



**City of Rio Communities Council Regular Business Meeting**  
**City Council Chambers - 360 Rio Communities Blvd**  
**Rio Communities, NM 87002**  
**Monday, August 12, 2024 6:00 PM**  
**Agenda**

*Please silence all electronic devices.*

**Mayor - Joshua Ramsell**  
**Mayor Pro Tem - Lawrence R. Gordon**  
**Council - Arthur Apodaca, Thomas Nelson, Matthew Marquez**

**Call to Order**

**Pledge of Allegiance**

**Roll Call**

**Approval of Agenda**

**Approval of Consent Agenda**

1. Minutes for May 30, 2024
2. Approval of Accounts Payable

**Public Comment:** The Council will take public comments in written format. These should be emailed to [admin@riocommunities.net](mailto:admin@riocommunities.net) through 4:45 PM on Monday, August 12, 2024. These comments will be distributed to all Councilors for review. If you wish to speak during the public comment session, the Council will allow each member of the public to 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.

The Council will not take action or engage in discussion regarding the comments made or received, but when appropriate the matters raised may be referred to staff or others for further review. Both the public and Council will follow rules of decorum. Derogatory Comments or matters under litigation will not be allowed and any person or persons addressing the Council are liable for their own statements, not the Council. Statements are limited to a maximum of 3 minutes duration. Please give your name and where you live for the record.

**Manager Report**

- a) Property Clean Up

**Action Items**

3. Discussion, Consideration, and Decision – Resolution 2024-10 Declaring 94 Olson (Legal Description UPC: 1010028425140000320) A Dangerous / Nuisance Property
4. Discussion, Consideration, and Decision – Participating Entity Agreement Cooperative Educational Services
5. Discussion – City of Rio Communities Code of Conduct

**Council Discussion**

**Adjourn**

Please join us from the comfort and safety of your own home by entering the following link: @  
<https://www.facebook.com/riocommunities>

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 Regular Business Meeting**  
**City Council Chambers - 360 Rio Communities Blvd**  
**Rio Communities, NM 87002**  
**Thursday, May 30, 2024 6:00 PM**  
**Minutes**

*Please silence all electronic devices.*

**Mayor - Joshua Ramsell**

**Mayor Pro Tem - Lawrence R. Gordon**

**Council - Arthur Apodaca, Thomas Nelson, Matthew Marquez**

**Call to Order**

Mayor Ramsell called the meeting to order at 6:01pm

**Pledge of Allegiance**

Councilor Nelson led the Pledge of Allegiance

**Roll Call**

**Governing Body**

Mayor Joshua Ramsell  
Councilor Lawrence Gordon  
Councilor Thomas Nelson  
Councilor Art Apodaca  
Councilor Matthew Marquez

**Staff**

Manager Dr. Martin Moore  
Deputy Clerk Lalena Aragon  
Police Chief Felix Nunez  
City Attorney Randy Van Vleck

**Swearing In of Police Officer Joann Urbanic**

Judge Smith swore in Police Officer Joann Urbanic

**Swearing In of Court Clerk Chanelle Sandoval**

Judge Smith swore in Court Clerk Chanelle Sandoval

**Approval of Agenda**

Councilor Marquez made a motion to update the agenda to add an executive session. Seconded by Councilor Nelson.

**Voting Yea:**

Councilor Gordon  
Councilor Apodaca

**Voting Nay:**

Councilor Nelson  
Councilor Marquez

Motion did not pass with a 2-2 vote Mayor breaking the tie.

Motion made by Councilor Apodaca to approve the agenda as presented. Seconded by Councilor Gordon.

**Voting Yea:**

Councilor Gordon  
Councilor Apodaca

**Voting Nay:**

Councilor Nelson  
Councilor Marquez

Motion passed with a 2-2 vote Mayor breaking the tie

**Approval of Consent Agenda**

**Approval of Minutes for Regular Business Meeting March 25, 2024**

**Approval of Accounts Payable**

Amazon Business	711.22	Century Link	78.31
TLC Uniforms	73.98	TLC Plumbing & Utility Commercial S	863.35
Tabet Lumber Co, Inc.	2,175.50	HDR Engineering, Inc.	47,167.01
Napa Auto Parts	123.92	ABC Door Company	1,429.48
Frontline Upfitting, LLC.	4,428.00	Surety Bonds	175.00
Woodlands Hardware	28.18	Maloy Mobile Storage Inc.	487.36
Wells Fargo Financial Leasing	2,635.82	Specialty Corporation	373.09
Municipal Emergency Services Inc.	888.00	Boundtree Medical	288.99
BRADY COMPANIES LLC	344.42	Blue Corn Landscape	750.00
LN Curtis	2,246.35	Linde Gas & Equipment Inc.	193.15
Sharp Electronics Corporation	4,798.55	Rentokil North America Inc.	180.58

Motion made by Councilor Gordon to approve the consent agenda. Seconded by the Apodaca.

Voting Yea:

Councilor Gordon  
Councilor Apodaca

Voting Nay:

Councilor Nelson  
Councilor Marquez

Motion passed with a 2-2 vote Mayor breaking the tie

**Public Comment:**

Ben Herrera: Talked about a code enforcement violation. He stated that he had met with Dr. Moore about a code violation. He stated that he had to hire an attorney to get answers and his IPRA was sent to his attorney. He asked what course of action he would have to take. He has talked to Dr. Moore and the Code enforcement between text and emails, for over 3 years and the building is still standing.

Dick Irvin: talked about a great event that he attended in Belen for a Veteran Memorial. He stated that some people gave their lives so we can have our freedom. He then stated that this is a democracy and when you voted for Mr. Yates that the City Violated the Open Meeting act by having a executive session. He stated he asked the governing body of Belen and they stated that they only have executive sessions for Personnel issues. He talked about another dispensary in the area and asked how many the City is going to allow. He stated that is disgusting to have three of the members of the governing body vote down the new members of council.

Joe: Congratulated our new officer on her new position. He stated that Rio communities is one of the best cites in the state. He stated they are building a library, rebuilding our parks, attracting new businesses creating a clean slate police department, expanding our fire and rescue capabilities and most importantly running a balanced budget and passing audits. He talked about the fire season and stated its good to see the fire department testing their equipment. He enjoyed the newsletter and stated that is a positive thing for the City. He stated that we are not a democracy, we are a constitutional republic and when we start mudding the words of what this country is we lose the meaning of who we are and there is a big difference.

Sara: Stated she has been a resident for 28 years. She read a story. There was once an important job that needed to be done and everyone was sure that someone would do it. Anybody could have done it, but nobody did. Somebody got angry about how it was done because it was everybody's job. Everybody thought that anybody could do it. But nobody realized that everybody wouldn't do it. It ended up that everybody blamed somebody when nobody did what anybody could have done. This story is called *Whose Job is it Anyway*. This story is told to teach leadership principles and can be interpreted to mean when no one takes responsibility and when we have internal barriers, blocking our critical thinking, nothing gets done. This story was introduced to me by my 3<sup>rd</sup> grade teacher at La Merced. She stated that this was never meant to be a retirement community and the parks were going to go away no matter what happened. She talked about the process and the time of writing a grant. She stated that we are a resilient community with everything that's been thrown at us. She's excited to see the growth and that we are a great inspiration for a small community, and she would like to welcome whoever with open arms.

An out of order discussion was held.

**Public Hearing – Special Use Permit for Scorpio Farms application for Cannabis Retail**  
**Legal description UPC 1009028306055000000 Tract: UNNUMBERED S: 16 T: 5N R: 2E 0.48 ACRE PLAT N-663, 2350 HIGHWAY 47 Rio Communities NM, 87002**

**Motion and roll call vote to recess Council Special Business Meeting session and to go into Public Hearing**

Motion made by Nelson to go into a public hearing regarding Special Use Permit for Scorpio Farms application for Cannabis Retail. Seconded by Councilor Gordon.

Voting Yea:

Councilor Gordon  
Councilor Nelson  
Councilor Marquez  
Councilor Apodaca

Motion passed with a 4-0 vote

Nathanal Cross was sworn in.

Mr. Cross stated that he is the owner of the Den/Scorpio Farms, a locally owned establishment, and is happy to contribute to economic development growth. They will create job opportunities and generate gross receipt taxes. He explained that the Den dispensary will sell locally grown organic products.

Councilor Apodaca welcomed them to the community.

Councilor Nelson welcomed them to the community.

Councilor Gordon welcomed them to the community.

Councilor Marquez welcomed them to the community.

Mayor Ramsell asked if they will be selling recreational and medicinal. He asked about GRT for medicinal cannabis and asked if they had any other dispensaries.

Mr. Cross stated this is the only dispensary they own and in a previous business they had they sold more recreational the medical.

**Motion and roll call vote to go back into Council Special Business Meeting session**

Motion with a roll call vote made by Councilor Nelson to go back into regular business meeting. Seconded by Councilor Gordon.

Voting Yea:

- Councilor Gordon
- Councilor Nelson
- Councilor Marquez
- Councilor Apodaca

Motion passed with a 4-0 vote at 6:39pm

**Action Items**

**Discussion, Consideration, and Decision – Scorpio Farms Special Use Permit - Cannabis Retail**

Motion made by Council Nelson to approve the Scorpio Farms Special use permit cannabis retail. Seconded by Councilor Apodaca.

Voting Yea:

- Councilor Gordon
- Councilor Nelson
- Councilor Marquez
- Councilor Apodaca
- Manager Report

Motion passed with a 4-0 vote

Motion made by Councilor Nelson to adopt the findings and facts decision and order from Planning & Zoning. Seconded by Councilor Gordon.

Voting Yea:

- Councilor Gordon
- Councilor Nelson
- Councilor Marquez
- Councilor Apodaca

Motion passed with a 4-0 vote

**Manager Report**

City Manager Dr. Moore explained that the Animal ordinance will be coming in front of Council for the June 10<sup>th</sup> meeting.

Dr. Moore explained that the Judge requested him to bring this to Council as she will come forward with names on the next agenda for alternate Judge.

Councilor Marquez asked about Mr. Herreras public comment about a illegal structure.

City Manager Dr. Moore explained that that is under investigation and our legal council is handling it.

Councilor Marquez asked how come Dr. Moore cannot answer any questions.

City Manager Dr. Moore explained that it is under an active investigation, and he could not give any answers during this meeting.

### **Action Items**

#### **Discussion, Consideration, and Decision – Award of on call General Engineering Service Agreement With HDR**

City Manager Dr. Moore explained that Antonio from HDR is here for any questions and explained the contract is for four years of on-call engineering services.

Motion made by Councilor Gordon to award and on call General Engineering Services Agreement to HDR. Seconded by Councilor Apodaca.

#### Voting Yea:

Councilor Gordon

Councilor Nelson

Councilor Marquez

Councilor Apodaca

Motion passed with a 4-0 vote

#### **Discussion, Consideration, and Decision – Transportation Project Fund (TPF) Grant Application**

Dr. Moore explained that this grant application is for Don Diego road to work with HDR and DOT. The match is 5% and it is a 4.3-million-dollar grant. He explained that the city will be asking for a 5% match. He stated the city does have the ability to meet the 5% match if the waver is not granted.

Councilor Nelson asked the time frame until they get back with us on that.

Antonio stated that the deadline for the grant application is tomorrow and the deadline for response is September of this year.

City Manager Dr. Moore stated that they will be replacing the road and adding slopes to roads and looking at elevation of the roads and sidewalks and curbs on Don Diego.

Antiono stated that there is a contingency on the cost to cover any unexpected cost.

Councilor Nelson requested to add speed bumps.

Motion made by Councilor Nelson to approve Transportation Project Fund (TPF) grant application.  
Seconded by Councilor Gordon.

Voting Yea:

Councilor Gordon  
Councilor Nelson  
Councilor Marquez  
Councilor Apodaca

Motion passed with a 4-0 vote

**Discussion, Consideration, and Decision – Intergovernmental Services Agreement between the County of Valencia and The City of Rio Communities for Law Enforcement Protection**

City Manager Dr. Moore recommended tabling this item until June 10, 2024 for the period of July 1, 2024 fiscal year.

Motion by Councilor Nelson to table this item until June 10, 2024, meeting. Seconded Councilor Gordon

Voting Yea:

Councilor Gordon  
Councilor Nelson  
Councilor Marquez  
Councilor Apodaca

Motion passed with a 4-0 vote

**Council Discussion**

Councilor Marquez stated he requested a executive session because he has questions that cannot be answered outside of executive session. He thanked Dr. Moore for the Newsletter and requested that the City job announcements be put in the newsletter. He stated that they needed to be put in the Albuquerque journal and the New Bulletin. Marquez asked if the tentative budget needs to be signed by Council. He congratulated the new Officer and the Court Clerk and Scorpio Farms.

Councilor Nelson thanked Chief Nunez for hiring a new officer. He then asked Chief Nunez to be involved in the MOU for the Sheriff's department.

Councilor Apodaca was a part of the New Solar Farm grand opening south of Los Lunas and gave council some information on the Solar Farm and how they operate.

Mayor Ramsell stated in response to Councilor Marquez comments he explained that being referred to staff or others for further review does not mean questioning the staff during that time. It is referring to them at that time.

**Adjourn**

Motion made by Councilor Gordon to adjourn. Motion passed at 7:09pm

Respectfully submitted,

\_\_\_\_\_  
Dr. Martin Moore, (Acting) Municipal Clerk  
(Taken and Transcribed by Lalena Aragon, Deputy Clerk)

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

Approved:

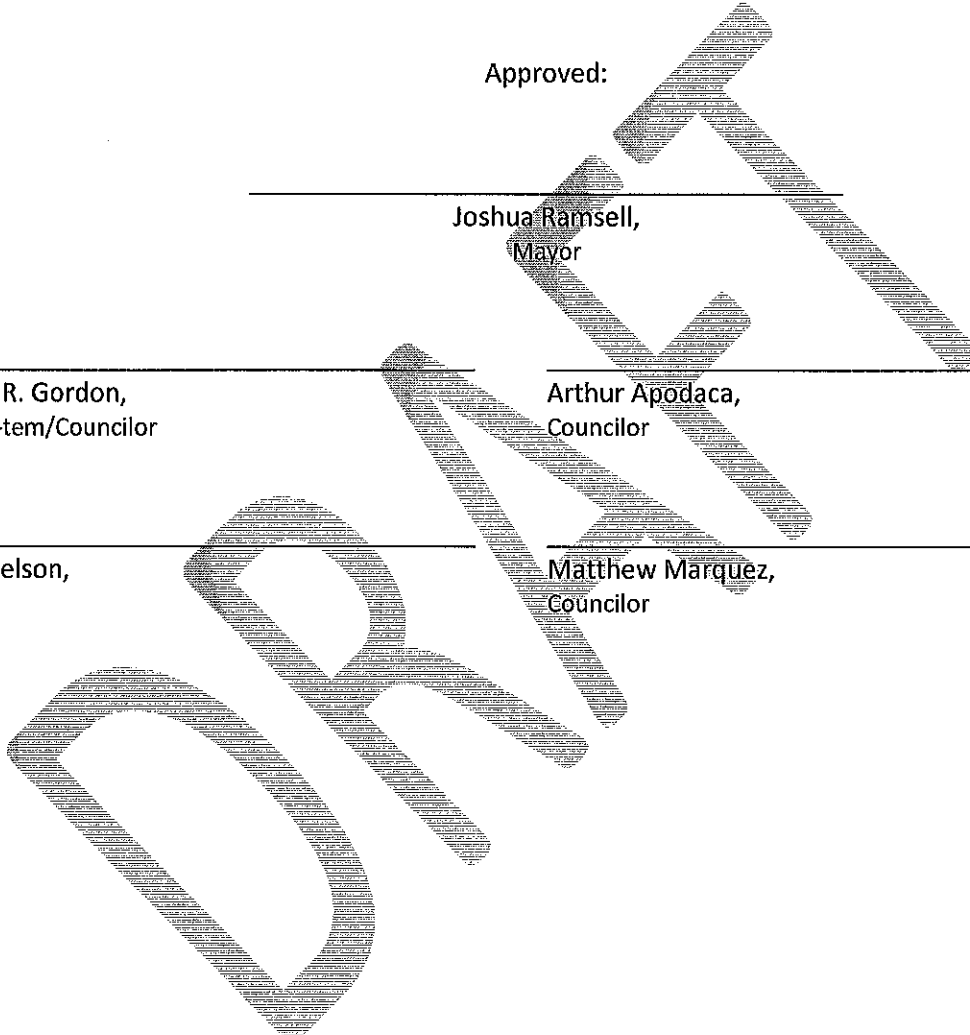
\_\_\_\_\_  
Joshua Ramsell,  
Mayor

\_\_\_\_\_  
Lawrence R. Gordon,  
Mayor Pro-tem/Councilor

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

\_\_\_\_\_  
Thomas Nelson,  
Councilor

\_\_\_\_\_  
Matthew Marquez,  
Councilor







Rio Communities, NM

# My Check Register

Packet: APPKT01231 - AP 8.12.24

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
<b>Bank Code: AP BANK CODE-AP BANK CODE</b>						
VEN04185	Amazon Business	08/07/2024	EFT	0.00	494.57	
VEN04527	Sharp Electronics Corporation	08/07/2024	EFT	0.00	1,157.44	
VEN04850	State of Emergency Upfitting	08/07/2024	EFT	0.00	1,485.00	
VEN04573	Universal Waste Systems, Inc.	08/07/2024	Regular	0.00	364.98	
VEN04417	Napa Auto Parts	08/07/2024	Regular	0.00	985.62	
VEN04503	Rio Communities Service Station	08/07/2024	Regular	0.00	116.84	
VEN04726	H&E Equipment	08/07/2024	EFT	0.00	3,793.53	
VEN04582	Valencia County Fiscal Office	08/07/2024	Regular	0.00	1,337.80	
VEN04680	HEI, Inc	08/07/2024	EFT	0.00	2,334.83	
VEN04792	NM Local Government Law	08/07/2024	EFT	0.00	3,784.10	
VEN04603	Woodlands Hardware	08/07/2024	Regular	0.00	401.54	
VEN04598	Wells Fargo Financial Leasing	08/07/2024	Regular	0.00	138.09	
VEN04884	Gayle A. Jones	08/07/2024	EFT	0.00	771.64	
VEN04677	Book Systems, Inc.	08/07/2024	Regular	0.00	1,190.00	
VEN04249	Comcast Business	08/07/2024	Regular	0.00	1,050.00	
VEN04709	Maloy Mobile Storage Inc.	08/07/2024	EFT	0.00	243.68	
VEN04378	LN Curtis	08/07/2024	EFT	0.00	18,983.00	
VEN04904	Beasley, Mitchell & Co. LLP	08/07/2024	EFT	0.00	27,655.36	
VEN04566	Tyler Technologies	08/07/2024	Regular	0.00	26,003.33	
VEN04702	Linde Gas & Equipment Inc.	08/07/2024	EFT	0.00	193.15	
VEN04168	ABC Door Company	08/07/2024	Regular	0.00	351.56	
VEN04510	RoofCARE, LLC.	08/07/2024	EFT	0.00	1,819.00	
VEN04844	AT & T Mobility	08/07/2024	Regular	0.00	1,230.51	
VEN04454	NM Municipal League	08/07/2024	Regular	0.00	100.00	
VEN04222	Boundtree Medical	08/07/2024	Regular	0.00	962.31	
VEN04763	Bank of America, N.A.	08/14/2024	Bank Draft	0.00	2,813.89	DFT0001251
VEN04249	Comcast Business	08/18/2024	Bank Draft	0.00	578.65	DFT0001252
VEN04448	NM Gas Co	08/14/2024	Bank Draft	0.00	82.19	DFT0001253
VEN04459	NM Water Service Company	08/14/2024	Bank Draft	0.00	656.58	DFT0001254
VEN04685	Pitney Bowes	09/05/2024	Bank Draft	0.00	175.68	DFT0001255
VEN04481	PNM	08/15/2024	Bank Draft	0.00	4,172.05	DFT0001256
VEN04587	Verizon Wireless	08/12/2024	Bank Draft	0.00	524.85	DFT0001257
VEN04599	WEX Bank	08/15/2024	Bank Draft	0.00	4,224.40	DFT0001258

**Bank Code AP BANK CODE Summary**

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	24	13	0.00	34,232.58
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	29	8	0.00	13,228.29
EFT's	23	12	0.00	62,715.30
	<b>76</b>	<b>33</b>	<b>0.00</b>	<b>110,176.17</b>

My Check Register

Packet: APPKT01231-AP 8.12.24

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
<b>Bank Code: PY BANK CODE-PAYROLL BANK CODE</b>						
VEN04820	State of New Mexico Child Support S	08/07/2024	Regular	0.00	138.46	
VEN04624	GSD - Administrative Services Divisio	08/07/2024	Regular	0.00	7,188.20	
VEN04679	Globe Life & Accident Insurance Cor	08/07/2024	EFT	0.00	56.00	

Bank Code PY BANK CODE Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	7	2	0.00	7,326.66
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	1	1	0.00	56.00
	<b>8</b>	<b>3</b>	<b>0.00</b>	<b>7,382.66</b>

### All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	31	15	0.00	41,559.24
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	29	8	0.00	13,228.29
EFT's	24	13	0.00	62,771.30
	<b>84</b>	<b>36</b>	<b>0.00</b>	<b>117,558.83</b>

### Fund Summary

Fund	Name	Period	Amount
99000	Pooled Cash Fund	8/2024	117,383.15
99000	Pooled Cash Fund	9/2024	175.68
			<b>117,558.83</b>

### Authorization Signatures

#### CHECK REGISTER

This check register has been reviewed and verified for accuracy.

\_\_\_\_\_

First Signor

\_\_\_\_\_

Date

\_\_\_\_\_

Second Signor

\_\_\_\_\_



Rio Communities, NM

# Accounts Payable Approval Report

## By Fund

Vendor Name	Payable Number	Post Date	Description (Item)	Amount
<b>Fund: 11000 - General Operating Fund</b>				
<b>Department: 0001 - No Department</b>				
GSD - Administrative Services ...	INV0005128	08/02/2024	ADMIN FEE	21.00
GSD - Administrative Services ...	INV0005129	08/02/2024	DENTAL	467.41
GSD - Administrative Services ...	INV0005130	08/02/2024	DISABILITY	48.87
Globe Life & Accident Insuran...	INV0005131	08/02/2024	GLOBE LIFE INSURANCE	56.00
GSD - Administrative Services ...	INV0005132	08/02/2024	HEALTH	6,501.20
GSD - Administrative Services ...	INV0005133	08/02/2024	BASIC LIFE	68.04
GSD - Administrative Services ...	INV0005134	08/02/2024	VISION	81.68
State of New Mexico Child Su...	INV0005138	08/02/2024	Case ID 000177753	138.46
<b>Department 0001 - No Department Total:</b>				<b>7,382.66</b>
<b>Department: 1001 - Governing Body</b>				
AT & T Mobility	287334080831X07262024	08/01/2024	Mayor Joshua Ramsell - Phone	52.38
<b>Department 1001 - Governing Body Total:</b>				<b>52.38</b>
<b>Department: 2001 - Manager</b>				
AT & T Mobility	287334080831X07262024	08/01/2024	City Manager Dept Cell Phones	102.35
AT & T Mobility	287334080831X07262024	08/01/2024	City Manager Telecommunicat..	30.03
Verizon Wireless	9969516306	08/05/2024	City Manager	40.01
Bank of America, N.A.	13880	08/07/2024	NM Edge Procurement Course...	490.00
Bank of America, N.A.	13880	08/07/2024	Service Charge	14.46
<b>Department 2001 - Manager Total:</b>				<b>676.85</b>
<b>Department: 2002 - General Administration</b>				
Tyler Technologies	025-467334	07/24/2024	ERP Pro Financials Annual Fee	26,003.33
Wells Fargo Financial Leasing	5030597876	07/24/2024	MX3071 Copier-Clerks Office	138.09
Comcast Business	210172288	07/30/2024	City Hall -Fiber	1,050.00
Sharp Electronics Corporation	9004932617	07/30/2024	CH Help Desk - Contract #800...	285.00
RoofCARE, LLC.	inv009004	08/05/2024	Roof Repair-Council Chambers...	1,679.59
RoofCARE, LLC.	inv009004	08/05/2024	NMGRT 8.063%	139.41
HEI, Inc	srvice11305	08/05/2024	Alarm Monitoring Yearly-12 ...	710.33
Sharp Electronics Corporation	9004900637	08/06/2024	City Hall & Fire Dept. VOIP	6.19
NM Local Government Law	2078	08/07/2024	Legal Services -FY 2023-2024	3,784.10
Beasley, Mitchell & Co. LLP	90133678	08/07/2024	Accounting Firm-Contracted to..	10,970.51
Beasley, Mitchell & Co. LLP	90134567	08/07/2024	Accounting Firm-Contracted to..	16,684.85
Bank of America, N.A.	INV0005157	08/07/2024	Adobe Inc monthly fee	9.99
NM Gas Co	INV0005144	08/14/2024	GAS- Utilities	43.46
NM Water Service Company	INV0005155	08/14/2024	Water - Utilities	582.96
PNM	INV0005146	08/16/2024	CH-Electricity - Utilities	1,184.69
Comcast Business	INV0005154	08/18/2024	City Hall Telecommunications	578.65
Pitney Bowes	0018457984	09/06/2024	Postage Machine Lease	175.68
<b>Department 2002 - General Administration Total:</b>				<b>64,026.83</b>
<b>Department: 2004 - Finance/Budget/Accounting</b>				
Verizon Wireless	9969516306	08/05/2024	Finance	121.17
<b>Department 2004 - Finance/Budget/Accounting Total:</b>				<b>121.17</b>
<b>Department: 2008 - Municipal Clerk</b>				
Gayle A. Jones	July 2024	08/05/2024	Clerk's Office Training	771.64
NM Municipal League	9126	08/07/2024	NMML Clerks Association L.Ar...	100.00
<b>Department 2008 - Municipal Clerk Total:</b>				<b>871.64</b>
<b>Department: 2014 - Economic Development</b>				
Bank of America, N.A.	12830538	08/07/2024	EDC-Magnets/City Hall	1,654.78
<b>Department 2014 - Economic Development Total:</b>				<b>1,654.78</b>
<b>Department: 3001 - Law Enforcement</b>				
Amazon Business	1H3M-3L6Y-G9FJ	07/30/2024	Items fr National/Movie Night...	456.58

**Accounts Payable Approval Report**

Vendor Name	Payable Number	Post Date	Description (Item)	Amount
Amazon Business	1X7R-MT6V-DVKJ	07/30/2024	Uniform/Maternity Jeans	37.99
Woodlands Hardware	013835/1	07/31/2024	General Supplies	116.78
Woodlands Hardware	013853/1	08/01/2024	General Supplies	1.10
AT & T Mobility	287334080831X07262024	08/01/2024	Police Phones	202.24
AT & T Mobility	287334080831X07262024	08/01/2024	Police Telecommunications	359.14
Verizon Wireless	9969516306	08/05/2024	Police Dept	41.15
Bank of America, N.A.	0105552	08/07/2024	Gas Tank: PayIng w/ P-Card	199.65
Bank of America, N.A.	34483	08/07/2024	Banner for National Night Out...	102.00
Bank of America, N.A.	INV0005159	08/07/2024	Commision for Andrew Good f...	44.00
Bank of America, N.A.	INV0005160	08/07/2024	Second Banner for National Ni...	46.05
Bank of America, N.A.	INV0005161	08/07/2024	Banner for NNO from UZ Mar...	46.05
Bank of America, N.A.	INV0005162	08/07/2024	Windows 11 Pro Upgrade	107.22
WEX Bank	98806272	08/15/2024	PD Fuel	1,386.74
<b>Department 3001 - Law Enforcement Total:</b>				<b>3,146.69</b>
<b>Department: 3002 - Fire Protection</b>				
AT & T Mobility	287334080831X07262024	08/01/2024	Code/Fire/EMS Phones	49.97
WEX Bank	98806272	08/15/2024	CE Fuel	248.40
<b>Department 3002 - Fire Protection Total:</b>				<b>298.37</b>
<b>Department: 3004 - Animal Control</b>				
Valencia County Fiscal Office	AC2024-62R	07/30/2024	Animal Control	1,337.80
<b>Department 3004 - Animal Control Total:</b>				<b>1,337.80</b>
<b>Department: 4004 - Library</b>				
Sharp Electronics Corporation	14533520	08/06/2024	Library copies	4.76
Book Systems, Inc.	139784	08/07/2024	Online Library Annual Subscri...	1,190.00
<b>Department 4004 - Library Total:</b>				<b>1,194.76</b>
<b>Department: 5101 - Public Works</b>				
Napa Auto Parts	525463	07/23/2024	Batteries for equipment	289.52
Woodlands Hardware	013751/1	07/25/2024	Various Supplies	12.36
H&E Equipment	99542346	07/25/2024	Street Sweeper 1 Week Rental...	3,793.53
Woodlands Hardware	013820/1	07/30/2024	Various Supplies	64.50
Woodlands Hardware	013831/1	07/30/2024	Various Supplies	80.16
Napa Auto Parts	526111	07/30/2024	Hydraulic hose for the backhoe	266.51
Woodlands Hardware	013771/1	08/01/2024	Various Supplies	8.79
AT & T Mobility	287334080831X07262024	08/01/2024	Public Works Phones	52.38
Verizon Wireless	9969516306	08/05/2024	Public Works	121.17
Maloy Mobile Storage Inc.	0327444-IN	08/07/2024	40' Storage Container Serial#8...	243.68
Bank of America, N.A.	INV0005158	08/07/2024	GoDaddy upgrade-Multiple U...	24.96
WEX Bank	98806272	08/15/2024	PW Fuel	1,073.05
<b>Department 5101 - Public Works Total:</b>				<b>6,030.61</b>
<b>Department: 5104 - Highways and Streets</b>				
PNM	INV0005143	07/30/2024	Streetlights - Electricity - Utilit...	37.50
PNM	INV0005142	08/15/2024	Streetlights - Electricity - Utilit...	59.21
PNM	INV0005149	08/16/2024	Streetlights - Electricity - Utilit...	37.28
PNM	INV0005150	08/16/2024	Streetlights - Electricity - Utilit...	88.93
PNM	INV0005151	08/16/2024	Streetlights - Electricity - Utilit...	109.23
PNM	INV0005152	08/16/2024	Streetlights - Electricity - Utilit...	636.89
PNM	INV0005153	08/16/2024	Streetlights - Electricity - Utilit...	409.15
<b>Department 5104 - Highways and Streets Total:</b>				<b>1,378.19</b>
<b>Fund 11000 - General Operating Fund Total:</b>				<b>88,172.73</b>
<b>Fund: 20200 - Environmental</b>				
<b>Department: 5009 - Environmental</b>				
Universal Waste Systems, Inc.	0003222169	08/06/2024	Clean Up day-Dumpsters	364.98
<b>Department 5009 - Environmental Total:</b>				<b>364.98</b>
<b>Fund 20200 - Environmental Total:</b>				<b>364.98</b>
<b>Fund: 20900 - Fire Protection</b>				
<b>Department: 3002 - Fire Protection</b>				
Linde Gas & Equipment Inc.	44098243	07/23/2024	Oxygen	193.15

**Accounts Payable Approval Report**

Vendor Name	Payable Number	Post Date	Description (Item)	Amount
ABC Door Company	11096150	07/24/2024	Repair for Bay doors	351.56
Sharp Electronics Corporation	5028943021	07/24/2024	Fire Dept Copier Lease - Cont...	171.44
Woodlands Hardware	013722/1	07/25/2024	Various Supplies	117.85
LN Curtls	INV849365	07/30/2024	Wildland hose and equipment	18,983.00
Sharp Electronics Corporation	5029306890	07/31/2024	Fire Dept Copier Lease - Cont...	171.44
AT & T Mobility	287334080831X07262024	08/01/2024	Fire Phones	157.14
AT & T Mobility	287334080831X07262024	08/01/2024	Fire Telecommunications	120.12
PNM	INV0005147	08/01/2024	FD-Electricity - Utilities	1,371.19
Verizon Wireless	9969516306	08/05/2024	Fire Department	120.03
Napa Auto Parts	525500	08/06/2024	supples	429.59
Bank of America, N.A.	133177	08/07/2024	CMC Rope rescue Book	74.73
Sharp Electronics Corporation	5029716712	08/07/2024	Fire Dept Copier Lease - Cont...	172.87
Sharp Electronics Corporation	5030102346	08/07/2024	Fire Dept Copier Lease - Cont...	172.87
Sharp Electronics Corporation	5030475529	08/07/2024	Fire Dept Copier Lease - Cont...	172.87
NM Gas Co	INV0005145	08/14/2024	GAS- Utilities	38.73
NM Water Service Company	INV0005156	08/14/2024	Water - Utilities	73.62
WEX Bank	98806272	08/15/2024	Fire Dept.	1,161.82
PNM	INV0005148	08/16/2024	FD-Electricity - Utilities	237.98
<b>Department 3002 - Fire Protection Total:</b>				<b>24,292.00</b>
<b>Fund 20900 - Fire Protection Total:</b>				<b>24,292.00</b>
 <b>Fund: 21100 - Law Enforcement Protection</b>				
<b>Department: 3001 - Law Enforcement</b>				
Rio Communities Service Stati...	09738	07/30/2024	Open PO for Oil Changes	58.42
Rio Communities Service Stati...	09752	08/07/2024	Open PO for Oil Changes	58.42
<b>Department 3001 - Law Enforcement Total:</b>				<b>116.84</b>
<b>Fund 21100 - Law Enforcement Protection Total:</b>				<b>116.84</b>
 <b>Fund: 29700 - County EMS GRT</b>				
<b>Department: 2002 - General Administration</b>				
Boundtree Medical	85422125	07/23/2024	medical supplies	32.37
Boundtree Medical	85423875	07/23/2024	medical supplies	891.78
AT & T Mobility	287334080831X07262024	08/01/2024	EMT Telecommunications	104.76
Boundtree Medical	85436006	08/05/2024	medical supplies	38.16
Verizon Wireless	9969516306	08/05/2024	EMS	81.32
WEX Bank	98806272	08/15/2024	EMS Fuel	354.39
<b>Department 2002 - General Administration Total:</b>				<b>1,502.78</b>
<b>Fund 29700 - County EMS GRT Total:</b>				<b>1,502.78</b>
 <b>Fund: 39900 - Other Capital Projects</b>				
<b>Department: 2002 - General Administration</b>				
State of Emergency Upfitting	2201	07/30/2024	Viny Graphics on Unit 2	1,085.00
State of Emergency Upfitting	2202	07/30/2024	Removal of Graphic's for Unit 3	400.00
HEI, Inc	JC4085	07/31/2024	On-Call Electrical & Constructi...	1,624.50
<b>Department 2002 - General Administration Total:</b>				<b>3,109.50</b>
<b>Fund 39900 - Other Capital Projects Total:</b>				<b>3,109.50</b>
<b>Grand Total:</b>				<b>117,558.83</b>

**Fund Summary**

Fund	Expense Amount
11000 - General Operating Fund	88,172.73
20200 - Environmental	364.98
20900 - Fire Protection	24,292.00
21100 - Law Enforcement Protection	116.84
29700 - County EMS GRT	1,502.78
39900 - Other Capital Projects	3,109.50
<b>Grand Total:</b>	<b>117,558.83</b>

**Account Summary**

Account Number	Account Name	Expense Amount
11000-0001-22040	Garnishments Payable	138.46
11000-0001-22050	Healthcare Insurance Pa...	6,522.20
11000-0001-22055	Dental Insurance Payable	467.41
11000-0001-22060	Vision Insurance Payable	81.68
11000-0001-22070	Life Insurance Payable	68.04
11000-0001-22075	Disability Payable	48.87
11000-0001-22080	Miscellaneous Employee...	56.00
11000-1001-56040	Supplies-Furniture/Fixtu...	52.38
11000-2001-56040	Supplies-Furniture/Fixtu...	102.35
11000-2001-57050	Employee Training	504.46
11000-2001-57160	Telecommunications	70.04
11000-2002-54010	Maintenance & Repairs -...	1,819.00
11000-2002-55020	Contract - Attorney Fees	3,784.10
11000-2002-55030	Contract - Professional S...	27,946.55
11000-2002-55999	Contract - Other Services	710.33
11000-2002-56010	Software	26,013.32
11000-2002-57130	Rent of Equipment/Mach..	313.77
11000-2002-57160	Telecommunications	1,628.65
11000-2002-57170	Utilities - Electricity	1,184.69
11000-2002-57171	Utilities - Natural Gas	43.46
11000-2002-57173	Utilities - Water	582.96
11000-2004-57160	Telecommunications	121.17
11000-2008-55030	Contract - Professional S...	771.64
11000-2008-57150	Subscriptions & Dues	100.00
11000-2014-56999	Supplies - Other	1,654.78
11000-3001-55999	Contract - Other Services	502.63
11000-3001-56010	Software	107.22
11000-3001-56020	Supplies - General Office	117.88
11000-3001-56030	Supplies - Field Supplies	199.65
11000-3001-56040	Supplies-Furniture/Fixtu...	202.24
11000-3001-56110	Supplies - Uniforms/Linen	81.99
11000-3001-56120	Supplies - Vehicle Fuel	1,386.74
11000-3001-56999	Supplies - Other	46.05
11000-3001-57160	Telecommunications	400.29
11000-3001-57999	Other Operating Costs	102.00
11000-3002-56040	Supplies-Furniture/Fixtu...	49.97
11000-3002-56120	Supplies - Vehicle Fuel	248.40
11000-3004-55999	Contract - Other Services	1,337.80
11000-4004-56010	Software	1,190.00
11000-4004-57090	Printing/Publishing/Adve..	4.76
11000-5101-54040	Maintenance & Repairs -...	266.51
11000-5101-55999	Contract - Other Services	243.68
11000-5101-56010	Software	24.96
11000-5101-56030	Supplies - Field Supplies	165.81
11000-5101-56040	Supplies-Furniture/Fixtu...	52.38
11000-5101-56120	Supplies - Vehicle Fuel	1,073.05
11000-5101-57130	Rent of Equipment/Mach..	3,793.53

Accounts Payable Approval Report

**Account Summary**

Account Number	Account Name	Expense Amount
11000-5101-57160	Telecommunications	121.17
11000-5101-58020	Equipment & Machinery	289.52
11000-5104-57170	Utilities - Electricity	1,378.19
20200-5009-55999	Contract - Other Services	364.98
20900-3002-54010	Maintenance & Repairs -...	351.56
20900-3002-56030	Supplies - Field Supplies	19,294.00
20900-3002-56040	Supplies-Furniture/Fixtu...	157.14
20900-3002-56100	Supplies - Training	74.73
20900-3002-56120	Supplies - Vehicle Fuel	1,161.82
20900-3002-56999	Supplies - Other	429.59
20900-3002-57130	Rent of Equipment/Mach..	861.49
20900-3002-57160	Telecommunications	240.15
20900-3002-57170	Utilities - Electricity	1,609.17
20900-3002-57171	Utilities - Natural Gas	38.73
20900-3002-57173	Utilities - Water	73.62
21100-3001-54040	Maintenance & Repairs -...	116.84
29700-2002-56070	Supplies - Medical	962.31
29700-2002-56120	Supplies - Vehicle Fuel	354.39
29700-2002-57160	Telecommunications	186.08
39900-2002-58010	Buildings & Structures	1,624.50
39900-2002-58080	Vehicles	1,485.00
	<b>Grand Total:</b>	<b>117,558.83</b>

**Project Account Summary**

Project Account Key	Expense Amount
**None**	117,558.83
<b>Grand Total:</b>	<b>117,558.83</b>



Authorization Signatures

MAYOR & COUNCILORS

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JOSHUA RAMSELL, MAYOR

---

LAWRENCE GORDON, COUNCILOR

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ARTHUR APODACA, COUNCILOR

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MATTHEW MARQUEZ, COUNCILOR

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THOMAS NELSON, COUNCILOR

ATTEST:

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## **Section 1: SHORT TITLE**

This chapter may be cited as the "City of Rio Communities Code of Conduct."

## **Section 2: DECLARATION OF POLICY**

The City of Rio Communities seeks to foster and maintain transparency while conducting city business, creating policy and undertaking the day to day operation of the city. This chapter establishes minimum standards of ethical behavior and sets forth explicit standards of conduct by requiring elected officials, appointed officials, and employees to disclose personal interests, financial or otherwise, in matters of the city and to remove themselves from decision making when such interests exist.

## **Section 3: RESPONSIBILITY OF PUBLIC OFFICE AND EMPLOYMENT**

Elected officials, appointed officials, and employees of the city are bound to uphold the Constitution of the United States, the New Mexico Constitution, and federal, state and local laws; to adhere to the highest standards in the exercise of powers and duties of office or employment; to impartially carry out their duties; to discharge their duties of office regardless of personal considerations; and to recognize that public interest must be the prime objective.

## **Section 4: DEFINITIONS**

(A) **ADMINISTRATIVE ACTION.** Action based upon the application or interpretation of a city ordinance or state statute, or a proceeding involving a license permit, franchise or development use.

(B) **ANYTHING OF VALUE, BENEFIT, OR THING OF VALUE.** Includes all matters, whether tangible or intangible, that could reasonably be considered to be of advantage or worth, use or service to the person to whom they are conferred. This includes: money; products or merchandise; works of art or collectibles; stocks, bonds, notes or options; real property or an interest in real property; contracts or a promise of future interest in a contract; an interest or a promise of a future interest in a business; non-alcoholic beverages; a meal with a total value exceeding \$50 or meals from a single person or entity with a cumulative total value exceeding \$500 annually; excluding meals provided in connection with an event produced by a non-profit charitable organization, government entity, public school or a public event where the person attending is serving in an official capacity; transportation and related travel expenses not to exceed \$75 per trip or transportation and related travel expenses from a single person or entity for trips

with a cumulative total value exceeding \$500 annually; lodging; services including loaned employees; loans, loan guarantees or cosigning; loans at below market interest; forgiveness of a debt; discounts or rebates not extended to the public generally, and this does not include general discounts that are offered to all government employees at all levels of government; preferential treatment; tickets of admission; excluding tickets or admission provided in connection with an event produced by a non-profit charitable organization, government entity, public school or a public event where the person attending is serving in an official capacity; paid compensation not commensurate with fair and reasonable value of services rendered; free or discounted use of office equipment and facilities; intentional overpayment or knowing duplicate payments for expenses or costs; radio or television time which is not paid at fair market value; promise or offer of present or future employment; use of autos, boats, apartments, or other recreational or lodging facilities; intangible rights such as a cause of action; licenses, patents, intellectual property, copyrights, or an interest in them; and any other item, tangible or intangible, having economic value. "Anything of value," "benefit," or "thing of value" does not include political endorsements, support in a political campaign or a promise of an endorsement, political activities, or political support. Nothing in this section shall be construed to prohibit an occasional, non-pecuniary gift, insignificant in value, or an award publicly presented in recognition of public service.

(C) **APPOINTED OFFICIAL.** A person who is not an elected official or city employee and has been appointed by the Governing Body to serve on a city board, commission, committee, or other body established by the Governing Body, or to perform other functions at the request of the Governing Body.

(D) **GOVERNING BODY OR CITY COUNCIL.** The Governing Body of the City of Rio Communities.

(E) **CONFIDENTIAL INFORMATION.** Information that has been classified as confidential by law and/or information contained on city owned and/or operated equipment, including but not limited to electronic correspondence, diagrams, charts, all components of electronic files, data, records, pictures, documents; visual, voice and electronic recordings; and any other data or information stored or maintained on computer memory or device.

(F) **CONFLICT OF INTEREST.** A situation in which a person exercising a duty has an interest, financial or otherwise, that potentially conflicts with the exercise of the duty or that may be perceived as conflicting with the exercise of the duty.

(G) **CONTRACT.** An agreement between two or more parties, whether express or arising by operation of law.

(H) **CONTRACT ETHICS OFFICIAL.** An attorney contracted by the city who will perform independent reviews of complaints, conduct investigations, gather information, draft reports and make recommendations in accordance with this chapter. The Official will be contracted through the City Manager' Office.

(I) **EMPLOYEE.** A non-elected person who is employed, in any capacity, by the City of Rio Communities.

(J) **ELECTED OFFICIAL.** A member of the Governing Body, including City Councilor, Mayor, and the Municipal Court Judge.

(K) **EX PARTE COMMUNICATION.** A direct or indirect communication with a party or the party's representative outside the presence of the other parties concerning a pending adjudication that deals with substantive matters or issues on the merits of the proceedings. *Ex parte* communications do not include statements that are limited to providing publicly available information about a pending adjudication or solely related to the status of the proceeding.

(L) **FAMILY.** An individual's spouse, domestic partner, parent, child, sibling, and like in-laws, by consanguinity or affinity, and persons, related or unrelated, living within the household.

(M) **FINANCIAL INTEREST.** Any interest of an elected official, an employee, or an appointed official that is: (1) an ownership interest or other interest in any contract or prospective contract with the city; (2) an interest in the sale of real or personal property to or from the city; (3) a financial relationship with a person or business whose interests may be affected by the city; (4) any employment or prospective employment for which negotiations have already begun where the prospective employer has an interest in the sale of real or personal property from the city; or (5) any other interest that may be affected by the city. For the purposes of this chapter, an interest shall be one either as owner, part owner, partner, or shareholder, in which such individual owns more than two percent of the outstanding stock or more than two percent of the ownership interest of any other business that is doing business with the city in an amount in excess of \$7,500 annually. An interest held by the elected official's spouse or minor children shall be considered an interest of the elected official, appointed official, or employee for the purposes of this chapter.

(N) **FRIVOLOUS.** Complaints made by an individual or entity that have been determined to be unsubstantiated and contain allegations that are found to have no factual basis.

(O) **HARASSMENT.** Harassment consists of knowingly pursuing a pattern of conduct that is intended to annoy, alarm, bully or intimidate another person and that serves no lawful purpose. The conduct must be such that it would cause a reasonable person to suffer substantial emotional distress.

(P) **IMMEDIATE FAMILY.** A spouse, domestic partner, child, child of a sibling, a parent, a grandparent, a grandchild, like in-laws, and like step-children.

(Q) **NON-PUBLIC INFORMATION.** Information that is obtained in the course of an elected official's, appointed official's, or employee's duties and is subject to public

inspection under state law, but that, because of its nature, is not readily accessible to the public; and if used or disclosed, a personal benefit or advantage is likely to result.

(R) **PARTY.** A person who has submitted to the city an application seeking affirmative relief; a person who has filed a formal complaint or protest; a person who is the subject of a formal complaint or investigation; and members of the general public who participate in a pending adjudication.

(S) **PENDING ADJUDICATION.** Any application, petition, complaint, protest, investigation, or other administrative adjudicatory proceeding requiring decision or action by the Governing Body, the Planning and Zoning Commission, or any other board or commission established by the Governing Body.

(T) **PERSONAL BENEFIT.** The obtaining or promise of obtaining anything of value.

(U) **POLITICAL ACTION.** Conduct in which elected officials or appointed officials use their official positions to exercise influence on city employees, elected officials or appointed officials; the phrase includes intervention on behalf of constituents with a governmental agency, and endorsement, pledging support, or actively supporting a city governmental matter, a nominee or a candidate for public office.

(V) **SUBSTANTIATED CLAIM.** A violation of this chapter verified by competent facts and that substantial evidence exists to support.

(W) **UNSUBSTANTIATED CLAIM.** A claim that is not supported by competent facts or substantial evidence or existent of facts and/or an allegation that is not a per se violation of this chapter.

## **Section 5: NONPARTISNSHIP**

All actions, decisions and votes on matters relating to city government shall be on the merits. Decisions shall be made objectively, without party or partisanship considerations, and without facts which are not directly and properly related to the matter requiring action.

## **Section 6: PUBLIC TRUST**

(A) Elected officials, appointed officials, and employees shall act according to the highest principles of representative democracy to ensure that city government is worthy of public respect, trust and support.

(B) Elected officials, appointed officials, and employees shall not engage in conduct that they know or reasonably should know is likely to create in the minds of reasonable, objective, fair-minded observers the perception that they have used their public positions improperly, unethically or otherwise have not conducted themselves in accordance with the standards of conduct of this chapter.

(C) Elected officials, appointed officials, and employees shall not provide or disseminate to the public any information or data which they should reasonably know to be untrue, inaccurate or misleading. It is incumbent upon elected officials, appointed officials, and employees to correct such information as quickly as reasonably possible.

(D) It is a violation of this chapter for elected officials and appointed officials to knowingly violate their own rules of procedure or any other law or ordinance.

#### **Section 7: Conduct Avoiding Impropriety**

(A) Elected officials, appointed officials, and employees shall avoid conduct that creates the appearance of impropriety or that is otherwise unbecoming a public official. An impropriety can mean misconduct or behavior that demonstrates an unethical process or improper influence.

(B) Elected officials, appointed officials, and employees shall not knowingly engage in conduct that violates the rights of others to be treated fairly.

(C) Elected officials, appointed officials, and employees shall refrain from engaging in conduct, even if lawful, where personal gain or advantage is involved in a way that creates a reasonable inference that such office has been used for private benefit.

#### **Section 8. Prohibiting Financial Interest in City Business**

(A) No elected officials, appointed officials, or employees may have a financial interest if the elected official, appointed official, or employee is in a decision making capacity with respect to the financial interest.

(B) Elected officials, appointed officials, and employees who have any financial interest shall disclose such interest by filing a disclosure of interest and recording the same with the City Clerk and by disclosing the interest as otherwise provided in this chapter or by law, and shall thereafter be disqualified from participating in any debate, decision or vote relating thereto.

## **Section 9: Conflict of Interest, Disclosure**

(A) Elected officials, appointed officials, and employees shall strictly avoid transactions and relationships that create a conflict of interest. Where a conflict of interest is unavoidable, the elected official, appointed official, or employee shall disclose the conflict of interest and shall subordinate the conflicting interest to the public interest, and the disclosure shall be recorded by the Clerk as part of the minutes of the meeting at which the disclosure is made.

(B) Elected officials, appointed officials, and employees shall exercise their duties, powers and prerogatives without prejudice or favoritism to hire, promote, or simply to reward family members, relatives, friends, or political supporters, or to hinder or punish enemies and opponents.

(C) Elected officials, appointed officials, and employees shall assure that constituents and others who may be affected by decisions of the city have a fair and reasonable opportunity to express their concerns, grievances, and ideas without regard to their willingness or ability to provide benefits or political support to the elected official, appointed official, or employee.

(D) Elected officials, appointed officials, and employees shall not engage in any conduct that could create in the mind of a reasonable observer the belief that persons will receive better or different services if gifts, personal benefits or political or charitable contributions are provided.

(E) Elected officials, appointed officials, and employees shall not solicit or receive gifts, personal benefits, favors, gratuities or political or charitable contributions, or anything of value under circumstances that create a reasonable belief that special access, services, favors, or official or unofficial actions will be provided as a result. Nor may anything of value be solicited or received from a person or business doing business with the city, contracting with the city, regulated by the city, has an application pending before the city, or whose interests may be affected by the city.

(F) Elected officials, appointed officials, and employees shall not accept anything of value from a person, business, or other entity when the elected official, appointed official, or employee knows or reasonably should know that said person, business, or entity does any business with the city, desires to do business with the city, contracts with the city, is regulated by the city, has an application pending before the city, or whose interests may be affected by the city.

## **Section 10: CONFIDENTIAL INFORMATION AND MISUSE OF NON-PUBLIC CONFIDENTIAL INFORMATION.**

No elected official, appointed official, or employee shall disclose or use confidential information maintained by the city without proper authorization, and such information shall not be used to advance the financial or other private interests of said person. No

elected official, appointed official, or employee shall use confidential information for personal benefit.

#### **Section 11: USE OF POSITION TO OBTAIN INFORMATION.**

No elected official, appointed official, or employee shall use their position to obtain information from another entity or individual for their personal benefit. Neither shall an elected official, appointed official, or employee obtain, or attempt to obtain, information from an individual or entity on behalf of the city when the information will be used for their personal interest or benefit.

#### **Section 12: MISUSE OF CITY PROPERTY AND RESOURCES FOR PRIVATE GAIN OR PERSONAL ADVANTAGE**

(A) An elected official, appointed official, or employee shall not use public property for any private purpose or nongovernmental purpose except as specifically provided by law. Public property includes public funds, time, facilities, property, equipment, mailing lists, computer data, services or any other governmental asset or resource. This section does not prohibit the reserving or renting of city property which is designated as either public space or public meeting space and otherwise made available to all members of the public, nor the occasional and limited use of city property and resources for personal purposes if:

- (1) The use does not interfere with the municipal activities duties, or operations;
- (2) The cost or value related to the use is of such nominal value that reimbursement procedures would not be reasonable or justified; and
- (3) The use does not create the appearance of improper influence.

(B) No elected official, appointed official, or employee shall seek, accept, use, allocate, grant or award public funds for a purpose other than that authorized by law or make a false statement in connection with a claim, request or application for compensation, reimbursement or travel allowances from public funds.

(C) Unless authorized by the City of Rio Communities Personnel Policies no city employee shall be asked or permitted to perform personal services for an elected official or appointed official. An elected official or appointed official shall not require a city employee to perform personal services or assist in a private activity except in unusual and infrequent situations where the person's service is reasonably necessary to permit the elected official or appointed official to perform official duties.



**Section 13: MISUSE OF CITY PROPERTY OR RESOURCES FOR POLITICAL PURPOSES**

(A) No municipal resources, including funds, facilities and personnel, may be used for political campaign purposes or to influence an election; provided, that this shall not prohibit the use of public resources proposed for the limited purpose of educating voters about the details of a ballot question placed on the ballot as authorized by the City of Rio Communities Governing Body pursuant to Section 1-16-3 NMSA 1978 (as amended). An elected official shall not use or authorize the use of municipal funds, time, facilities, equipment, mailing lists, computer data or resources, services or other government assets for the purpose of political fundraising, campaigning, or influencing an election. This prohibition includes the use of municipal communication technologies, including but not limited to municipal websites, mailers, signage, or public service announcements, regardless of the transmission method, within 60 days of the date of the election, when the elected official is on the ballot. Nothing in this section shall be construed to prohibit the use of:

(1) Mailing lists, computer data or other public information lawfully obtained from a government agency and available to the general public for nongovernmental purposes; or

(2) City property or facilities designated as public space or public meeting space which are otherwise made available to the public; provided however:

(a) All applicable reservation or rental policies of the city are observed; and

(b) Any city property or facility designated as an early voting or election day polling place for a statewide or municipal election shall not be eligible for reservation or rental within 30 days of the date of the election, when the purpose is to discuss, inform, debate or confer, in any manner, about a candidate or ballot question, or engage in any activity which may influence an election outcome regarding any candidate or ballot question.

(B) A candidate, elected official, campaign committee or another person on behalf of a candidate, elected official, or campaign committee shall not solicit, accept or authorize the solicitation or acceptance of a campaign contribution in a facility or office ordinarily used to conduct city government business. This provision applies to telephone conversations, personal meetings, and solicitations by mail. If such a contribution is offered, it shall be refused or returned promptly. If an unsolicited contribution is received in the mail, or a lawfully solicited contribution is misdirected to an office ordinarily used to conduct city business, if otherwise lawful, it may be accepted, but it may not be processed in that office, and it shall be delivered promptly to an appropriate location.

(C) Campaign material, literature, placards, posters, or any other communications intended to influence an election shall not be distributed or posted in a city facility or office ordinarily used to conduct city government business or services.

(D) Nothing in this section shall preclude the placement or distribution of a nonpartisan voter guide intended as education, which contains candidate questionnaires or ballot question information that does not advocate for or against a candidate or ballot question.

#### **Section 14: USE OF CONFIDENTIAL INFORMATION FOR PRIVATE GAIN**

An elected official, appointed official, or employee or a former elected official, appointed official, or employee who terminated city service within one year shall not use or disclose confidential information to obtain a benefit for the elected official, appointed official, employee, or former elected official, appointed official, employee or another person, including a person with whom the elected official, appointed official, or employee or former elected official, appointed official, or employee is associated or has negotiated prospective employment. This section does not allow the disclosure of information made confidential by law.

#### **Section 15: MISUSE OF TITLE OR PRESTIGE OF OFFICE FOR PRIVATE GAIN OR PERSONAL ADVANTAGE**

(A) An elected official, appointed official, or employee shall not use, induce, cause, or encourage others to use the authority, title, official letterhead or prestige of the elected official's, appointed official's, or employee's office or service for his or her own private gain or personal advantage.

(B) An elected official, appointed official, or employee shall not solicit or accept anything of value under terms and conditions where the compensation is not commensurate with the services performed or where a reasonable person would believe that the authority, title or prestige of office had been exploited. Nothing in this section prohibits the use of the official title of an elected official, appointed official, or employee as part of a political campaign or political endorsement.

#### **Section 16: POLITICAL ACTIVITY**

(A) No elected official, appointed official, or employee shall compel, coerce or intimidate any elected official, appointed official, or employee to make, or refrain from making, any political contribution. No elected official, appointed official, or employee shall solicit or obtain by coercion any political contribution from employees. Nothing in this subsection

shall be interpreted to provide that an elected official, appointed official, or employee is precluded from voluntarily making a contribution or receiving a voluntary contribution.

(B) No employee with contract management authority, property management authority or land use authority shall serve as a paid political consultant, a campaign treasurer, or as a member of the political fundraising campaign committee of any candidate for federal, state, city or county office, or elected office.

(C) No elected officer of the city shall hold any other city office or be employed by the city during the term for which the member was elected.

(D) Nothing in this section shall be construed to prohibit the Governing Body from selecting any current or former mayor or city councilor to represent the city before any other governmental entity.

(E) Employees shall not perform any political activity when on duty. This does not include time used while on paid vacation in accordance with City Personnel Policy.

(F) An elected official, appointed official, or employee shall not require an employee to perform political activity: (1) as part of the employee's duties; (2) as a condition of city employment; or (3) during any time off that is compensated by the city.

(G) An employee shall not be required to participate in any political activity.

(H) An employee shall not be awarded additional compensation or employment benefit in any form to engage in as a part of the employee's official city employment duties or activities that are undertaken by an employee on a voluntary basis as permitted by law.

(I) Nothing in this section prohibits an employee from engaging in political activity on behalf of the city, pursuant to Section 13 (A), or engaging in voluntary political activities of the employee's choosing when not on duty.

(J) No elected official or appointed official shall engage in any conduct that would, to an objective third party, constitute an undue threat to an employee's continued employment.

(K) Employees that receive compensation or reimbursement from an elected official or political campaign on behalf of an elected official in excess of \$250 shall be required to report such compensation or reimbursement to the City Manager, which shall include disclosure of the nature of the compensation or reimbursement on a form prescribed by the city.

(L) Any city employee who becomes a certified candidate for municipal elective office of the City of Rio Communities shall, upon the certification of a declaration of candidacy, take a leave of absence without pay, use accrued vacation time, or both, not later than

35 days prior to the date of the municipal election. If a leave of absence is requested, it shall be granted.

(M) No former mayor or city councilor shall be employed by the city until one year after the expiration of the term for which the member was elected.

#### **Section 17: DISCLOSURE.**

(A) All elected or appointed officials shall be required to file a statement of economic interest with the City Clerk on a form provided by the city, as follows:

(1) Elected officials shall file a statement of economic interest no later than the last Tuesday in January of each year;

(2) Candidates for a City of Rio Communities municipal office who have not already filed a statement of economic interest in the same calendar year shall file such statement upon submission of a declaration of candidacy for the municipal election; and

(3) Appointed officials shall file a statement of economic interest at the time of filing an application for consideration of appointment and no later than the last Tuesday in January of each year.

(B) Statements of economic interest shall include the following information:

(1) A description of all parcels of real estate within the city in which the person owns any interest including an option to purchase;

(2) All interests in any business organization, either as owner, part owner, partner, or shareholder, in which such individual owns more than two percent of the outstanding stock or more than two percent of the ownership interest of any other business that is doing business with the city in an amount in excess of \$7,500 annually.

(C) Any person required to file a statement herein shall be required to file an amended statement whenever a change in that person's economic interests would require disclosure pursuant to this section. Such persons shall file the amended statement in the manner prescribed above within 30 days of the date of any change in circumstances requiring filing thereof.

(D) All persons required to file a statement hereunder shall comply with the provisions of this section as both a condition to serving in the capacity of an elected or appointed

official and to remain eligible to serve in such capacity for the duration of the person's term of office or appointment.

### **Section 18: COERCION**

(A) An elected official shall not, directly or by authorizing another to act on his or her behalf, state or imply that the elected official's willingness to meet with a person or organization is dependent on the person or organization making a campaign contribution, donating to a cause favored by the elected official or providing a thing of value to the elected official.

(B) An elected official shall not directly, or by authorizing another to act on the elected official's behalf:

(1) Agree or threaten to take or withhold any city governmental action, as a result of a person's decision to provide or not provide a political contribution; or

(2) State or imply that the elected official will perform or refrain from performing a lawful constituent service as a result of a person's decision to provide or not provide a political contribution; or

(3) Agree to or participate in a scheme or plan intended to evade the requirements of any applicable state ethics statutes, this chapter, or another financial disclosure provision of state or city law; or

(4) Knowingly accept a contribution given or offered in violation of any applicable state ethics statutes or this chapter.

### **Section 18: NON-RETALIATION.**

The Governing Body does not tolerate retaliation, workforce discrimination or harassment of any kind against any person who has reported a violation of this chapter. This non-retaliation provision applies whether the complaint is ultimately determined to be unsubstantiated or substantiated. All elected officials, appointed officials, or employees are specifically prohibited from taking any adverse employment action, engaging in workplace discrimination or harassment of any kind, or other retaliatory action against anyone for reporting a claim of violation. Anyone who believes that they have been subject to workplace discrimination or harassment of any kind or that has been retaliated against in violation of this chapter should submit a complaint of unethical conduct to the Ethics Panel by delivering to the City Attorney's office a sworn complaint.

## **Section 19: EX PARTE COMMUNICATIONS**

### **(A) *Ex parte communications prohibited.***

(1) An elected official or appointed official designated to hear an administrative adjudicatory matter pursuant to the city's Zoning Code, or any other city ordinance shall not initiate, permit or consider a communication directly or indirectly with a party or the party's representative outside of the hearing and outside of the presence of all other interested parties concerning the pending matter. A pending matter does not include an ordinance on first or second reading.

(2) An administrative adjudicatory matter is one that involves the use of a discretionary standard, as specified in the Zoning Code or other city ordinance, to an application for discretionary approval.

(3) Notwithstanding the provisions of subsection (A)(1) of this section, *ex parte* communications for procedural or administrative purposes, during emergencies, or that do not deal with the merits of the application, shall not be prohibited if the elected official or appointed official reasonably believes that no party will gain an advantage as a result of the *ex parte* communication and promptly notifies all other parties of the substance of the *ex parte* communication.

(4) An elected official or appointed official who receives or who makes or knowingly causes to make a communication prohibited by this chapter shall disclose the communication to all parties and give other parties an opportunity to respond.

### **(B) *Recusal.***

(1) An elected official or appointed official shall recuse himself or herself in any pending administrative adjudicatory matter in which the official is unable to make a fair and impartial decision or in which there is a reasonable doubt about whether the official can make a fair and impartial decision, including:

(a) When the official has a personal bias or prejudice concerning a party or its representative or has prejudged a disputed evidentiary fact. For the purposes of this paragraph, "personal bias or prejudice" means the predisposition toward a person based on a previous or ongoing relationship, including a professional, personal, familial or other intimate relationship, that renders the official unable to exercise his or her functions impartially; or

(b) When the official has a pecuniary or financial interest in the outcome of the proceeding; or

(c) When, during the previous employment, the official served as an attorney, advisor, consultant or witness in the matter of controversy (previous employment is employment during the previous 12 months); or

(d) When the official announced how he or she would rule on the adjudicatory proceeding or a factual issue in the adjudicatory proceeding.

(2) An elected official or appointed official shall not be required to recuse herself or himself in any pending administrative adjudicatory matter merely because the official possesses and discusses general viewpoints on public policy that an application may raise. Similarly, an elected official shall not be required to recuse herself or himself in any pending administrative adjudicatory matter merely because the elected official made representations during a political campaign on viewpoints on public policy that an application may raise.

(3) The elected official or appointed official recusing himself or herself shall disclose the specific reason for a recusal contemporaneous with the recusal.

(4) If, prior to the hearing, an elected official or appointed official fails to recuse herself or himself when it appears that grounds exist, a party shall promptly notify the elected official or appointed official of the grounds for recusal. If the elected official or appointed official declines to recuse himself or herself upon request of a party, the official shall provide a full explanation in support of his refusal to recuse himself or herself.

(5) If, during the hearing, an elected official or appointed official fails to recuse himself or herself when it appears that grounds exist, a party shall promptly notify the Chair of the grounds for recusal. If the elected official or appointed official declines to recuse herself or himself, the Chair may entertain a motion to excuse the official from further participation in the matter. If the motion is successful, the official shall be excused from further participation in the matter.

## **Section 20: RESTRICTIONS ON THE GOVERNING BODY; ADMINISTRATION OF THE PERSONNEL SYSTEM, MANAGEMENT.**

The Governing Body shall not perform, collectively or individually, general administrative management functions in the administration of city government; these functions shall be delegated to the City Manager including administration of the personnel system. This paragraph shall not apply to matters of policy, the responsibility and authority of the Governing Body to approve budgets and expenditures, contracts outside the signature authority of the City Manager, and matters that, in the discretion of the Governing Body, while they may involve management issues, are of citywide importance.



# COOPERATIVE EDUCATIONAL SERVICES

*Public Educational Institutions in New Mexico United by a Joint Powers Agreement to Establish an Educational Cooperative*

## PARTICIPATING ENTITY COOPERATIVE PURCHASING AGREEMENT FOR STATE AGENCIES AND/OR LOCAL PUBLIC BODIES

### **RECITALS:**

Cooperative Educational Services (CES) is the administering agency of the *Restated and Amended Joint Powers Agreement to Establish an Educational Cooperative (JPA)*. The parties to the JPA are public educational institutions in New Mexico, and the JPA is approved by the New Mexico Department of Finance and Administration (DFA). Board Policy is established by the Board of Directors whose members are party to the Joint Powers Agreement.

The JPA provides for cooperative procurement in accordance with the New Mexico Procurement Code. It also allows local public bodies and state agencies to take advantage of cooperative procurement through the JPA. While membership in the JPA is limited to public educational institutions, the Board Policy provides for non-member *Participating Entities* to use CES' programs.

The entity identified below now makes application to be a *Participating Entity* (PE) to the JPA in accordance with the terms and conditions of the CES Board Policy. Approval by the CES President finalizes this Cooperative Purchasing Agreement.

### **IN CONSIDERATION OF THE RECITALS AND FOR OTHER VALUABLE CONSIDERATION, IT IS AGREED AS FOLLOWS:**

**I. Purpose** The purpose of the Agreement is to establish a method by which participating entities may join together in cooperative multi-jurisdictional contracting and to ensure the commitment of each participating entity. Further, this Agreement shall provide an understanding of the contracting process, and the organization and operation of this purchasing cooperative.

**II. Authorization** The Agreement is entered into by the participating state agencies and/or local public bodies pursuant to their respective rules and regulations. Each state agency or local public body is authorized by the New Mexico Procurement Code (§13-1-135 NMSA 1978) to enter into cooperative purchasing agreements. Transactions made under this Cooperative Purchasing Agreement are subject to the New Mexico Procurement Code and CES Board Policy.

**III. Method** Cooperative contracting may occur when two or more members/entities agree to standardize construction, a product or service and combine their requirements in a single solicitation. Any PE with a desire to develop or use a cooperative contract will notify CES. All PE's will have an equal opportunity to use the awarded contracts. Participation in each cooperative contract is voluntary. Participation shall be promulgated by participation in the Cooperative Purchasing Program (CPP) or a signed purchase order to CES, identifying the awarded contract. CES will verify contract conditions and issue a purchase order to the vendor who fulfills the order directly to Participating Entity. Vendor then invoices CES, who invoices PE. Payment is made within 25 days of invoice by the PE to CES, who pays the vendor. CES enables certain vendors to provide online procurement where PE places an order online and then pays the vendor directly. PE understands that there may be instances where the vendor does not have the capacity to fulfill a PE's request for goods or services. PE also understands and agrees that CES only procures goods and services and facilitates transactions and is not a guarantor of or otherwise responsible for a vendor's performance. PE may take part in cooperative contracts by collaborating in the development of contract documents, solicitation of bids and proposals, bid evaluation and analysis, and contract award. Any claim by a vendor against CES resulting from the cooperative contracting process must be dealt with according to the Procurement Code and CES Board Policy, and will not be negotiated, arbitrated or settled by any of the PEs. Commodities, services or items for cooperative solicitation will be selected by CES. At a minimum, the items and services must be such that: 1. when contracted in volume, a reduced cost will occur; 2. they be in constant need by members; 3. they have a supplier base to provide adequate competition; and 4. cooperative contracting has been determined practicable, acceptable and economically feasible by CES.



**IV. Administrative Fee**

There is no application fee for the entity; there is no annual membership fee for the entity; there is a 1.25% administrative fee embedded in the vendors' contract price.

**V. Termination**

This Cooperative Purchasing Agreement may be terminated at will by either party with 30 days written notice.

**VI. Release and Indemnification**

PE understands and agrees that CES is not responsible for any actions of CES contractors. PE releases CES from any and all claims, demands, suits, proceedings, loss, costs and damages of every kind and description, including any attorney's fees and/or litigation expenses incurred by PE, its successors and assigns, including, but not limited to, any loss or damage to any property or for injuries to or death of any person, caused by, arising out of, or contributed to, in whole or in part, by reason of any act, omission, professional error, fault, mistake, or negligence of, any CES contractor, its employees, agents, representatives, or subcontractors, its employees, agents, or representatives, in connection with or incident to the performance of this agreement ("Claims"), and PE shall indemnify and hold CES harmless, as permissible by law, from all costs, expenses, damages and attorney's fees in the event such Claims are brought against CES. PE's release and obligations under this section will not extend to any liability to the extent caused by the negligence of CES, its agents, employees and Members.

**VII. Provisions Required by Law**

Each and every provision of laws and any clause required by law to be in the Agreement will be read and enforced as though it were included herein, and if through mistake or otherwise any such provision is not inserted, or is not correctly inserted, then upon application of either party, the Agreement will be physically amended to make such correction or insertion.

**ENTITY APPLICATION**

This application is made as stated below:

\_\_\_\_\_  
(Insert name of Entity applying to be a Participating Entity)

This application is made by the following individual with the approval of the entity's administration and governing authority.

\_\_\_\_\_  
(Print name of person making this application)

\_\_\_\_\_  
(Print title of person making application)

\_\_\_\_\_  
(Signature of person making this application)

\_\_\_\_\_  
(Date application is made)

**CES APPROVAL**

This application is approved by the President of CES on behalf of the parties to the JPA.

\_\_\_\_\_  
(Signature of CES President)

\_\_\_\_\_  
(Date application is approved)

PE # \_\_\_\_\_

## PARTICIPATING ENTITY INFORMATION SHEET

**INSTITUTION NAME:** \_\_\_\_\_

**ENTITY CONTACT:**

**Name:** \_\_\_\_\_  
(Please Print)

**Job Title:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**City/State/Zip:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

**Website Address:** \_\_\_\_\_

**Shipping Address:** \_\_\_\_\_

**City/State/Zip:** \_\_\_\_\_

**PURCHASING CONTACT:**

**Name:** \_\_\_\_\_  
(Please Print)

**Job Title:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

**ACCOUNTS PAYABLE CONTACT:**

**Name:** \_\_\_\_\_  
(Please Print)

**Job Title:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

**ENTITY MANAGER:**

Name: \_\_\_\_\_  
(Please Print)

Job Title: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

**PARKS & RECREATION CONTACT:**

Name: \_\_\_\_\_  
(Please Print)

Job Title: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

**HUMAN RESOURCES CONTACT:**

Name: \_\_\_\_\_  
(Please Print)

Job Title: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

**CLERK CONTACT:**

Name: \_\_\_\_\_  
(Please Print)

Job Title: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

**INFORMATION TECHNOLOGY CONTACT:**

Name: \_\_\_\_\_  
(Please Print)

Job Title: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

**TRANSPORTATION CONTACT:**

Name: \_\_\_\_\_  
(Please Print)

Job Title: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

**FINANCE CONTACT:**

Name: \_\_\_\_\_  
(Please Print)

Job Title: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

**PUBLIC WORKS CONTACT:**

Name: \_\_\_\_\_  
(Please Print)

Job Title: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_