



**City of Rio Communities Council Regular Business Meeting**  
**City Council Chambers - 360 Rio Communities Blvd**  
**Rio Communities, NM 87002**  
**Monday, January 24, 2022 6:00 PM**

**Agenda**

*Please silence all electronic devices.*

**Mayor - Joshua Ramsell**

**Mayor Pro Tem - Margaret "Peggy" Gutjahr**

**Council - Arthur "Art" Apodaca, Lawrence R. Gordon, Jim Winters**

**ATTENTION:** In an abundance of caution, due to a COVID issue the City Council regular business meeting on Monday January 24, 2022 may be virtual and/or limited to in-person attendance by the City Council, Administrative Staff, City Attorney and credentialed members of the press. you can participate in the City Council meeting from the comfort and safety of your own home by entering the following link: @ <https://www.facebook.com/riocommunities>

**Call to Order**

**Pledge of Allegiance**

**Roll Call**

**Approval of Agenda**

**Approval of Minutes**

1. **City Council Special Workshop Minutes (1/04/2022)**
2. **Minutes for the City Council Workshop & Regular Business Meeting (01/10/2022)**

**Proclamation**

3. **Optimist Day Proclamation**

**Public Comment:** The Council will take public comments in written form via email through 4:45 PM on Monday January 24, 2022 to [admin@riocommunities.net](mailto:admin@riocommunities.net). These comments will be distributed to all Councilors for review.  
***If you wish to speak during the public comment session in person:*** Please contact the clerk for a **virtual link**. The Council will allow each member of the public three (3) minutes to address the Council. Both the public and Council will follow rules of decorum. Give your name and where you live. The public will direct comments to the City Council. Comment(s) will not be disruptive or derogatory.

**Manager Report**

4. **Electrical Sign Update**
5. **Administrative Calendar**

**Action Items**

6. **Discussion, Consideration, and Decision – Approval of Accounts Payable**
7. **Discussion, Consideration, and Decision – Purchase of 2021 Ferrara Pumper Truck**
8. **Discussion, Consideration, and Decision – Resolution 2022 - XX Open Meetings Act**
9. **Discussion, Consideration, and Decision – Valencia County Business Incubator Proposal (space)**
10. **Discussion, Consideration, and Decision – Sunny505 Proposal for Services - Public Communications**
11. **Discussion, Consideration, and Decision – Resignation of EDC Member**

**Council Discussion**

**Adjourn**

NOTE: THIS AGENDA IS SUBJECT TO REVISION UP TO 72 HOURS PRIOR TO THE SCHEDULED MEETING DATE AND TIME (NMSA 10-15-1 F). A COPY OF THE AGENDA MAY BE PICKED UP AT CITY HALL, 360 RIO COMMUNITIES BLVD, RIO COMMUNITIES, NM 87002. IF YOU ARE AN INDIVIDUAL WITH A DISABILITY WHO IS IN NEED OF A READER, AMPLIFIER, QUALIFIED SIGN LANGUAGE INTERPRETER OR ANY OTHER FORM OF AUXILIARY AND OR SERVICE TO ATTEND OR PARTICIPATE IN THE MEETING, PLEASE CONTACT THE MUNICIPAL CLERK AT 505-861-6803 AT LEAST ONE WEEK PRIOR TO THE MEETING OR AS SOON AS POSSIBLE.



## City of Rio Communities Council Special Workshop with the State Legislator(s)

City Council Chambers - 360 Rio Communities Blvd  
Rio Communities, NM 87002

Tuesday, January 04, 2022 10:00 AM

### Minutes

*Please silence all electronic devices.*

#### Call to Order

- Mayor Ramsell called to order the special workshop with the Legislators at 10:12 am.

#### Attendees:

- Representative Kelly Fajardo, Representative Gail Armstrong, Representative Matthew McQueen, Senator Liz Stefanics, Senator Greg Baca, Senator Joshua Sanchez, Mayor Joshua Ramsell, Councilor Peggy Gutjahr, Councilor Jimmie Winters, Councilor Lawrence R. Gordon, and entered late Councilor Arthur Apodaca.
- Also attending: City Manager Dr. Martin Moore, Municipal Clerk Lisa Adair.

#### Capital Outlay Discussion

- City Manager Dr. Moore started a presentation on the capital outlay.
- Manager Dr. Moore explained the city's current project statuses and then said the \$300,000.00 is separated into 2 parts for City Hall Construction and for 1 of those parts mainly will be for city hall safety such as wiring, ceiling replacements and fire safety that needs to be up to date. He went on about the Junior Procreation stating its a \$75,000 grant and is mainly focused on youth and community programs. He then stated that we are waiting approval from the state to move forward with this plan but have made an outline of how the money will be distributed which includes the library space. With this program instead of having to partner with Belen on summer programs, like in the past, we want to have our own summer programs where children of our community can participate.
- Manager Dr. Moore continued with going through the projects that we are requesting from this Legislative Session, 1) is to completely redo the residential streetlights throughout the City of Rio Communities, 2) is to completely redo the storm drainage infrastructure system for the city, 3) is to completely redo the existing City Hall Multi-Purpose Complex for public use, 4) is to acquire properties, plan, design, and construct projects identified in the Rio Communities Parks and Open Spaces Assessment Plan for the City. 5) is to reconstruct Goodman Avenue for better roads, sidewalks, and trails. 6) is to purchase land, construct a building, and furnish said building for our Public Works Department. 7) is to purchase heavy equipment for our Public Works Department.
- Representative Fajardo asked about the parks if this is what VIA owned or is it land, we own.
- Manager Dr. Moore explained that we have a couple of small pieces of land and explained that the VIA sold the existing properties to private owners and continued with the presentation.
- Senator Baca asked is the County completing tasks right now with the City or lending you equipment.
- Manager Dr. Moore explained this was a special project and further explained that the County Manager has been very helpful with emergency projects and lending us equipment if we are in dire need but most of our public works have had to be contracted out for the jobs to get done and continued with the discussion.

- Manager Dr. Moore went into a Special Project Request called Federal Rescue Plan Funds with this we came up with a plan called Complete Streets, it's not just the roads, its everything from the curbs to the above ground gutters, to sidewalks, and includes bus stops for the children and continued with the presentation showing a map red marked with the streets that he had talked about.
- Manager Dr. Moore explained that the Master Drainage Plan will design, construct, excavate, fill, repair, replace, and equip the infrastructure. With the flood damage we had we did go to the Homeland Security and get some help we needed but with this plan it will prevent future mishaps.
- Manager Dr. Moore then went on about the Parks and Trails Master Plan, to purchase/acquire land, design, demolish, construct reconstruct, and equip parks and trails will benefit the community as children and adults like to walk, ride bikes and be outside, and presided the discussion.
- Manager Dr. Moore said we have talked over with City Council, request for federal funds would be to complete phase 2 and 3 of the City Complex re-construction (including design, demolition, construction, equipment, and furnishing) of the Municipal Courtroom, Community Center, and Library and continued with the discussion.
- Manager Dr. Moore explained that we are trying to expand Fiber Optics into the building and then eventfully into the Community Center and trying to renovate to where Council will have a full City Council room not just a conference room. We are trying to renovate the rooms we have existing without having to do major construction. We are making sure every individual room will have independent access and have emergency exits as well.
- Representative McQueen said we have been great about using the money that was funded and we've had a lot of problems, but you are doing a great job, he then said our list of the ICIP projects was substantial but will get back to you about how much money can be funding and began a discussion.
- Representative Armstrong said she is very impressed on the amount of money we are able to spend and her representing 3 counties and none of them are working as hard as we are. She also said she is looking forward in working with us in the future and appreciate the incite on our projects.

#### **Other Items of Interest**

- Councilor Gutjahr thanked everyone of the legislators and not just the money but all the times that they have reached out to us under difficult situations to make sure everyone is being heard. We are really at the point to move forward a lot of the money you have gave us have been spent to get us where we are today. There is something that is not on the ICIP, but we are putting up a large electrical sign and will be up in front of City Hall and hope to give the community more insight on what we are doing.
- Councilor Winters said this is the year of Economic Development for us and said that we have several new houses, new businesses and want to entice people to come to Rio Communities and thanked them for all the help they have given us over the years.
- Councilor Gordon said being new to the Council I'm looking forward in working with everyone.
- Mayor Ramsell thanked to all the Legislators, Representatives and Senators, thank you for all the help you have gave since day one and greatly appreciate all help and look forward to working with each and every one of you.

**Adjourn**

- The special workshop was adjourned at 11:10 am.

Respectfully submitted,

\_\_\_\_\_  
Elizabeth (Lisa) Adair, Municipal Clerk  
(Transcribed by Cheyenne Sullivan, Assistant Clerk)

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

Approved:

\_\_\_\_\_  
Joshua Ramsell,  
Mayor

\_\_\_\_\_  
Margaret (Peggy) Gutjahr,  
Mayor Pro-tem/Councilor

\_\_\_\_\_  
Arthur (Art) Apodaca,  
Councilor

\_\_\_\_\_  
Lawrence R. Gordon,  
Councilor

\_\_\_\_\_  
Jim Winters,  
Councilor



**City of Rio Communities Council Workshop**  
**City Council Chambers - 360 Rio Communities Blvd**  
**Rio Communities, NM 87002**  
**Monday, January 10, 2022 3:00 PM**  
**Minutes**

*Please silence all electronic devices.*

### **Call to Order**

- Mayor Ramsell called to order the workshop at 3:01 pm.

### **Attendance**

- PRESENT: Mayor Joshua Ramsell, Councilor Arthur Apodaca, Councilor Lawrence Gordon, Councilor Peggy Gutjahr and Councilor Jim Winters.
- Present: Manager Dr. Martin Moore, Municipal Clerk Lisa Adair, (virtual) Deputy Clerk Amy Lopez. Finance Officer Stephanie Finch and Finance Clerk Renee Adams.

### **Presentation: Melinda Allen - New Mexico Partnership - Economic Development**

- Manager Dr. Moore introduced Melinda Allen, who is the Director of New Mexico Partnership, she was the lead county economic development corporation director. She has had quite the extensive career experience in the southwest.
- Melinda Allen began a presentation on economic development and New Mexico Partnership, who are a non-profit and focus on bringing businesses into communities. She further explained the company gets a lot of big businesses who ask to be in New Mexico. During the presentation she then showed how they have been getting businesses in New Mexico since COVID has hit and how effective it has become.
- Councilor Apodaca asked why they are not working with hospitality industry as there are chain restaurants and multiple of opportunities for revenue.
- Ms. Allen explained they do but its eternal revenue for New Mexico and we focus on the based jobs that bring revenue from outside New Mexico into New Mexico and continued with the presentation.
- Councilor Gutjahr asked what is the first step we must take if a company should come to us.
- Ms. Allen explained since we are actively seeking leads, if it was open, we would share with the community, who all have equal opportunities, but if a community only has a lead, which they need assistants, then they can call us and maybe later down the road the said community decides it's not going to work, well then we would give it to another community and go from there then continued with the presentation. (PRO) Potential Recruitment Opportunity is what we call our leads.
- Manager Dr. Moore asked when you say 5%-10%. What exactly are they from. This led into a discussion.
- Ralph Mimms Economic Development Consultant asked could we use the LEDA ordinance for retail.
- Ms. Allen said as long as it is in our ordinance, you also can use it for hospitality and such projects then continued with the describing more what LEDA can do for the community.
- Mayor Ramsell asked if our ordinance allows, we can have hospitality and retail in our LEDA.
- Councilor Winters said we were asked to not put it into our current ordinance. This led to a discussion.
- Councilor Apodaca asked on hospitality you had mentioned they do not bring in outside money and continued the discussion.

- Mr. Mims asked when you said you can help retail, in what fashion and then asked her to elaborate.
- Ms. Allen explained she has really great relationships with other consultant companies and she's more than willing to introduce anyone to. She has marketing training to help communities to pitch ideas on retail and are more than willing to help the communities to move forward.

#### **Presentation: Community & Youth Program Grant**

- Manager Dr. Moore explained we have a \$75k Junior Appropriation Grant that Representative McQueen worked really hard to get for us and began a presentation.
- Manager Dr. Moore said this had conversations with the Finance Director, Deputy Clerk and continued with the presentation.
- Manager Dr. Moore began the presentation by giving a slideshow on all the programs for all ages such as, OSMO, Coding, Robotics, Drones, 3D Printing, Laser Printing/Engraving, Cricut, Videography/Photography/Sound Studio, Stop Motion Filming, Sewing Center, Plastic Recycling, Graphic Arts and Gaming, Arts and Crafts, Physical Activities and Escape Room Events.
- Deputy Clerk Lopez explained she tried to pick programs for all ages could be included, for instance Coding will start from the little bitty ones and stop at whoever doesn't want to participate. Some programs out there where high schools can work with younger kids for as part as their NHS credit, some programs are where we pay people to come in to work with the kids for camps. I am hoping to work with Valencia Campus a little bit and have some graphic arts students come in and host a camp. There is a lot of opportunities to introduce more technology into the community and help with the education, since New Mexico really suffers in that department, More businesses are going online and its beneficial. This gives the community opportunities for the future instead of having an option of flipping burgers.
- Finance Officer Finch explained we only have till May to spend the money, so we need an approval right away.
- Councilor Gordon asked since you want to reach out to UNM-VC can we reach out to NM-Tech as well. If everything's in place, what outlay needs to happen to get it ready by the summer.
- Finance Officer explained we just need to spend the money before then, because \$75k in purchases will be really difficult to do in a little amount of time, this started a discussion.
- Councilor Gutjahr said the presentation was fantastic, then asked if there will be a planning committee that's going to involve people from schools, especially for staffing and further explained it was Representative McQueen who had also given us the \$50k for the library. She asked when we get these items, where will we put all of them until in use. She suggested for us to look into service organizations to help with these programs.
- Councilor Apodaca said is this whole concept like a mobile classroom, can we take these to different places, or are they going to stay in one place, because my concern is where will the equipment be stored or will it be moving sat on a school bus or such.
- Manager Dr. Moore said as staff we have looked at the master plan for phase 3 of the building which is going to be 3-5 years down the road, but yes somethings can be mobile, we have space to safely store and safely to set up.
- Councilor Winters asked how the presentation is going to be used and this started a discussion.
- Manager Dr. Moore said yes, we can add this to other programs down the road.
- Councilor Gutjahr said this would be an excellent thing to send to the legislatures who funded since we are in the middle of a capital outlay so he can see what our plan is with the \$75k he gave us, continued the discussion.

- Manager Dr. Moore said he can include this with the other presentations to the legislators. Staff did work hard on this presentation.
- Municipal Clerk Adair gave kudos to Deputy Clerk for putting this presentation together and all the work she put into the programs.

### **Accounts payable report**

- Finance Officer Finch explained accounts payable everything over \$500; Two charges for Tyler Technology in the amount of 2,729.48; NM State Printing and Graphics for Revising the Logo in the amount of \$640; Wells Fargo for Dell Server in the amount of 2, 497.73; Three charges for Animal Control in the amount of 4,528.10; J-H Supply Company for Street Signs in the amount of \$1,715.20; Universal Waste for Dumpster Service in the amount of 1,154.92; Two charges to TLC Plumbing and Utility for Fire Departments Heater Repair in the amount of 2,252.87; Two charges to Solve Americas Problems in the amount of \$29,020; Two charges to GSD for health in the amount of \$7,232.58; Two charges for Attorney Fees in the amount of \$9,236.80; Two charges for NM Gas in the amount of \$2,131.38; NM Edge for CPO class in the amount of \$540; Two charges for HDR in the amount of \$8,698.05 Ortega and Son's Propane in the amount of \$734.89; Fuel for the Fire Department in the amount of \$1,016.75; PNM in the amount of \$905.45; HDR in the amount of \$578.72.
- Finance Officer Finch explained for the animal control we pay for how long the animal has been there and for them to pick up their animals and these charges are for 3 months then continued with accounts payable.
- Manager Dr. Moore explained the cost for Universal Waste Systems and how we had 2 roll off for tires (complimentary of Universal Waste), 2 big rolls offs that we paid for as a City. 3 roll offs that the County brought for December 5<sup>th</sup> clean up. He informed Council it was a joint cost with The County and The City.
- Finance Officer Finch explained there were a few repairs needed to be done at the Fire Department on their heating, she went on about how high the gas bill was significantly high but hoping in the near future we will see a reduction and continued with the discussion.
- Dr. Moore explained the reason for the HDR was a catch all and having them look at sites for commercial properties, they are looking at the roads and hoping when we get the funds to start on that project we know where we are looking at first.
- Finance Officer Finch continued with presentation.
- Mayor Ramsell asked about the charges for the fire department was one for Terra Grande.
- Mayor Ramsell explained that charges for the special projects from the attorney had included our personnel review ordinances and for cleanup that citizens haven't cleaned up in a long time.

### **City Logo**

- Manager Dr. Moore began a discussion on the LOGO and how he has gotten positive feedback and would like Council to consider approving later on tonight.
- Councilor Gordon asked how long will the colors last.
- Manager Dr. Moore explained it will depend on what quality of the paint and those types of things.
- Finance Officer Finch explained we could get magnets of the logo and put them on vehicles and for water towers or tanks we can try vinyl graphics instead of paint and continued with the discussion.

- Councilor Apodaca said he is really impressed with the Logo it's really clean and crisp. It's really great to have a professional logo done like this for businesses and companies to consider us.

#### **Resolution 2022 - xx BAR #2**

- Finance Officer Finch went over the BAR and explained we are increasing the revenues by \$30k, and listed all the changes that have been made, such as Postage, Salary Employment, Supplies for Clerk and Finance Departments, Maintenance & Repairs, Utilities etc.
- Manager Dr. Moore as he understands on the flooding there is a requesting reimbursement.
- Finance Officer Finch continued with the discussion by explaining we are increasing the funds for the streets and using some of the capital outlay reimbursement. She further explained we created a new fund for the donation we received from Bill Brown Donation Parks and Public Works, and have made placeholders which include Contract Services, Building infrastructures, Equipment and Machinery, Plan Acquisition. She then explained the fund did come with restrictions and this is the reason the placeholders are in the place for right now and no one is allowed to use it for any other reason.
- Councilor Gutjahr said one of the reasons Finance Officer Finch put items into the fund is that we need to have something under the fund or its going to be difficult later on.
- Finance Officer Finch continued to explain what DFA requires as a place holder and they don't care to much as long as it doesn't go over the bottom line so that's why i mentioned we just put placeholders for now.
- Please see attached Budget Adjustment Register in packet.

#### **Resolution 2022 - Second Quarter Financial Report**

- Finance Officer Finch explained the pooled cash report and the non-pooled cash report and began to read the list starting with the General Operating Fund in the amount of \$2 million, and Corrections, Environmental, EMS, Fire Protection, Law Enforcement Protection, Municipal Street, American Rescue Plan Act, Other Special Revenue.
- Councilor Gordon asked about the COVID relief fund, what can we use it on.
- Finance Officer Finch said it is broad but it has to be due to COVID so we can use it for economic development and use it for to bring more businesses into our community, you can also give your employees temporary pay for working during COVID, water or sewer projects.
- Councilor Apodaca asked if there is a timeline on when this money has to be spent or will it keep rolling over.
- Finance Officer Finch and Dr. Moore explained we have till March of 2024 to spend these funds and continued the discussion.
- Manager Dr. Moore said we are going to be very careful that doesn't exceed what's in the grant and continued with the discussion.
- Finance Officer Finch explained what is in the non-pooled cash report and listed the report.
- Finance Officer Finch explained the general revenue funds which included the end of the year report, She did go into depth on the percentages of each department and how much over all what is left, which lead into a discussion.
- Finance Officer went over other funds and explained that we are seeing a decrease in gas tax since a lot people are going back to work.
- Councilor Gutjahr explained the County EMS GRT pays for the EMT's and Firefighters we hired.



- Finance Officer Finch stated that now since we are seeing more capital projects, we are going to be seeing more action in this fund pretty quickly, especially now that we have been receiving grant agreements we should be moving forward, this continued the discussion.
- Please see attached report in the packet.

### Public Comment

- Tommy Westmoreland asked if we have had any applications for public works or Code Enforcer, then asked for the Ron Gentry on the corner, if he wants to sell where the coffee shop was, would like to see the City purchase. If you guys can make a memorial on the corner, he then said if we can change the zoning for a hospital so we can get on this band wagon for funding and get us in a better position than we are now. He then asked about a peddler's ordinance to work something out to stop people from soliciting. he then asked is the fire department truck white and blue or blue and black. Went on about the status of the fire chief where are we at on that. He said there was issues with getting on the website and to take a look at that. On the presentation about the kids and thinks we should build a pool for the City or get in touch with Belen and see about those passes. He has obtained a registered list of everyone that voted in this City and people from 92 years old to 20 years old have voted.

### Manager Report

#### a) Valencia County Business Incubator - proposal of space

- Manager Dr. Moore explained that he provided to Council Ben Romero who works with several individuals called Incubator and are looking for space in both Los Lunas & Rio Communities to lease the space where our clerks were before.
- Ben Romero explained what the Incubator program is about and gave his presentation.
- Councilor Gutjahr said she remembers when this started and how she was very excited to see it happen before and then things happened but is very excited to move forward.
- Councilor Winters said he thinks this a good program and glad to see it coming again.
- Manager Dr. Moore asked informed Council this will be on the agenda with a lease agreement drawn up soon.
- Councilor Winters said this would be the second and I only know of one more and that is in Belen.
- Councilor Gordon asked what resources would you have for the people.
- Ben Romero explained as of right now just starting off with consulting, then helping out in technology then hopefully more in the future, this started a discussion.

#### b) Electronic Sign update

- Manager Dr. Moore explained that the signs are up, and everything is ready to go.

#### c) Personnel Ordinance

#### d) Streetlight Plan

- Manager Dr. Moore explained they are moving forward and are breaking it up in to 3 phases.

#### e) State Capital Outlay Priorities

- Manager Dr. Moore explained the State Legislators want us to pick our top two priorities that we want done.
- Councilor Apodaca said he thinks law enforcement is at the top of the list as far as the residents wanted us to focus on. Where does law enforcement stand.

- Manager Dr. Moore explained as far a capital outlay priority we do not have it, but that's the reason for the task force and continued with the discussion.

**f) Federal Capital Project Priorities**

- Manager Dr. Moore explained the Federal Projects - storm water drainage system and the road improvements as the top priorities.
- Councilor Winters said I think that's a great start and with the storm water it ties right in to the direction we are going; with the roads we all know we need fixing and like Don Diego rd. cannot fix any other way except tearing the up and fixing them correctly.
- Manager Dr. Moore explained that we have some numbers from HDR so when we go in front of the Governor, we are going to have somewhat concrete numbers.
- Councilor Apodaca asked to go in complete a new road does that mean all new lines before the roads are done.
- Councilor Winters explained we do not owe the lines so we would give the water department to replace it, this started a discussion.
- Councilor Winters said under the streetlights would it be appropriate to see the cost to put in a bus stop and continued with the discussion on expansion.

**Council General Discussion & Future Agenda Items**

- No Council Discussion.

**Adjourn**

- The workshop was adjourned at 5:40 pm.

Respectfully submitted,

\_\_\_\_\_  
Elizabeth (Lisa) Adair, Municipal Clerk  
(Transcribed by Cheyenne Sullivan, Assistant Clerk)

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

Approved:

\_\_\_\_\_  
Joshua Ramsell, Mayor

\_\_\_\_\_  
Margaret (Peggy) Gutjahr, Mayor Pro-tem/Councilor

\_\_\_\_\_  
Arthur Apodaca, Councilor

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Lawrence R. Gordon, Councilor

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Jim Winters, Councilor



**City of Rio Communities Council Regular Business Meeting**  
**City Council Chambers - 360 Rio Communities Blvd**  
**Rio Communities, NM 87002**  
**Monday, January 10, 2022 6:00 PM**  
**Minutes**

*Please silence all electronic devices.*

**Call to Order**

- Mayor Ramsell called the regular business meeting to order at 6:03 pm.

**Pledge of Allegiance**

- Councilor Gordon led the Pledge of Allegiance.

**Roll Call**

- PRESENT: Mayor Joshua Ramsell, Councilor Arthur Apodaca, Councilor Lawrence Gordon, Councilor Peggy Gutjahr and Councilor Jim Winters.
- Present: City Manager Dr. Martin Moore, Municipal Clerk Elizabeth Adair, Finance Officer Stephanie Finch and Valencia County News-Bulletin Editor Clara Garcia.

**Approval of Agenda**

- Motion made by Councilor Gutjahr, Seconded by Councilor Apodaca.  
 Voting Yea: Mayor Ramsell, Councilor Apodaca, Councilor Gordon, Councilor Gutjahr, Councilor Winters

**Resignation of Lawrence R Gordon from the Planning and Zoning Commission**

- Mayor Ramsell read into the minutes letter of resignation for Lawrence R Gordon from Planning and Zoning Commission.
- Councilor Apodaca said glad he is here.
- Councilor Winters said I just want to thank you for his time and efforts on Planning and Zoning and its hard to see someone who has made an impact on a committee leave but very happy he is now part of City Council.
- Mayor said I just want to say thank you for stepping out and being a part of this and everything you have done the last 4 years on Planning and Zoning and taking on new challenges.
- Motion made by Councilor Winters to accept the letter of resignation from Lawrence R Gordon. Seconded by Councilor Gutjahr. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Gutjahr, Councilor Winters. With a 4-0 vote Council accepted the resignation form Lawrence Gordon from the Planning and Zoning Commission.

**Organizational Meeting**

**a) Appointment of Mayor Pro tem**

- Mayor Ramsell made the consideration of Councilor Gutjahr serving as Mayor Pro tem.
- Councilor Winters said the only comment I have is how we appreciate her serving this compacity before and stepping in when our city really needed someone for a long time with a city who was without a manager for a long time, and I think she would be an excellent person for this role.
- Motion made by Councilor Winters to approve the appointment of the roll of Mayor Pro tem to Councilor Peggy Gutjahr. Seconded by Councilor Gordon. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Gutjahr, Councilor Winters. With a 4-0 vote Council approved the appointment of Margaret "Peggy" Gutjahr as Mayor Pro tem.

### **b) Re-Appointment of Judge Pro tem**

- Mayor asked for the recommendations for Judge Pro tem to Michael Vallejos.
- Councilor Gutjahr said when we appointed him for Judge Pro tem, we were very pleased with what he was going to bring to the position.
- Motion made by Councilor Gutjahr move to re-appoint Judge Pro tem Michael Vallejos. Seconded by Councilor Winters. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Gutjahr, Councilor Winters. With a 4-0 vote Council approved the re-appointment of Michael Vallejos for Judge Pro tem.

### **Approval of Minutes for City Council Special Workshop with P&Z 12/8/2021 & Special Workshop with EDC 12/13/2021**

- Motion made by Councilor Gutjahr for the approval of the minutes for the City Council Special Workshop with P&Z 12/08/2021 and Special Workshop with EDC 12/13/2021. Seconded by Councilor Winters.  
Voting Yea: Councilor Apodaca, Councilor Gutjahr, Councilor Gordon, Councilor Winters. With a 4-0 vote the minutes for the special workshops with P&Z 12/8/2021 and EDC 12/13/2021 were approved as written.

### **Minutes for the City Council Workshop & Regular Business Meeting (12/13/2021)**

- Motion made by Councilor Gutjahr moved to approve the City Council Workshop and Regular Business Meeting of 12/13/2021. Seconded by Councilor Apodaca. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Gutjahr, Councilor Winters. With a 4-0 vote the minutes for the City Council regular workshop and business meeting of 12/13/2021 were approved as written.

### **Public Comment**

- Phillip stated he is a resident of Belen but has a business in Rio Communities called Paul's Sons Signs and Graphics. He then asked for a little bit of leniency as he presents. He proceeded with telling the Council that a few months back he came to tell them about illegal use of ATV(s), was told we would look into it and will take action, he was told since he wasn't a resident, he didn't have a voice. He explained he is a voice of reason, safety, and concern and bringing up this matter shows a serious problem does exist and an action must take place.

### **Manager Report**

- Manager Dr. Moore stated the two phases of the electronic sign are now complete and would like to thank everyone who has helped with this project. The wiring is in its correct place, the next step forward is phase three, which is having an electrician come and connect the sign together and then start training with the company.
- Manager Dr. Moore explained the signs weigh approximately 900 pounds apiece but are substantially anchored and appreciate all the companies that have helped us get where we are.
- Manager Dr. Moore then stated we are still continuing with our streetlight plans and will provide plans to the Council so they can give incite on the project. He then goes on to explain that we should expect and talking with the Mayor we suggested this is a good time to introduce our Mayor and our City Manager to our State Legislators in Santa Fe to show them what we have done and will do in the future, and introduce our top priorities such as or geared towards public safety, our roads lights, our erosion due to the flooding, to show the funding we are asking for will be going to address these specific public things.

- Councilor Gutjahr stated she is thrilled to have the sign up.
- Councilor Apodaca said he also is happy about the sign and the logo, and they both are making us look very professional and it's just another step in the right direction.

### **Municipal Court Department**

- See agenda packet for report.

### **Approval of Accounts Payable**

- Councilor Gutjahr said there were 2 sets, one from December and the most recent and the one I was looking at was for HDR Engineering and I know we have spent about \$7k with them, which they are looking at the road issues, but I don't have any other concerns.
- Councilor Winters said our gas bill was sky high and I'm pretty sure our citizens are seeing the same thing right now and have no choice but to pay and try to find ways to reduce the amount.
- Motion made by Councilor Winters to pay accounts payable as presented. Seconded by Councilor Gordon. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Gutjahr, Councilor Winters. With 4-0 vote accounts payable was approved for payment.

### **Community & Youth Program Grant**

- Manager Dr. Moore said Legislator McQueen in the last year's legislative session had came up with \$75k to start our junior appropriation which is a direct benefit for the citizens of the community, we gave a presentation at the workshop, talking about creating something called makers space, which will be available to the public, this program is from pre-k to adults and tying in with the library and also with programs that are vocational its giving people chances to get hands on graphics and technology that I haven't even heard of, we highly recommend approval of the proposal and we proceed forward.
- Councilor Winters said the presentation today was a very good presentation and if this gives us the ability to, with the assists or calibration with some of the other clubs or Cities, for us to create some programs just like the library where we can get kids busy and off the street not riding the ATV's all the time. I think it's a great program and thank Matthew McQueen for providing these funds for us and this one is an interesting program and ties with the library as well some of these skills youth and adults haven't seen before and think they will be very interested in it.
- Councilor Apodaca said someone earlier talked about giving some kids tickets to Belen swimming pool, and I don't know if there are any other funds available to buy resource materials plus throw a little money to the swimming pool as well. I liked the idea of buying tickets and handing them out to the kids.
- Councilor Gutjahr said there are very strict requirements on what the grants go for and may not be able to do so and then said there are multiple organizations that have wanted to work with us, the money that has to be spent has to be done by May is to have the purchases done by May the projects don't have to be done by then. She then went on by saying this is the first time I do have to say that a program is from little kids on up and it being so inclusive and innovative in quite a while.
- Manager Dr. Moore said we currently have on the \$3,000 to go to the summer recreation in conjunction with the City of Belen and possibly have other discussions as well and definitely see if the pool can be on that discussion with Belen, Los Lunas, and the county all of us talking together.

- Mayor Ramsell said this program does include the Pre-K level all the way to High School including programs such as OSMO Early Learning System, Coding, Robotics, Drones, 3D printing, Laser printing/Engraving, Circuit, Photography, Video/Sound, Filming, Plastic Recycling, of course Graphic Arts and Designing so it's an extremely broad program that allows pretty much anyone into it.
- Motion made by Councilor Gutjahr to approve the community youth program as presented. Seconded by Councilor Apodaca. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Gutjahr, Councilor Winters. With a 4-0 vote Council approved the proposal for the Community & Youth Program Grant.

### **City Logo**

- Manager Dr. Moore explained we do recommend the approval of the new logo.
- Councilor Winters said he heard today it was very professional and it's something our old logo did not have and goes very well with our tag line as well.
- Mayor Ramsell said I agree with Councilor Winters and thinks it's very forward moving and very professional and this started a discussion.
- Motion made by Councilor Gordon to accept the City Logo. Seconded by Councilor Winters. Voting Yea: Mayor Ramsell, Councilor Apodaca, Councilor Gordon, Councilor Gutjahr, Councilor Winters. With a 4-0 vote Council approved the new City Logo.

### **Resolution 2022 - xx BAR #2**

- Finance Officer Finch explained we went over the budget adjustment today in the workshop and was wondering if anyone had any questions.
- Councilor Gutjahr said really appreciated how you explained to us about our quarterly report.
- Motion made by Councilor Gutjahr to approved Resolution 2022-01 BAR #2. Seconded by Councilor Apodaca. Voting Yea: Councilor Apodaca Councilor Gordon, Councilor Gutjahr, Councilor Winters. With a 4-0 vote Resolution 2022-01 BAR #2 was passed, approved, adopted, and signed.

### **Resolution 2022 - Second Quarter Financial Report**

- Mayor Ramsell explained we went over the second quarterly report in the workshop does anyone have questions or comments.
- Councilor Winters said it appears the City is in fine shape as far as we needed to be overall. We had adjustments such as bills being higher than we anticipated as in catching more dogs and cats then normal but it's just a thing with Cities and think we are in good shape.
- Councilor Gutjahr said our finance director is really good at looking where we are percentage wise halfway thru the year, going back to the BAR, those areas that we spent more than 50% are actually being balanced right now and was really good to see where we are as a City.
- Finance Director Finch said it is very important to keep Council aware since they are the ones who approve the budget and its very important to keep you guys abreast of the situation.
- Mayor Ramsell thanked Ms. Finch for taking the time to hear comments or questions as needed.
- Motion made by Councilor Gutjahr, Seconded by Councilor Winters. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Gutjahr, Councilor Winters. With a 4-0 vote Resolution

2022-02 Second Quarter Financial Report was passed, approved, adopted, and signed.

### Council Discussion

- Councilor Apodaca no comments.
- Councilor Gutjahr explained if there is going to be a new Councilors training.
- Manager Dr. Moore explained that there are some but virtually this year and are talking about a in-person training but have not set a date. This started a discussion.
- Councilor Gutjahr said on the conservancy to what Mr. Phillips had mentioned, since there has been vandalism has anyone changed the locks. This also started a discussion.
- Councilor Gutjahr said she would like to have this matter on another agenda, but has brought this up before, she would like to have a different form to be able to bring people from outside virtually such as zoom or other means.
- Councilor Gordon said when it comes to the comprehensive plan, we are going to start having our own school system soon and breakaway from Belen, since they are closing down a school maybe talk about adding a school out here. He then said was contacted by the African American Chamber of Commerce and was asked to speak on behalf of Rio Communities sometime in February.
- Councilor Winters said we have a problem with our sign when you come into the City, it is in private hands, they need to have a meeting with the property owners and see what their plans are with the sign because we really need a better introduction to the City.
- Mayor Ramsell said with the energy audit City wide, the fire department is trying all they can to reduce usage but not sure if we can order exterior LED lights to make it brighter and energy efficient, also the fire departments current heating system tends to bake the paint on their vehicles but need to figure out a way to maintain this situation.

### **Executive Session - For the purpose of Limited Personnel Matters pursuant to NMSA 10-15-1(H)(2) - Fire Chief Recruitment and for the discussion of the purchase, addition or disposal of real property or water rights by the public body pursuant to NMSA 10-15-1(H)(8)**

- **Motion and roll call vote to go into close session**
  - Motion made by Councilor Gutjahr to go into executive session - For the purpose of Limited Personnel Matters pursuant to NMSA 10-15-1(H)(2) - Fire Chief Recruitment and for the discussion of the purchase, addition or disposal of real property or water rights by the public body pursuant to NMSA 10-15-1(H)(8). Seconded by Councilor Winters.  
Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Gutjahr, Councilor Winters.  
With a 4-0 vote Council went into executive session at 6:58 pm.
- **Motion and roll call vote to go back into the regular business meeting session**
  - Motion made by Councilor Gutjahr to go back into regular business meeting session. Seconded by Councilor Winters. Voting Yea: Councilor Apodaca, Councilor Gordon, Councilor Gutjahr, Councilor Winters. With a 4-0 vote Council returned to the regular business meeting session at 7:55 pm.
- **Welcome everyone back and statement by the Mayor Pro-tem**
  - Mayor Ramsell stated: The Governing Body of the City of Rio Communities, New Mexico, hereby states that on January 10, 2022 a Closed Executive Session was held and the matters discussed were for the purpose of Limited Personnel Matters pursuant to NMSA 10-15-1(H)(2) - Fire Chief Recruitment and for the discussion of the purchase, addition or

disposal of real property or water rights by the public body pursuant to NMSA 10-15-1(H)(8) as posted on the agenda.

**Action Items - Consideration & Decision – Mayor Pro-tem recommendation regarding the purpose of Limited Personnel Matters pursuant to NMSA 10-15-1(H)(2) - Fire Chief Recruitment and for the discussion of the purchase, addition or disposal of real property or water rights by the public body pursuant to NMSA 10-15-1(H)(8)**

- Mayor Ramsell said there was no recommendations or actions taken.

**Adjourn**

Councilor Winters moved to adjourn. The motion was second by Councilor Gordon. With a 4-vote the City Council regular business meeting was adjourned at 7:56 pm.

Respectfully submitted,

\_\_\_\_\_  
Elizabeth (Lisa) Adair, Municipal Clerk  
(Transcribed by Cheyenne Sullivan Assistant Clerk)

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

Approved:

\_\_\_\_\_  
Joshua Ramsell,  
Mayor

\_\_\_\_\_  
Margaret (Peggy) Gutjahr,  
Mayor Pro-tem/Councilor

\_\_\_\_\_  
Arthur (Art) Apodaca,  
Councilor

\_\_\_\_\_  
Lawrence R. Gordon,  
Councilor

\_\_\_\_\_  
Jim Winters,  
Councilor





# ***Proclamation***

## **OPTIMIST DAY**

**The First Thursday of every February**

- WHEREAS,** Volunteers working with young people who are our joy of today and are our hope for tomorrow, are exuberant representatives of the potential to be reached and dreams to come true. They are also unbounded in their enthusiasm to use their own talent, skills, and hard work to make a difference in others' lives, and;
- WHEREAS,** Members of Optimist International will celebrate OPTIMIST DAY throughout the world the first Thursday of every February to promote their efforts in helping and recognizing the young people that make a difference in their communities and who will encourage a greater exchange of ideas between young people and adults, and;
- WHEREAS,** There are 2400 Optimist Clubs, with more than 70,000 Members, in Optimist International and Optimist members throughout the world that carry out more than 6500 service projects that serve six million young people a year;
- THEREFORE, BE IT RESOLVED,** that I, Joshua Ramsell, Mayor of the City of Rio Communities, issue this Proclamation declaring the first Thursday of every February as Optimist Day in the City of Rio Communities. May this day instill pride in our city's Optimists for all of their accomplishments and for the impact they have to truly make a difference in others' lives.

**PROCLAIMED** this 24<sup>th</sup> day of January 2022

\_\_\_\_\_  
Joshua Ramsell,  
Mayor

Attest: \_\_\_\_\_

Elizabeth F. Adair  
Municipal Clerk

## Administrative Procedures Yearly Calendar 2022

### • January

- January 10<sup>th</sup> Consider BAR (Budget Adjustment Resolution) as necessary present to Governing Body
- January 10<sup>th</sup> 2nd Quarter Financial Report to DFA
- January 13<sup>th</sup> deadline, Capital Outlay requests to Legislature, online application, must be congruent with ICIP that was filed in September
- January 18 Legislative Session Starts
  - Present Capital Outlay Requests to Legislators Deadline January 13, 2022
- January 24<sup>th</sup> Open Meetings Resolution
- Compile and average revenue predictions for FY 2023 Budget
- First payment on Mill Levy for Municipal Operational from Valencia County Treasurer
- (CPMS) Capital Project Monitoring System, online report to DFA due last day of the month each and every month
- Track GRT revenue reports
  - GRT funding monthly
  - 455 Reports every 2 months

### • February

- February 1<sup>st</sup> Valencia County Administrators Group (VCAG) – Bosque Farms
- February 4<sup>th</sup> (registration open) NMML Municipal Day, Santa Fe, La Fonda Hotel
- February 8<sup>th</sup> (online registration by February 1<sup>st</sup>) (virtual) NMML Self Insurers' Fund Defensive Driving Course (DDC)
- February 14<sup>th</sup> Budget Calendar to Council
- February 14<sup>th</sup> establish Transportation Committees, Albuquerque Metropolitan Transportation Plan, (MRCOG) Mid Region Council of Governments, managing fiscal agent
  - TCC Transportation Coordinating Committee 1<sup>st</sup> Friday monthly
  - MTB Metropolitan Transportation Board 3<sup>rd</sup> Friday monthly
  - RMRTD Rio Metro Regional Transit District 3<sup>rd</sup> Friday Monthly
  - NMDOT every other month Belen City Hall
- February 15<sup>th</sup> VALEO Valencia Association of Local Officials, 6:00 pm, TBD
- February 17<sup>th</sup> Department head meeting on Budget request
- February 17<sup>th</sup> Legislative Session Adjourns
- February TBD LEPP Application sent out to municipality
- February TBD Deadline for DFA determination of CDBG Compliance
- NMDOT Commission meeting
- Review year end Valencia Regional Emergency Control Center (VRECC) reports
- Meeting to start the NMDOT Co-op, LGRF and MAP grant(s) – City Manager to arrange
- Compile and average revenue predictions for next FY 2023 Budget
- February 28<sup>th</sup> Personnel/evaluations, to Manager for yearly reviews for FY Budget consideration in July

### • March

- March 1<sup>st</sup> Department heads consolidate and submit budget requests
  - Finance
  - Clerk

- Administrative/Manager
- Public Works
- Rio Communities Fire Department
- Municipal Court
- VRECC Contract
- Valencia County Sheriff
- Valencia County Continuation of Services Agreement
- March TBD Submit completed NMDOT CO-OP Road Improvement, LGRF, Map grant(s) application
- CDBG Grant Application Workshop (TBD)
- Submit CDBG Grant application (TBD)
- March 24-25 MOLI & Newly Elected Officials Training, Drury Plaza Hotel, Santa Fe
- March 31 Submit Law Enforcement Protection Fund (LEPF) Application
- Negotiate and sign Valencia County Continuation of Services Agreement
  - Animal Control
  - Addressing
- Negotiate VC Sheriff's Agreement and sign prior to LEPF application
- Small Cities Assistance Fund revenue is dispersed to municipalities
- **April**
  - April 5<sup>th</sup> Valencia County Administrators Group (VCAG) – Rio Communities (TBA)
  - Set dates and hold initial Interim Budget Public Hearings
  - Present Rough Draft FY Budget to Council/Mayor
  - April 19-22 CFOA Spring Meeting – Drury Plaza Hotel, Santa Fe
  - TBD Districts Meeting – All Districts (8)
  - TBD NMML District Elections – Odd Numbered Districts
  - TBD Budget hearing
  - TBD Budget hearing (if needed)
  - April - canceled Family Health Fair
  - 3<sup>rd</sup> Quarter Reports to DFA
- **May**
  - May TBD Municipal Judges Conference
  - May 17 VALEO Valencia Association of Local Officials, 6:00 pm TBD
  - May 22-25 IIMC (municipal Clerk) Annual Conference, Little Rock, Arkansas
  - TBD MOLI Advanced Program
  - TBD MOLI Education Program
  - TBD NM City Management Association Conference
  - FY 2023 Budget and approval by Governing Body
  - Approve final BAR, Budget Adjustment Resolutions for current FY 2023 as needed
  - TBD – Library Opening
- **June**
  - June 1 Interim FY 2023 Budget to DFA/LGD - deadline
  - June 7 Valencia County Administrators Group (VCAG) – Belen (TBA)
  - June 5-8 116<sup>th</sup> Annual National GFOA Conference – Neal Kocurek Memorial Austin Convention Center, Austin TX TBD Municipal Court Staff Conference

- TBD Municipal Court Staff Conference
- June 28 Letter Declaring candidacy for NMML Board Must be received at the NMML office
- June 30 Report of Declared NMML Board Candidates sent to all members
- June 30 In absence of any NMML Nomination/Declaration of candidacy the League President appoints a Nominating Committee
- TBD Policy Committee Meeting
- Governing Body approve end-of-year budget adjustments current year
- Final FY 2023 Budget approval to DFA/LGD by June 30<sup>th</sup>

## • July

- TBD NM City Management Association Conference
- TBD Resolutions Committee Meeting
- Finance submits end-of-year budget adjustments before July 31<sup>st</sup> to DFA/LGD (if needed)
- 4<sup>th</sup> Quarter Reports to DFA
- Final FY 2023 Budget review and approval by DFA/LGD
- Begin Infrastructure Capital Improvement Plan (ICIP) Public Hearings
  - Use Comprehensive Plan as outline

## • August

- August 2 Valencia County Administrators Group (VCAG) – Los Lunas – TBD
- August 16 VALEO Valencia Association of Local Officials, TBD 6:00 pm
- “Meet Your Legislator Day” Rio Communities (3<sup>rd</sup> Wednesday of September – notification letters go out to legislators)
- Hold remaining 2024 -2028 ICIP Public Hearings and compile for September 01 submittal deadline  
(note for 2022\* approve ICIP resolution last meeting of the month)
- Finance Department compile paperwork for upcoming annual audit
- August 22 ICIP resolution
- TBD NMML Annual Conference

## • September

- DFA/LGD Final FY 2023 Budget approval 1<sup>st</sup> Monday
- Certification of tax rates to County through DFA/LGD
- Prior FY 2022 Audit begins
- TBD NMML Governance Program – La Posada Hotel, Santa Fe
- September 17-21 ICMA (manager) 108<sup>th</sup> Annual Conference – Columbus, OH
- September 21<sup>st</sup> “Meet Your Legislator Day” Rio Communities

## • October

- October 4 Valencia County Administrators Group (VCAG) – Bosque Farms (TBA)
- TBD Adult Health Fair
- TBD Clerks Certification Institute
- TBD Master Municipal Clerks Academy
- TBD NM Library Association Annual Conference – Albuquerque Marriott Pyramid North
- TBD Infrastructure Conference
- Consider BAR (Budget Adjustment Resolution) as necessary present to Governing Body
- 1<sup>st</sup> Quarter Reports to DFA

- **November**

- November 15<sup>th</sup> VALEO Valencia Association of Local Officials, 6:00 pm TBD
- CDBG Public Hearings (set dates) for project input Dec. – Jan (3 minimum)
- TBD MOLI Leadership Program
- TBD DFA/LGD Budget Workshop
- P & Z Present Comprehensive Plan and adjustments to the Governing Body

- **December**

- December 6<sup>th</sup> Valencia County Administrators Group (VCAG) – Rio Communities (TBD)
- December 15<sup>th</sup> Business License renewal letters go out (clerks office) with Jan. 01 tax rate specified  
TBD NM City Management Association Conference
- TBD NMGFOA Winter Conference
- Set monthly cleanup dates 2023
- Approve 2023 Official holidays



Rio Communities, NM

# Accounts Payable Approval Report

## By Fund

Item 6.

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
<b>Fund: 11000 - General Operating Fund</b>					
<b>Department: 1009 - Municipal Court</b>					
Sharp Electronics Corporation	13071010	01/18/2022	Equipment for Voice Over IP (V...	11000-1009-56040	106.17
<b>Department 1009 - Municipal Court Total:</b>					<b>106.17</b>
<b>Department: 2001 - Manager</b>					
Sharp Electronics Corporation	13071010	01/18/2022	Equipment for Voice Over IP (V...	11000-2001-56040	186.28
<b>Department 2001 - Manager Total:</b>					<b>186.28</b>
<b>Department: 2002 - General Administration</b>					
Sharp Electronics Corporation	13042800	01/18/2022	Voice Over IP Phone System	11000-2002-57160	1,375.00
Sharp Electronics Corporation	13071010	01/18/2022	Equipment for Voice Over IP (V...	11000-2002-56040	908.14
TLC Plumbing & Utility Commer...	157188	01/23/2022	Yearly HVAC Maintenance - City	11000-2002-55999	1,307.20
Wells Fargo Financial Leasing	5018393675	01/23/2022	Dell Server Lease	11000-2002-57130	2,497.74
Wells Fargo Financial Leasing	5018516412	01/23/2022	Sharp Copier Lease	11000-2002-57130	138.42
Home Depot	661041921	01/23/2022	Items for City Hall	11000-2002-54010	125.65
Home Depot	662008440	01/23/2022	Items for City Hall	11000-2002-54010	91.12
Sharp Electronics Corporation	9003624759	01/23/2022	Copies for City Hall	11000-2002-57090	421.95
<b>Department 2002 - General Administration Total:</b>					<b>6,865.22</b>
<b>Department: 2004 - Finance/Budget/Accounting</b>					
Sharp Electronics Corporation	13071010	01/18/2022	Equipment for Voice Over IP (V...	11000-2004-56040	558.53
Quest Diagnostics	9196379676	01/23/2022	pre-employment drug screening	11000-2004-55999	33.50
<b>Department 2004 - Finance/Budget/Accounting Total:</b>					<b>592.03</b>
<b>Department: 2008 - Municipal Clerk</b>					
Sharp Electronics Corporation	13071010	01/18/2022	Equipment for Voice Over IP (V...	11000-2008-56040	569.59
<b>Department 2008 - Municipal Clerk Total:</b>					<b>569.59</b>
<b>Department: 3001 - Law Enforcement</b>					
Sharp Electronics Corporation	13071010	01/18/2022	Equipment for Voice Over IP (V...	11000-3001-56040	186.28
<b>Department 3001 - Law Enforcement Total:</b>					<b>186.28</b>
<b>Department: 3004 - Animal Control</b>					
Valencia County Fiscal Office	AC2022-29	01/23/2022	Animal Control	11000-3004-55999	294.80
<b>Department 3004 - Animal Control Total:</b>					<b>294.80</b>
<b>Department: 5101 - Public Works</b>					
Sharp Electronics Corporation	13071010	01/18/2022	Equipment for Voice Over IP (V...	11000-5101-56040	186.28
<b>Department 5101 - Public Works Total:</b>					<b>186.28</b>
<b>Fund 11000 - General Operating Fund Total:</b>					<b>8,986.65</b>
<b>Fund: 20900 - Fire Protection</b>					
<b>Department: 3002 - Fire Protection</b>					
Comcast Business	8497950810007269 529.28	01/10/2022	Telecommunications	20900-3002-57160	529.28
Napa Auto Parts	445317	01/12/2022	supplies	20900-3002-54060	31.98
Napa Auto Parts	445318	01/12/2022	supplies	20900-3002-54060	14.49
Napa Auto Parts	446732	01/12/2022	supplies	20900-3002-54060	126.59
Napa Auto Parts	446750	01/12/2022	supplies	20900-3002-54060	430.45
Sharp Electronics Corporation	13071010	01/18/2022	Equipment for Voice Over IP (V...	20900-3002-56040	288.73
TLC Plumbing & Utility Commer...	SM53700502	01/20/2022	Repair HVAC Units - Fire Depar...	20900-3002-54050	1,393.96
TLC Plumbing & Utility Commer...	157210	01/23/2022	Yearly HVAC Maintenance - Fire...	20900-3002-55999	677.70
<b>Department 3002 - Fire Protection Total:</b>					<b>3,493.18</b>
<b>Fund 20900 - Fire Protection Total:</b>					<b>3,493.18</b>
<b>Grand Total:</b>					<b>12,479.83</b>

## Report Summary

## Fund Summary

Fund	Expense Amount
11000 - General Operating Fund	8,986.65
20900 - Fire Protection	3,493.18
<b>Grand Total:</b>	<b>12,479.83</b>

## Account Summary

Account Number	Account Name	Expense Amount
11000-1009-56040	Supplies-Furniture/Fixture...	106.17
11000-2001-56040	Supplies-Furniture/Fixture...	186.28
11000-2002-54010	Maintenance & Repairs - ...	216.77
11000-2002-55999	Contract - Other Services	1,307.20
11000-2002-56040	Supplies-Furniture/Fixture...	908.14
11000-2002-57090	Printing/Publishing/Advert..	421.95
11000-2002-57130	Rent of Equipment/Machi...	2,636.16
11000-2002-57160	Telecommunications	1,375.00
11000-2004-55999	Contract - Other Services	33.50
11000-2004-56040	Supplies-Furniture/Fixture...	558.53
11000-2008-56040	Supplies-Furniture/Fixture...	569.59
11000-3001-56040	Supplies-Furniture/Fixture...	186.28
11000-3004-55999	Contract - Other Services	294.80
11000-5101-56040	Supplies-Furniture/Fixture...	186.28
20900-3002-54050	Maintenance & Repair - F...	1,393.96
20900-3002-54060	Maintenance Supplies	603.51
20900-3002-55999	Contract - Other Services	677.70
20900-3002-56040	Supplies-Furniture/Fixture...	288.73
20900-3002-57160	Telecommunications	529.28
Grand Total:		12,479.83

## Project Account Summary

Project Account Key	Expense Amount
**None**	12,479.83
<b>Grand Total:</b>	<b>12,479.83</b>

Authorization Signatures

MAYOR & COUNCILORS

\_\_\_\_\_

JOSHUA RAMSELL, MAYOR

\_\_\_\_\_

MARGARET "PEGGY" GUTJAHR, MAYOR PRO-TEM

\_\_\_\_\_

LAWRENCE GORDON, COUNCILOR

\_\_\_\_\_

ARTHUR APODACA, COUNCILOR

\_\_\_\_\_

JIM WINTERS, COUNCILOR

ATTEST:

\_\_\_\_\_

ELIZABETH "LISA" ADAIR, MUNICIPAL CLERK





## CITY OF RIO COMMUNITIES

360 Rio Communities Blvd.  
Rio Communities, NM 87002  
505-861-6803  
[www.riocommunities.net](http://www.riocommunities.net)

January 24, 2022

Dear Mayor Ramsell & City Council,

We are respectfully requesting your approval to purchase a 2021 Ferrara Pumper Truck for the Fire Department. This truck has been procured through a CES Price Agreement. Below is a breakdown of the funding we are going to use to make the purchase:

Grant 21-F4091	\$220,000.00
Grant 21-F2948	\$204,000.00
EMS GRT Funds	\$40,348.00
<b>Grand Total Cost</b>	<b>\$464,348.00</b>

Sincerely,

\_\_\_\_\_  
Stephanie Finch  
Finance Officer/Treasurer

\_\_\_\_\_  
Angela Valadez  
Chief Procurement Officer

\_\_\_\_\_  
Martin D. Moore  
City Manager

\_\_\_\_\_  
Andrew Tabet  
Interim Fire Chief



**Equipment, LLC**

**1815 4<sup>th</sup> Street NW, Albuquerque, NM 87102**  
**(505) 280-9143 Phone**

Item 7.

November 12, 2021

Rio Communities  
Fire Chief  
Andrew Tabet

Dear Chief Tabet:

I would like to offer the fire department a new 2021 NFPA 1901 Compliant Custom Ferrara Pumper via my CES Contract #2020-31B-411. The price for this unit as specified on the attached specifications would be \$464,348.00. The calculation is below.

CES-13 Base Price	\$431,615.00
Total of Published Options	<u>42,209.00</u>
Subtotal	\$473,824.00
CES 2% Discount	<u>(9,476.00)</u>
Total Price	\$464,348.00

This price includes delivery and training.

The attached options price schedule has the option features highlighted. A copy of the contract and price schedules have been attached. The \$2,000 CES fee will be paid by 411 Equipment LLC.

Please give me a call if you have any questions. This truck is in stock and available for immediate delivery.

Thank you for the opportunity,

Digitally signed by Pete Marquez, Jr  
DN: cn=Pete Marquez, Jr, ou=411 Equipment LLC,  
email=jrmarquez@411equipment.com, c=US  
Date: 2021.11.12 14:51:08 -07'00'

Pete Marquez, Jr.  
Owner/GM

# CITY OF RIO COMMUNITIES, NEW MEXICO

## OPEN MEETINGS ACT RESOLUTION 2022 - 03

### A RESOLUTION CONCERNING GOVERNING BODY MEETINGS AND THE PUBLIC NOTICE REQUIRED

**WHEREAS,** the Governing Body of the City of Rio Communities met in regular session at the City Council Chambers, 360 Rio Communities Blvd., Rio Communities, NM on January 24, 2022 at 6:00 p.m. as required by law; and

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

**WHEREAS,** Section 10-15-3 (A), NMSA 1978 provides that "No resolution, rule, regulation, ordinance or action of any board, commission, committee or other policymaking body shall be valid unless taken or made at a meeting held in accordance with the requirements of Section 10-15-1 NMSA 1978"; and

**WHEREAS,** Section 10-15-4, NMSA 1978 provides that "Any person violating any of the provisions of Section 10-15-1 or 10-15-2 NMSA 1978 is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars (\$500) for each offense"; and

**WHEREAS,** Section 10-15-19 (D) requires that "Any meetings at which the discussion or adoption of any proposed resolution, rule, regulation, or formal action occurs, and at which a majority or quorum of the body is in attendance and any closed meetings, shall be held only after reasonable notice to the public. The affected body shall determine at least annually in a public meeting what notice for a public meeting shall be reasonable when applied to that body."

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the City of Rio Communities, New Mexico that:

1. Notice shall be given at least six (6) days in advance of any regular meeting of a quorum of the members of the governing body or any board, commission, committee, agency, authority, or other policy-making body held for the purpose of discussion public business or taking any formal action within the authority of

such body.

2. The regularly scheduled meetings of the governing body will be held at 6:00 P.M. on the second and fourth Monday each month in the City Council Chambers located at 360 Rio Communities Blvd, Rio Communities, New Mexico. In the event that the regular meeting date falls on a legal holiday, the governing body shall designate an alternate meeting date and/or time to be published as provided in this Resolution. In the event that a regular meeting of the governing body is changed to a different location, advance notice of the meeting location shall be published as provided in this Resolution.

A member of the governing body may participate in a meeting of the governing body by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member participating by conference telephone can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the governing body who speaks during the meeting.

3. Notice shall be given at least three (3) days in advance of any special meeting of a quorum of the members of the governing body, board, commission, committee, agency, authority, or other policy-making body held for the purpose of discussing public business or taking any formal action within the authority of such body.
4. The notice requirements of Section 1, 2 and 3 of this Resolution are complied with if notice of the date, time, place, and subject matter of any regular or special meeting are published. Additionally, the notice shall contain information on how the public may obtain a copy of the meeting agenda, said agenda to be available at least six (6) days in advance of any regular meeting and a final agenda, if needed, at least seventy-two (72) hours prior to the meeting. "Publish" means printing in a newspaper which maintains an office in the municipality and is of general circulation within the municipality. If such newspaper is a non-daily paper which will not be circulated to the public in time to meet publication requirements, or, if no such newspaper exists, "publish" shall mean posting in at least six (6) public places within the municipality, website and one of the public places where posting shall be made is the office of the municipal clerk, who shall maintain posting for public inspection
5. *Within the time limits specified. That at least six (6) of the eight (8) public places listed below a notice shall be posted:*

Rio Communities City Hall  
New Mexico Water Department  
United Business Bank

Oasis Cafe  
Chamesa

The Clerk may, in addition to posting, publish one or more times in a newspaper of general circulation within the municipality, even though it does not maintain an office within the municipality. In addition, written notice of such meetings shall be mailed or faxed to federally licensed broadcast stations and newspapers of general circulation in the municipality, which have provided a written request for such notice.

6. Notwithstanding any other provisions of sections 1 through 4 of this Resolution, governing body may establish such additional notice requirements as may be deemed proper and advisable to comply with the provisions of the Open Meetings Act.
7. The governing body of the City of Rio Communities may close a meeting to the public only pursuant to exclusions contained in Section 10-15-1, Subsection H, NMSA 1978. If a meeting is closed during an open meeting, such disclosure shall be approved by a majority vote taken during the open meeting. The authority for the closed meeting and subjects to be discussed shall be stated with reasonable specificity in the motion to close and the vote of each individual member on the motion to close shall be recorded in the minutes. Only those subjects specified in the motion may be discussed in the closed meeting. If a closed meeting is called when the governing body of the City or Rio Communities is not in an open meeting, the closed meeting shall not be held until public notice, appropriate under the circumstances, stating the specific provision of law authorizing the closed meeting and the subjects to be discussed with reasonable specificity, is given to the members and the general public. Following completion of any closed meeting, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state whether the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure. Except as provided in Section 10-15-1 (H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by a vote of the governing body of the City of Rio Communities in an open meeting.
8. Notwithstanding any other provision of sections 1 through 7 of this Resolution, the governing body of the City of Rio Communities may call emergency meetings of the governing body, any board, commission, committee or other policymaking body of the municipality. Emergency meetings will be called only under unforeseen circumstances, which demand immediate action to protect the health, safety, and property of the citizens or to protect the municipality from substantial financial loss. The City of Rio Communities will avoid emergency meetings whenever possible. Emergency meetings may be called upon twenty-four (24) hours' notice unless threats of personal injury or property damage require less notice. The notice for all emergency meetings shall include an agenda for the meeting or information on how the public may obtain a copy of the agenda.

**PASSED, APPROVED AND ADOPTED THIS 24<sup>th</sup> DAY OF JANUARY 2022 BY THE GOVERNING  
BODY OF THE CITY OF RIO COMMUNITIES, NEW MEXICO.**

**City of Rio Communities Governing Body**

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Joshua Ramsell,  
Mayor

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Margaret (Peggy) Gutjahr,  
Councilor Mayor Pro-tem

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Arthur (Art) Apodaca,  
Councilor

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Lawrence R. Gordon,  
Councilor

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Jimmie Winters,  
Councilor

ATTEST:

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Elizabeth F. Adair,  
Municipal Clerk

**AGREEMENT FOR LEASE OF  
CITY OF RIO COMMUNITIES' PROPERTY**

**LEASE AGREEMENT** ("Lease") between the Valencia County Business Incubator ("User" or "VCIB"), as lessee, and the City of Rio Communities, a New Mexico municipal corporation ("City"), as lessor.

**WHEREAS**, User is a 501(c)(3) organization which provides a support system of mentorship, consulting, training, and finding lending sources to help clients successfully strengthen and grow their new/existing businesses through sustainable sales, financial knowledge, and job creation through the creation of a business incubator; and

**WHEREAS**, VCIB provides a valuable service to the residents of the City of Rio Communities; and

**WHEREAS**, the VCIB, requires the use of a facility from which it can provide a home to potential entrepreneurs within the City of Rio Communities; and

**WHEREAS**, the City of Rio Communities owns certain real property and a building located at **360 Rio Communities Blvd., New Mexico, 87002** ("Subject Property") which it desires to lease use of the front entryway on the northwest corner of the Subject Property along with the reception office immediately behind this entrance, the restrooms in the hallway immediately east of the library, and the office in the far northwest corner of the Subject Property (the portion of the Subject Property leased to VCIB shall hereafter be referred to as the "Premises") for the purpose of providing a business incubator within the City of Rio Communities under the terms and provisions of this Agreement.

**WHEREAS**, Upon request by VCIB and approval by the City Manager, the City may provide partial use of the cupboards in the hallway immediately between the Premises and the municipal courtroom and may allow VCIB the opportunity to schedule use of available conference room space for meetings to attract incubator businesses into the City; and

**WHEREAS**, VCIB, desires to utilize the City of Rio Communities' property and building under the terms and conditions of this Agreement.

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

1. Lease of Premises.

A. The City hereby leases to VCIB the Premise for the uses and purposes and subject to the terms, conditions, and limitations set forth in this Agreement.

B. The leasehold interest granted by this Agreement shall be subject and subordinate to the right of the City and other owners of public utilities to operate, maintain, repair, modify, realign, replace, and reconstruct, all public utilities in, under, across and upon the Premises and to all easements, licenses and restrictions now or hereafter granted by the City to third parties in the Premises.

2. Term. The term of the Agreement shall be for one (1) calendar year, commencing on the date of the final signature located below ("Effective Date") and ending on June 30, 2023. The term may be extended for additional one (1) year terms upon written approval by the Governing Body and is subject to modifications of this original lease.

3. Rent. As rent for the use of the Premises, VCIB shall pay to the City the sum of One Dollar (\$1.00) for the initial one (1) calendar year period. As additional rent, the City will receive a service in the form of a business incubator for entrepreneurs within the City of Rio Communities. The parties hereto agree that the value of this service exceeds the value of the leased Premises. Both parties acknowledge this is adequately consideration. Both parties further acknowledge that the consideration received is for the provision of care and maintenance for indigent persons, and that no constitutional or statutory requirements prohibit the City from making such provisions.

4. Use of the Premises.

A. The City hereby grants to the User the right to use and occupy the Premises for the lease term solely for the purpose of creating a business incubator within the City of Rio Communities.

B. In addition to the use of the Premises, the City hereby grants to the User the right to use and access the following portions of the Subject Property:

1. Access to the Receptionist Area;
2. Access to the Bathrooms; and
3. Access to the parking Lot.

C. The Premises and Subject Property shall not be used by VCIB for any other purpose without prior written consent of the City. This includes any temporary or other uses, regardless of whether such use is collateral to the intended purpose, provided such purposes are not specifically required or necessary in order to carry out the stated purpose of creating a business incubator within the City of Rio Communities.

D. The User shall maintain the Premises, Subject Property, and all improvements located thereon in a safe and sanitary condition.

E. The User shall observe all governing laws, including any ordinances enacted by the City, or which the City enacts during the term of this Agreement. This includes, but is not limited to, the restriction on the use of tobacco products in or near all property owned by the City, which the User acknowledges is applicable to the Premises.

F. Under no circumstances shall the Premises be used as a residence, dwelling, or for any type of lodging, regardless of duration of such use.

G. The User will not use or permit the Premises to be used for any purposes prohibited by law. The User shall not suffer or permit any nuisance or health hazard in or upon the Premises, nor do or permit anything to be done to cause the cancellation of any insurance policy required under this Agreement, nor shall the User sell, or permit to be kept, used, or sold in or about the Premises any article which may be prohibited by the standard form of fire insurance policies. The User shall comply with



reasonable requirements, pertaining to the Premises and imposed by an insurance organization or company, necessary for the maintenance of reasonable fire and public liability insurance.

5. Alterations/Improvements. User will not make any alterations, modifications, and/or improvements to the Premises without the prior written approval of the Mayor of Rio Communities (“Mayor”). If permitted by the Mayor, all construction, whether new or renovation work, shall be done in a professional manner and meet all building requirements and codes as determined by the appropriate official/department of any governmental unit having jurisdiction, as well as any standards required by the City. Any improvements shall become affixed to the property and shall be owned by the City.

6. Maintenance. In addition to the requirements in Paragraph 4 of this Agreement, User shall, at Users sole cost and expense, maintain and replace when necessary, all minor plumbing, wiring, glass, heating, lighting and lighting fixtures located on, in or attached to any portion of the Premises. The City agrees to provide maintenance for major repairs, exceeding a total cost of \$200.00, to the Premises on a reasonably timely basis. If User undertakes the maintenance of major repairs, with the City’s prior written permission, the User will be reimbursed by the City for the reasonable cost of said repairs.

7. Liability, Hold Harmless, Defense and Indemnification. The City and User acknowledge that each will be solely responsible for claims or damages arising from personal injury or damage to persons or property to the extent such injury or damage is caused by the negligence of such party’s employees or agents. The City will not be liable to the User or to the User’s employees, agents, contractors, or invitees or to any other person whomsoever, for any injury to persons or damage to property on or about the Premises caused by the negligence or misconduct of the User, its employees, customers, contractors and invitees or of any other person entering the Premises under the express or implied invitation of the User or arising out of the use of the Premises by the User and the conduct of their business therein or arising out of any breach or default by the User in the performance of its obligations hereunder. The User agrees to defend, indemnify and hold harmless the City and its elected officials, officers and employees from and against all suits, actions, claims, demands, penalties, fines, liabilities, settlements, damages, costs and expenses (including but not limited to consultants’ fees, reasonable fees of attorneys, court costs and litigation expenses) of whatever kind or nature, known or unknown, contingent or otherwise, brought against the City because of any injury, including death at any time resulting from bodily injury, damages for care and loss of services, or damage received or sustained by any person, persons or property arising out of or resulting from any negligent act, error, or omission of the User, its agents, contractors, and employees arising out of the use and operation of the Premises by the User’s performance, purported performance, or non-performance of this Agreement.

## 8. Insurance Requirements

### A. General Requirements.

i. The User will procure and maintain in full force and effect such insurance as is required by this Paragraph. Policies of insurance will be written by companies authorized to write such insurance in New Mexico, and policies of insurance will be on forms properly filed and approved by the Superintendent of Insurance, State of New Mexico.

ii. The User shall not violate the terms or prohibitions of insurance policies required to be furnished by the User. The User shall promptly notify the City of any claim or loss exceeding the

amount of the deductible under the insurance policies and certify that proper notice has been given the appropriate insurance carrier.

iii. The User shall furnish certificates of insurance to the City and shall deliver the certificates to the Municipal Clerk, 360 Rio Communities Blvd., Rio Communities, New Mexico, 87002.

iv. All insurance certificates will provide that thirty (30) days written notice be given to the City before a policy is canceled, materially changed, or not renewed. Various types of required insurance may be written in one or more policies. A certificate of policy which states that failure to give City notice imposes no liability or obligation on the insurer is not in compliance with this Paragraph. For instance, certificates or policies stating that the insurance company will endeavor to notify and that failure to give such notice imposes no obligation on the insurance company are unacceptable to the City. The insurance policies will not be written on a claims made form.

B. Approval of Insurance. The User shall not begin any activities on the Premises pursuant to this Agreement until the required insurance has been obtained and proper certificates of insurance delivered to the City Administrator. Neither approval nor failure by the City to disapprove insurance or certificates of insurance will relieve the User of full responsibility to maintain the required insurance in full force and effect.

C. Liability Insurance. The User will obtain the following insurance policies prior to the commencement of any activities on the Premises:

i. Commercial General Liability. A commercial general liability insurance policy with combined limits of liability for bodily injury or property damage as follows (requirements are shown as listed on a standard form certificate of insurance):

\$1,000,000	Per Occurrence
\$1,000,000	Policy Aggregate
\$1,000,000	Products Liability/Completed Operations
\$1,000,000	Personal and Advertising Injury
\$ 50,000	Fire Legal
\$ 5,000	Medical Payments

The policy of insurance must include coverage for all activities performed by the User on the Premises, and contractual liability coverage will specifically insure the hold harmless provisions of this Agreement. THE CITY SHALL BE NAMED AN ADDITIONAL INSURED and the coverage afforded will be primary with respect to activities provided. Showing the City as a certificate holder is not the same as naming the City as an additional insured and is not an acceptable substitute. If equivalent coverage's are provided and the form is approved by the City, the User may provide a general liability policy in a form different from that described above.

ii. Workers' Compensation Insurance. The User will comply with the applicable provisions of the New Mexico Workers' Compensation Act, the Subsequent Injury Act, and the New Mexico Occupational Disease Disablement Law. The User covenants and agrees that the City, its officers, or employees will not be liable or responsible for any claims or actions occasioned by its failure

to comply with the provisions of this Paragraph and that the indemnification provision of this Lease will apply to this Paragraph. It is expressly agreed that the employees of the User are not City employees for any purpose.

iii. Increased Limits. During the term of this Agreement, the City may require User to increase the maximum limits of any insurance required herein.

9. Inspection. The City reserves the right to enter the Premises for the purpose of inspection, maintenance, or for other reasonable grounds. The City will attempt, where reasonably feasible, to advise User at least twenty-four (24) hours prior to entry.

10. Termination. Either party, with or without cause may terminate the Agreement by providing written notice to the other party at least thirty (30) calendar days prior to the effective date of termination. Termination shall be by written notice that shall be delivered or mailed (certified mail, return receipt) to the other party. If notice by mail, notice (i.e., the effective date of termination) will be deemed to be effective three (3) days from the date of the postmark. If notice is hand delivered, termination is effective as of the time of delivery to User.

11. Judicial Enforcement. This Contract is governed by and construed and enforced in accordance with the laws of the State of New Mexico. Any legal proceeding, arising out of this Agreement shall be brought before the Thirteenth Judicial District Court, Valencia County, New Mexico.

12. Severability. If any part of this Agreement is held to be invalid or unenforceable, such holding will not affect the validity or enforceability of any other part of this Agreement so long as the remainder of the Agreement is reasonably capable of completion.

13. Amendment. The City and the User may, from time to time, agree to changes in this Agreement which will be incorporated into written amendments to this Agreement. No oral agreements will be binding unless reduced to written form and approved by authorized agents for the respective parties.

14. Discrimination. The User will not illegally discriminate against any person.

15. Attorney's Fees. Should either party to this Agreement be obligated to seek enforcement of the terms of this contract through a court of law, the breaching party as determined by any judge, mediator, arbitrator, or special master shall be responsible for all reasonable attorney's fees and costs incurred by the non-breaching party as a result of the breach of this Agreement.

**IN WITNESS WHEREOF**, the parties hereto have executed this Contract.

**SIGNATURES ON FOLLOWING PAGE**

VALENCIA COUNTY BUSINESS INCUBATOR

By: \_\_\_\_\_  
Ben Romero

Date: \_\_\_\_\_, 2022

CITY OF RIO COMMUNITIES

By: \_\_\_\_\_  
Joshua Ramsell, Mayor Pro Tem

Date: \_\_\_\_\_, 2022

\_\_\_\_\_  
Martin Moore, City Manager

Date: \_\_\_\_\_, 2022

ATTEST:

\_\_\_\_\_  
Elizabeth F. Adair, Municipal Clerk

## INDEPENDENT CONTRACTOR AGREEMENT

By and Between:  
City of Rio Communities  
and Sunny505.

**THIS INDEPENDENT CONTRACTOR AGREEMENT** (“Agreement”) is entered into this 24th day of January, 2022, by and between the City of Rio Communities, New Mexico, a municipal corporation (hereinafter referred to as the “City”), and Sunny505, an independent contractor (hereinafter referred to as “Contractor”), in consideration of the mutual promises made herein, as follows:

### ***I. Term of Agreement***

This Agreement will become effective on the 24<sup>th</sup> day of January, 2022 and will continue in effect until the 23<sup>rd</sup> day of January, 2023. The term may be extended for additional one (1) year terms upon written approval by the Governing Body and is subject to modifications of this original lease.

### ***II. Services to be Rendered by Contractor***

Contractor agrees to provide :

- An updated Economic Development Website; and
- Ongoing strategic public relations and media relations outreach.

### ***III. Ownership of Work***

Contractor hereby assigns to the City the Contractor’s entire right, title and interest in and to all discoveries and improvements, patentable or otherwise, trade secrets and ideas, writings and copyrightable material, which may be conceived by the Contractor or developed or acquired by the Contractor during the Term of this Agreement, which may pertain directly or indirectly to the services to be rendered by Contractor as described within Section II or any of its subsidiaries, parent company, or affiliates (the “Work Product”). The Contractor agrees to disclose fully all such developments to the City upon its request, which disclosure shall be made in writing promptly following any such request. The Contractor shall, upon the City’s request, execute, acknowledge and deliver to the City all instruments and do all other acts which are necessary or desirable to enable the City or any of its subsidiaries to file and prosecute applications for, and to acquire, maintain and enforce, all patents, trademarks and copyrights in all countries in connection with any component of the Work Product.

***IV. Method of Performing Services:***

Contractor will determine the method, details, and means of performing the above-described services, including the determination of the need for and hiring of assistants at the Contractor's own expense. The City may not control, direct, or otherwise supervise Contractor's assistants or employees in the performance of those services.

***V. Compensation:***

In consideration for the services to be performed by Contractor, the City agrees to pay Contractor five-thousand dollars (\$5,000.00) for the development of an updated Economic Development Website, and ten-thousand dollars (\$10,000.00) for ongoing strategic public relations and media relations outreach plus applicable New Mexico Gross Receipt taxes.

***VI. Tools and Instruments:***

Contractor will supply all tools, equipment, and supplies required to perform the services under this Agreement.

***VII. Workers Compensation:***

Contractor agrees to provide workers' compensation insurance for Contractor's employees and agents and agrees to hold harmless and indemnify the City for any and all claims arising out of any injury, disability, or death of any of Contractor's employees or agents.

***VIII. Insurance:***

Contractor agrees to maintain a policy of insurance in the minimum amount of one-million Dollars (\$ 1,000,000 ) to cover any negligent acts committed by Contractor or Contractor's employees or agents during the performance of any duties under this Agreement. Contractor further agrees to hold the City free and harmless from any and all claims arising from any such negligent act or omission.

***IX. Obligations of the City***

the City agrees to meet the terms of all reasonable requests of Contractor necessary to the performance of Contractor's duties under this Agreement.

***X. Assignment:***

Neither this Agreement nor any duties or obligations under this Agreement may be assigned by the City or Contractor without the prior written consent of Contractor and the City.

***XI. Termination of Agreement:***

Notwithstanding any other provisions of this Agreement, either party hereto may terminate this Agreement at any time by giving thirty (30) days written notice to the other party.

## ***XII. General Provisions***

### **Notices:**

Any notices to be given hereunder by either party to the other may be made either by personal delivery or by mail, registered or certified, postage prepaid with return receipt requested. Mailed notices shall be addressed to the parties at the following addresses:

the City:

Dr. Martin (Marty) Moore  
City of Rio Communities City Manager  
360 Rio Communities Blvd,  
Rio Communities, NM 87002  
[mmoore@riocommunities.net](mailto:mmoore@riocommunities.net)

and:

Samuel Chris DeFillippo, Esq.  
Robles, Rael & Anaya, P.C.  
City of Rio Communities' Attorney  
500 Marquette Ave. NW, Suite 700  
Albuquerque, NM 87102  
(505) 242-2228  
[Chris@roblesrael.com](mailto:Chris@roblesrael.com)

Contractor:

Joan Griffin  
CEO of Sunny505  
119 Dartmouth St. SE  
Albuquerque, NM 87106

Each party may change the above address by written notice in accordance with this paragraph. Notices delivered personally shall be deemed communicated as of the date of actual receipt; mailed notices shall be deemed communicated as of three (3) days after the date of mailing.

### **Entire Agreement:**

This Agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the performance of services by Contractor for the City, and contains all of the covenants and agreements between the parties with respect to the rendering of such services in any manner whatsoever. Each party to this Agreement acknowledges that no representations, inducements, promises, or agreements, orally or otherwise, have been made by

any party, or anyone acting on behalf of any party, which are not embodied herein, and that no other agreement, statement, or promise not contained in this Agreement shall be valid or binding. Any modification of this Agreement will be effective only if it is in writing signed by the party to be charged.

Partial Invalidity:

If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall nevertheless continue in full force without being impaired or invalidated in any way.

Governing Law:

This Agreement shall be governed by and construed in accordance with the laws of the State of New Mexico and the parties agree that proper venue for any altercations regarding the substance of this Agreement is within Valencia County, New Mexico.

**IN WITNESS WHEREOF** the parties have executed this Agreement as of the date first written above:

**CITY OF RIO COMMUNITIES:**

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

Martin Moore, City Manager

**SUNNY505.:**




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

Joan Griffin, Sunny505 CEO



**APPROVED AS TO FORM:**

By:   
Samuel C. DeFillippo, City Attorney

DRAFT

January 11, 2022

Mayor Joshua Ramsell  
Councilor Lawrence R. Gordon  
Councilor Peggy Gutjahr  
Councilor Jim Winters  
Councilor Arthur Apodaca

Dear Mayor and Council Members,

With the letter, I hereby submit my resignation as a member of the Economic Development Commission. I must direct my attention to other personal goals and unable to be effective within the Commission at this time.

I appreciate having the opportunity to serve and I wish you continued success on all future endeavors.

Thank you,

A handwritten signature in cursive script, reading "Frances Rossberg". The signature is written in dark ink and is positioned above the printed name.

Frances Rossberg  
Economic Development Commission Member