out of personal browsing windows on public access devices.

E. Rules

1. Accessing or displaying sexually explicit or pornographic material using personal devices, the Library's public access devices or Internet connection on Library premises in the presence of a minor is strictly prohibited.
- ~~2.—Food and beverages (other than bottled water) may not be consumed while using public access devices.~~
- ~~3.—The Computer Room is the only quiet area in the library; therefore users must silence all personal devices and take phone calls elsewhere in the library.~~
4. Downloading programs and/or executable files on library public access devices is prohibited.
5. Altering settings, software, network connections, or storing personal data on public access devices is prohibited.
6. Printing and copying costs 15¢ per page.
7. Parents/~~guardians~~ ~~caregivers~~, not library staff, are responsible for communicating and monitoring their child's access and activity.

F. Consequences of Violation

1. Policy violations may suspend a patron's Library privileges.
2. Per New Mexico State Statute 1978, Chapter 30, Article 37, accessing or displaying sexually explicit or pornographic material using personal devices, the Library's public access devices or Internet connection on Library premises to exploit or solicit a minor will result in immediate loss of these privileges and law enforcement will be notified.



171B NM-344 · PO Box 3610 · Edgewood, NM 87015 · 505.281.0138 · www.edgewood-nm.gov

3. Deliberate damage to and tampering with library equipment, software, systems, networks, security protections, etc. will result in immediate suspension of library privileges and notification of law enforcement.

FOOD/DRINKS

Approved August 2023

~~Food and beverages (other than bottled water) may not be consumed in the Computer Room or carpeted areas of the library.~~

LIBRARY ~~MEMBER~~ ACCOUNTS

Approved August 2023

A. Registration

1. Upon registration, patrons must provide ~~one~~ current proof of residency in the East Mountain/Estancia Valley Area. ~~The following acceptable proofs of residency must show an East Mountain/Estancia Valley Area address:~~
 - ~~• Valid driver's license or ID~~
 - ~~• Utility bill~~
 - ~~• Phone bill~~
 - ~~• Voter's ID~~
 - ~~• Rental agreement~~
 - ~~• Vehicle registration~~
 - ~~• Vehicle insurance~~
 - ~~• Bank statement~~
 - ~~• Checkbook~~
 - ~~• Concealed carry permit~~
 - ~~• Any other proof of residency deemed appropriate by the Library Operations Manager~~
2. Children 17 and younger must have parental/guardian permission to receive a ~~member account~~ library card.

B. Inactive ~~Member~~ Accounts



171B NM-344 · PO Box 3610 · Edgewood, NM 87015 · 505.281.0138 · www.edgewood-nm.gov

1. **Member Library** accounts with 5 years or more of inactivity will be removed from the library database and corresponding registration forms shredded.

C. Annual Renewal

1. To ensure **that** library records stay up-to-date and accurate, every **member** account comes up for renewal annually from the date it was issued or last renewed. During library card renewal, patrons will be asked to verify/update their library records.

D. Library Card Transactions

1. Library cards are required for all transactions, whether in-person, by phone, or online. **If a patron does not have their library card, they must show valid identification to check materials out.**
2. Parents/**guardians** may utilize their underage child's library card for library transactions on their child's behalf.
3. Due to confidentiality of library records, an adult may not use another adult's library card for library transactions unless given express permission by the library card holder.

E. Replacement Cards

1. All patrons must pay a **fee-of** \$1.00 **fee** to replace a lost card.
2. Adult patrons (18+ yrs.) may receive a replacement card when they provide photo proof of identification (driver's license, passport, work ID, school ID, **etc.**).
3. Underage patrons (17yrs. or younger), who do not possess a photo proof of identification, may receive a replacement card only when a parent/guardian accompanies them.

LOST/DAMAGED MATERIALS

Approved **August-2023**

1. Library materials not returned within 90 days of their due date are considered lost. Library materials returned with significant evidence of neglect or abuse (i.e., stained, ripped, defaced, missing pages, etc.) are considered damaged.
2. Lost/damaged materials must be either:
 - **paid for** if purchased with **public funding** (i.e., monies from State Grants in Aid, Town of Edgewood, GO Bonds)
 - **replaced with a comparable copy** (approved by Librarian) if the material was **donated**.



171B NM-344 · PO Box 3610 · Edgewood, NM 87015 · 505.281.0138 · www.edgewood-nm.gov

3. The Library Operations Manager will make the final decision as to whether a book is to be replaced or not, depending on the circumstances of each occasion.

OVERDUE MATERIALS

Approved *August 2023*

A. When a Material is Considered Overdue

1. A material is considered overdue one day after its due date.

B. Patron Privileges

1. Until all overdue materials are returned, located, or paid for, patrons and their immediate family members are restricted from:
 - Renewing materials
 - Reserving materials
 - Checking out materials
 - Inter-library loan requests

PRIVACY & CONFIDENTIALITY

Approved *August 2023*

The library affirms that rights of privacy are necessary for intellectual freedom and are fundamental to the ethics and practice of librarianship. The library seeks to protect each library user's right to privacy and confidentiality with respect to information sought or received, and resources consulted, borrowed, acquired, or transmitted.

Additionally, all formal and informal records identifying the names of library users will remain confidential. Library staff and volunteers shall be instructed that such records shall not be made available to any agency of state, federal, or local government except pursuant to such process, order or subpoena as may be authorized under the authority of, and pursuant to, federal, state, or local law relating to civil, criminal, or administrative discovery procedures or legislative investigative power.



171B NM-344 · PO Box 3610 · Edgewood, NM 87015 · 505.281.0138 · www.edgewood-nm.gov

Library staff and volunteers will resist the issuance of enforcement of any such process, order, or subpoena until such time as a proper showing of good cause has been made in a court of competent jurisdiction. Any threats or unauthorized demands concerning such records shall be reported to the appropriate legal officer.

UNATTENDED MINORS

Approved ~~August 2023~~

Young patrons are always welcome in the library, and we care ~~deeply~~ about their safety and welfare, especially since the library operates as a public space for the community. However, the responsibility for a child's wellbeing and behavior, while on library grounds, ultimately rests with the parent/~~guardian or responsible caregiver~~ and not with library staff.

A. Children Under 10 Years Old

1. Children under the age of 10 must always be accompanied by a parent/~~guardian or responsible caregiver~~.

B. Children 10-17 Years Old

1. Children aged 10 or older may use the library on their own, provided they are able to use the library independently and without close supervision.
 - Unaccompanied children must have suitable contact information should an emergency or unexpected library closure occur.

C. Parent/~~Guardian Caregiver~~ Responsibilities

1. Parents/~~guardians or caregivers~~ are responsible for ensuring appropriate behavior of their child.
2. Parents/~~guardians or caregivers~~ must make clear to their child their own rules and expectations regarding use of library materials and public access devices.
 - Library staff do not limit access to or monitor library material/public access device usage for any library patron.

D. Library Staff Responsibilities

1. Library staff may notify parents/~~guardians responsible caregivers~~, law enforcement, or child protective service authorities if:
 - A minor is habitually left unattended for extended periods of time.



171B NM-344 · PO Box 3610 · Edgewood, NM 87015 · 505.281.0138 · www.edgewood-nm.gov

- A minor is deemed to be at risk of coming to harm (ex. not picked up when library closes, exhibiting unsafe or disruptive behavior).
2. Library staff may ask disruptive patrons and/or their family to leave the library premises after appropriate warning.
 - Young patrons are subject to the same consequences as adult library users.

E. Unattended Adults in Children's/Youth Areas

1. Adults who are unaccompanied by a child or children in the Children's/Youth Areas may be questioned by library staff and may be asked to relocate to another area of the library.
 - The Children's/Youth Areas are reserved for children, their parents/~~guardians or responsible caregivers~~, and adults retrieving materials for academic purposes (ex. teachers, college students taking children's literature classes).

MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN SANTA FE COUNTY AND TOWN OF EDGEWOOD

This Memorandum of Understanding (MOU) is made and entered into by and between the Town of Edgewood (Town) and the Board of County Commissioners of Santa Fe County (County), effective as of the date approved and executed by both governmental entities.

WHEREAS, the County owns a 20 acre fenced property on which is located two vacant buildings, the site located at No. 5 Martin Rd., Edgewood, NM 87015 and the purpose of this MOU is to provide a for efficient use of the facilities to the greatest benefit to the public which may include a site for the Town's public works, trainings and education, as well as continued compatible uses by the County.

WHEREAS, residents, taxpayers and constituents of the Town are also residents, taxpayers and constituents of the County thus it is imperative that whenever possible and practical the two political subdivisions work together to maximize use of public resources for the benefit of all;

WHEREAS, the County and the Town mutually support economic development, diversification of the economy, creation of good paying jobs, attraction and retention of new and expanding environmentally sound businesses;

WHEREAS, the parties recognize that efficient use of capital assets and facilities is a necessary foundation for those efforts;

WHEREAS, the Town is engaged in an expanded effort to empower, support, equip and supply a Town public works departments primarily tasked to pave and maintain municipal roads, and to maintain infrastructure and facilities;

WHEREAS, a key component of such an effort is a convenient location of a site for housing its public works departments vehicles, equipment, supplies with adequate surrounding property for staging, storing and protecting a supply of road maintenance equipment and materials such as asphaltic mailings, base course, gravel and other materials; and.

WHEREAS, the facilities may also be used for training and education;

NOW, THEREFORE, THE TOWN AND COUNTY MUTUALLY AGREE as follows:

1. That it is in the interest of serving the public health, welfare and safety of Town/County residents to maximize taxpayer return on investment in the site so as to permit the Town public works department to, with the County, have occupancy and use of buildings and joint occupancy and use of the land land at the site.
2. The Town and County will exert best efforts in their operations at the site to do so without unduly interfering with the other and will do so in a manner as to be incompatible with lawful occupancy or use of neighboring properties.

3. Any amendment to this MOU shall be in writing signed by both parties.

4. Each party shall be responsible for their actions and acknowledge their respective liability under the New Mexico Tort Claims act pledging to hold each other safe and harmless from personal injury or property damage claims arising out of their respective errors or omissions at the site.

5. There are no third-party rights created by this MOU and it shall not be construed as creating any rights, sounding in either tort or contract, in any person or entity not a party to this MOU.

6. This MOU constitutes the entire agreement of the parties, there are no other agreements, verbal or otherwise, that are part of this MOU.

IN WITNESS WHEREOF, the parties have executed this MOU which is effective as of the last date hereunder:

Town of Edgewood:

Attest:

Ken Brennan, Mayor (date)

Town Clerk (date)

County of Santa Fe:

Attest:

Gregory S Schaefer (date)
County Manager

Katherine E Clark (date)
County Clerk

RESOLUTION NO. 2024 - 006

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF EDGEWOOD NEW MEXICO; PROVIDING A PROCESS UNDER WHICH THE TOWN MANAGER, COMMISSIONERS OR JUDGE HAVE EQUAL ACCESS TO TIMELY LEGAL ADVICE RELEVANT, NECESSARY OR CONVENIENT TO THE GOOD FAITH AND EFFICIENT EXERCISE OF THEIR OFFICIAL AUTHORITY

Whereas; the town government of Edgewood consists of three branches, an executive, a legislative and a judicial branch;

Whereas; the towns commission/manager form of government consists of a five member elected Commission, an elected Municipal Judge and an appointed Manager;

Whereas; there is a separation of powers between the legislative body (the Commission), the Manager (Executive), assisted by the Clerk, Police Chief and Attorney as well as the municipal Judge;

Whereas; together the three branches of government are charged with efficient, effective delivery of public services and this can only be accomplished if done in an atmosphere of respect and with all having the same information at the same time;

Whereas; the town commission is charged with enacting ordinances, resolutions and policies demanded by their constituents, however, many times the constituents do not agree with regard to a course of action, it being up to the commission to chart the course, each Commissioner having an equal vote and thus each Commissioner must have equal opportunity to inquire and to have access to all information available in a timely manner;

Whereas; each branch of town government operates within their respective statutory authority and are constrained by procedural and substantive law applicable to their official actions;

Whereas; Commissioners scope of authority is to enact ordinances, resolutions and other measures a majority of the commission deem conducive to the general welfare of the municipality and it's residents;

Whereas; after enactment of such ordinances, resolutions or policy it is the duty of appointed town officials charged with seeing that such are enforced or carried out, to do just that;

Whereas; in their role as lawmakers, Commissioners may be guided by their personal upbringing, experiences and beliefs, however, each in casting their vote are constrained

by the Constitution and laws of the United States and the Constitution and laws of the state of New Mexico as construed by the respective highest courts;

Whereas; the executive branch in carrying out the duty to enforce the law are absolutely prohibited from being guided by their personal upbringing, experiences and beliefs, they must enforce the law as written and enforce it fairly with regard everyone;

Whereas; the executive and judicial branch in enforcing the ordinances, resolutions or policies may only do so within the principles established by statutory or case law;

Whereas; commissioners in legislating and policymaking sit at the intersection of law and policy, they are the policymakers;

Whereas; commissioners as lawmakers must accommodate a broad and diverse constituency with many points of view, many times diametrically opposed;

Whereas; lawmakers in vetting and acting upon proposals to enact law also have a duty to do so within existing law and rules handed down by federal and state legislative, executive or judicial bodies;

Whereas; the task of a commissioner/legislator is to enact rules for the community that shall be enforced by the town's executive and judicial branches;

Whereas, each Commissioner in preparation for casting a vote will often find it necessary to seek legal advice and have time to hear from constituents regarding potential impacts on individuals prior to casting their vote;

Whereas; the Manager shall through appropriate procurement activity advertise for town attorney services, rate and rank the applicants and submit the information to the commission which shall by majority vote approve the town attorney;

NOW, THEREFORE, BE IT RESOLVED that any Commissioner, the Municipal Judge, the Manager, Clerk or Police Chief may:

1. Consult with a town attorney regarding any legal issues, including but not limited to: statutory interpretation, scope of official authority, the manner in which ordinances, resolutions or policies are considered/enacted or enforced.

2. In order for any town officer or employee to rely on the advice of a town attorney, such advice shall be in writing and be in response to questions submitted by the town official or employee seeking the advice.

3. Upon receipt of a written town attorney opinion by any town official, both the question and answer shall be transmitted simultaneously and immediately to the party requesting the opinion, the Town Manager, and all Commissioners.

4. To protect the Town against legal liability, all written legal opinions and advice shall be held as privileged and confidential and shall only be released by a vote of the Commission.

ADOPTED AND APPROVED THIS _____ DAY OF _____ 2024

Ken Brennan, Mayor

ATTEST:

Rachel Martinez, Clerk____

**SANTA FE COUNTY CLERK
Facility Rental Agreement
Edgewood Town Office Administration Building**

This Agreement for the rental of a venue for the purpose of reserving a voting location for elections, and related activities, conducted by the **Santa Fe County Clerk of Santa Fe County**, a political subdivision of the state of New Mexico, pursuant to New Mexico state statute, is made this day, February 6th, 2024. by and between **Edgewood Town Office Administration Building**, hereafter referred to as the “Owner”, and Santa Fe County, Santa Fe County Clerk, hereafter referred to as the “County Clerk”

Whereas, the County Clerk desires to temporarily, occupy, and make use of the Owner’s venue, located in Santa Fe County, **Edgewood Town Office Administration Building, 171A NM-344 Edgewood, NM 87015**

Whereas, the Owner represents that its venue has broadband internet; and

Whereas, the Owner agrees to such rental, occupation, and use in consideration of certain payments and covenants herein enumerated; and

Now, therefore, the parties agree to the following terms and conditions:

1. The County Clerk shall pay to the Owner the sum of \$0 for rental of the venue.
2. The County Clerk shall have access to and use of the venue from **May 13, 2024 until June 7, 2024**. for the purpose of **Primary Election Voting** (the Event). Owner shall provide to the County Clerk all keys, access control codes, and other items necessary to give the County Clerk access no later than **May 13, 2024**.
3. **Owner shall ensure that the venue shall maintain broadband internet connection throughout the rental period which will provide the County Clerk with real-time access to the voter registration electronic management system.**
4. Within three (3) days of the rental period’s expiration, County Clerk shall return to Owner all keys and other access control devices in its possession.

5. The County Clerk shall remove all personal property, trash, and other items that were not present in the venue when County Clerk took control of it.

6. Any liability on the part of the County Clerk incurred in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act §41-4-1, et seq., NMSA 1978, as amended. No provisions of this Agreement modifies or waives any sovereign immunity or limitation of liability enjoyed by the County Clerk or its “public employees” at common law or under the New Mexico Tort Claims Act.

7. Any disputes arising under this contract shall be adjudicated in the First Judicial District Court, Santa Fe, New Mexico.

In witness of their understanding and agreement to the terms and conditions herein contained, the parties affix their signatures below.

SANTA FE COUNTY

Gregory S. Shaffer
Santa Fe County Manager

Date

Approved:

Katharine E. Clark
Santa Fe County Clerk

Date

Approved as to form:

Jeff Young
Santa Fe County Attorney

Date

OWNER or TITLE /_____

Date