



## RESOLUTION 09-06

### **A RESOLUTION OF THE TOWN OF TAOS, WAIVER OF EMPLOYEE OR IMMEDIATE FAMILY MEMBER CONTRACTING WITH THE TOWN OF TAOS**

**WHEREAS**, NMSA 1978, Section 13-1-190, makes it unlawful for a public employee to participate directly or indirectly in a procurement when the employee knows that the employee or any member of his/her immediate family has a financial interest in seeking or obtaining a contract; and

**WHEREAS**, NMSA 1978, Section 13-1-193, makes it unlawful for a public employee who participates directly or indirectly in the procurement process to become or to be the employee of any person or business contracting with the government body by whom he/she is employed; and

**WHEREAS**, pursuant to NMSA 1978, Section 13-1-194, the Town may waive restrictions set forth in the above Sections by publicly disclosing the contemporaneous employment and/or financial interest of an employee or their immediate family member when the procurement can be conducted and the contract can be performed without actual or apparent bias or favoritism, and participation by the employee or immediate family member is in the best interest of the Town; and

**WHEREAS**, the Town has contracted in the past and may contract in the future with Michael Silva, dba Silva's Excavation a company owned by Michael Silva Council Member for the Town of Taos; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Taos:

The Town hereby waives Section 13-1-190 and Section 13-1-193 as they relate to Michael Silva Councilman pursuant to NMSA 1978, Section 13-1-194 by allowing him to contract with the Town of Taos, as long as the Town complies with the Procurement Code as applicable and in which the Town has no actual or apparent bias or favoritism.

The Town hereby finds that Council Member Michael Silva shall excuse himself from making any decision on or related to any contract or other agreement with the Town of Taos concerning Michael Silva dba Silva's Excavation and thereby assures that there is no conflict.

**BE IT FURTHER RESOLVED** that the Town Council through adoption of this Resolution is publicly disclosing the contemporaneous employment and/or financial interest and relationship of an employee or his immediate family member in contracting with the Town of Taos;

The Town has contracted with Michael Silva dba Silva's Excavation using the procurement process; it is in the best interest of the Town of Taos to continue to do so.

**PASSED, ADOPTED AND APPROVED THIS 24<sup>th</sup> DAY OF FEBRUARY, 2009.**

Councilmember Rudy C. Abeyta	<u>yes</u>
Councilmember A. Eugene Sanchez	<u>yes</u>
Councilmember Amy J. Quintana	<u>yes</u>
Councilmember Michael A. Silva	<u>abstained</u>

**TOWN OF TAOS**

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**Darren M. Cordova, Mayor**

**ATTEST:**

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**Renee Lucero, Town Clerk**

**APPROVED AS TO FORM:**

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**Allen Ferguson, Jr., Town Attorney**