



**TOWN OF TAOS
RESOLUTION 09-09**

**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's Procurement policy #9 adopted pursuant to Resolution No. 05-26 as amended, for the procurement of professional services costing under \$50,000.00 requires "calling a reasonable number of firms to obtain either verbal, telephone or written offers; and

WHEREAS, the Town is proposing to contract with Alex Abeyta dba Abeyta Engineering, related to Councilmember Rudy C. Abeyta, an employee of the Town.

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

The Town hereby waives Section 13-1-190 and 13-1-193 as they relate to Alex Abeyta dba Abeyta Engineering by allowing him to contract with the Town of Taos as long as the Town complies with the Procurement Code in all applicable areas and the Town gives no apparent or actual bias or favoritism.

The Town hereby finds that Council Member Rudy Abeyta shall excuse himself from making any decision on or related to any contract or other agreement with the Town of Taos concerning Alex Abeyta dba Abeyta Engineering 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;

BE IT FURTHER RESOLVED that the Town Council hereby waives the requirement of Policy #9 requiring the solicitation of offers from a number of firms because Abeyta Engineering, prior to this contract, performed a substantial amount of engineering work on contiguous and nearby properties which will inure to the benefit of the Town in the current project and therefore is most advantageous to the Town.

It is in the best interest of the Town of Taos to contract with Alex Abeyta dba Abeyta Engineering to perform certain engineering services for the Town of Taos.

PASSED, RESOLVED and APPROVED this 10th day of February, 2009 at the Regular Meeting of the Town of Taos Council.

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

TOWN OF TAOS

Darren M. Cordova, Mayor

ATTEST:

APPROVED AS TO FORM:

Renee Lucero, Town Clerk

Allen Ferguson, Jr., Town Attorney