

Town of Edgewood

Agenda

Regular

Tuesday, September 12, 2023 @ 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: [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.

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. CONSENT AGENDA

- A. Approve/Amend/Disapprove Minutes
 - i. August 21, 2023. 4 - 6
[Agenda 8.21.23. Minutes](#)
 - ii. August 22, 2023. 7 - 13
[Minutes of - 22 Aug 2023 -edit](#)

V. MATTERS FROM THE COMMISSIONERS

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

VI. MATTERS FROM THE CHIEF OF POLICE

VII. MATTERS FROM THE TOWN MANAGER

- A. Manager Update

14

[TM](#)

VIII. CLOSED SESSION

- A. As per motion and roll call vote pursuant to NMSA 1978: Section 10-151(H)(7) for confidential discussion pertaining to threatened or pending litigation in which the public body is or may become a participant, Specifically, Moriarty-Edgewood School District (MESD) D-101-CV-2022-01955 (Commissioner Jaramillo) and McGill et. al. v. John Bassett et. al D-101-CV -2020-00328. (Commissioner Powers).
- B. As per motion and roll call pursuant to NMSA 1978 Section 10-15-1(H)(2) discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee; Specifically, Clerk Applicants Review (Commissioner Brennan) and Chief's Contract. (Commissioner Jaramillo).

IX. DISCUSSION AND ACTION ITEMS

- A. Discussion and Action on Closed Session Items Above.
- B. Route 66 Centennial and Edgewood Town Logo. (Manager McCracken, Commissioner Donner, Shelly Hutchinson)
- C. Procurement of ADA Coordinator. (Commissioner Jaramillo).
- D. FY24 Raises by Department If Budget Allows. (Commissioner Jaramillo)
- E. Commissioner Pay FY24. (Commissioner Jaramillo)
- F. Cost of Living Increase. (Commissioner Powers).
- G. Infrastructure Capital Improvement Plan (ICIP) and Other Funding Requests for FY24. (Commissioner Jaramillo).
- H. Use of Remaining 2014 GO Bond Funds. Notice to Rescind Previous Motion & Vote of 8-22-2023 and Vote On Use of Remaining Proceeds. (Commissioner Powers).
- I. PUBLIC HEARING: 15 - 17
Ordinance 2023-006 ATV/OHV. (Commissioner Powers).
[Edgewood OHV Ordinance REDLINE 9-12-2023](#)
- J. Stelzner Winter Warburton Flores & Dawes Representation/Contract. (Commissioner Powers).
- K. Methods for Resolving All Legal Questions Regarding the Recent Appointment of Successor Mayor and the Rule of Law. (Commissioner Powers).
- L. Naming a Successor Mayor Per New Mexico Statutes Chapter 3- Municipalities Article 14- Commission-Manager Form of Government; Municipalities Over 1,000 Section 3-14-10- Commission-Manager; Selection of Mayor; Duties.

(Commissioner Powers).

M. Incode Update. (Deputy Treasurer Massey). 18 - 22
[2023-408616-Y0C9V5](#)
[Tyler Add-Ons descriptions](#)

N. Resolution 2023-037 BAR #1. (Deputy Treasurer Massey). 23
[FY24 BAR #1 Res 2023-037 09-12-2023](#)

O. Code of Conduct for Commissioners. (Commissioner Donner).

X. PUBLIC COMMENTS

XI. FUTURE MEETINGS

- A. Regular Commission Meeting September 26th, 2023 @ 6:00 PM at the Town of Edgewood Commission Chambers.
- B. Regular Commission Meeting October 10th, 2023 @ 6:00 PM at the Town of Edgewood Commission Chambers.
- C. Regular Commission Meeting October 24th, 2023 @ 6:00 PM at the Town of Edgewood Commission Chambers.
Voting will be in the Chambers from October 21, 2023-November 7th, 2023

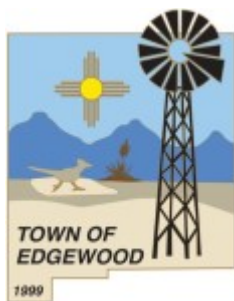
XII. FUTURE EVENTS

- A. Early Voting:
October 21st - November 4th Saturdays, 10am-6pm; Tuesday - Friday 11am-7pm.
Election Day- November 7th, 2023. 7am-7pm

XIII. FUTURE AGENDA ITEMS

- A. Public Hearing on September 26th, 2023: Ordinance 2023-009 _Recognizing the New Mexico Sex Offender Registration and Notification Act; Town Monitoring; and Map of Offenders on Town Website.

XIV. ADJOURN



Town of Edgewood

AGENDA ITEM #A.i.

Minutes

Special Meeting

Monday, August 21, 2023 @ 5:30 PM

TOWN HALL OF EDGEWOOD COMMISSION
CHAMBERS - 171A State Rd. 344

I. WELCOME, INTRODUCTION, & ROLL CALL (Start Time 5:40 pm)

All commissioners are present

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 Donner to approve the Agenda

Second – Commissioner Powers

Vote – All Voted AYE - Motion Carried 5 to 0

III. PUBLIC COMMENTS ON AGENDA ITEMS

Cheryl Huppertz – Budget and ICIP

Sherry Abraham – Mayor

Tom McGill – Commission duties

Louis Abraham - Commission duties - expense of the Attorney – no road maintenance going on.

IV. DISCUSSION AND ACTION ITEMS

- i. Approval of Resolution 2023-035 A BUDGET RESOLUTION APPROVING
2 THE FOURTH QUARTER FINANCIAL REPORT FOR FISCAL YEAR 2022 -2023.
(Manager McCracken and Deputy Treasurer Massey).

Holly Massy – in July the policy is out of order - DFA is not responding to e-mail, phone calls, BAR-5
not approved by DFA, Commissioner Anaya – how long have you been trying to contact DFA, No
contact with Michael Steininger, the Town Manager has connected Mrs. Massy with the Fort
Sumner Clerk for assistance with the budget issues

Motion - Commissioner Anaya - Approval of Resolution 2023-035-1

Second – Commissioner Brennan

Vote – All Voted Aye

Motion Carried 5 to 0

- ii. Naming a Successor Mayor Per New Mexico Statutes Chapter 3- Municipalities Article 14-
Commission-Manager Form of Government; Municipalities Over 1,000 Section 3-14-10-
Commission-Manager; Selection of Mayor; Duties. (Commissioner Anaya).

Commissioner Donner -made a motion to ask the Mayor to recuse herself from this part of the
meeting, due to your financial interest.

Discussion – between Commissioner Jaramillo and Commissioner Powers in reference to the financial interest. Commissioner Jaramillo asked the Town Attorney to speak about the issue at hand.

Nan Winters is here reluctantly but has stated that she is here to advise the commissioners on the Law. There is a process on the removal of the Mayor or any other commissioner by the law.

NMML insurance fund - Page 3 footnote 6 – Selection of another Mayor in the middle of an existing term. Commissioner Powers is calming a filibuster,

Commissioner Donner made a motion to RESEND his motion and for point of discussion. I make a motion to appoint a successor to Mayor pursuant to NM statute Chapter 3 Municipalities Article 14 -Commissioner Manager; form of Government; Municipalities over 1,000 Section 3-14-10 Commissioner-Manager selection of Mayor duties.

Commissioner Anaya – commented that Commissioner Jaramillo has overstepped her position as Mayor, that is why he has brought this issue up and is asking her to resign.

Commissioner Powers – Commented on how this form of Government is run; compared to the Mayor-Council and other issues concerning this type of Government. Issues with IPRA's, interference with internal issues.

Jerrett Perry - Comments on issues he encountered during his term as Town Manager, he has been contracted for the transition of the new Town Manager. He did confirm that he witnessed obstacles and some to the tactics of the Mayor during his term.

Commissioner Jaramillo – explained on some of the allegations brought forward against her.

Commissioner Donner – explained what issues he has been questioned on by the public – agenda, Animal Control Advisory board, EOC, and wanted to hear from the Chief on the pending IA. Also went over the issue with the Treasurer's office.

Chief Jimenez - explained that there was a complaint from community members, and how he protected the person accused in the investigation and the public, he used an outside agency to investigate the allegations.

Commissioner Brennan – commented on the issues at hand and asked that each of the Commissioners do what is in the best interests of the Town.

Friendly amendment – Commissioner Powers asked Commissioner Donner if he would accept the friendly amendment to appoint Commissioner Brennan as Mayor for the remainder of the year.

Commissioner Donner – accepts the amendment to appoint a new Mayor for the remainder of the year.

Commissioner Brennan – has concerns on the process of this action. Only wants the best for this community

Commissioner Powers – called a question.

Commissioner Donner – Seconded

Vote – Commissioner Anaya - AYE

Commissioner Powers -AYE

Commissioner Brennan – AYE

Commissioner Donner – AYE

Commissioner Jaramillo – NAY

Motion Carried – 4 to 1

Motion – Commissioner Donner made a motion naming a successor per NM statutes Chapter 3-Municipalities acritical 14 – Commissioner-Manager form of Government; Municipalities over 1,000 Section 3-14-10 Commission-Manager; Selection of Mayor; Duties.

Seconded – Commissioner Powers

AGENDA ITEM #A.i.

Vote – Commissioner Anaya – Aye

Commissioner Powers – Aye

Commissioner Donner – Aye

Commissioner Jaramillo – Nay

Commissioner Brennan – Nay

Motion Carried 3 to 2

V. PUBLIC COMMENTS

Tom McGill – expressed his disappointment with this board.

Sherry Abraham – comment to this resolution, why wasn't it resolved before this time.

Louis Abraham – Mayor Duties

Scott Eliason – spoke in defense of Commissioner Jaramillo

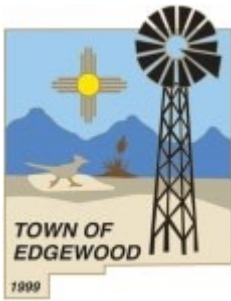
Commissioner Anaya asked Manager McCracken if she has it on record that he will be following up at District Court tomorrow

VI. ADJOURN (8:25 pm)

Motion to Adjourn – Commissioner Anaya

Second – Commissioner Brennan

Vote – All in Favor



Town of Edgewood

Minutes

Regular

Tuesday, August 22, 2023 @ 6:00 PM

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

I. WELCOME, INTRODUCTION, & ROLL CALL

Time (6:18 pm)

Commissioner Anaya - Present
Commissioner Powers – Present
Commissioner Jaramillo - Present
Commissioner Brennan - Present
Commissioner Donner - Present

- A. Invocation - Donner
- 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 Jaramillo made a motion to have Commissioner Brennan Chair the meeting.

Second – Commissioner Powers

Vote – Commissioner

Anaya, Powers, Jaramillo, Brennan – Aye

Commissioner Donner – Nay

4 to 1 Motion Carried

Motion - Commissioner Donner made a motion to approve the agenda.

Second - Commissioner Jaramillo

Vote -All voted Aye

Motion Carried

III. PUBLIC COMMENTS ON AGENDA ITEMS

Mr. Sullivan – apology to the Library Team, comment on August 8, meeting Resolution 2022-14

Repeal, Resolution 2023-030

Charles Ring – How many have retained an attorney – asked to hold his comment until the second
public hearing.

Cheryl Huppertz – ICIP – order of the Roads – Church chip seal, has some information on how long it lasts

Linda Holly – Item 8-I – ICIP – strongly encourages the public to comment, and the special meeting on Tuesday 15 @ 2:00 pm was held with no notice of the meeting. The deadline for the submittal of the ICIP

KR Scott – Item 8-J – Possible use of the old town hall @ 1911 Hwy 66, Rt. 66 Celebration is one use – Also to create the space as a community center for other town functions.

IV. CONSENT AGENDA (Timestamp 40:09)

Motion – Commissioner Jaramillo made a motion to pull the minutes for discussion and action. Approves the agenda with the red line corrections.

A. Approve/Amend/Disapprove Minutes

i. August 8, 2023.

Minutes of Aug 8, 2023, Commissioner Jaramillo spelling errors and vote count, hearing add opening and closing times, budget source for the vehicles.

Motion - Commissioner Brennan made a Motion to approve the minutes of Aug. 8th.

Second - Commissioner Donner – 2nd the motion

Vote – All voted Aye

Motion Carried

August 11, 2023.

Minutes of Aug. 11th – noted that Mayor Pro-Tem Powers called the meeting to order at what time with roll called added with all were present , questioned what time stamp we are using. Answer Facebook. Also put the date the special meeting was called on Tuesday Aug. 15th.

Motion - Commissioner Jaramillo made motion to approve the minutes of Aug. 11th, with the corrections. Town Manager/Clerk will check this for accuracy.

Second - Commissioner Powers seconded.

Vote - All voted Aye

Motion Carried

ii. August 15, 2023.

Minutes of Aug 15, 2023 – Commissioner Jaramillo red line changes – document that commissioner Donner and Jaramillo joined at 2:15pm due the zoom link, correct the minutes on the votes as they were not present at the time of Item 2, of the vote, corrections noted. Make annotation absent due to zoom technicalities.

Motion – Commissioner Jaramillo made a motion to approve the minutes of Aug. 15, with the changes.

Second - Commissioner Donner

Vote – All voted Aye

Motion Carried

V. MATTERS FROM THE COMMISSIONERS (Timestamp 52:58)

- A. Audrey Jaramillo, - Meeting of yesterday that was called Friday after hours and rushed to without public notice, was illegal, also received advise from Nan Winters who conveyed that the NMML has advise that she is still the mayor. ICIP thanked the comment made by the public.
- B. Jerry Powers, - clear up some of the facts of the meeting of Monday August 21, complaints from Staff and past staff wanting to leave due to interference from the mayor. Wants to change the mayor's position.
- C. Phil Anaya – Road explanation, last night's meeting was legal advised by the attorney and it was voted by the commissioners, 3-2 vote. MESD issues, his main concern is the protection of the Town, and apologized to the audience.
- D. Ken Brennan – Moving forward with some of the comment in the newspaper, would like to disclose what is going on in the town by creating a timeline for each of the departments, so that the public can view on-line and see the progress made and with a completion date. Transparency
- E. Sterling Donner – Re-affirmation that the commissioners can move forward let's get on with the Town's business.

VI. MATTERS FROM THE CHIEF OF POLICE (Timestamp 1:26:53)

Chief Jimenez no monthly report – Admin is on Maternity leave, system issues, will have 2-month report for the next meeting, have 3 possible officers in the process, asking for a cost of living pay raise for the officers. Requesting that his proposed pay raise goes to the officers,

VII. MATTERS FROM THE TOWN MANAGER/CLERK/TREASURER (Timestamp 1:29:26)

Budget items taken care of Budget is slated to come out on August 28th,
Town hall is helping with the phones at the PD.

Wastewater Treatment visit in Rancho Vejo up in Santa Fe.

Attended an AREA meeting for information for our Air Park

Animal Shelter and Welfare board was under the Town Manager, after discussion with the Chief they will all go under the Chief, with Sgt. A. Campos as the supervisor.

Public Hearing on the Abatement ordinance – 2 properties have been heard by the hearing officer.

Nov. 11, is a holiday, is it possible to give the Police department the Saturday as the holiday?

The Parks and Rec. -Town Manager would like to thank Jimmy for changing the Teen Night to

Dumpster Days are the 25 and 26 at Venus Park

Labor Day event scheduled for September 1st; Nina will be hosting the Karaoke.

Road Equipment is in Albuquerque and should be delivered this week or next.

Questions

Commissioner Jaramillo asked about the Wastewater treatments reusable water can be used on the

Commissioner Powers – answer on the reusable water it is being treated and monitored, possible
Brad did update the commissioners on the Bassett quarry, he has contacted the NM Energy &

Commissioner Jaramillo – asked the Town Manager if the department monthly reports should be
Commissioner Breanna – Thank Jimmy for moving the Teen night to Saturday.

A. Department Reports

Commissioner Anaya would like Josh to give an update on Chip sealing, and the equipment ordered,

VIII. DISCUSSION AND ACTION ITEMS (Timestamp 1:49:59)

- A. Use of Remaining 2014 GO Bond Funds. (Mayor Jaramillo). The Bonds attorney only sent the report to Commissioner Jaramillo & Commissioner Powers, recap, under the Brad Hill term, the legislative body approved a bond for roads. Some funds are unused, is it appropriate to use this money on voter approved roads, to lengthen the listed roads. Brad Hill – would like to thank Charles Ring for his part in getting the money for the roads and trails.

Motion - Commissioner Brennan made a Motion to utilize the 2014 GO Bonds to finish the work on Rainbow Road project and erect a walking bridge over Bachelor Draw on Horton Road,

Second - Commissioner Anaya Seconded

Vote – All voted Aye

Motion Caried

- B. Cost of Living Increase. (Commissioner Powers).
Commissioner Powers wanted to bring this forward but needs to know where the funding would come from. Please work with the finance department & bring it back for the Sept. 12, regular meeting

Motion – Commissioner Powers made a motion to bring it back on Sept. 12, agenda.

Second – Commissioner Jaramillo

Vote – All Aye

Motion Carried

- C. Continuance of Zoning Ordinance Hearing. (Manager Brad Hill and Commissioners Powers).
(Timestamp 2:01:33) at (8:08 pm open)

Brad hill went over all the red line changes within the Zoning Ordinance with the commissioners.

Motion – Powers made a motion to approve Zoning Ordinance with the changes.

Second – Commissioner Anaya

Friendly amendment by Commissioner Jaramillo to change the compliance time from 90 days to 180 days.

Vote – All Voted Aye

Motion Carried (8:26pm)

- D. Authorization to Sell Old Vehicles at the Bentley's Auction. (Chief Jimenez). (8:30 pm Timestamp 2:37:40)

The Chief would like to send some decommissioned vehicles as listed to auction. Brad Hill also would like to send some of the admin vehicles to auction, due to the condition of two or three vehicles. Make sure that this has been run through the finance department.

Motion – Commissioner Powers made a motion to approve the sale of decommissioned and other older vehicles.

Second – Commissioner Donner

Vote – All voted Aye

Motion Carried

- E. LL Burke LLC approval of YES! Program work. (Manager McCracken). Town Manager requesting approval to pay the last invoice, for Mrs. Linda Burke –

Motion – Commissioner Donner made a motion to approve the invoice for LL Burke LLC.

Second -Commissioner Jaramillo

Vote – All voted Aye

Motion Carried

- F. Discussion and Action on FY24 Lodger's Tax Grant Application for Edgewood Chamber of Commerce (dba Greater East Mountain Chamber). (Manager McCracken).

Linda Burke has explained what the money is needed for. Commissioner Jaramillo did mention about the Lodgers tax Boards request to fund other projects and would like some accountability.

Motion – Commissioner Donner made a motion to approve the FY24 application for funding.

Second – Commissioner Anaya

Vote – All Voted Aye

Motion Carried

- G. Approval of Purchase and Upfit of 2 (two) Dodge Durango's. (Chief Jimenez). (Timestamp 2:53:19)

Chief Jimenez is requesting \$135,948.00 for both units, funding source will be out the carryover from last year fund, also the Chief is requesting his proposed salary increase go to the officers.

Motion – Commissioner Donner moved to approve the purchase of two dodge Durango's for the Police Department

Second – Commissioner Anaya

Vote – All Voted Aye

Motion Carried

- H. Call for Public Hearing on Ordinance 2023 -009 Recognizing the New Mexico Sex Offender Registration and Notification Act; Town Monitoring; and Map of Offenders on Town Website. (Mayor Jaramillo). (Timestamp 2:55:44)

Commissioner Jaramillo is requesting that the information from the Santa Fe County Sheriff's office sex offenders register is available for the Town of Edgewood citizens on Facebook and a link on the website.

Motion – Commissioner Donner made a motion to call for a public hearing to on Ordinance 2023-009 Recognizing the NM Sex Offenders registration and Notification Act and keep a map on the website for the Citizen of the Town to view.

Second – Commissioner Jaramillo

Friendly amendment from Commissioner Powers to work with the Chief to accomplish the outcome, bring a draft to the September 26, meeting.

Vote- All Voted Aye
Motion Carried

- I. Infrastructure Capital Improvement Plan (ICIP) and Other Funding Requests for FY24. (Mayor Jaramillo). (Timestamp 3:09:54)

Commissioner Jaramillo would like to refine the process for next year's request and have more public hearings for the public to voice their opinions on the ICIP listing. Make is an agenda item for a future meeting.

- J. Possible Use of Old Town Hall and Route 66 Centennial. (Commissioner Donner). (Timestamp 3:12:01)

Commissioner Donner introduced Shelly Hutchinson to present the slide show concerning the RT. 66 Centennial, with a proposal for the use of the old Town Hall located at 1911 Hwy 66.

Mr. KR Scott - Suggested the building could be used as a multi-use – visitors – event center .

- K. Call for a Public Hearing to Amend the ATV/OHV Ordinance. (Commissioner Powers).(Timestamp 3:30:33)

Motion - Commissioner Powers called for a Public Hearing to amend the ATV/OHV ordinance set it for September 12, meeting. With some clarification on roads to the ordinance.

Second -Commissioner Donner
Vote – All Voted Aye
Motion Carried

IX. CLOSED SESSION (Timestamp 3:31:35) Move the closed sessions to the next agenda

- A. As per motion and roll call pursuant to NMSA 1978 Section 10-15-1(H)(2) discussion of hiring, promotion, demotion, dismissal, assignment, or resignation of or the investigation or consideration of complaints or charges against any individual public employee; Specifically, Chief's Contract. (Mayor Jaramillo).
- B. As per motion and roll call vote pursuant to NMSA 1978: Section 10-151(H)(7) for confidential discussion pertaining to threatened or pending litigation in which the public body is or may become a participant, specifically, Moriarty-Edgewood School District (MESD). (Mayor Jaramillo).

X. PUBLIC COMMENTS (Timestamp 3:29:31)

Cheryl Huppertz – Commissioner pay,

Mike Sims – concerns about the meeting on Monday Aug. 21 asking the commissioner to continue to work for the betterment of this community.

Tim Carter – Last nights meeting

Adrian Chavez – Economic Development for the Town of Edgewood. 25th anniversary, RT. 66 centennial celebration, would like to see 1911 building also open as a welcome center, and another venue for the Town of Edgewood to host other events.

XI. FUTURE MEETINGS

Commissioner Jaramillo asked to bring back the commissioner pay back to another meeting, and before the end of the year.

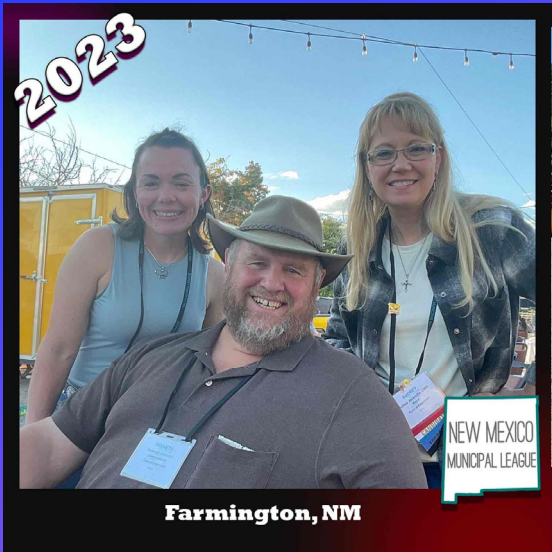
- A. Regular Commission Meeting September 12th, 2023 @ 6:00 PM at the Town of Edgewood Commission Chambers.
- B. Regular Commission Meeting September 26th, 2023 @ 6:00 PM at the Town of Edgewood Commission Chambers.

XII. ADJOURN (9:42 pm)

Motion – Commissioner Donner made a motion to Adjourn.

Second – Commissioner Jaramillo

Vote – All voted Aye



ORDINANCE NO. 2023-006**AN ORDINANCE ALLOWING THE USE AND REGULATION OF OFF-HIGHWAY AND ALL-TERRAIN VEHICLES ON THE STREETS WITHIN THE TOWN OF EDGEWOOD**

WHEREAS, the New Mexico Legislature amended the Off -Highway Motor Vehicle Act ("Act") (Section 66-3-1001 through 66-3-1020, NMSA 1978) during the 2016 Legislative Session permitting the operation of off-highway motor vehicles on streets; and

WHEREAS, the amendment to the Act went into effect on May 18, 2016; and

WHEREAS, With the passing of NM Senate Bill 270 during the 2016 state legislative session, local authorities and the state transportation commission have the authority to pass resolutions or ordinances to designate certain paved roads as open to specific ATV or ROV travel within their respective communities.

WHEREAS, It is presently illegal to operate an ATV or ROV on a paved road *unless* a local authority or the state transportation commission has passed an ordinance allowing such use on specific roads in specific communities.

WHEREAS, the Act allows a Local Authorities, by ordinance or resolution, to authorize off-highway motor vehicles to be operated on a gravel, a paved, or a dirt street owned or controlled by the Local Authorities and permits the Local Authorities to enact the use of off-highway motor vehicles in a way that fits with the community; and

WHEREAS, the Town of Edgewood wishes to improve the quality of life for its residents by enabling access to Edgewood residents, both locally and remote, recreational and utility use opportunities such as non-commercial snow plowing, neighbor mowing, or during severe weather conditions access to residences, stores, or emergency facilities.

WHEREAS, authorizing off-highway vehicles to be operated on streets and roads owned or controlled by the Town of Edgewood will benefit neighborhood residents in support of these additional benefits.

WHEREAS, the the Town of Edgewood desires to authorize the operation of recreational off-highway vehicles on streets and roads owned or controlled by the Town of Edgewood; and

NOW THEREFORE BE IT ORDAINED BY THE TOWN OF EDGEWOOD GOVERNING BODY THAT:

SECTION 1. PURPOSE - The purpose of this Ordinance is to allow the operation of off-highway vehicles (OHV) on a graveled road, paved street, or highway owned and controlled by the Town of Edgewood, as authorized in this Ordinance.

SECTION 2. DEFINITIONS - As used in this chapter, the following definitions shall apply:

OFF HIGHWAY VEHICLE (OHV) - A motor vehicle designed by the manufacturer.

for operation exclusively off the highway or road and includes:

(A) ALL-TERRAIN VEHICLE (ATV) - A motor vehicle fifty inches or less in width, having a unladed dry weight of one thousand pounds or less, traveling on three or more low-pressure tires and having a seat designed to be straddled by the operator and handlebar-type steering control;

(B) RECREATIONAL OFF-HIGHWAY VEHICLE (ROV) - A motor vehicle designed for travel on four or more non-highway tires, for recreational or utility use (non-commercial snow plowing, mowing, or access to residences, stores, or emergency facilities during severe weather conditions), and having:

- a) A steering wheel for steering control;
- b) Non-straddle seating;
- c) Maximum speed capability greater than thirty-five miles per hour;
- d) Gross vehicle weight rating no greater than one thousand seven hundred fifty pounds;
- e) Less than eighty inches in overall width. exclusive of accessories;
- f) Engine displacement of no more than one thousand cubic centimeter; and
- g) Identification by means of a seventeen-character vehicle identification number; or

(C) By rule of the New Mexico Department of Game & Fish, any other vehicles that may enter the market that fit the general profile of vehicles operated off the highway for recreational purposes.

(D) LIMITED ACCESS HIGHWAYS OR FREEWAYS – Limited Access highways are roads that have been built to allow traffic to move more freely. These roads include interstates and freeways that connect major cities, as well as state highways that connect smaller towns and cities. The term “limited access” means that there are no intersections on these roads.

SECTION 3. OPERATION ON STREETS OR HIGHWAYS - An off-highway motor vehicle that is in compliance with the following requirements may be operated on any street or highway owned and controlled by the ~~city-Town~~, or which are dedicated to public use, and specifically excluding Limited Access Highways or Freeways when:

(A) The vehicle has one or more headlights and one or more taillights that comply with the Off-Highway Motor Vehicle Act. Sec 66-3-1001 thought 66-3-1021. NMSA 1978;

(B) The vehicle has brakes, mirrors and mufflers;

(C) The operator has a valid driver's license, instruction permit or provisional license and a off-highway motor vehicle safety permit;

(D) The operator is insured in compliance with the provisions of the Mandatory Financial Responsibility Act, Sec 66-4-201 thought 66-5-248 NMSA 1978;

(E) OHV operators who are New Mexican residents who operate their vehicles on paved streets within the Town of Edgewood boundaries must have the the standardized special off-highway motor vehicle paved road sticker and vehicle license plate in accordance with this Ordinance and the Off-Highway Motor Vehicle Act

(F) The Vehicle is currently registered in this state or another state pursuant to the provisions of NMSA 1978, 66-3-1004: and

- (G) The operator of the vehicle is wearing eye protection, or the vehicle provides eye protection by a full windshield. Half or partial windshields do not qualify as eye protection; and
- (H) The operator and all passengers of the OHV are properly secured by safety belts including compliance with 2006 New Mexico Statutes 66-7-369 Child Passenger Restraint;
- (I) No more than two persons are permitted on any saddle seat vehicle;
- (J) A person operating a recreational off-highway vehicle shall ride only upon the permanent and regular seat attached thereto and such not carry any other person nor shall any other person ride on a recreational off-highway vehicle unless such vehicle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat. No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation of the off-highway motor vehicle or the view of the operator.

SECTION 4. TOWN OF EDGEWOOD OHV OBEDIENCE TO TRAFIC LAWS REQUIREMENTS

- a) Any person operating an off-highway motor vehicle shall obey all traffic laws, rules and ~~R~~regulations.
- ~~b)~~ e)b) The speed limit for ATVs operated within the Town of Edgewood shall be the posted speed limit. The operator shall always operate the OHV or ATV in the far right lane and If the posted speed limit is higher than 35 miles per hour, the operator shall operate the ATV on the extreme right-hand side of the roadway.
- ~~d)c)~~ The speed limit for recreational OHVs and ATVs, operated within the Town of Edgewood shall be the posted speed limit.

SECTION 5. TOWN OF EDGEWOOD PROHIBITED AREAS

A person shall not operate an off-highway motor vehicle on any:

- (1) limited access highway or freeway at any time;
- (2) walking trails;
- (3) parks owned or maintained by the Town of Edgewood
- (4) Off-highway motor vehicles may cross streets or highways, except limited access highways or freeways, if the crossings are made after coming to a complete stop, prior to entering the roadway. Off-highway motor vehicles shall yield the right-of-way to oncoming traffic and shall begin a crossing only when it can be executed safely. Off-highway motor vehicles shall cross streets or highways in the most direct manner as close to a perpendicular angle as possible.



Sales Quotation For:

Town of Edgewood
1911 Old Hwy 66
Edgewood NM 87015

Quoted By:
Quote Expiration:
Quote Name:

Tanner Cate
11/28/23

Tyler Annual Software – SaaS	
Description	Annual
Tyler One	
Content Manager Suite	
Core	\$ 3,537
ERP Pro powered by Incode	
ERP Pro 10 Financial Management Suite	
Employee Access Pro	\$ 0
ERP Pro 10 Customer Relationship Management Suite	
Utility Payment Import Interface	\$ 1,608
TOTAL:	\$ 5,145

Services		
Description	Hours/Units	Extended Price
ERP Pro 10 Financial Management Suite		
Professional Services	32	\$ 4,640
ERP Pro 10 Customer Relationship Management Suite		
Professional Services	4	\$ 580
Content Manager Suite		
Professional Services	32	\$ 4,640
Other Services		
Project Management	1	\$ 250
	TOTAL:	\$ 10,110

Summary	One Time Fees	Recurring Fees
Total SaaS		\$ 5,145
Total Tyler Services	\$ 10,110	
Summary Total	\$ 10,110	\$ 5,145
Contract Total	\$ 15,255	

Comments

Work will be delivered remotely unless otherwise noted in this agreement.

Expenses associated with onsite services are invoiced as incurred according to Tyler's standard business travel policy.

SaaS is considered a term of one year unless otherwise indicated.

Utility Payment Import Interface

Utility CIS System includes collections, tax lien process and import, a standard forms pkg., output director and one Utility handheld meter-reader interface.

Client agrees that items in this sales quotation are, upon Client's signature or approval of same, hereby added to the existing agreement ("Agreement") between the parties and subject to its terms. Additionally, payment for said items, as applicable but subject to any listed assumptions herein, shall conform to the following terms, subject to payment terms in an agreement, amendment, or similar document in which this sales quotation is included:

- License fees for Tyler and third-party software are invoiced upon the earlier of (i) delivery of the license key or (ii) when Tyler makes such software available accessible.
- Fees for hardware are invoiced upon delivery.
- Fees for year one of hardware maintenance are invoiced upon delivery of the hardware.
- Annual Maintenance and Support fees, SaaS fees, Hosting fees, and Subscription fees are first payable when Tyler makes the software accessible to the Client (for Maintenance) or on the first day of the month following the date this quotation was signed (for SaaS, Hosting, and Subscription), and any such fees are prorated to align with the applicable term under the agreement, with renewals invoiced annually thereafter in accord with the Agreement.

Fees for services included in this sales quotation shall be invoiced as indicated below.

- Implementation and other professional services fees shall be invoiced as delivered.
- Fixed-fee Business Process Consulting services shall be invoiced 50% upon delivery of the Best Practice Recommendations, by module, and 50% upon delivery of custom desktop procedures, by module.
- Fixed-fee conversions are invoiced 50% upon initial delivery of the converted data, by conversion option, and 50% upon Client acceptance to load the converted data into Live/Production environment, by conversion option. Where conversions are quoted as estimated, Tyler will invoice Client the actual services delivered on a time and materials basis.
- Except as otherwise provided, other fixed price services are invoiced upon complete delivery of the service. For the avoidance of doubt, where "Project Planning Services" are provided, payment shall be invoiced upon delivery of the Implementation Planning document. Dedicated Project Management services, if any, will be invoiced monthly in arrears, beginning on the first day of the month immediately following initiation of project planning.
- If Client has purchased any change management services, those services will be invoiced in accordance with the Agreement.
- Notwithstanding anything to the contrary stated above, the following payment terms shall apply to fees specifically for migrations: Tyler will invoice Client 50% of any Migration Services Fees listed above upon Client approval of the product suite migration schedule. The remaining 50%, by line item, will be billed upon the go-live of the applicable product suite. Tyler will invoice Client for any Project Management Fees listed above upon the go-live of the first product suite. Annual SaaS Fees will be invoiced upon availability of the hosted environment.

Any SaaS or hosted solutions added to an agreement containing Client-hosted Tyler solutions are subject to Tyler's SaaS Services terms found here: <https://www.tylertech.com/terms/tyler-saas-services>.

Unless otherwise indicated in the contract or amendment thereto, pricing for optional items will be held For six (6) months from the Quote date or the Effective Date of the Contract, whichever is later.

Customer Approval: _____

Date: _____

Print Name: _____

P.O.#: _____

From: [Holly Massey](#)
To: [Nina McCracken](#)
Subject: Tyler Add-Ons descriptions
Date: Friday, September 8, 2023 4:19:06 PM

TCM or Content Manager – our electronic document storage solution for scanning and storing documents and attaching them to accounts, or employees in HR.

ESS – the employee self service portal for employees to login, view and request changes to their information.

Utility Payment import – allows you to import payment data taken from third party payment processors.

Holly Massey
Finance Manager
505-286-4518

**TOWN OF EDGEWOOD
BUDGET ADJUSTMENT RESOLUTION NO. 2023-037, BAR #1
FY 2022-2023**

WHEREAS, the Governing Body for the Town of Edgewood, has authority for establishing, monitoring, and adjusting the Town's budget; and

WHEREAS, the official meeting for review of said documents was duly advertised in compliance with the State Open Meetings Act; and

WHEREAS, the Governing Body met in regular session on **September 12, 2023**, and proposes to make certain budget: transfer(s), increase(s), or decrease(s) and

WHEREAS, periodic budget adjustments are required to allow for: correct beginning cash balances; new or adjustments to inter-fund transfers; budget increases and decreases to revenues or expenditures; and to correct amounts when required; and

WHEREAS, said budget was adjusted based on need and through cooperation with all user departments, elected officials, and other department supervisors, the budget adjustment(s) and the associated line item(s) with amount(s) **as summarized on the attached Schedule of Budget Adjustments** is essential; and

WHEREAS, it is the majority opinion of this Governing Body the adjusted budget meets the requirements as currently determined.

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Governing Body for the Town of Edgewood, State of New Mexico, hereby adopts the budget adjustment hereinabove described and attached and respectfully requests approval from the Local Government Division of the Department of Finance and Administration.

PASSED, ADOPTED and APPROVED, this _____ day of _____, 2023.

Attest:

Nina R. McCracken, Clerk

Audrey J. Jaramillo,

(seal)