CALL TO ORDER.

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE.

ROLL CALL.

APPROVAL OF AGENDA.

CONSENT REGULAR ITEMS.

1. Approval of Governing Body Minutes.
   October 22, 2009 Workshop Meeting
   October 27, 2009 Regular Meeting


MAYORAL REPORTS AND PRESENTATIONS.

Presentation by Steve Tally, Director of Tourism.

VILLAGE MANAGER REPORT.

PUBLIC INPUT.

PUBLIC HEARINGS.

1. Ordinance 2009-20, an Ordinance of the Governing Body of the Village of Ruidoso, New Mexico Adopting the 2009 Amendments to the 2004 Compilation of the Uniform Traffic Ordinance.

2. Ordinance 2009-21, an Ordinance Relating to the New Mexico Uniform Traffic Ordinance Adopted by the Village of Ruidoso; Establishing a Penalty Assessment Program; Defining Penalty Assessment Misdemeanors; Establishing Listed Schedule of Penalty Assessments; and Repealing all Ordinances or Parts of Ordinances in Conflict Thereof.
REGULAR ITEMS.

1. Discussion and Possible Action on Agreement Between the Village of Ruidoso and the International Mountain Bicycling Association (IMBA) for the Bike Trails Design Master Plan, in the Amount of $28,300.00.

2. Discussion and Possible Action on Award of IFB#09-009 to Pete's Equipment for a Combination Sewer Cleaner Truck (Vactor), in the Amount of $329,214.00.

3. Discussion and Possible Action on Award of IFB#09-012 to Don Chalmers Ford for a ¾ Ton, Extended Cab/Quad Cab, 4X4 with Utility Body, in the Amount of $37,438.00.

4. Discussion and Possible Action to Support Award of Proposal to Montgomery & Andrews for Professional Legal Services for the Regional Wastewater Treatment Plant Joint Use Board.

5. Discussion and Possible Action on Agreement Between the Village of Ruidoso and White Mountain Development for Provision of Water and Sewer Service to Lot 11, Gavilan South Industrial Subdivision (406 Gavilan Canyon Road).


7. Discussion and Possible Action on Award of RFP#09-005 to Hennighausen & Olsen for Professional Services for Water Rights Attorney for the Village of Ruidoso.

BOARD AND COMMISSION APPOINTMENTS.

REPORTS FROM MUNICIPAL OFFICIALS.

CLOSED SESSION.

➢ Discussion of the purchase, acquisition, and/or disposal of real property and/or water rights by the Village of Ruidoso. §10-15-1.H.8, NMSA 1978.

Any action taken as a result of the closed session will be brought back into open session.

ADJOURN.

I certify that notice has been given in compliance with Sections 10-15-1 through 10-15-4 NMSA 1978 and Resolution 2009-01. 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 aid or service to attend or participate in the hearing or meeting, please contact the Village Clerk at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Village Clerk if a summary or other type of accessible format is needed.
<table>
<thead>
<tr>
<th>Public Hearing for Ordinance 2009-23, Sewer and Wastewater Rates</th>
<th>Special Meeting November 17, 2009 at 4:30 p.m. (Tuesday)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Public Hearings for:</strong></td>
<td><strong>Regular Meeting December 8, 2009 at 4:30 p.m. (Tuesday)</strong></td>
</tr>
<tr>
<td>1) Ordinance 2009-22, Municipal Judge and Temporary Judge Salaries Increase</td>
<td></td>
</tr>
<tr>
<td>2) Ordinance 2009-24, Itinerant Vendors</td>
<td></td>
</tr>
<tr>
<td>3) Ordinance 2009-25, Comprehensive Plan Update</td>
<td></td>
</tr>
<tr>
<td>Convention Center Vendors</td>
<td>Date to be determined (Resulting from Ruidoso Convention Center Task Force)</td>
</tr>
</tbody>
</table>
AGENDA MEMORANDUM

Village of Ruidoso

To: Mayor Nunley & Village Council

From: Irma Devine, CMC
Village Clerk

Date: November 10, 2009

Re: Approval of Council Meeting Minutes

Item Summary:
Approval of Minutes from Council Meetings:

October 22, 2009 Workshop Meeting
October 27, 2009 Regular Meeting

| Fund-Division: | N/A | Line Item: | N/A | Budgeted Amount: | N/A |

Item Discussion:
N/A

Recommendations:
Approval of Minutes from Council Meetings:

October 22, 2009 Workshop Meeting
October 27, 2009 Regular Meeting

AGENDA MEMORANDUMS, ALONG WITH BACK-UP DOCUMENTATION, ARE DUE IN THE VILLAGE CLERK'S OFFICE BY 8:30 A.M. ON WEDNESDAY PRIOR TO THE CORRESPONDING MEETING (PER COUNCIL'S ADOPTED RESOLUTION #2006-25).

This agenda memorandum was received in the village clerk's office on: _____________________________.

Date and Time: 11/10/09 @ 10:00 AM

By: _____________________________.

Initials: _____________________________.

1
Mayor Pro Tem Ron D. Hardeman called the Workshop Meeting of the Governing Body of the Village of Ruidoso to order at 4:30 p.m. Councilors Rebstock, Shaw, and Williams were recorded present. Councilors Cory and Stoddard were recorded absent. Mayor Lonnie R. Nunley joined the workshop meeting at 4:56 p.m. Municipal employees present were Debra Lynne Lee, Village Manager; William P. Morris, Deputy Manager; Irma Devine, Village Clerk; Debbie Jo Almager, Parks and Recreation Director; and Robert Decker, Planning Administrator. There was no Village legal counsel present. There were approximately 17 visitors present.

Mayor Pro Tem Hardeman stated the purpose of the Workshop meeting was as followed:
2. Discussion Regarding Itinerant Vendors.

Mayor Pro Tem Hardeman introduced Report on the Future Cemetery Site. Debbie Jo Almager stated the following: the Cemetery Board was present and available for any questions; various sites were reviewed; and recommended securing the proposed site chosen. Mary Austin stated the following: the Board gathered a lot of information to save the taxpayers money; the only viable option was the property located on Highway 70; the property was privately owned; information from other municipalities was gathered for consistency; approximately 1,000 sites could be created on the proposed property; the costs had to be factored in, prior to a final decision being made; the Village should not subsidize the costs; the proposed property was 4.9 acres; only traditional burials were reviewed; and recommended Council provided some direction on how to proceed. Mayor Pro Tem Hardeman stated action could not be taken at a workshop meeting, but all the information would be provided to Council and the issue would be placed on a regular Council meeting agenda. Ms. Almager stated the life expectancy of the proposed lot would be approximately 30-35 years. Mark Younger stated the following: the property behind TR’s market had many rock formations and could accommodate approximately 350 grave sites; and the proposed property could provide approximately 975 grave sites. Councilor Rebstock stated she would support the purchase of the property on Highway 70; if a business plan was created, it proved self-sustaining, and included perpetual maintenance. Ms. Almager stated she spoke with Zach Dillenback, with the New Mexico Finance Authority (NMFA), regarding financing issues; and an Environmental Assessment had to be performed, which could be part of the negotiation. Debra Lynne Lee stated the following: perpetual maintenance needed to be established; some of the funding could be provided by private donors; and it was important to track the sales of grave sites. Mayor Pro Tem Hardeman stated the cemetery could be developed in phases and recommended Council discussed the issue prior to election. Ms. Lee stated the Village staff would perform a cost analysis and schedule some in-depth conversations with Mr. Dillenback.

Mayor Nunley joined the workshop session at 4:56 p.m.

Mayor Pro Tem Hardeman introduced Discussion Regarding Itinerant Vendors. Debra Lynne Lee stated the following: a group was assembled of Village staff members; the group reviewed different angles and spoke with a variety of people; the purpose of the discussion should be to clearly identify what an Itinerant Vendor was; Itinerant Vendors should be registered to conduct business in the Village of Ruidoso; the Clerk’s Office was reconciling the report from the Taxation and Revenue to identify all businesses operating within the Village of Ruidoso; Code
Enforcement was assisting in the review of those businesses; every community dealt with Itinerant Vendors differently; an Itinerant Vendor was one who offered goods and services for sale without having an established place of business and located within the Village or Extraterritorial Zone; an established business was a permanent business; did not want to discourage Itinerant Vendors; the Itinerant Vendor tied specifically to a special event could be required to pay up to $35.00; the Itinerant Vendor setting up on a corner or in a parking lot could pay $100.00 or more, since they were in competition with our local established businesses; Village staff recommended including Code Enforcement in the review process; creating clear definitions for Itinerant Vendors; and to revise the special event form to include special conditions for approval. Councilor Rebstock stated the following: the event should be sanctioned or registered by the host of the event and she was not concerned with those vendors at a special event; was concerned regarding the fairness of all vendors paying gross receipts taxes; and events should be held at Wingfield Park, as intended, or it should be turned into a public park, or sold with special events moved to a location on Sudderth Drive. Ms. Lee stated midtown merchants agreed with the idea of scheduling more events at Wingfield Park. Ms. Almager stated the following: the electrical issues at Wingfield Park were taken care of; there was enough room and electricity for approximately 10 vendors; River Rendezvous scheduled its July 4, 2010 special event at Wingfield Park; and hoped to schedule more events at Wingfield Park. Mayor Pro Tem Hardeman stated more events would be scheduled once it proved successful by others, but the fee structure was important. Ms. Lee stated the following: State Statute allowed a municipality to charge up to $35.00 per year; it depended on the type of business, as to where the gross receipts tax was paid; and New Mexico Taxation and Revenue could be invited to special events to provide vendors with packets and information. Mayor Pro Tem Hardeman stated there was an increase of Itinerant Vendors, which created competition for established businesses. Mayor Nunley stated music and food was what brought people to town and any fees collected should be used for development. William P. Morris stated the following: the Village’s review process of special events was modified to be more inclusive of all potential impacts; and various departments signed off on the application reviewing all potentials of traffic safety, trash pickup, etc. Mayor Nunley stated the Village could use more code enforcement staff. After lengthy discussion, Councilor Rebstock stated the Village should be careful in attempting to control businesses. Ms. Lee stated the intent for registering a business was to make sure they had a tax identification number and the appropriate departments were made aware of the business or special event; and a list of vendors could be required from each special event host, in order to check to see if they were registered. Robert Decker stated the following: there was an outdoor sales10% rule in the business section for existing businesses, which stated, a business was allowed to have outdoor sales of existing inventory for a weekend, but not more than 10% of the total floor area of the building of that business. Councilor Hardeman stated the Village needed to come up with easily enforceable language, tighten up the rules, and hire a part-time Code Enforcement Officer.

There being no further business to come before the Governing Body, Mayor Pro Tem Hardeman adjourned the workshop meeting at 5:39 p.m.

MINUTES ARE DRAFT UNTIL APPROVED ON:

Passed and approved this 10th day of November 2009.

APPROVED:______________________

Ron D. Hardeman, Mayor Pro Tem

ATTEST:________________________

Irma Devine, Village Clerk
Mayor Lonnie R. Nunley called the regular meeting of the Governing Body, Village of Ruidoso to order at 4:30 p.m. by calling for a moment of silence and the Pledge of Allegiance. Councilors Rebstock, Cory, Hardeman, Shaw, Stoddard, and Williams were recorded present by roll call. Municipal employees present were Debra Lynne Lee, Village Manager; William P. Morris, Deputy Manager; Irma Devine, Village Clerk; Bertha Randolph, Deputy Clerk; Jeffrey Kaplan, General Services Director; J.R. Baumann, Street Director; Debbie Jo Almager, Parks and Recreation Director; Harlan Vincent, Assistant Fire Chief; Justin King, Project Manager; Carlos Salas, Water/Wastewater Director; and Wolfgang Born, Chief of Police. Village legal counsel present was Daniel A. Bryant. There were approximately 24 visitors present.

Councilor Cory moved to approve the agenda as presented. Councilor Shaw seconded and the motion carried with all ayes.

Councilor Stoddard moved to approve the consent regular items:

1. Approval of Governing Body Minutes.
   October 6, 2009 Workshop Meeting
   October 13, 2009 Regular Meeting

2. Approval of First Renewal Agreement with Presbyterian Healthcare Services Contracting on Behalf of Lincoln County Medical Center to Provide Laboratory Services.

3. Request to Schedule a Public Hearing on December 8, 2009 for Ordinance 2009-22, an Ordinance Amending the Ruidoso Municipal Code Chapter 34 Court, Article II Municipal Court Judge, Section 36 Compensation and Benefits of Judge and Temporary Judge, to Increase Annual Salary.


Councilor Shaw seconded and the motion carried with all ayes.

Under Mayoral Reports and Presentations, Mayor Nunley proclaimed October 25-31, 2009 as "Red Ribbon Week".

Under Village Manager Reports, Debra Lynne Lee covered previous and upcoming events, meetings, etc., fire and water restrictions, project updates, job openings, finance/budget related items, and water production levels. Ms. Lee highlighted the following: commended Councilor Shaw for providing all the information needed by the Ruidoso Regional Council for the Arts (RRCA) to report to Council; Nancy Klingman was hired as the Finance Director; improvements began at the Convention Center; preparing to present a discussion, in conjunction with the City of Ruidoso Downs. of the Regional Wastewater Treatment Plant
funding issues at the Infrastructure Conference in Albuquerque; the Clerk’s Office continued to cross reference businesses; Thomas Schafer completed the mandatory employee H1N1 training; the Fire Chief met with the Otero Fire Services Coordinator about the development of a mutual aid agreement between the Village of Ruidoso and Otero County; the Assistant Fire Chief met with our Federal and State partners to make plans for this year’s Sierra Blanca Wildland Fire Academy to be held at the Ruidoso Convention Center; the draft Emergency Operation Plan would be presented to Council for review when completed; the Forestry Department did a great job and managed a tremendous program; the General Services Department shredded and disposed of documents older than 2005, totaling just over three tons; Jeffrey Kaplan was in negotiations for long-term contract options for establishing IT fiber connections between Village properties; the General Services Department provided mandatory training Information Technology (IT) and Purchasing Policies and Procedures this week at the Convention Center; the Awards Banquet was scheduled for December 4, 2009 and everyone was encouraged to attend; the Ruidoso Public Library staff did a great job; the Parks and Recreation Department published a great newsletter; the Parks and Recreation Department staff assisted in placing purple lights, provided by “The Nest” for Domestic Violence Month, on the trees at the “Y”; a women’s volleyball team was being put together and participants were needed; the Senior Center improvements should be completed in the next 45 days; the Dog Park Opening Ceremony was a great event; midtown trick-or-treat was scheduled for Friday, October 30, 2009 from 3:00 p.m. to 5:00 p.m.; the Smokey Bear Mountain Challenge was scheduled for Saturday, October 31, 2009; a couple of meetings were scheduled for the Comprehensive Plan Update public input; commended Rick Albers for all his assistance to the Village regarding the Comprehensive Plan Update; cost estimates and time frames were provided by Justin King for the permanent bridges; the leak detection project continued; Grindstone Dam routine inspection by CD Divers was completed; Grindstone Canyon and Resort Drive road repair in progress by New Mexico Underground; the final inspection of the Transfer Station by the New Mexico Environment Department (NMED) was on October 22, 2009 with a dedication of the facility planned for November 2009; E-Waste Recycling Event was scheduled for Saturday, November 7, 2009 at the IGA parking lot; the Street Department continued work on its long list of projects; and Steve Tally would provide a presentation to Council at the next regular Council meeting regarding marketing techniques and placing of ads. Mr. King stated the two bridges in Upper Canyon and the one on Eagle Drive were the top priorities; all bridges would be single-spanned; and the bridge on Eagle Drive would have pedestrian walkways on both sides. Councilor Rebstock inquired about the heating and cooling system at the new fire station. Harlan Vincent stated the following: an assessment was conducted by an individual, who stated it was a very complex system; the individual would meet with Johnson Control to discuss the operation of the system; and they were reviewing the possibility of installing a wood burning stove, since they had no heat. Mayor Nunley recommended Daniel A. Bryant wrote a letter to the responsible party. Mr. Vincent stated they should discuss it with Chief Thomas Gavin before they proceeded to write a letter. J.R. Baumann stated the following: the Paradise Canyon application was approved by the State, but awaited Federal approval; and when a notice to proceed was received, the Village would go out for contract. Councilor Hardeman stated some communities were affected greatly from the decreased funding for capital projects. Councilor Stoddard thanked Ms. Lee for providing the information requested regarding employees taking home Village-owned vehicles and would meet with her at a later time to discuss the issue. Mayor Nunley commended all those who worked on the Dog Park Opening Ceremony.

There was no Public Input.
There were no Public Hearings.

Mayor Nunley introduced Discussion and Possible Action on Adoption of Resolution 2009-40, a Resolution Supplanting Village of Ruidoso, New Mexico (The "Village") Ordinance No. 2009-17, Adopted on August 25, 2009, Which Authorized the Issuance of the Village of Ruidoso, New Mexico Wastewater System Improvement Revenue Bonds, Series 2009 (The "Bonds"), in the Principal Amount of $8,755,000.00; Authorizing a Supplement to Village Ordinance No. 2009-17 to Provide that the Bonds Shall Accrue Interest at a Rate of 4.25% Per Annum, Rather Than at a Rate of 4.625% Per Annum as Indicated in Village Ordinance No. 2009-17; Ratifying Actions Heretofore Taken; and Repealing All Action Inconsistent with this Resolution. Councilor Cory moved to adopt Resolution 2009-40, a Resolution Supplanting Village of Ruidoso, New Mexico (The "Village") Ordinance No. 2009-17, Adopted on August 25, 2009, Which Authorized the Issuance of the Village of Ruidoso, New Mexico Wastewater System Improvement Revenue Bonds, Series 2009 (The "Bonds"), in the Principal Amount of $8,755,000.00; Authorizing a Supplement to Village Ordinance No. 2009-17 to Provide that the Bonds Shall Accrue Interest at a Rate of 4.25% Per Annum, Rather Than at a Rate of 4.625% Per Annum as Indicated in Village Ordinance No. 2009-17; Ratifying Actions Heretofore Taken; and Repealing All Action Inconsistent with this Resolution. Councilor Hardeman seconded and the motion carried with a roll call vote of all ayes.

Mayor Nunley introduced Discussion and Possible Action on Agreement Between the Village of Ruidoso and Humane Society of Lincoln County for Operation of the Animal Shelter, in the Amount of $63,000.00. William P. Morris stated the following: at the Council meeting on September 29, 2009 the award of RFP 09-002 for Professional Services for operation of animal shelter was approved, with the contingency of negotiating with Humane Society of Lincoln County; the original proposal was for $65,000.00; negotiations were held on October 13, 2009 with staff and Ms. Kai Brown; at the meeting, it was agreed that the price for the contract would be for a total of $63,000.00; and the Humane Society would now be responsible for all utilities and also the insurance required. Councilor Shaw moved to approve Agreement Between the Village of Ruidoso and Humane Society of Lincoln County for Operation of the Animal Shelter, in the Amount of $63,000.00. Councilor Stoddard seconded and the motion carried with all ayes.

Mayor Nunley introduced Discussion and Possible Action on Award of RFP#09-004 to John Shomaker & Associates for HydroGeological Services. Carlos Salas stated the purpose of the proposal was for the Village of Ruidoso to contract with a firm to assist the Village in its efforts to supply data and studies, in order to pursue various water resource strategies with the State Engineer’s Office and, if needed, in the courts. After brief discussion, Councilor Cory moved to approve Award of RFP#09-004 to John Shomaker & Associates for HydroGeological Services. Councilor Rebstock seconded and the motion carried with all ayes.

Mayor Nunley introduced Discussion on Award of RFP by the Regional Wastewater Treatment Plant Joint Use Board to Stream Dynamics Recommended by the Ruidoso River Restoration Committee (RRRC) for River Restoration and Stream Health Project. Debra Lynne Lee stated the following: the RRRC evaluated proposals and selected Stream Dynamics; the Village of Ruidoso was the Fiscal Officer; formal negotiations had to begin; and
the budgeted amount was $30,000.00. Councilor Rebstock stated, as a member of the committee, she was very satisfied with the selection of Stream Dynamics. It was the general consensus of the Governing Body for the Regional Wastewater Treatment Plant Joint Use Board to award RFP to Stream Dynamics and authorize negotiations.

Mayor Nunley introduced Public Participation for the Water Trust Board and Uniform Funding Application. Justin King stated the following: Resolution 2009-39 was passed by Council on October 13, 2009; public participation was needed to discuss the two applications for funding a Preliminary Engineering Report (PER) for Alto Dam and Airport storage tank infrastructure; the PER for Alto Dam would be to improve the capacity, and to insure the Region of ample water supply; the Office of the State Engineer Dam Safety Bureau Chief concluded Alto Dam did not meet the State Regulation; and the PER for Alto Dam would also address options to meet the new State Regulations. Debra Lynne Lee stated the Resolution was passed at the last regular Council meeting as a consent regular item, but as part of the application process, public participation should have been allowed and it needed to be reflected on the record that the public was afforded the opportunity as part of the application process. Mayor Nunley opened discussion to the public. There was no public participation.

Under Board and Commission Appointments, Mayor Nunley recommended William P. Morris, Manny Cordova, Steve Tally, Bruce Timson, Katie Kmetz, Cindi Davis, Ron Hardeman, and Angel Shaw to serve on the Ruidoso Convention Center Task Force. Councilor Shaw stated she would like to finish the itinerant vendor issue prior to the Task Force making decisions. Councilor Cory moved to approve recommendation as presented. Councilor Stoddard seconded and the motion carried with all ayes.

Under Municipal Official Reports, Councilor Rebstock stated the Museum of the Horse afforded the opportunity to hook into the Smithsonian Institute; and commended all those who assisted with the successful Fly-In Event. Councilor Hardeman thanked Kai Brown for the hard work and long awaited Dog Park. Councilor Cory stated a Regional Wastewater Treatment Plant Joint Use Board meeting was scheduled for Friday, October 30, 2009 at 10:00 a.m. with the discussion pertaining to options of municipal representation of the Joint Use Board and invited Councilors to attend; and commended Ms. Lee for tracking and hiring a very qualified and impressive Finance Director. Mayor Nunley commended Council for all the exciting things accomplished and a job well done over the last three years; and stated he had received an invitation from Congressman Teague to go to Washington on December 3 – 5, 2009 to report on water, infrastructure, etc. Councilor Shaw stated the following: she attended the Dog Park Opening Ceremony and it was very nice; her family donated a park bench to the Dog Park and thanked everyone for their assistance with that; and the Fall Carnival was very organized and very well attended. Councilor Stoddard stated he suggested the Joint Use Board changed their meeting day to Monday instead of Wednesday, in order to report the outcome to Council. Councilor Williams stated he appreciated the efforts of all those who worked on the Dog Park.

Councilor Cory moved to recess into closed session for:

- Discussion subject to the attorney-client privilege pertaining to threatened or pending litigation in which the Village of Ruidoso is or may become a participant. §10-15-1.H.7, NMSA 1978.
- Discussion of the purchase, acquisition, and/or disposal of real property and/or water rights by the Village of Ruidoso. §10-15-1.H.8, NMSA 1978.
Vicinity of the High School

Any action taken as a result of the closed session will be brought back into open session. Councilor Shaw seconded and the motion carried with a roll call vote of all ayes.

Mayor Nunley recessed the regular session at 5:19 p.m. and convened the closed session at 5:23 p.m.

Present in closed session were members of the Governing Body. Others present included Debra Lynne Lee, William P. Morris, Irma Devine, Debbie Jo Almager, Daniel A. Bryant, and Ed Zendel with New Mexico Self-Insurer's Fund.

Ed Zendel was excused from the closed session at 5:50 p.m.

Debbie Jo Almager joined the closed session at 5:51 p.m. and was excused at 6:23 p.m.

Mayor Nunley adjourned the closed session and reconvened the regular session at 6:35 p.m.

Councilor Cory moved to certify that matters discussed in the closed session were limited only to those specified in the motion for closure. Councilor Stoddard seconded and the motion carried with a roll call vote of all ayes.

Councilor Hardeman moved to authorize Village staff to negotiate terms and configuration for a land trade with William McCarty and to develop a contract for that transaction. Councilor Shaw seconded and the motion carried with all ayes.

There being no further business to come before the Governing Body, Mayor Nunley adjourned the regular meeting at 6:37 p.m.

MINUTES ARE DRAFT UNTIL APPROVED ON:

Passed and approved this 10th day of November 2009.

APPROVED: ______________________________
Lonnie R. Nunley, Mayor

ATTEST: ______________________________
Irma Devine, Village Clerk
AGENDA MEMORANDUM
VILLAGE OF RUIDOSO

TO: Mayor Nunley and Councilors

FROM: Robert Decker, Planning Administrator

MEETING DATE: November 10, 2009

RE: Schedule a public hearing on December 8, 2009 to consider adoption of Ordinance 2009-24 amending the Village of Ruidoso Municipal Code of Ordinances Chapter 26 Businesses and Appendix A Fee Schedule

<table>
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<tr>
<th>Fund:</th>
<th>Line Item:</th>
<th>Budget Amount:</th>
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Item Summary:

The proposed changes address the concerns related to itinerant vendors and business registration and license fees.

Item Description:

The proposed changes include:

- Definitions for established business and itinerant vendor
- Itinerant vendor application requirements
- Itinerant vendor license fee
- Itinerant vendor location requirements
- A definition for consignment or multiple vendor establishment
- Changes to the Flea Market definition
- Minor word edits to the Special Event definition
- Identifying a Special Events Coordinator as the person who processes those applications rather than the Clerk’s Office
- Requiring a Special Event applicant to submit information on the vendors who will participate
- Adding departments to those who review a Special Event application
- Specifying that departments can add condition to the approval of a Special Event application
- Requiring that each vendor at a special event have a business license or business registration
- Limit a Special Event to twice a year
- Set separate business license fees for
  - Consignment or multiple vendor establishment
  - Convention Center vendor
  - Exhibition vendor
  - Itinerant vendor
  - Special Events vendor
Recommendation:

Staff recommends scheduling the public hearing.

AGENDA MEMORANDUMS, ALONG WITH BACK-UP DOCUMENTATION, ARE DUE IN THE VILLAGE CLERK'S OFFICE BY 8:30 A.M. ON WEDNESDAY PRIOR TO THE CORRESPONDING MEETING (PER COUNCIL'S ADOPTED RESOLUTION #2006-25).

THIS AGENDA MEMORANDUM WAS RECEIVED IN THE VILLAGE CLERK'S OFFICE ON:

DATE AND TIME @ 8:30 AM

BY: 

INITIALS
VILLAGE OF RUIDOSO

ORDINANCE 2009-24

AN ORDINANCE AMENDING THE VILLAGE OF RUIDOSO MUNICIPAL CODE OF ORDINANCES CHAPTER 26 BUSINESSES AND APPENDIX A FEE SCHEDULE.

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF RUIDOSO THAT Chapter 26 and Appendix A Fee Schedule are hereby amended by the addition of new text and modification of existing text as follows:

| Single Underline is text that is proposed for adoption |
| Strike-out is language deleted |

Sec. 26-1. Itinerant vendors.
There shall be no itinerant vendors in the village except as provided in this chapter.

Sec. 26-2. ReservedDefinitions.
Established place of business means an address recognized by the postal service or parcel delivery service for the named business and evidence is provided that the business owner has a minimum 30 day lease or property ownership.

Itinerant vendor means someone who offers goods or services for sale without having an established place of business within the Village or the extraterritorial zoning district who is not participating in an exhibition or a special event.

Sec. 26-3. ReservedItinerant vendor application.
In addition to completing the business license application form, an itinerant vendor shall provide a site plan. The site plan may be hand drawn. Village departments may review the application and may place special requirements on the application.

Sec. 26-4. ReservedItinerant vendor fee.
The Itinerant Vendor shall be required to pay an Itinerant Vendor Business license fee as set forth in Appendix A to this Code.

Sec. 26-5. ReservedItinerant vendor location.
An itinerant vendor shall obtain written permission from an established business owner to share space on the established business owner’s property or the itinerant vendor shall obtain written permission from a property owner to occupy the property. The itinerant vendor’s activity must be a permitted use within the applicable zoning district. If the itinerant vendor will operate outside the building, he may only locate in areas outside the established parking lot and is limited in area to 10% of the size of the primary building on the site. If the site is vacant, a parking area meeting the design requirements contained in Village Code must be designated and the size of the display area must conform to the requirements of the applicable zoning district.

Sec. 26-6 through Sec. 26-61. No Changes

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
Antique dealer means a person whose primary business is buying and selling pieces of furniture, or objects made at least 50 years ago.

Auction and auctioneer. The term "auction" includes any offer to sell personal property or real property to the highest bidder or to the person offering to pay the highest prices therefor, and shall be without qualifications or reservations, unless at the time of the offer of each article or parcel and before any bids are asked thereon a minimum price therefor is publicly stated. The term shall not include judicial sales, sales on account of executors or administrators, sales by trustees under deed of assignment or liens, sales by public officers, and sales by bona fide religious or charitable organizations conducting auctions on premises regularly occupied or used by those organizations for their activities. The term "auctioneer" means any person conducting a sale by public auction of personal property or real property of his own or as an agent for another. Business means any commercial activity or enterprise for financial gain, benefit, advantage or livelihood.

Community-wide event means a community celebration which, by long-standing custom or by mayoral proclamation, is characterized by outdoor and indoor retail sales throughout the community. It includes but is not limited to events such as Aspenfest.

Consignment or multiple vendor establishment means a business primarily located in a building where the owner sells items on behalf of others and/or rents space to multiple vendors selling new or used items where the operator of the establishment handles all money transactions on behalf of the vendors.

Contractor means any person defined as such under the Construction Industries Licensing Act (NMSA 1978, § 60-14-1 et seq.).

Exhibition means circuses, menageries, carnivals, sideshows and other similar amusement enterprises which are open to the public, for which an admission fee is charged, and which are operated for profit, indoors or outdoors.

Firewood means all flammable materials intended for burning in a fireplace, campfire, wood stove, barbecue grill or similar device, including, but not limited to, firewood, fuelwood, charcoal briquets, wood chips, coal and similar materials. Firewood does not include combustible petroleum fuels such as gasoline, propane, natural gas and similar substances.

Flea market includes arts and crafts sales and means any market premises in which spaces in either a building or open air setting are rented or leased for the purpose of selling new or secondhand articles, or arts and crafts items and home crafts, in excess of five consecutive days or on three or more consecutive weekends.

Junk shop means the business of purchasing or selling secondhand or cast-off material of any kind which is commonly known as "junk," such as old iron, copper, brass, lead, zinc, tin, steel and other metals, metallic cables, wires, ropes, cordage, bottles, bagging, rags, rubber, paper and other like materials.

Licensed alarm service means any person licensed as a private patrol operator by the state who monitors signals from alarm devices or alarm systems, determines if an emergency actually exists, and informs the police or fire department, by live voice communication, of that emergency situation, in accordance with a contract with the customer who pays for such services.

Licensed monitoring service means any person operating a telephone answering service which receives prerecorded messages or signals from alarm devices or alarm systems, reporting an emergency at a stated location, and who has the duty to relay immediately by voice communication any such emergency message to the customer who pays for such service.
Lodging vendor means any person in the village engaged in the business of providing lodging as provided in this Code.
Outdoor sales and displays means all sales of merchandise in which merchandise is displayed outdoors before sale from a business that is otherwise licensed by this article.
Pawnbroker means a person engaged in the business of lending money on the deposit or pledge of personal property or who purchases personal property with an expressed or implied agreement or understanding to sell it back at a stipulated price.
Permanent building means any location, building or portion thereof, or premises, in which or from which a business is carried on or contemplated for an indefinite time.
Route food vendor means any person engaging in the business of selling food on a designated route from a motor vehicle.
Secondhand dealer means a person engaged in the business of purchase, sale, barter, trade, consignment or exchange of secondhand goods, wares or merchandise, whether in a fixed and established location of business or otherwise.
Solicitation means the selling or taking orders for or offering to sell or take orders for goods, merchandise, wares or other items of value for future delivery or for services to be performed in the future for commercial purposes; or requesting contribution of funds, property or anything of value or the pledge of any type of future donation or selling or offering for sale any type of property, including but not limited to goods, tickets, books and pamphlets, for political, charitable, religious or other noncommercial purposes.
Solicitor means any person, whether a resident of the village or not, including an employee or agent of another, traveling either by foot, automobile, truck or other type of conveyance, who engages in the practice of going from door to door, from house to house, or along any streets within the village conducting solicitation.
Special event means an event not more than five consecutive days in length, which meets either or both of the following requirements (such requirements do not pertain to events held at the Ruidoso Convention Center):
1. Any trade show, **music event, fund raising event-flea market** or exhibition of goods and services by multiple exhibitors.
2. Any event for which a special dispenser's license for the sale of alcoholic beverages is required.
Vehicle for hire means any vehicle and driver carrying passengers for the convenience of the public, and for consideration. The term does not include ambulances or interstate bus companies.

Sec. 26-69. Special events.
(a) Application for license; guarantee of compliance.
1. Every application for a special events license must be submitted **to the person designated by the Village Manager as the Special Events Coordinator** at least 30 days in advance of the special event, and shall contain the following information in addition to other information required of business license applicants:
   a. An estimate of the number of guests or patrons that are expected to attend the event;
   b. A diagram of the premises showing the location of activities, emergency access, and a description of how access to the event is to be controlled; and
   c. If alcoholic beverages are to be served, the identities of both the sponsor of the event and the alcoholic beverage licensee who will cater the event.
d. The names, addresses and contact information for every vendor participating in the event. Should the event be organized in such a manner that all vendors will not be known until the day of the event, information on vendors shall be provided as soon as known.

(2) If the event is to be held outdoors, the application shall be accompanied by a cashier's check in the currently required amount or other equivalent security as a guarantee of compliance with subsection (c)(5) of this section.

(b) Approval or denial of license.

(1) The applicant shall obtain the review of the police, fire, solid waste, code enforcement and planning departments shall review the application and may recommend special conditions be placed on the event before the clerk Special Events Coordinator approves or recommends denial of an application for a special event. If the clerk Special Events Coordinator determines that the application should be denied based on reports from these departments or based on the applicant's having previously violated the provisions of this section, the matter shall be referred to the village council as provided in section 26-64.

(2) If the event is to be held in the Ruidoso Convention Center this section does not apply; however, the policies of the convention center must be complied with by the applicant.

(c) Standards. Each special event shall meet the following standards:

(1) Sanitary facilities. All special events shall have an adequate number of sanitary facilities. If the event is held outdoors, facilities in adjacent buildings may be used with the written consent of the property owner if, during the event, the exterior of the building is clearly marked to show the availability of facilities. Portable outdoor toilets may be used if the village approves their use and location.

(2) Waste receptacles. For outdoor special events, adequate waste receptacles shall be provided at the sponsor's expense. The number of receptacles shall be subject to approval by the village.

(3) Access for emergency vehicles. All special events shall have adequate access for emergency vehicles as approved by the village.

(4) Compliance with other regulations. All special events must meet all other applicable codes and ordinances, including but not limited to fire codes, building codes and noise limitation ordinances.

(5) Cleanup of area. The person obtaining the license for an outdoor special event shall be responsible for the cleanup of the area used by the event, plus the public rights-of-way within 150 feet of that area, within 48 hours of the close of the event.

(6) Liability insurance. All special events shall provide comprehensive public liability insurance with limits of liability of not less than $1,000,000.00 combined single limit. The village shall be named insured for the duration of the event. Coverage shall include liquor legal liability if alcoholic beverages are to be served. The village manager may permit reduced or no coverage if he finds that the public safety and welfare will not be jeopardized by this reduced coverage. The village manager shall advise the council in writing of all pertinent facts when a reduction or waiver is granted.

(7) Each vendor participating in the event shall obtain a Village of Ruidoso business registration or license prior to opening for business and shall prominently display the receipt, registration or license during the event.

(d) Special events with alcoholic beverages. All special events where alcoholic beverages are served shall be subject to the following additional requirements:
(1) All events serving alcoholic beverages must also serve food, water and nonalcoholic beverages at least equally available with the alcoholic beverages.

(2) Events serving alcoholic beverages outdoors shall serve beverages only in paper or other biodegradable cups. Service of alcoholic beverages or other beverages in plastic, metal or glass containers is prohibited.

(3) Events serving alcoholic beverages outdoors shall control access to the event by means of fencing or other adequate security measures which have been approved by the village.

(4) If live entertainment is provided at the event, the event shall comply with section 58-53.

(e) The same special event at the same location may not occur more than twice a year.

---

### Appendix A Fee Schedule

**BUSINESSES (Chapter 26)**

- **Business registration annual fee (26-32)**
  - 35.00
- **Late charge for failure to obtain or renew business registration or license (26-37)**
  - 10.00 per year
- **License fees (26-63):**
  - Antique dealers (annually)
    - 50.00
  - Auctioneers (annually)
    - 50.00
  - **Consignment or multiple vendor establishment**
    - 50.00
  - Contractors (annually)
    - 35.00
  - **Convention Center vendor without business registration (per event)**
    - 10.00
  - Exhibitions (per day)
    - 100.00
  - **Exhibitions vendor without business registration (per day)**
    - 10.00
  - Flea markets (per exhibitor)
    - 35.00
  - **Itinerant vendor (annually)**
    - 100.00
  - Junk shops (annually)
    - 50.00
  - Licensed alarm service (annually)
    - 35.00
  - Licensed monitoring service (annually)
    - 35.00
  - Palm readers, fortunetellers, clairvoyants and similar occupations (annually)
    - 100.00
  - Pawnbrokers (annually)
    - 100.00
  - **Route food vendors (annually)**
    - 35.00
  - Secondhand stores (annually)
    - 50.00
  - Solicitation (per solicitor)
    - 35.00
  - Special events (per day, up to the five-day limit)
    - 100.00
  - **Special events vendor without business registration (per event)**
    - 10.00
  - Vehicles for hire (annually)
    - 50.00
  - Each driver of vehicle for hire (annually)
    - 15.00
  - Garage sale permit (26-71)
    - 10.00
Passed, Approved and Adopted this 8th Day of December, 2009.

 SEAL

 ATTEST:

______________________________
Irma Devine, Village Clerk

Lonnie R. Nunley, Mayor

November 2, 2009
AGENDA MEMORANDUM
VILLAGE OF RUIDOSO

TO: Mayor Nunley and Councilors

FROM: Robert Decker, Planning Administrator

MEETING DATE: November 10, 2009

RE: Schedule a public hearing on December 8, 2009 to consider adoption of Ordinance 2009-25 amending the 2006 Comprehensive Plan

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Item Summary:

The Comprehensive Plan Update Taskforce was appointed January 13, 2009 by the Mayor with a requirement to report to Village Council within six months. The Taskforce presented a draft document on July 14, 2009. This ordinance adopts those recommendations as an amendment to the 2006 Comprehensive Plan.

Item Description:

The Taskforce was created to draft an update of the 2006 Comprehensive Plan. The Taskforce prepared a draft of a revised set of goals and objectives for consideration and adoption.

Since presentation of the draft in July, eleven public input meetings have been held and staff has appeared on three radio stations. The draft has been reviewed by the Planning Commission.

Adjustments to the draft document prepared by the Taskforce will be recommended based on input received.

Recommendation:

Staff recommends scheduling the public hearing.
VILLAGE OF RUIDOSO

ORDINANCE 2009-25

AN ORDINANCE OF THE GOVERNING BODY OF THE VILLAGE OF RUIDOSO, NEW MEXICO ADOPTING THE 2009 AMENDMENTS TO THE 2006 COMPREHENSIVE PLAN.

Whereas, the Comprehensive Plan Update Taskforce was appointed January 13, 2009 by the Mayor with a requirement to report to Village Council within six months; and

Whereas, the Taskforce prepared and submitted a draft set of goals and objectives to Village Council on July 14, 2009; and

Whereas, numerous public input meetings were held to review the draft goals and objectives; and

Whereas, the Planning Commission of the Village of Ruidoso reviewed the draft goals and objectives; and

Whereas, the draft goals and objectives have been adjusted to incorporate the comments received from the public

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF RUIDOSO:

1. That the 2006 Village of Ruidoso Comprehensive Plan is hereby amended by adoption of the 2009 Comprehensive Plan Goals and Objectives.

2. That the 2009 Comprehensive Plan Goals and Objectives are attached hereto and made a part of this ordinance.

3. That the Planning Commission and Village Staff shall follow the implementation plan outlined in the goals and objectives and shall provide progress reports to Village Council on efforts to implement these goals and objectives.

Passed, Approved and Adopted this 8th Day of December, 2009.

Lonnie R. Nunley, Mayor

SEAL

ATTEST:

Irma Devine, Village Clerk
# Village of Ruidoso
## Comprehensive Plan Update

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Village of Ruidoso
Comprehensive Plan Update
Introduction

As an update of the Comprehensive Plan adopted by Ordinance 2006-01 on February 14, 2006, this document clarifies and expands on the goals and objectives contained in the 2006 document. It is not intended to be a complete rewrite of the 2006 document but rather a focus on action items. It is an attempt to address and guide the changes that will occur in Ruidoso over the next 10 years, specifically the period between July 2009 and June 2019.

Ruidoso provides many services, including some not normally found in a small community, such as an airport, library and convention center. These create economic challenges but also enhance the appeal of the area.

The reliance on seasonal tourists for much of the revenue that supports the community means that Ruidoso must be constantly vigilant to identify and make improvements necessary to continue to attract those people to the community.
I. Implementation

The Comprehensive Plan is the statement of how the citizens of Ruidoso view their community and how they want it to develop. It must be tailored to the needs of the community and have measurable goals and objectives with timelines for accomplishing certain tasks. The 2006 plan identified linkages between the Comprehensive Plan and other documents required to assist in accomplishing the goals and objectives of the Comprehensive Plan. Linkage to documents such as the Village Code, capital improvements program and annual budget, which are the true vehicles for implementing the goals and objectives contained in the Comprehensive Plan, is essential. However, without periodic updates, the Comprehensive Plan will lose relevance as conditions change. Specific dates for accomplishing periodic updates of the Comprehensive Plan have been recommended and need to be followed.

1 Goal: Ensure that the rules and criteria related to land use contained in the Village Code are consistent with the Comprehensive Plan.

1.1 Objective: Insure that all land use decisions are consistent with the Comprehensive Plan

1.1.1 Policy or Program: Endeavor to include in all Planning Commission and Village Council decisions related to land use the criteria used in determining compliance with the Comprehensive Plan

1.2 Objective: Link the Comprehensive Plan to the day to day decisions of the Village

1.2.1 Policy or Program: Justify inclusion of projects in the ICIP or the annual budget by referencing goals and objectives contained in the Comprehensive Plan

1.3 Objective: Document historic changes including parcel rezoning and annexations
Village of Ruidoso
Comprehensive Plan Update

1.3.1 Policy or Program: Staff shall complete and Village Council shall adopt a revised zoning map by September 2009 that documents all zoning changes approved to date.

1.4 Objective: Revise Village Code language to implement the goals and objectives of the Comprehensive Plan

1.4.1 Policy or Program: Immediately prepare and adopt revisions to sections within Chapter 54 that relate to specific identified issues including:

1.4.1.1 Correct the inconsistency in minimum lot size between new subdivisions and re-subdivision of existing lots in R-1

1.4.1.2 Revise/update parking requirements to be more in tune with today’s land use needs

1.4.1.3 Clear up requirements for outdoor sales in all districts

1.4.1.4 Remove the cascading use allowances in C-2 and C-3

1.4.1.5 Zone recently annexed areas

1.4.1.6 Adopt technical revisions identified by the Planning Commission and staff that will improve the process of reviewing plans and clarify design criteria

1.4.2 Policy or Program: Complete and adopt a Future Land Use Map by March 2010

1.4.3 Policy or Program: Complete a comprehensive rewrite of Chapter 54 and supporting chapters by December 2010
1.4.4 Policy or Program: Prepare a new zoning district map that includes separating R-1 and C-2 into sub-zones that better reflect the conditions in various areas of the Village, adding area for C-4 uses and revising the C-3 zone boundary. Adopt by December 2010

1.4.5 Policy or Program: Expand the use of the PUD overlay zone to encourage innovative land use changes in existing developed areas

1.4.6 Policy or Program: Include in all staff reports to the Planning Commission and Village Council an appropriate statement identifying how the proposed project is consistent with the Comprehensive Plan

1.4.7 Policy or Program: Budget for conference attendance and continuing education for Planning Commission members

2 Goal: Update the Comprehensive Plan on a regular basis.

2.1 Objective: Establish a schedule for updating the Comprehensive Plan

2.1.1 Policy or Program: The Planning Administrator shall report to the Planning Commission and Village Council, at least quarterly, on progress made in meeting the goals and objectives contained in this document

2.1.2 Policy or Program: Schedule a review of the Comprehensive Plan before the Planning Commission in July 2011 and every two years thereafter

2.1.3 Policy or Program: Forward recommendations from the Planning Commission for revisions to the Comprehensive Plan to Village Council for formal action

II. The Economy
Village of Ruidoso  
Comprehensive Plan Update  

As Ruidoso grows as a community, support for the economic requirements of full time residents needs to be side by side with support for seasonal tourism. The recent national economic problems, including high gas prices, have made this even more important if we want Ruidoso to remain economically viable.

As the commercial heart of the community, there needs to be a coordinated effort to support and enhance the economic viability of Midtown.

There are numerous groups that promote economic development. The Village needs to partner with these groups to share resources and ideas.

Outdated ordinances need to be revised to accommodate changing economic conditions.

Services and facilities need to be improved in order to make the community more tourist friendly while not forgetting the needs of full time residents.

3 Goal: A more vital, diverse economy that provides greater support for local businesses.

3.1 Objective: Proactively recruit and retain desirable businesses that will prosper in the Village

3.1.1 Policy or Program: Task the Ruidoso Valley Economic Development Corporation and other interested agencies and groups, to prepare and submit to Village Council no later than March 2010 a plan for removing impediments to economic activity contained in Village Code

3.2 Objective: Increase business management education & workforce training opportunities

3.2.1 Policy or Program: Task ENMU to formally submit recommendations to the Village by November 2009 on how the Village can support and enhance training programs

3.3 Objective: Improve the Convention Center
3.3.1 Policy or Program: Enlist the assistance of the Lodgers Tax Committee, Leisure World, the Chamber of Commerce and the Ruidoso Valley Economic Development Corporation in preparation of a business plan by October 2009 for the Convention Center that identifies needed improvements.

3.3.2 Policy or Program: Seek outside funding to assist in making the needed improvements.

4 Goal: An Economically Vibrant Midtown.

4.1 Objective: Encourage pedestrian friendly uses along Sudderth

4.1.1 Policy or Program: Revise the zoning districts by July 2010 to establish a zoning district exclusively for Sudderth that limits uses to those that favor pedestrian oriented commercial activities on the ground floor and living/office activities on the upper floors.

4.1.2 Policy or Program: Revise noise ordinance requirements by December 2009 to allow and encourage outdoor entertainment with specific time and volume restrictions within a designated midtown entertainment zone.

4.1.3 Policy or Program: Develop a plan by April 2010 to improve the conditions for pedestrians along Wingfield, Center, Grindstone Canyon, Eagle, Rio and Country Club.

4.1.4 Policy or Program: Restart the Main Street Program as a means of improving Midtown to enhance business opportunities.

4.1.5 Policy or Program: Work with the Chamber of Commerce and the Ruidoso Valley Economic Development Corporation to identify by September 2010.
Objective: Provide tourist oriented transportation options in Midtown

4.2.1 Policy or Program: Create a seasonal shuttle system serving designated park and ride lots

4.2.2 Policy or Program: Create a parking authority or other funding mechanism to improve access to existing parking facilities and construct new parking facilities that allow parking lots fronting on Sudderth to be redeveloped as new commercial buildings in order to allow for more pedestrian oriented retail activity facing Sudderth

Objective: Create a place in or near Midtown for community celebrations & gatherings, such as a plaza or park

4.3.1 Policy or Program: Task the Tourism Director to work with groups such as the Chamber of Commerce, Ruidoso Valley Economic Development Corporation, ENMU, Arts Council and local businesses to expand the number and diversity of events that are scheduled throughout the year.

4.3.2 Policy or Program: Continue to upgrade Wingfield Park for larger events as part of an adopted Parks and Recreation Capital Improvements Program

4.3.3 Policy or Program: Work with private property owners to develop a small plaza along Sudderth for smaller events

Objective: Encourage tourist oriented activities within Midtown with local service activities located on the perimeter
III. Water

The availability of adequate water to support a growing community has been a long term problem. A water restriction on residents with little or no restriction on visitors creates a negative attitude. Improvements to Village facilities need to be made in order to allow the Village to ride through drought periods without placing restrictions on full time Village residents in order to accommodate large numbers of seasonal visitors.

Opportunities for improving storage, efficiency of delivery and use, and reuse of water need to be aggressively pursued.

Goal: Provide adequate water for full time residents and visitors even during severe drought conditions

5.1 Objective: Efficiently manage existing water resources

5.1.1 Policy or Program: Utilize the regional Water Model for forecasting demand

5.1.2 Policy or Program: Implement volume based water pricing to encourage conservation

5.1.3 Policy or Program: Build a reclaimed water system for turf irrigation and aquifer recharge

5.1.4 Policy or Program: Develop a fixture retrofit program to encourage homeowner water conservation

5.1.5 Policy or Program: Add more water storage tanks

5.1.6 Policy or Program: Upgrade Alto Dam, increase capacity of the reservoir and Water Plant 3

5.2 Objective: Develop new water sources
Village of Ruidoso
Comprehensive Plan Update

5.2.1 Policy or Program: Complete and adopt 40 Year Water Plan

5.2.2 Policy or Program: Change ordinance to mandate rainwater capture for all new construction

5.2.3 Policy or Program: Implement volume based sewer service pricing for use of grey water systems

5.2.4 Policy or Program: Set stormwater management design standards for development that include aquifer recharge or discharge to the sanitary sewer system once a reclaimed system is in place

5.2.5 Policy or Program: Acquire additional water rights

IV. Land Use

The 2006 plan attempted to divide the Village into neighborhoods but did not tailor recommendations to the unique characteristics of those neighborhoods. In many cases, the same zoning district requirements apply across neighborhoods with significantly different patterns of development.

Due to terrain and historic patterns of subdivision and development, there is little land available for new development. The focus needs to be on redevelopment of outdated structures and infill within established subdivisions. Simply counting undeveloped lots leads to a much larger number than is actually available for development. Many lots are just not suitable for development without expensive and undesirable re-grading, consolidation, variances or exotic and expensive construction practices. Many subdivisions have never been fully built out. Numerous areas within the Village have old, outmoded structures. There is a need for a broader range of housing types in order to accommodate all residents, both full time and seasonal. Zoning Districts need to be tailored to specific areas of the Village. One size does not fit all.

Annexation is a way of expanding the availability of developable land within the Village. Only certain areas are suitable for annexation and appropriate
Village of Ruidoso
Comprehensive Plan Update

development standards need to be adopted when new areas are proposed for annexation.

Commercial development within the Village is an eclectic mix of styles developed over many decades. Many communities have a community style that enhances their attractiveness to visitors and potential new residents. This issue needs to be addressed to see if there is any viability of establishing a "Ruidoso style".

Goal: A moderate amount of planned redevelopment, infill and sustainable growth that compliments the natural and cultural landscapes and has compatible visual character with historic development.

6.1 Objective: Create infill policies for new development that encourage increased density and mixed use

6.1.1 Policy or Program: Create new zoning districts with requirements tailored to the unique characteristics of individual neighborhoods

6.1.2 Policy or Program: Revise existing zoning district regulations to support infill, mixed use, and appropriate densification in selected areas

6.2 Objective: Develop incentives to remodel or replace deteriorated or functionally obsolete existing housing

6.2.1 Policy or Program: Ask the Affordable Housing Taskforce to develop criteria to define affordability for the Village and surrounding communities

6.2.2 Policy or Program: Target selected areas of the Village for new types of infill housing that provide housing opportunities for the full range of economic strata within the Village

6.2.3 Policy or Program: Identify and promote available grant and loan programs with the assistance of local non-profit groups
V. Recreation

The natural beauty of the area is one of the attractions that draw people. Outdoor recreation opportunities are an important component that needs to be enhanced wherever possible. Location and access to facilities is important. Documentation of what the Village has and what is needed to serve all ages is a key component of the recreation plan. Partnering with other municipalities and agencies is vital as the Village does not have the financial resources to accommodate every identified need.

Many areas of the community have been developed in a way that does not safely accommodate walking or biking. Improvements need to be made to carefully selected routes.
Village of Ruidoso
Comprehensive Plan Update

7 Goal: Diversify and expand recreational facilities that promote a healthy lifestyle for all ages

7.1 Objective: Inventory existing facilities and identify underserved areas

7.1.1 Policy or Program: Create a parks and recreation facilities map

7.1.2 Policy or Program: Select areas for improved or new facilities

7.2 Objective: Improve existing facilities

7.2.1 Policy or Program: Develop and adopt a capital improvement plan

7.3 Objective: Add new facilities

7.3.1 Policy or Program: Develop and adopt a long range Parks and Recreation Facilities Master Plan

7.3.2 Policy or Program: Develop and adopt a capital improvements plan that implements the Parks and Recreation Facilities Master Plan

7.3.3 Policy or Program: Construct a Community Recreation Center

7.4 Objective: Identify opportunities for shared facilities with Forest Service

7.4.1 Policy or Program: Develop and adopt a Memorandum of Understanding with the Forest Service

7.5 Objective: Create a multi-use trail system, including a river trail, that connects Midtown with existing parks and recreation facilities
Village of Ruidoso
Comprehensive Plan Update

7.5.1 Policy or Program: Continue to seek grant funding for river trail

7.6 Objective: Identify opportunities to support the NM State Comprehensive Outdoor Recreation Plan

7.6.1 Policy or Program: Develop cooperative agreements with the County and other municipalities

7.7 Objective: Expand private investment in recreation

7.7.1 Policy or Program: Develop design guidelines for new development that emphasize linkages between established public and private recreation facilities

7.7.2 Policy or Program: Consider adoption of a recreation impact fee

8 Goal: Create linkages between "walkable" and "bikeable" areas of the community in order to promote a healthier lifestyle

8.1 Objective: Identify pathways between existing public facilities that provide bicycle recreation opportunities

8.1.1 Policy or Program: Develop and adopt a capital improvement program with timelines

8.2 Objective: Identify areas for improvement that provide walking opportunities for recreation and shopping

8.2.1 Policy or Program: Develop and adopt capital improvement program with timelines

8.3 Objective: Insure that new development or redevelopment is designed to enhance walking and biking opportunities

8.3.1 Policy or Program: Add criteria to subdivision and site plan review requirements, including streetscape design guidelines
VI. Transportation

Improvements in transportation infrastructure require a long term collaborative effort between the Village and NMDOT for the major routes. Village policies and design requirements need to be modified for local streets.

As the population ages, alternatives to the private automobile will be more in demand. Opportunities for providing shuttle and transit options need to be explored.

Improvements in airport service are needed to facilitate tourism.

Transportation improvements are expensive. New developments place demands on the infrastructure within the Village and need to pay a fair share of costs to improve facilities and services outside the development. Alternative funding sources need to be developed.

9  

Goal: An improved road network that accommodates all users

9.1  

Objective: Improve roadway geometry to enhance safety

9.1.1 Policy or Program: Develop and adopt a capital improvement program with timelines

9.2  

Objective: Develop alternative funding sources for roadway improvements

9.2.1 Policy or Program: Adopt subdivision and site plan criteria that require a developer to provide off-site roadway improvements as a cost of development

9.2.2 Policy or Program: Aggressively pursue grant and loan programs

9.2.3 Policy or Program: Consider adoption of impact fees for roadway improvements

9.3 Objective: Expand and improve roadway design standards
Village of Ruidoso
Comprehensive Plan Update

9.3.1 Policy or Program: Develop and adopt revisions to subdivision and site plan requirements

10 Goal: Expand transit options for residents and visitors

10.1 Objective: Develop park-and-ride facilities both within & outside the Village

10.1.1 Policy or Program: Investigate new parking strategies and funding mechanisms

10.2 Objective: Expand County transit program or create a Village program

10.2.1 Policy or Program: Develop and adopt a plan and seek funding

10.3 Objective: Expand taxi, shuttle and rental car service to the airport

10.3.1 Policy or Program: Work with the Chamber of Commerce to identify private enterprises that can provide improved services.

VII. Environment and history

The natural mountain environment is a primary attraction that brings both full time residents and visitors. The Village needs to be diligent in protecting this asset. The forestry program is an integral part of the Village’s efforts. It needs to be continued and strengthened. Development requirements need to be enhanced in order to reduce hillside cuts and other scarring of the land.

Dark sky and floodplain rules need to be fully enforced.

Ruidoso and Lincoln County have a rich history. This is not only a tourist attraction but something that adds value to the local culture and needs to be documented and preserved.

11 Goal: Conservation of the natural mountain landscape & open space
Village of Ruidoso
Comprehensive Plan Update

11.1 Objective: Continue Forestry program for forest health, water conservation and fire safety

11.1.1 Policy or Program: Map, document and publish results

11.1.2 Policy or Program: Link program more closely with plan review and site development

11.2 Objective: Reduce hillside impacts of development

11.2.1 Policy or Program: Adopt more stringent development rules that require open space set asides or land trades to reduce impacts on steep slopes

11.2.2 Policy or Program: Implement a site development permit and inspection program

11.3 Objective: Protect mountain views and dark night skies

11.3.1 Policy or Program: Create development standards for view protection & dark skies within all development

11.4 Objective: Manage floodplain areas

11.4.1 Policy or Program: Investigate creation of a river channel overlay zoning district

11.5 Objective: Develop Moon Mountain as an open space resource for the region

11.5.1 Policy or Program: Work with the state and ENMU to create a plan to convert Moon Mountain to an outdoor environmental laboratory

12 Goal: Preservation of the Village's Historic Roots

12.1 Objective: Create an historic district or districts
Village of Ruidoso
Comprehensive Plan Update

12.1.1 Policy or Program: Work with the Lincoln County Historical Society to identify specific areas of concern & research the criteria for creating an historic district

12.1.2 Policy or Program: Identify features and structures worthy of preservation through the National Register of Historic Places and the New Mexico State Monuments

12.1.3 Policy or Program: Modify zoning requirements to preserve and protect identified structures

12.2 Objective: Educate the public and the development community to the value of historic/archaeological resources

12.2.1 Policy or Program: Work with national groups and local educational resources to develop a curriculum

12.2.2 Policy or Program: Work with the Lincoln County Historical Society to develop an historical walking/driving tour brochure of midtown buildings and other significant sites within the Village

VIII. Energy Conservation

Improved energy efficiency benefits all residents. The Village needs to set an example.

13 Goal: Improve the Village’s carbon footprint

13.1 Objective: Village set example

13.1.1 Policy or Program: Retrofit existing buildings

13.1.2 Policy or Program: Build new buildings that incorporate “green” technologies

13.2 Objective: Encourage private investment
Village of Ruidoso
Comprehensive Plan Update

13.2.1 Policy or Program: Create design standards for new construction or renovation that include increased density or volume for “green” buildings or site development

13.2.2 Create incentives for “green” buildings or site development including reduced water, sewer and solid waste charges

IX. Higher Education

The Village needs to be an active partner in the expansion of ENMU. Encouraging activities that cater to college students will broaden the community’s economic base.

14 Goal: Promote Ruidoso as a “college town”

14.1 Objective: Support development of a 4-year college

14.1.1 Policy or Program: Develop a plan with ENMU for housing and other support services in conformance with the ENMU Ruidoso Campus Facilities Master Plan 2009 - 2020

14.2 Objective: Encourage activities that foster a college town atmosphere such as cafes, bookstores, speaker venues and live music

14.2.1 Policy or Program: Modify zoning district regulations to encourage these uses

X. Arts and Culture

Having a variety of cultural activities is essential to a healthy community.

15 Goal: Promote arts and culture within the Village

15.1 Objective: Increase cultural & community events in appropriate places in the Village
Village of Ruidoso
Comprehensive Plan Update

15.1.1 Policy or Program: Establish an active interaction among the Planning Commission, Ruidoso School District, ENMU, Arts Council, Chamber of Commerce and the Lodgers Tax Committee to identify funding and needed regulatory changes to encourage and promote selected activities

15.1.2 Policy or Program: Ask the Library Board to prepare and submit by March 2010 a 5 year plan for enhancing and modernizing library services

15.1.3 Policy or Program: Ask the Library Board to prepare an annual update of the 5 year plan every spring for inclusion in the annual budget

XI. Changing Demographics

The reality of an aging population requires that the Village be cognizant of the needs of its older residents.

16 Goal: Assisted living for seniors

16.1 Objective: Provide support services for seniors living in their own homes

16.1.1 Policy or Program: Work with established providers to identify needs and obtain necessary funding in stages over the next ten years

XII. Regional Cooperation

The Village can not go it alone. Improved cooperation with other governments and agencies within the region is essential.

17 Goal: Enhanced mutual cooperation with other local jurisdictions

17.1 Objective: Establish better lines of communication between the various jurisdictions, including the City of Ruidoso Downs, the
Village of Ruidoso
Comprehensive Plan Update
Mescalero Apache tribe, Lincoln County and the Lincoln National Forest

17.1.1 Policy or Program: Designate a staff liaison and strive to develop a mutually beneficial relationship

XIII. Capital Improvements

Simply adopting new goals, objectives and ordinances will not achieve the desired result. Construction of key improvements is needed. A formal time specific program needs to be developed that budgets resources to construct needed improvements.

18 Goal: Utilize a capital improvements program to coordinate the timing and to prioritize the delivery of public facilities and other capital projects in conformance with the Comprehensive Plan

18.1 Objective: Create Level of Service (LOS) standards for all Village services and infrastructure

18.1.1 Policy or Program: By April 2010, adopt a Level of Service Ordinance addressing potable water, sewer collection and conveyance, wastewater treatment, fire and rescue; and property access that requires all new development to meet minimum standards and provide fair share funding

18.2 Objective: Create a Comprehensive Capital Improvements program implementing the LOS

18.2.1 Policy or Program: By March 2011, adopt a Capital Improvements program that sets timelines for accomplishing the LOS minimum standards
AGENDA MEMORANDUM

Village of Ruidoso

To: Mayor Nunley & Village Council

From: Steve Tally
Director of Tourism

Date: November 10, 2009

Re: Presentation to Mayor and Council

Item Summary:

Informational update on marketing and media strategy by Steve Tally, Director of Tourism and Cheri Kofakis, Media Planner.

Item Discussion:

Recommendations:

No action requested.
Foundation for Media Plan

- Capitalize on Ruidoso's key selling points and expand niche markets like outdoor activists, heritage travelers, art collectors & eco tourists who appreciate the unspoiled geography

- Further penetrate top markets in Texas (66% come from the major metros)

Media Strategies

- Utilized niche magazines and guides that speak to the reader’s passion and driving force for travel:
  - Outside, National Geographic Adventure, Backpacker, Mountain Bike Action, AZ/NM Travel & Recreation Directory, Southwest Art, Golf Digest, Texas Links, Wild West, Natural History, Trailer Life Directory, Where to Retire, The Trail Rider, Thunder Roads, Slopes, NM Vacation Guide

- Employed the lifestyle magazines in the key feeder markets and took advantage of opportunities where travel is the focus:

- Used newspaper only where editorial environment is conducive to selling Ruidoso:
  - Albuquerque Journal Southeast NM Travel Guide, the New Mexico Tourism Department’s insert in key markets (AZ, CO, TX, So CA), Military newspapers in NM & TX

- Will use internet to further promote outdoor activities, geocaching and for additional exposure with current media partners

- Will employ e-blasts to alert Texans to ski conditions and other recommended seasonal outdoor activities
Media Strategies

- Employed radio in Dallas to provide additional point of intercept and immediate reason to travel to Ruidoso:
  - WBAP-AM 820, top News/Talk radio station with top syndicated program – Rush Limbaugh and preferred local news show

- Utilized outdoor boards on major thoroughfares in key markets to intercept commuters and tout activities, climate advantage and the holidays:
  - Digital boards in Lubbock, rotary bulletins in El Paso, billboard in Chihuahua

Media Strategies

- Set aside an opportunities budget to take advantage of unforeseen possibilities, last minute advertising for optimal ski conditions, remnants (up to 70% discounts to fill unanticipated opening)

- Feeding said budget with savings from negotiations and using remnants in lieu of planned spend

Creative To Date

Albuquerque Journal
Travel-SE NM – June 2009

Outside Magazine
Active Traveler – July 2009
Additional Strategies

- Photography budget set aside to capture the essence of key reasons to travel to Ruidoso; those completed to date:
  - Hiking, backpacking, horseback/trail riding, mountain bike riding, road biking, golf, art gallery
  - Upcoming: skiing/tubing/snowboarding, camping, midtown shoppers, relaxing on a deck enjoying views
Additional Strategies

• Developing an electronic brochure that promotes Ruidoso, area history, outdoor activities, events and attractions giving travelers immediate access. Will be used to fulfill the thousands of requests each year thus saving on postage, printing and manpower and will be promoted via internet and e-blasts.

Additional Strategies

• Will be expanding usage of Social Media to include venues to display new photography, create more viral communications, link other Ruidoso partners and promote the new brochure.

Success and Feedback

• To date negotiations on advertising rates have saved close to $70,000

• Community feedback is positive as it relates to increased visitors and shoppers from Dallas, Austin, Houston, San Antonio, Tucson and Albuquerque.

Success and Feedback

• Merchants and residents representing outdoor activists optimistic about new photography and media to promote the many outdoor options

• New media partners providing added value in form of free editorial and photography, internet advertising and additional ad space/time.
NOVEMBER 10, 2009

REGULAR COUNCIL MEETING

VILLAGE MANAGER’S REPORT

WILL BE PROVIDED

UNDER SEPARATE COVER.
AGENDA MEMORANDUM
Village of Ruidoso

To: Mayor Nunley & Village Council
From: Wolfgang Born, Chief of Police
Date: November 10, 2009
Re: Ordinance 2009-20, an Ordinance of the Governing Body of the Village of Ruidoso, New Mexico
Adopting the 2009 Amendments to the 2004 Compilation of the Uniform Traffic Ordinance.

Item Summary:
Ordinance 2009-20, an Ordinance of the Governing Body of the Village of Ruidoso, New Mexico Adopting the 2009 Amendments to the 2004 Compilation of the Uniform Traffic Ordinance.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Line Item</th>
<th>Budgeted Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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</table>

Item Discussion:
A number of amendments to the Uniform Traffic Ordinance (UTO) were made during the last legislative session and the New Mexico Municipal League recently sent us the latest version of the ordinance. Because the Village of Ruidoso currently uses the UTO, it is important that the amendments be adopted by reference, as an ordinance, in order to keep the Village's traffic code up to date. The Village has the authority to adopt, by ordinance, a traffic code without having to individually adopt each section of the code.

Recommendations:
Adoption of Ordinance 2009-20.
VILLAGE OF RUIDOSO

ORDINANCE 2009-20


BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF RUIDOSO, NEW MEXICO as follows:

SECTION 1. ADOPTION BY REFERENCE

The 2009 Amendments to the 2004 Compilation of the Uniform Traffic Ordinance is herewith adopted by reference, pursuant to Section 3-17-6 NMSA 1978.

SECTION 2. EFFECTIVE DATE

This Ordinance shall take effect on the 10th day of November, 2009.

PASSED, APPROVED, AND ADOPTED this 10th day of November, 2009.

VILLAGE OF RUIDOSO

By:___________________
Lonnie R. Nunley, Mayor

(SEAL)

ATTEST:

___________________
Irma Devine, Village Clerk
12-7-9 **OFF-HIGHWAY MOTOR VEHICLES - DEFINITIONS**

As used in this section:

A. “board” means the off-highway motor vehicle [safety] advisory board;

B. “department means the Department of Game and Fish;

C. “division” means the motor vehicle division of the Taxation and Revenue Department;

D. “fund” means the trail safety fund;

E. “off-highway motor vehicle” means a motor vehicle designed by the manufacturer for operation exclusively off the highway or road and includes:

(1) “all-terrain vehicle,” which means a motor vehicle fifty inches or less in width, having an unladen dry weight of one thousand pounds or less, traveling on three or more low-pressure tires and having a seat designed to be straddled by the operator and handlebar-type steering control;

(2) “off-highway motorcycle,” which means a motor vehicle traveling on not more than two tires and having a seat designed to be straddled by the operator and that has handlebar-type steering control, or

(3) “snowmobile,” which means a motor vehicle designed to travel on snow or ice and steered and supported in whole or in part by skis, belts, cleats, runners or low-pressure tires;

(4) “recreational off-highway vehicle,” which means a motor vehicle designed for travel on four or more non-highway tires, for recreational use by one or more persons and having:

(a) a steering wheel for steering control;

(b) non-straddle seating;

(c) maximum speed capability greater than 35 miles per hour;

(d) gross vehicle weight rating no greater than 1,750 pounds;

(e) less than 80 inches in overall width, exclusive of accessories;

(f) engine displacement of less than 1,000 cubic centimeters; and

(g) identification by means of a 17-character vehicle identification number; or

(5) by rule of the department, any other vehicles that may enter the market that fit the general profile of vehicles operated off-highway for recreational purposes;
F. "staging area" means a parking lot, trailhead or other location to or from which an off-highway motor vehicle is transported so that it may be placed into operation or removed from operation; and

G. "unpaved public roadway" means a dirt graved street or road that is constructed, signed and maintained for regular passenger-car use by the general public.

12-7-9.2 OPERATION OF OFF-HIGHWAY MOTOR VEHICLES ON STREETS OR HIGHWAYS -- PROHIBITED AREAS.

A. No person shall operate an off-highway motor vehicle on any limited access street at any time or any paved street or highway except as provided in Subsection B of this section.

B. Off-highway motor vehicles may cross streets or highways, except limited access highways or freeways, if the crossings are made after coming to a complete stop prior to entering the street. Off-highway motor vehicles shall yield the right of way to oncoming traffic and shall begin a crossing only when it can be executed safely and then crossing in the most direct manner, as close to a perpendicular angle as possible.

C. A person shall not operate an off-highway motor vehicle on state game commission-owned, controlled or administered land except as specifically allowed pursuant to Chapter 17, Article 6 NMSA 1978.

D. A person shall not operate an off-highway motor vehicle on land owned, controlled or administered by the state parks division of the Energy, Minerals and Natural Resources Department, pursuant to Chapter 16, Article 2 NMSA 1978, except in areas designated by and permitted by rules adopted by the secretary of Energy, Minerals and Natural Resources.

E. Unless authorized, a person shall not:
   (1) remove, deface or destroy any official sign installed by a state, federal, local or private land management agency; or
   (2) install any off-highway motor vehicle-related sign. (66-3-1011 NMSA)

12-7-9.6 ENFORCEMENT OF OFF-HIGHWAY MOTOR VEHICLE REGULATIONS. A wildlife conservation officer, state police officer or peace officer of this state or any of its political subdivisions, upon displaying his badge of office, has the authority to enforce the provisions of Sections 12-7-9.1 through 12-7-9.5 of this ordinance and may require the operator of any off-highway motor vehicle to produce the certificate of registration or nonresident permit, proof of successful completion of an off-highway motor vehicle training course conducted by an off-highway safety training organization approved and certified by the department, when required by Section 12-7-9.8, and the personal identification of the operator, and may issue citations for violations of the provisions of Sections 12-7-9.1 through 12-7-9.9 of this ordinance. (66-3-1015 NMSA 1978)
12-7-9.8 OFF-HIGHWAY MOTOR VEHICLE SAFETY PERMIT; REQUIREMENTS, ISSUANCE.

A person under the age of eighteen shall be required to successfully complete an off-highway motor vehicle safety training course for which the person shall have parental permission. The course shall be conducted by an off-highway motor vehicle safety training organization that is approved and certified by the [board] department. Upon successful completion of the course, the person shall receive an off-highway motor vehicle safety permit issued by the organization. (66-3-1010.2 NMSA 1978)

12-7-9.9 OPERATION AND EQUIPMENT – SAFETY REQUIREMENTS

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

(1) in a careless, reckless or negligent manner so as to endanger the person or property of another;
(2) while under the influence of intoxicating liquor or drugs as provided by Section 66-8-102 NMSA 1978;
(3) while in pursuit of and with intent to hunt or take a species of animal or bird protected by law unless otherwise authorized by the state game commission;
(4) in pursuit of or harassment of livestock in any manner that negatively affects the livestock’s condition;
(5) on or within an earthen tank or other structure meant to water livestock or wildlife;
(6) in a manner that has a direct negative effect on or interferes with persons engaged in agricultural practices;
(4) (7) in excess of ten miles per hour within two hundred feet of a business, animal shelter, horseback rider, bicyclist, pedestrian or occupied dwelling, unless the person operates the vehicle on a closed course or track;
(5) (8) unless in possession of the person's registration certificate or nonresident permit;
(6) (9) unless the vehicle is equipped with a spark arrester approved by the United States forest service; provided that a snowmobile is exempt from this provision;
(7) (10) when conditions such as darkness limit visibility to five hundred feet or less, unless the vehicle is equipped with:
   (a) one or more headlights of sufficient candlepower to light objects at a distance of one hundred fifty feet; and
   (b) at least one taillight of sufficient intensity to exhibit a red or amber light at a distance of two hundred feet under normal atmospheric conditions; or
(8) (11) that produces noise that exceeds ninety-six decibels when measured using test procedures established by the society of automotive engineers pursuant to standard J-1287; or
(12) where off-highway motor vehicle traffic is prohibited under local, state or federal rules or regulations.

B. A person under the age of eighteen shall not operate an off-highway motor vehicle:
   (1) or ride upon an off-highway motor vehicle without wearing eye protection and a safety helmet that is securely fastened in a normal manner as headgear and that meets the standards established by the [board] department;
   (2) without an off-highway motor vehicle safety permit; or
   (3) while carrying a passenger.

C. A person under the age of eighteen but at least ten years of age shall not operate an off-highway motor vehicle unless the person is visually supervised at all times by a parent, legal guardian or a person over the age of eighteen who has a valid driver's license. This subsection shall not apply to a person who is at least:
   (1) thirteen years of age and has a valid motorcycle license and off-highway motor vehicle safety permit; or
   (2) fifteen years of age and has a valid driver's license, instructional permit or provisional license and off-highway motor vehicle safety permit.

D. A person under the age of ten shall not operate an off-highway motor vehicle unless:
   (1) the all-terrain vehicle or recreational off-highway vehicle is an age-appropriate size-fit vehicle established by rule of the [board] department; and
   (2) the person is visually supervised at all times by a parent, legal guardian or instructor of a safety training course certified by the [board] department.

[F. The requirements of Subsections C and D of this section do not apply to a person who is part of an organized tour under the guidance or direction of a guide certified by the board.]

[F-] E. An off-highway motor vehicle may not be sold or offered for sale if the vehicle produces noise that exceeds ninety-six decibels when measured using test procedures established by the society of automotive engineers pursuant to standard J-1287. This subsection shall not apply to an off-highway motor vehicle that is sold or offered for sale only for organized competition. (66-3-1010.3 NMSA 1978)

12-7-9.10 PENALTIES

A. [Unless the violation is declared a felony, a petty misdemeanor or a citation under the Motor Vehicle Code.] A person who violates the provisions of this Section is [subject to a fine of not more than $300 or by imprisonment for not more than 90 days or both] guilty of a penalty assessment misdemeanor. A parent, guardian or custodian who causes or knowingly permits a child under the age of eighteen years to operate an off-highway motor vehicle in violation of the provisions of this Section is in violation of this Section and subject to the same penalty as the child operating the off-highway motor vehicle in violation of this section. (66-3-1020 NMSA 1987)

[B. When a person is convicted of a crime committed while operating an off-highway motor vehicle, the court may order the person to complete a board-certified safety training course. (Codified section not available)]
B. As used in the Off-Highway Motor Vehicle Act, "penalty assessment misdemeanor" means violation of any provision of the Off-Highway Motor Vehicle Act for which a violator may be subject to the following:

<table>
<thead>
<tr>
<th>CLASS 1 VIOLATIONS</th>
<th>SECTION VIOLATED</th>
<th>PENALTY ASSESSMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>failure to possess a registration certificate or nonresident permit</td>
<td>66-3-1010.3</td>
<td>$10.00</td>
</tr>
<tr>
<td>Violations involving headlights or taillights</td>
<td>66-3-1010.3</td>
<td>10.00</td>
</tr>
<tr>
<td>failure to possess an off-highway motor vehicle safety permit</td>
<td>66-3-1010.3</td>
<td>10.00</td>
</tr>
<tr>
<td>selling a vehicle that produces noise in excess of ninety-six decibels</td>
<td>66-3-1010.3</td>
<td>10.00</td>
</tr>
<tr>
<td>any violation of the Off-Highway Motor Vehicle Act not otherwise specifically defined elsewhere in this section</td>
<td>66-3-1010.3</td>
<td>10.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CLASS 2 VIOLATIONS</th>
<th>SECTION VIOLATED</th>
<th>PENALTY ASSESSMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>failure to complete a required off-highway motor vehicle safety training course</td>
<td>66-3-1010.2</td>
<td>$50.00</td>
</tr>
<tr>
<td>operating a vehicle in excess of ten miles per hour within two hundred feet of a business, animal shelter, horseback rider, bicyclist, pedestrian, livestock or occupied dwelling</td>
<td>66-3-1010.3</td>
<td>50.00</td>
</tr>
<tr>
<td>a person under the age of eighteen but at least fifteen years of age who operates an off-highway motor vehicle in violation of the supervision requirements of the Off-Highway Motor Vehicle Act</td>
<td>66-3-1010.3</td>
<td>50.00</td>
</tr>
</tbody>
</table>
operating an off-highway motor vehicle that produces noise that exceeds ninety-six decibels 66-3-1010.3 50.00

unauthorized installation, removal, destruction or defacing of a motor vehicle sign 66-3-1011 50.00

<table>
<thead>
<tr>
<th>CLASS 3 VIOLATIONS</th>
<th>SECTION VIOLATED</th>
<th>PENALTY ASSESSMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>operating a vehicle that is not equipped with an approved spark arrester</td>
<td>66-3-1010.3</td>
<td>$100.00</td>
</tr>
<tr>
<td>operating an off-highway motor vehicle while in pursuit of and with intent to hunt or take a species of animal or bird protected by law, unless otherwise authorized by the state game commission</td>
<td>66-3-1010.3</td>
<td>100.00</td>
</tr>
<tr>
<td>operating an off-highway motor vehicle in pursuit of or harassment of livestock in any manner that negatively affects the livestock’s condition</td>
<td>66-3-1010.3</td>
<td>100.00</td>
</tr>
<tr>
<td>operating an off-highway motor vehicle on or within an earthen tank or other structure meant to water livestock or wildlife</td>
<td>66-3-1010.3</td>
<td>100.00</td>
</tr>
<tr>
<td>operating a motor vehicle in a manner that has a direct negative effect on or interferes with persons engaged in agricultural practices</td>
<td>66-3-1010.3</td>
<td>100.00</td>
</tr>
<tr>
<td>a person under the age of eighteen operating an</td>
<td>66-3-1010.3</td>
<td>100.00</td>
</tr>
</tbody>
</table>
off-highway motor vehicle
without wearing eye
protection and a safety
helmet

66-3-1010.3
100.00

a person under the age of
eighteen operating an
off-highway motor vehicle
while carrying a passenger

66-3-1010.3
100.00

a person under the age of
fifteen but at least ten
years of age who operates
an off-highway motor vehicle

in violation of the supervision
requirements of the Off-Highway
Motor Vehicle Act

66-3-1010.3
100.00

a person under the age of
ten operating an all-terrain
vehicle or recreational off-highway
motor vehicle that is not an
age-appropriate size-fit or
who operates an off-highway
motor vehicle in violation
of the supervision requirements
of this section

66-3-1010.3
100.00

CLASS 4 VIOLATIONS         SECTION      PENALTY ASSESSMENT

operating an off-highway
motor vehicle in a
careless, reckless or
negligent manner so as
to endanger the person
or property of another

66-3-1010.3
$200.00

operating an off-highway
motor vehicle on any road
or area closed to off-highway
motor vehicle
traffic under local, state
or federal regulations

66-3-1010.3
200.00

operating an off-highway
motor vehicle on a
limited-access highway
or freeway

66-3-1011
200.00
C. The penalty for second, third and subsequent violations within a three-year time period shall be increased as follows:

(1) a second violation in a class 1 penalty category involving failure to possess a registration certificate or nonresident permit shall be increased to a Class 2 penalty category;

(2) any class 2 or class 3 violation for a second or greater infraction within a three-year period shall be increased to the next-highest penalty assessment category; and

(3) each subsequent violation in a Class 4 penalty category will result in an additional penalty of two hundred dollars ($200).

D. Multiple violations for the same incident shall be treated as a single event and shall not result in graduated penalties.

E. The term "penalty assessment misdemeanor" does not include a violation that has caused or contributed to the cause of an accident resulting in injury or death to a person.

F. When an alleged violator of a penalty assessment misdemeanor elects to accept a notice to appear in lieu of a notice of penalty assessment, a fine imposed upon later conviction shall not exceed the penalty assessment established for the particular penalty assessment misdemeanor, and probation imposed upon a suspended or deferred sentence shall not exceed ninety days.

**12-12-1.3 MANDATORY FEES UPON CONVICTION**

A. There is imposed upon any person convicted of violating any municipal ordinance the penalty for which carries a potential jail term or any ordinance relating to the operation of a motor vehicle the following mandatory fees:

(1) a corrections fee of twenty dollars ($20.00);

(2) a judicial education fee of [two dollars ($2.00)] three dollars ($3.00); and

(3) a court automation fee of six dollars ($6.00).

B. As used in this ordinance, "convicted" means the defendant has been found guilty of a criminal charge by the municipal judge, either after trial, a plea of guilty or a plea of nolo contendere, or has elected to pay a penalty assessment in lieu of trial.

C. All corrections fees collected shall be deposited in a special corrections fund in the municipal treasury and shall be used only for:

1. municipal jailer training;
2. construction planning, construction, operation and maintenance of the municipal jail;
3. paying the costs of housing the municipality's prisoners in a county jail or detention facility or housing juveniles in a detention facility;
4. complying with federal match or contribution requirements relating to jails or juvenile detention facilities;
5. providing in-patient treatment or other substance abuse programs in conjunction with or as an alternative to jail sentencing;
6. defraying the cost of transporting prisoners to jails or juvenile detention facilities; or
7. providing electronic monitoring systems.

D. A municipality may credit the interest collected from fees deposited in the special corrections fund to the municipality’s general fund.

E. All judicial education fees collected shall be remitted monthly to the state treasurer for credit to the judicial education fund and shall be used for the education and training, including production of benchbooks and other written materials, of municipal judges and other municipal court personnel.

F. All court automation fees collected shall be remitted monthly to the state treasurer for credit to the municipal court automation fund and shall be used for the purchase and maintenance of court automation systems in the municipal courts. The court automation system shall have the capability of providing, on a timely basis, electronic records in a format specified by the judicial information system council. (35-14-11 NMSA 1978)
ARTICLE VII

SPECIAL RULES FOR MOTORCYCLES
AND OFF-HIGHWAY VEHICLES

12-7-1 Traffic Regulations Apply to Persons Operating Motorcycles
12-7-2 Operating Motorcycles on Streets Laned for Traffic
12-7-3 Clinging to Other Vehicles
12-7-4 Riding on Motorcycles
12-7-5 Eye-Protective Devices or Windshields
12-7-6 Safety Helmets
12-7-7 Footrests and Handlebars
12-7-8 Motorcycle Maneuverability

12-7-9 Off-Highway Motor Vehicles - Definitions
12-7-9.1 Off-Highway Motor Vehicles--Registration; Plate Requirement
12-7-9.2 Operation of Off-Highway Motor Vehicles on Streets
or Highways -- Prohibited Areas
12-7-9.3 Driving Off-Highway Motor Vehicles Adjacent to Streets
12-7-9.4 Operation of Off-Highway Motor Vehicles on Private Lands
12-7-9.5 Accidents and Accident Reports
12-7-9.6 Enforcement of Off-Highway Motor Vehicle Regulations
12-7-9.7 Exemptions
12-7-9.8 Off-Highway Motor Vehicle Safety Permit; Requirements, Issuance
12-7-9.9 Operation and Equipment -- Safety Requirements
12-7-9.10 Penalties

12-7-10 Mopeds--Standards--Operator Requirements--Application of Motor
Vehicle Code

12-7-1 TRAFFIC REGULATIONS APPLY TO PERSONS OPERATING
MOTORCYCLES. Every person operating a motorcycle shall be granted
all the rights and shall be subject to all of the duties applicable to the driver of any other
vehicle under this ordinance, except as to special regulations in Sections 12-7-1 through
12-7-8 and except as to those provisions of this ordinance which by their nature can have
no application. (*)

12-7-2 OPERATING MOTORCYCLES ON STREETS LANED FOR
TRAFFIC.

A. All motorcycles are entitled to full use of a lane and no motor
vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a
lane. This section shall not apply to motorcycles operated two abreast in a single lane.

B. The operator of a motorcycle shall not overtake and pass in the
same lane occupied by the vehicle being overtaken, except that this provision shall not
apply to police officers in the performancir official duties.
C. No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles, except that this provision shall not apply to police officers in the performance of their official duties.

D. Motorcycles shall not be operated more than two abreast in a single lane. (*)

12-7-3 CLINGING TO OTHER VEHICLES. No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle on a street. (*)

12-7-4 RIDING ON MOTORCYCLES.

A. A person operating a motorcycle, motor scooter or motor-driven cycle shall ride only upon the permanent and regular seat attached thereto, and shall have his feet upon the footrests provided on the machine.

B. The operator shall not carry any other person nor shall any other person ride on a motorcycle, motor scooter or motor-driven cycle unless it is designed to carry more than one person. If a motorcycle, motor scooter or motor-driven cycle is designed to carry more than one person, the passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the motorcycle, motor scooter or motor-driven cycle. The passenger shall have his feet upon the footrests attached for passenger use. (66-7-355 NMSA 1978)

C. No person shall operate a motorcycle while carrying any package, bundle or other article which prevents him from keeping both hands on the handlebars.

D. No operator of a motorcycle shall carry any person nor shall any person ride in a position that will interfere with the operation or control of the motorcycle or the view of the operator. (*)

12-7-5 EYE-PROTECTIVE DEVICES OR WINDSHIELDS. Any person operating a motorcycle, motor scooter or motor-driven cycle, not having a fixed windshield of a type approved by regulation of the secretary, shall wear an eye-protective device which may be a faceshield attached to a safety helmet, goggles or safety eyeglasses. All eye-protective devices or windshields shall be of a type approved by regulations authorized by 66-7-355 NMSA 1978. (66-7-355 NMSA 1978)

12-7-6 MANDATORY USE OF PROTECTIVE HELMET.

A. No person under the age of eighteen shall operate a motorcycle unless he is wearing a safety helmet securely fastened on his head in a normal manner as headgear and meeting the standards authorized by 66-7-356 NMSA 1978. No dealer or person who leases or rents motorcycles shall lease or rent a motorcycle to a person under the age of eighteen unless the lessee or renter shows such person a valid operator's license or permit and possesses the safety equipment required of an operator who is under the age of eighteen. No person shall carry any passenger under the age of eighteen on any motorcycle unless the passenger is wearing a securely fastened safety helmet, as specified
in this section, meeting the standards specified by the director.

B. Failure to wear a safety helmet as required in this section shall not constitute contributory negligence. (66-7-356 NMSA 1978)

12-7-7 FOOTRESTS AND HANDLEBARS.

A. Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for the passenger. (*)

12-7-8 MOTORCYCLE MANEUVERABILITY.

A. No motorcycle shall be equipped in a manner such that it is incapable of turning a ninety-degree angle with a circle having a radius of not more than fourteen feet. Evidence of a motorcycle being unable to turn a ninety degree angle within a circle having a radius of not more than fourteen feet shall be prima facie evidence of an unsafe vehicle as described in Section 12-10-1.1.

B. For the purposes of this section, a police officer may require the driver of a motorcycle to demonstrate the ability of any motorcycle to be ridden as described in Subsection A of this section. Failure or refusal of any operator to demonstrate the ability of any motorcycle being operated upon the highways shall be prima facie evidence of an unsafe vehicle as described in Section 12-10-1.1. (66-3-842 NMSA 1978)

12-7-9 OFF-HIGHWAY MOTOR VEHICLES - DEFINITIONS

As used in this section:

A. “board” means the off-highway motor vehicle advisory board;

B. “department means the Department of Game and Fish;

C. “division” means the motor vehicle division of the Taxation and Revenue Department;

D. “fund” means the trail safety fund;

E. “off-highway motor vehicle” means a motor vehicle designed by the manufacturer for operation exclusively off the highway or road and includes:

(1) “all-terrain vehicle,” which means a motor vehicle fifty inches or less in width, having an unladen dry weight of one thousand pounds or less, traveling on three or more low-pressure tires and having a seat designed to be straddled by the operator and handlebar-type steering control;

“off-highway motorcycle,” which means a motor vehicle traveling on not more than two tires and having a seat designed to be
straddled by the operator and that has handlebar-type steering control; or

(2) “snowmobile,” which means a motor vehicle designed to travel on snow or ice and steered and supported in whole or in part by skis, belts, cleats, runners or low-pressure tires;

(3) “recreational off-highway vehicle,” which means a motor vehicle designed for travel on four or more non-highway tires, for recreational use by one or more persons and having:

(a) a steering wheel for steering control;
(b) non-straddle seating;
(c) maximum speed capability greater than 35 miles per hour;
(d) gross vehicle weight rating no greater than 1,750 pounds;
(e) less than 80 inches in overall width, exclusive of accessories;
(f) engine displacement of less than 1,000 cubic centimeters; and
(g) identification by means of a 17-character vehicle identification number; or

(5) by rule of the department, any other vehicles that may enter the market that fit the general profile of vehicles operated off-highway for recreational purposes;

F. “staging area” means a parking lot, trailhead or other location to or from which an off-highway motor vehicle is transported so that it may be placed into operation or removed from operation; and

G. “unpaved public roadway” means a dirt graved street or road that is constructed, signed and maintained for regular passenger-car use by the general public.

12-7-9.1 OFF-HIGHWAY MOTOR VEHICLES—REGISTRATION; PLATE REQUIREMENT

A. Unless exempted from the provisions of this section, a person shall not operate an off-highway motor vehicle unless the off-highway motor vehicle has been registered in accordance with Chapter 66, Article 3 NMSA 1978. The owner shall affix the validating sticker as provided in Chapter 66, Article 3 NMSA 1978. (66-3-1003 NMSA 1978)

12-7-9.2 OPERATION OF OFF-HIGHWAY MOTOR VEHICLES ON STREETS OR HIGHWAYS -- PROHIBITED AREAS.

A. No person shall operate an off-highway motor vehicle on any limited access street at any time or any paved street or highway except as provided in Subsection B of this section.
B. Off-highway motor vehicles may cross streets or highways, except limited access highways or freeways, if the crossings are made after coming to a complete stop prior to entering the street. Off-highway motor vehicles shall yield the right of way to oncoming traffic and shall begin a crossing only when it can be executed safely and then crossing in the most direct manner, as close to a perpendicular angle as possible.

C. A person shall not operate an off-highway motor vehicle on state game commission-owned, -controlled or -administered land except as specifically allowed pursuant to Chapter 17, Article 6 NMSA 1978.

D. A person shall not operate an off-highway motor vehicle on land owned, controlled or administered by the state parks division of the Energy, Minerals and Natural Resources Department, pursuant to Chapter 16, Article 2 NMSA 1978, except in areas designated by and permitted by rules adopted by the secretary of Energy, Minerals and Natural Resources.

E. Unless authorized, a person shall not:
   (1) remove, deface or destroy any official sign installed by a state, federal, local or private land management agency; or
   (2) install any off-highway motor vehicle-related sign. (66-3-1011 NMSA)

**12-7-9.3 DRIVING OF OFF-HIGHWAY MOTOR VEHICLES ADJACENT TO STREETS.**

A. Off-highway motor vehicles issued a validating sticker or nonresident permit may be driven adjacent to a street, yielding to all vehicles entering or exiting the street, in a manner so as not to interfere with traffic upon the street, only for the purpose of gaining access to, or returning from areas designed for the operation of off-highway motor vehicles, by the shortest route possible and when no other route is available or when the area adjacent to a street is being used as a staging area. Such use must occur between the street and fencing that separates the street from private or public lands.

B. When snow conditions permit, an off-highway motor vehicle may be operated on the right-hand side of a street, parallel, but not closer than ten feet, to the inside of the plow bank. (66-3-1012 NMSA 1978)

**12-7-9.4 OPERATION OF OFF-HIGHWAY MOTOR VEHICLES ON PRIVATE LANDS.** It is unlawful to operate an off-highway motor vehicle on private lands except with the express permission of the owner of the lands. (66-3-1013 NMSA 1978)

**12-7-9.5 ACCIDENTS AND ACCIDENT REPORTS.** The driver of an off-highway motor vehicle involved in an accident resulting in injuries to, or the death of, any person, or resulting in damage to public or private property to the extent of five hundred dollars ($500) or more, shall immediately notify a law enforcement agency of the accident and the facts relating to the accident. If the driver is under the age of eighteen, the driver's parent or legal guardian shall immediately notify a law enforcement agency. If the driver is a nonresident, the driver shall immediately notify the law enforcement agency of the state of residence of the driver. (66-3-1014 NMSA 1978)
enforcement agency of the accident and the facts relating to the accident. (66-3-1014 NMSA)

12-7-9.6 ENFORCEMENT OF OFF-HIGHWAY MOTOR VEHICLE REGULATIONS. A wildlife conservation officer, state police officer or peace officer of this state or any of its political subdivisions, upon displaying his badge of office, has the authority to enforce the provisions of Sections 12-7-9.1 through 12-7-9.5 of this ordinance and may require the operator of any off-highway motor vehicle to produce the certificate of registration or nonresident permit, proof of successful completion of an off-highway motor vehicle training course conducted by an off-highway safety training organization approved and certified by the department, when required by Section 12-7-9.8, and the personal identification of the operator, and may issue citations for violations of the provisions of Sections 12-7-9.1 through 12-7-9.9 of this ordinance. (66-3-1015 NMSA 1978)

12-7-9.7 EXEMPTIONS

The provisions of this Section shall not apply to persons who operate off-highway motor vehicles on privately held lands or to off-highway motor vehicles that are:

A. owned and operated by an agency or department of the United States, this state or a political subdivision of this state;

B. operated exclusively on lands privately held; provided that the appropriate tax or fee has been paid in lieu of the motor vehicle registration fees;

C. owned by nonresidents and used in this state only for organized and endorsed competition purposes; provided that the use is not on a rental basis;

D. brought into this state by manufacturers or distributors for wholesale purposes and not used for demonstrations;

E. in the possession of dealers as stock-in-trade and not used for demonstration purposes;

F. farm tractors, as defined in Section 66-1-4.6 NMSA 1978, special mobile equipment, as defined in Section 66-1-4.16 NMSA 1978, or off-highway motor vehicles being used for agricultural operations; or

G. used exclusively on private closed courses, whether owned by the rider or another person; provided that, if applicable, the excise tax and registration fees have been paid and are current. (66-3-1005 NMSA 1978)

12-7-9.8 OFF-HIGHWAY MOTOR VEHICLE SAFETY PERMIT; REQUIREMENTS, ISSUANCE.

A person under the age of eighteen shall be required to successfully complete an off-highway motor vehicle safety training course for which the person shall
have parental permission. The course shall be conducted by an off-highway motor vehicle safety training organization that is approved and certified by the department. Upon successful completion of the course, the person shall receive an off-highway motor vehicle safety permit issued by the organization. (66-3-1010.2 NMSA 1978)

12-7-9.9 OPERATION AND EQUIPMENT – SAFETY REQUIREMENTS

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

   (1) in a careless, reckless or negligent manner so as to endanger the person or property of another;

   (2) while under the influence of intoxicating liquor or drugs as provided by Section 66-8-102 NMSA 1978;

   (3) while in pursuit of and with intent to hunt or take a species of animal or bird protected by law unless otherwise authorized by the state game commission;

   (4) in pursuit of or harassment of livestock in any manner that negatively affects the livestock’s condition;

   (5) on or within an earthen tank or other structure meant to water livestock or wildlife:

   (6) in a manner that has a direct negative effect on or interferes with persons engaged in agricultural practices;

   (7) in excess of ten miles per hour within two hundred feet of a business, animal shelter, horseback rider, bicyclist, pedestrian or occupied dwelling, unless the person operates the vehicle on a closed course or track;

   (8) unless in possession of the person’s registration certificate or nonresident permit;

   (9) unless the vehicle is equipped with a spark arrester approved by the United States forest service; provided that a snowmobile is exempt from this provision;

   (10) when conditions such as darkness limit visibility to five hundred feet or less, unless the vehicle is equipped with:

       (a) one or more headlights of sufficient candlepower to light objects at a distance of one hundred fifty feet; and

       (b) at least one taillight of sufficient intensity to exhibit a red or amber light at a distance of two hundred feet under normal atmospheric conditions; or
(11) that produces noise that exceeds ninety-six decibels when measured using test procedures established by the society of automotive engineers pursuant to standard J-1287; or

(12) where off-highway motor vehicle traffic is prohibited under local, state or federal rules or regulations.

B. A person under the age of eighteen shall not operate an off-highway motor vehicle:

(1) or ride upon an off-highway motor vehicle without wearing eye protection and a safety helmet that is securely fastened in a normal manner as headgear and that meets the standards established by the department; 
(2) without an off-highway motor vehicle safety permit; or 
(3) while carrying a passenger.

C. A person under the age of eighteen but at least ten years of age shall not operate an off-highway motor vehicle unless the person is visually supervised at all times by a parent, legal guardian or a person over the age of eighteen who has a valid driver's license. This subsection shall not apply to a person who is at least:

(1) thirteen years of age and has a valid motorcycle license and off-highway motor vehicle safety permit; or 
(2) fifteen years of age and has a valid driver's license, instructional permit or provisional license and off-highway motor vehicle safety permit.

D. A person under the age of ten shall not operate an off-highway motor vehicle unless:

(1) the all-terrain vehicle or recreational off-highway vehicle is an age-appropriate size-fit vehicle established by rule of the department; and 
(2) the person is visually supervised at all times by a parent, legal guardian or instructor of a safety training course certified by the department.

E. An off-highway motor vehicle may not be sold or offered for sale if the vehicle produces noise that exceeds ninety-six decibels when measured using test procedures established by the society of automotive engineers pursuant to standard J-1287. This subsection shall not apply to an off-highway motor vehicle that is sold or offered for sale only for organized competition. (66-3-1010.3 NMSA 1978)

12-7-9.10 PENALTIES

A. A person who violates the provisions of this Section is guilty of a penalty assessment misdemeanor. A parent, guardian or custodian who causes or knowingly permits a child under the age of eighteen years to operate an off-highway motor vehicle in violation of the provisions of this Section is in violation of this Section and subject to the same penalty as the child operating the off-highway motor vehicle in violation of this section. (66-3-1020 NMSA 1987)
B. As used in the Off-Highway Motor Vehicle Act, "penalty assessment misdemeanor" means violation of any provision of the Off-Highway Motor Vehicle Act for which a violator may be subject to the following:

<table>
<thead>
<tr>
<th>CLASS 1 VIOLATIONS</th>
<th>SECTION VIOLATED</th>
<th>PENALTY ASSESSMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>failure to possess a registration certificate or nonresident permit</td>
<td>66-3-1010.3</td>
<td>$10.00</td>
</tr>
<tr>
<td>Violations involving headlights or taillights failure to possess an off-highway motor vehicle safety permit</td>
<td>66-3-1010.3</td>
<td>10.00</td>
</tr>
<tr>
<td>selling a vehicle that produces noise in excess of ninety-six decibels</td>
<td>66-3-1010.3</td>
<td>10.00</td>
</tr>
<tr>
<td>any violation of the Off-Highway Motor Vehicle Act not otherwise specifically defined elsewhere in this section</td>
<td>66-3-1010.3</td>
<td>10.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CLASS 2 VIOLATIONS</th>
<th>SECTION VIOLATED</th>
<th>PENALTY ASSESSMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>failure to complete a required off-highway motor vehicle safety training course</td>
<td>66-3-1010.2</td>
<td>$50.00</td>
</tr>
<tr>
<td>operating a vehicle in excess of ten miles per hour within two hundred feet of a business, animal shelter, horseback rider, bicyclist, pedestrian, livestock or occupied dwelling</td>
<td>66-3-1010.3</td>
<td>50.00</td>
</tr>
<tr>
<td>a person under the age of eighteen but at least fifteen years of age who operates an off-highway motor vehicle in violation of the supervision requirements of the Off-Highway Motor Vehicle Act</td>
<td>66-3-1010.3</td>
<td>50.00</td>
</tr>
</tbody>
</table>
operating an off-highway motor vehicle that produces noise that exceeds ninety-six decibels

66-3-1010.3  50.00

unauthorized installation, removal, destruction or defacing of a motor vehicle sign

66-3-1011  50.00

CLASS 3 VIOLATIONS

SECTION VIOLATED PENALTY ASSESSMENT

operating a vehicle that is not equipped with an approved spark arrester

66-3-1010.3  $100.00

operating an off-highway motor vehicle while in pursuit of and with intent to hunt or take a species of animal or bird protected by law, unless otherwise authorized by the state game commission

66-3-1010.3  100.00

operating an off-highway motor vehicle in pursuit of or harassment of livestock in any manner that negatively affects the livestock's condition

66-3-1010.3  100.00

operating an off-highway motor vehicle on or within an earthen tank or other structure meant to water livestock or wildlife

66-3-1010.3  100.00

operating a motor vehicle in a manner that has a direct negative effect on or interferes with persons engaged in agricultural practices

66-3-1010.3  100.00

a person under the age of eighteen operating an
off-highway motor vehicle without wearing eye protection and a safety helmet

66-3-1010.3 100.00

a person under the age of eighteen operating an off-highway motor vehicle while carrying a passenger

66-3-1010.3 100.00

a person under the age of fifteen but at least ten years of age who operates an off-highway motor vehicle in violation of the supervision requirements of the Off-Highway Motor Vehicle Act

66-3-1010.3 100.00

a person under the age of ten operating an all-terrain vehicle or recreational off-highway motor vehicle that is not an age-appropriate size-fit or who operates an off-highway motor vehicle in violation of the supervision requirements of this section

66-3-1010.3 100.00

CLASS 4 VIOLATIONS

SECTION VIOLATED PENALTY ASSESSMENT

operating an off-highway motor vehicle in a careless, reckless or negligent manner so as to endanger the person or property of another

66-3-1010.3 $200.00

operating an off-highway motor vehicle on any road or area closed to off-highway motor vehicle traffic under local, state or federal regulations

66-3-1010.3 200.00

operating an off-highway motor vehicle on a limited-access highway or freeway

66-3-1011 200.00
C. The penalty for second, third and subsequent violations within a three-year time period shall be increased as follows:

(1) a second violation in a class 1 penalty category involving failure to possess a registration certificate or nonresident permit shall be increased to a Class 2 penalty category;

(2) any class 2 or class 3 violation for a second or greater infraction within a three-year period shall be increased to the next-highest penalty assessment category; and

(3) each subsequent violation in a Class 4 penalty category will result in an additional penalty of two hundred dollars ($200).

D. Multiple violations for the same incident shall be treated as a single event and shall not result in graduated penalties.

E. The term "penalty assessment misdemeanor" does not include a violation that has caused or contributed to the cause of an accident resulting in injury or death to a person.

F. When an alleged violator of a penalty assessment misdemeanor elects to accept a notice to appear in lieu of a notice of penalty assessment, a fine imposed upon later conviction shall not exceed the penalty assessment established for the particular penalty assessment misdemeanor, and probation imposed upon a suspended or deferred sentence shall not exceed ninety days.

12-7-10 MOPEDS--STANDARDS--OPERATOR REQUIREMENTS--APPLICATION OF MOTOR VEHICLE CODE.

A. Mopeds shall comply with those motor vehicle safety standards deemed necessary and prescribed by the director of motor vehicles.

B. Operators of mopeds shall have in their possession while operating a moped a valid operator's or restricted operator's license of any class issued to them.

C. Except as provided in Subsections A and B of this section, none of the provisions of the New Mexico Motor Vehicle Code or of this ordinance relating to motor vehicles or motor-driven cycles as defined in these codes shall apply to a moped. (66-3-1101 NMSA 1978).
ARTICLE XII

PENALTIES AND PROCEDURES ON ARREST

12-12-1 Penalties
12-12-1.1 Maximum Penalty
12-12-1.2 Penalty Assessment Program
12-12-1.3 Mandatory Fees Upon Conviction
12-12-2 Forms and Records of Traffic Citations and Arrests
12-12-3 Conduct of Arresting Officer--Notices by Citation
12-12-4 Uniform Traffic Citation is Complaint
12-12-5 Arrest without Warrant
12-12-6 Immediate Appearance before Municipal or Magistrate Judge
12-12-7 Failure to Obey Notice to Appear
12-12-8 Arresting Officer to be in Uniform
12-12-9 Handling of Citations
12-12-10 Illegal Cancellation--Audit of Citation Records
12-12-11 Abstract of Traffic Cases--Report on Convictions
12-12-12 Citation on Illegally Parked Vehicle
12-12-13 Failure to Comply with Traffic Citation Attached to Parked Vehicle
12-12-14 Presumption in Reference to Illegal Parking
12-12-15 When Warrant to be Issued
12-12-16 Disposition of Traffic Fines and Forfeitures
12-12-17 Official Misconduct
12-12-18 Authority to Remove or Relocate Vehicles
12-12-19 Abandoned Vehicles on Private Property
12-12-20 Authorized Immobilization of Vehicle
12-12-21 Liability for Damage
12-12-22 Sunday Actions

12-12-1 PENALTIES.

12-12-1.1 MAXIMUM PENALTY. Unless another penalty is expressly provided in this ordinance or as otherwise provided by state law, every person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than three hundred dollars ($300.00) or by imprisonment for not more than 90 days or by both such fine and imprisonment. (*)

12-12-1.2 PENALTY ASSESSMENT PROGRAM. Any municipality may, by passage of an ordinance, establish a municipal penalty assessment program similar to that established in Section 66-8-116 NMSA 1978 for violations of provisions of the Motor Vehicle Code. Such a municipal program shall be limited to violations of municipal traffic ordinances. All penalty assessments shall be processed by the municipal court and all fines and fees collected shall be deposited in the treasury of the municipality. (66-8-130 NMSA 1978)
12-12-1.3 MANDATORY FEES UPON CONVICTION

A. There is imposed upon any person convicted of violating any municipal ordinance the penalty for which carries a potential jail term or any ordinance relating to the operation of a motor vehicle the following mandatory fees:

(1) a corrections fee of twenty dollars ($20.00);

(2) a judicial education fee of three dollars ($3.00); and

(3) a court automation fee of six dollars ($6.00).

B. As used in this ordinance, "convicted" means the defendant has been found guilty of a criminal charge by the municipal judge, either after trial, a plea of guilty or a plea of nolo contendere, or has elected to pay a penalty assessment in lieu of trial.

C. All corrections fees collected shall be deposited in a special corrections fund in the municipal treasury and shall be used only for:

1. municipal jailer training;
2. construction planning, construction, operation and maintenance of the municipal jail;
3. paying the costs of housing the municipality's prisoners in a county jail or detention facility or housing juveniles in a detention facility;
4. complying with federal match or contribution requirements relating to jails or juvenile detention facilities;
5. providing in-patient treatment or other substance abuse programs in conjunction with or as an alternative to jail sentencing;
6. defraying the cost of transporting prisoners to jails or juvenile detention facilities; or
7. providing electronic monitoring systems.

D. A municipality may credit the interest collected from fees deposited in the special corrections fund to the municipality's general fund.

E. All judicial education fees collected shall be remitted monthly to the state treasurer for credit to the judicial education fund and shall be used for the education and training, including production of benchbooks and other written materials, of municipal judges and other municipal court personnel.

F. All court automation fees collected shall be remitted monthly to the state treasurer for credit to the municipal court automation fund and shall be used for the purchase and maintenance of court automation systems in the municipal courts. The court automation system shall have the capability of providing, on a timely basis, electronic records in a format specified by the judicial information system council. (35-14-11 NMSA 1978)
AGENDA MEMORANDUM
Village of Ruidoso

To: Mayor Nunley & Village Council
From: Wolfgang Born, Chief of Police
Date: November 10, 2009
Re: Ordinance 2009-21, an Ordinance Relating to the New Mexico Uniform Traffic Ordinance Adopted by the Village of Ruidoso; Establishing a Penalty Assessment Program; Defining Penalty Assessment Misdemeanors; Establishing Listed Schedule of Penalty Assessments; and Repealing All Ordinances or Parts of Ordinances in Conflict Thereof.

Item Summary:
Ordinance 2009-21, an Ordinance Relating to the New Mexico Uniform Traffic Ordinance Adopted by the Village of Ruidoso; Establishing a Penalty Assessment Program; Defining Penalty Assessment Misdemeanors; Establishing Listed Schedule of Penalty Assessments; and Repealing All Ordinances or Parts of Ordinances in Conflict Thereof.

| Fund: N/A | Line Item: N/A | Budgeted Amount: N/A |

Item Discussion:
A couple of amendments to the Penalty Assessment Program relating to the Uniform Traffic Ordinance (UTO) were made during the last legislative session and the New Mexico Municipal League recently sent us the latest version of the ordinance. Because the Village of Ruidoso currently uses the Penalty Assessment Program relating to the UTO, it is important that the amendments be adopted by reference, as an ordinance, in order to keep the Village's traffic code up to date. The Village has the authority to adopt, by ordinance, a traffic code without having to individually adopt each section of the code.

Recommendations:
Adoption of Ordinance 2009-21.
VILLAGE OF RUIDOSO

ORDINANCE 2009-21

AN ORDINANCE RELATING TO THE NEW MEXICO UNIFORM TRAFFIC ORDINANCE ADOPTED BY THE VILLAGE OF RUIDOSO; ESTABLISHING A PENALTY ASSESSMENT PROGRAM; DEFINING PENALTY ASSESSMENT MISDEMEANORS; ESTABLISHING LISTED SCHEDULE OF PENALTY ASSESSMENTS; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF RUIDOSO, NEW MEXICO:

SECTION 1.

This Ordinance may be cited as the Village of Ruidoso Penalty Assessment Program.

SECTION 2.

A. As used in the New Mexico Uniform Traffic Ordinance adopted by the Village of Ruidoso, New Mexico, "penalty assessment misdemeanor" means violation of the following listed sections of the New Mexico Uniform Traffic Ordinance, for which the listed penalty assessment is established:

<table>
<thead>
<tr>
<th>COMMON NAME OF OFFENSE</th>
<th>SECTION VIOLATED</th>
<th>PENALTY ASSESSMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>FLASHING SIGNALS</td>
<td>12-5-8</td>
<td>$15.00</td>
</tr>
<tr>
<td>SPEED REGULATIONS</td>
<td>12-6-1</td>
<td></td>
</tr>
<tr>
<td>(1) Up to and including ten miles Hour over speed limit</td>
<td></td>
<td>15.00</td>
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<tr>
<td>(2) From eleven up to and including Fifteen miles an hour over speed limit</td>
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<td>30.00</td>
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<tr>
<td>(3) From sixteen up to and including twenty Miles an hour over speed limit</td>
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<td>65.00</td>
</tr>
</tbody>
</table>
(4) From twenty-one up to and including twenty-Five miles an hour over speed limit  
100.00

(5) From twenty-six up to and including thirty Miles an hour over speed limit  
125.00

(6) From thirty-one up to and including thirty-Five miles an hour over speed limit  
150.00

(7) More than thirty-five an hour over  
The speed limit  
200.00

<table>
<thead>
<tr>
<th>MINIMUM SPEED REGULATIONS</th>
<th>12-6-1.5</th>
<th>10.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>OVERTAKING A VEHICLE ON THE LEFT</td>
<td>12-6-2.3</td>
<td>10.00</td>
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<tr>
<td>LIMITATIONS ON OVERTAKING ON THE LEFT</td>
<td>12-6-2.4</td>
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<td>NO PASSING ZONES &amp; RESTRICTIONS ON PASSING</td>
<td>12-6-2.7</td>
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<tr>
<td>FOLLOWING TOO CLOSELY</td>
<td>12-6-2.13</td>
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<td>DRIVING ON DIVIDED STREETS</td>
<td>12-6-2.14</td>
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<tr>
<td>VEHICLE APPROACHING OR ENTERING INTERSECTION</td>
<td>12-6-4.1</td>
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<td>VEHICLES TURNING LEFT AT INTERSECTION</td>
<td>12-6-4.2</td>
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<tr>
<td>VEHICLES ENTERING STOP OR YIELD INTERSECTION</td>
<td>12-6-4.3</td>
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<td>LIMITATIONS ON TURNING AROUND</td>
<td>12-6-5.5</td>
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<tr>
<td>STARTING PARKED VEHICLE</td>
<td>12-6-5.7</td>
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<td>TURNING &amp; STOPPING MOVEMENTS AND REQUIRED SIGNALS</td>
<td>12-6-5.8</td>
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<td>STOPPING, STANDING &amp; PARKING</td>
<td>12-6-6</td>
<td>5.00</td>
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<td>SPECIAL STOPS REQUIRED</td>
<td>12-6-7</td>
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<tr>
<td>Violation</td>
<td>Code</td>
<td>Penalty</td>
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<tr>
<td>----------------------------------------------------</td>
<td>---------</td>
<td>---------</td>
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<tr>
<td>Stopping for School Bus</td>
<td>12-6-7.3</td>
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</tr>
<tr>
<td>Railroad Highway Grade Crossing Violation</td>
<td>12-6-7.6</td>
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<tr>
<td>Failure to Stop at Railroad-Highway Grade Crossing</td>
<td>12-6-7.7</td>
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<td>Operators &amp; Chauffeurs Must Be Licensed</td>
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<td>Limitations on Backing</td>
<td>12-6-12-9</td>
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<tr>
<td>Child Not in Restraint Device or Safety Belt</td>
<td>12-6-13.12</td>
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<tr>
<td>Mandatory Use of Seat Belts</td>
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<td>Possession or Consumption of Alcoholic Beverages in Open Containers - First Offense</td>
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<td>Destructive or Injurious Materials On Roadway</td>
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<td>Littering</td>
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<tr>
<td>Pedestrian Violation</td>
<td>12-6-14</td>
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<tr>
<td>Drivers to Exercise Due Care</td>
<td>12-6-14.8</td>
<td>10.00</td>
</tr>
<tr>
<td>When Lighted Lamps Are Required</td>
<td>12-10-1.3</td>
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</tr>
<tr>
<td>Headlamps On Vehicles</td>
<td>12-10-1.5</td>
<td>10.00</td>
</tr>
<tr>
<td>Dimming Of Lights</td>
<td>12-10-1.6</td>
<td>10.00</td>
</tr>
<tr>
<td>Tail Lamps</td>
<td>12-10-1.7</td>
<td>10.00</td>
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<tr>
<td>Mufflers, Prevention Of Noise</td>
<td>12-10-1.10</td>
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<tr>
<td>Lamp Or Flag On Projecting Load</td>
<td>12-10-1.11</td>
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<tr>
<td>Display Of Current Valid Registration Plate</td>
<td>12-10-4</td>
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</tr>
<tr>
<td>Exhibited On Demand</td>
<td>12-10-5</td>
<td>10.00</td>
</tr>
</tbody>
</table>

B. The term "penalty assessment misdemeanor" does not include any violation which has caused or contributed to the cause of an accident resulting in injury or death to any person.
C. When an alleged violator of a penalty assessment misdemeanor elects to accept a notice to appear in lieu of notice of penalty assessment, no fine imposed upon later conviction shall exceed the penalty assessment established for the particular penalty assessment misdemeanor and no probation imposed upon a suspended or deferred sentence shall exceed ninety days.

D. The penalty assessment for speeding in violation of Section 12-6-1.2 (4) of the Uniform Traffic Ordinance is twice the penalty assessment established in Subsection A of Section 2 of this ordinance for the equivalent miles per hour over the speed limit.

E. In addition to the penalty assessment established for each penalty assessment misdemeanor pursuant to this section, there shall be assessed the following fees for each penalty assessment misdemeanor: a twenty dollar ($20) Corrections Fee; a six dollar ($6) Court Automation Fee; and a two dollar ($2) Judicial Education Fee.

SECTION 3. PENALTY ASSESSMENT MISDEMEANORS; OPTION; EFFECT

A. Unless a warning notice is given, at the time of making an arrest for any penalty assessment misdemeanor, the arresting officer shall offer the alleged violator the option of accepting a penalty assessment. The violator's signature on the penalty assessment notice constitutes an acknowledgement of guilt of the offense stated in the notice, and payment of the prescribed penalty assessment is a complete satisfaction of the violation.

B. Payment of any penalty assessment must be made by mail to the Municipal Court, Traffic Violations Bureau, Village of Ruidoso, New Mexico within 30 days from the date of arrest. Payments of penalty assessments are timely if postmarked within the time limits set from the date of arrest. The traffic Violations Bureau shall issue a receipt when a penalty assessment is paid by currency, but checks tendered by the violator upon which payment is received is sufficient receipt.

C. No record of any penalty assessment payment is admissible as evidence in any court in any civil action.

SECTION 4. FAILURE TO PAY PENALTY ASSESSMENT

A. If a penalty assessment is not paid within 30 days from the date of arrest, the violator shall be prosecuted for the violation charged on the penalty assessment notice in a manner as if the penalty assessment notice had not been issued. Upon conviction in such prosecution, the court shall impose penalties as provided by the New Mexico Uniform Traffic Ordinance (Section
or other law relating to motor vehicles for the particular offense charged, and the scheduled penalty assessments shall not apply.

B. In addition to the prosecution provided for in Section 4A, it is a misdemeanor for any person who has elected to pay a penalty assessment to failure to do so within 30 days from the date of arrest.

C. The Office of the Municipal Court shall notify the Motor Vehicle Division of the State of New Mexico when a person fails to pay a penalty assessment within the required period of time. The Motor Vehicle Division shall report the notice upon the driver’s record and shall not renew the person’s license to drive until the Municipal Court notifies the Motor Vehicle Division that the penalty assessment, or its equivalent, as well as any additional penalties imposed are properly disposed of.

SECTION 5. SEVERABILITY

If any section, subsection, sentence, clause, phrase or any portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 6. ORDINANCES REPEALED

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 7. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED, APPROVED AND ADOPTED THIS 10th day of November, 2009.

ATTEST:

Lonnie R. Nunley, Mayor

Irma Devine, Village Clerk
AGENDA MEMORANDUM

Village of Ruidoso

To: Mayor Nunley & Village Council
From: Debbie Jo Almager, Director of Parks, Recreation, & Economic Activities
Date: November 10, 2009
Re: Authorization of Professional Services Agreement between the Village of Ruidoso and International Mountain Bicycling Association (IMBA)

Item Summary:

Staff requires the Authorization of Professional Services Agreement between the Village of Ruidoso and IMBA in the amount of $28,300 for the Bike Trails Design Master Plan to include new property behind the high school to start the process. Advantages to including the new property would save the Village money by having IMBA review both sites at the same time as the 20,000 acres on forest land. Another advantage to authorizing this agreement is that NEPA is conducting an environmental assessment near by and could be completed at that same time.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Line Item</th>
<th>Budgeted Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>166</td>
<td>72283-5</td>
<td>$25,000</td>
</tr>
</tbody>
</table>

Item Discussion:

On August 21, 2009, Lodger’s Tax Committee recommended approval of funding $25,000 for the Lincoln National Forest Trail Design Master Plan. Gerardo Garcia and Cody Thurston will further reported on the economic benefit of such a trail and that the White Mountain Outdoor Club signed a Memorandum of Understanding (MOU) with the U.S. Forest Service Smokey Bear Ranger District to create a plan to develop mountain bike and hiking trails on 20,000 acres of forest land. This self sustainable and low impact design will be produced by IMBA. IMBA quoted the design of this trail system at $28,300 but subject to change until formally contracted.

On August 29, 2009, Council approved the funding of $25,000 as approved by the Lodger’s Tax Committee. The difference of $3,300 will be paid by White Mountain Outdoor Club.

Recommendations:

Staff recommends that Council authorize the Professional Services Agreement between the Village of Ruidoso and IMBA.

AGENDA MEMORANDUMS, ALONG WITH BACK-UP DOCUMENTATION, ARE DUE IN THE VILLAGE CLERK’S OFFICE BY 8:30 A.M. ON WEDNESDAY PRIOR TO THE CORRESPONDING MEETING (PER COUNCIL’S ADOPTED RESOLUTION 2006-25). THIS AGENDA MEMORANDUM WAS RECEIVED IN THE VILLAGE CLERK’S OFFICE ON: 11/2/09 @ 8:30 A.M. BY: , INITIALS
Debbie Jo Almager  
Director of Parks, Recreation & Economic Activities  
Village of Ruidoso  
313 Cree Meadows Drive  
Ruidoso, NM 88345

November 2, 2009

Dear Ms. Almager,

IMBA Trail Solutions is pleased to present to you this proposal for trail assessment and trail planning services to create a destination-quality, mountain bicycle-oriented trail system around Ruidoso, New Mexico. IMBA Trail Solutions has assisted federal, state, and local agencies in trail planning for the last decade; during that time many of our trail plans have been implemented, resulting in new trail-based tourism destinations.

The assessment and planning process would begin by having two trail specialists review any base material that can be provided. They would then travel to Ruidoso and meet with the client and other key partners before spending two weeks in the field assessing the current trail network and developing a conceptual trails plan. During this time they would be available for eight hours of stakeholder meetings to be arranged by the client. A draft Existing Conditions report, an Opportunities & Constraints report, and a Conceptual Trails Plan will then be prepared and delivered electronically along with the associated maps. After the client has provided comments on these documents final versions will be prepared and delivered in electronic format. This work can be accomplished in 2009, depending on staff availability and client scheduling constraints. The attached spreadsheet details the tasks and related expenses.

If this proposal is suitable please sign and scan the attached signature page and return to rich@imba.com. Please do not hesitate to call if there are any questions about the proposal or the planning assistance IMBA can provide.

Most sincerely,

Richard Edwards, Coordinator  
rich@imba.com  
540-421-6067
## Ruidoso Region Trail Assessment and Trail Planning

### November 2, 2009

<table>
<thead>
<tr>
<th>Tasks</th>
<th>Description</th>
<th>Initial Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TASK 1 - PROJECT START UP</strong></td>
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<td>$8,900</td>
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<tr>
<td>1.1</td>
<td>Review materials and prepare base map</td>
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</tr>
<tr>
<td>1.2</td>
<td>Mobilization (RT)</td>
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<tr>
<td>1.3</td>
<td>Kick-off meeting with client (on-site)</td>
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<tr>
<td><strong>TASK 2 - TRAIL ASSESSMENT</strong></td>
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<td>2.1</td>
<td>Assess existing trail system (fieldwork)</td>
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<td>2.2</td>
<td>Stakeholder meetings</td>
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<td>2.3</td>
<td>DRAFT Existing Conditions report and map</td>
<td></td>
</tr>
<tr>
<td>2.4</td>
<td>DRAFT Opportunities &amp; Constraints report and map</td>
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<tr>
<td><strong>TASK 3 - CONCEPTUAL MOUNTAIN BICYCLE TRAILS PLAN</strong></td>
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<td>3.1</td>
<td>Develop conceptual trails plan (fieldwork)</td>
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<td>3.2</td>
<td>DRAFT Conceptual Mountain Bicycle Trails Plan report and map</td>
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<tr>
<td><strong>TASK 4 - FINALIZE PLAN</strong></td>
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<td>$1,575</td>
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<tr>
<td>4.1</td>
<td>Finalize Existing Conditions report and map per client comments</td>
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<tr>
<td>4.2</td>
<td>Finalize Opportunities &amp; Constraints report and map per client comments</td>
<td></td>
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<tr>
<td>4.3</td>
<td>Finalize Conceptual Mountain Bicycle Trails Plan report and map per client comments</td>
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<td><strong>PROJECT MANAGEMENT</strong></td>
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<td><strong>DIRECT COSTS (airfare, lodging, etc)</strong></td>
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<td>$5,964</td>
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<tr>
<td><strong>TOTAL</strong></td>
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<td>$29,979</td>
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</table>

*INTERNATIONAL MOUNTAIN BICYCLING ASSOCIATION*

Hood River, OR - Boulder, CO - Harrisonburg, VA
AGREEMENT

This document sets forth the agreement for retention of IMBA's Trail Solutions (herein referred to as “TS”) to provide services to the Village of Ruidoso (herein referred to as “Client”) in connection with the above-noted project. The basis of IMBA's Trail Solutions retention is described above and in the attached Conditions document.

Approved for Village of Ruidoso

By ______________________________________
Name & Title ______________________________________
Date ______________________________________

Approved for IMBA's Trail Solutions

By ______________________________________
Name & Title Mike Van Able, Executive Director
Date ______________________________________

Env: Conditions
Conditions:

The following conditions will apply to the work performed by Trail Solutions (TS):

1) Consultant reserves the right to transfer hours between tasks to best meet the client's needs.

2) In an effort to reduce cost and conserve resources all documents and maps produced will be provided in electronic format only.

3) Client is responsible for all stakeholder meeting coordination and publication. Stakeholder input will be important for crafting a viable and effective trails plan.

4) Client will provide assistance to TS as needed during the project to ensure sufficient transfer of knowledge.

5) All property boundaries for the subject site shall be clearly identifiable and obvious. In the event that there are any questions regarding the location of property boundaries, the Client shall provide immediate assistance in determining their location. If immediate assistance is not provided then work delays and added costs may be incurred. TS shall bear no responsibility or costs for efforts that cannot be accurately completed because of lack of accurate boundary information.

6) This contract does not include the cost of locating the trail corridors in the field.

7) All necessary permits/permissions will be obtained by Client.

8) Proposed dates and durations are approximate. Specific start and finish dates will be determined by: weather conditions; site access conditions; availability of Client's personnel, other stakeholders, and of TS staff; and other factors. TS will not be responsible for project delays or failures caused by any factors out of their control, including, but not limited to: weather; ground conditions; legal access;

9) TS reserves the right to refuse to perform, promote, or execute any designs or proposals that are not, in TS' opinion, sustainable, environmentally or socially sound, and/or in the best interest of affected parties.

10) This proposal is valid for 30 days from the date of issue. After that time, TS reserves the right to revise or rescind the offer for its services.

11) Client is responsible for providing TS any background materials and GIS data necessary for completing the project. This will include but is not limited to:

   - property boundaries
   - contour lines
   - designated use areas

INTERNATIONAL MOUNTAIN BICYCLING ASSOCIATION

Hood River, OR - Boulder, CO - Harrisonburg, VA
- vegetation cover
- hydrologic information
- wetlands
- utility locations
- active and inactive roads
- trail alignments
- special biological or habitat zones
- structures
- archeological sites
- any other relevant area management data.

If the information cannot be obtained, TS reserves the right to undertake work necessary to obtain the relevant information to create a useable base map. TS will obtain the client's permission before proceeding.
To: Mayor Nunley & Village Council
From: Carlos Salas
Water/Wastewater Manager
Date: November 10, 2009
Re: Discussion & Possible Action on Award of Invitation for Bid #09-009 for a Combination Sewer Cleaner Truck (Vactor) to Pete's Equipment in the amount of $329,214.00

Item Summary:

Staff is requesting Council to award IFB #09-009 for a Combination Sewer Cleaner Truck (Vactor) to Pete's Equipment in the amount of $329,214.00.

<table>
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<tr>
<th>Fund:</th>
<th>02-220</th>
<th>Line Item:</th>
<th>76340</th>
<th>Budgeted Amount:</th>
<th>330,000.00</th>
</tr>
</thead>
</table>

Is this item presently included in your budget? ☑ Yes ___ No
(If "No", a Budget Change Request must be completed, and approved, before a Purchase Order will be issued.)

Item Discussion:

This Invitation to Bid for a Combination Sewer Cleaner Truck was advertised in four papers, the Ruidoso News, Albuquerque Journal, Alamogordo Daily News and the Roswell Daily Record on September 25 and September 26, 2009. There were seven (7) requests for this bid. By the due date of October 20, 2009, we had received two (2) responses. The responses were from Pete's Equipment in Albuquerque, NM and Roberts Truck Center in Albuquerque, NM. After reviewing the bids, Pete's Equipment was the lowest bidder with a bid of $329,214.00. GRT is not applicable for this purchase.

Recommendations:

Staff respectfully recommends the award of IFB #09-009 for a Combination Sewer Cleaner Truck (Vactor) to Pete's Equipment in the amount of $329,214.00.
Village of Ruidoso
Bid Summary

Bid Name: Combination Sewer Cleaner Truck

<table>
<thead>
<tr>
<th>BIDDER'S NAME</th>
<th>Pete's Equipment</th>
<th>Roberts Truck</th>
</tr>
</thead>
<tbody>
<tr>
<td>2110 Plus</td>
<td>$329,214.00</td>
<td>$337,220.00</td>
</tr>
</tbody>
</table>

Date: 10/20/2009
Time: 3:00 pm
Bid#: IFB 09-009
AGENDA MEMORANDUM
Village of Ruidoso

To: Mayor Nunley & Village Council
From: Carlos Salas
       Water/Wastewater Manager
Date: November 10, 2009
Re: Discussion & Possible Action on Award of Invitation for Bid #09-012 for a 3/4 ton, Extended Cab/Quad Cab, 4x4 with Utility Body to Don Chalmers Ford in the amount of $37,438.00.

Item Summary:
Staff is requesting Council to award IFB #09-012 for a 3/4 Ton, Extended Cab/Quad Cab 4x4 with a Utility Body for the Water Wastewater Department to Don Chalmers Ford in the amount of $37,438.00.

| Fund: 02-220 | Line Item: 76325 | Budgeted Amount: 55,000.00 |

Is this item presently included in your budget?  Yes  No
(If "No", a Budget Change Request must be completed, and approved, before a Purchase Order will be issued.)

Item Discussion:
This Invitation to Bid for a 3/4 Ton Truck for the Water/Wastewater Department was advertised in four papers, the Ruidoso News, Albuquerque Journal, Alamogordo Daily News and the Roswell Daily Record on October 14 and October 16, 2009. There were nine (9) requests for this bid. By the due date of October 27, 2009, we had received five (5) responses. The responses were from Bob Turner Ford – Albuquerque, NM; Don Chalmers Ford – Albuquerque, NM; Ruidoso Ford – Ruidoso, NM; Corley Auto Group – Albuquerque, NM; Whiteside Auto – St. Clairsville, OH. After reviewing the bids, Don Chalmers Ford was the lowest bidder with a bid of $37,438.00. GRT is not applicable for this purchase.

Recommendations:
Staff respectfully recommends the award of IFB #09-012 for a 2010 3/4 Ton Truck, extended cab/quad cab, 4x4 with Utility Body be awarded to Don Chalmers Ford in the amount of $37,438.00.
## Village of Ruidoso
### Bid Summary

**Bid Name:** 3/4 Ton truck for water wastewater  
**Date:** 10/27/2009  
**Time:** 3:00  
**Bid #:** IFB 09-012

<table>
<thead>
<tr>
<th>BIDDER'S NAME</th>
<th>Bob Turner Ford</th>
<th>Don Chalmers Ford</th>
<th>Ruidoso Ford</th>
<th>Corley Auto Group</th>
<th>Whiteside</th>
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</thead>
<tbody>
<tr>
<td>2010 Ford</td>
<td>2010 Ford</td>
<td>2010 Ford</td>
<td>Dodge Ram 2500</td>
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<td>39,053.00</td>
<td>37,438.00</td>
<td>39,323.00</td>
<td>46,991.00</td>
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</table>
AGENDA MEMORANDUM

Village of Ruidoso

To:  Mayor Nunley & Village Council

From:  Debi Lee
  Village Manager

Date:  November 10, 2009

Re:  Discussion & Possible Action to support award of proposal to Montgomery & Andrews for Legal Services for the Joint Use Board

Item Summary:

The recommendation to award RFP 09-008 for Professional Services for an Attorney for the Joint Use Board will be on the agenda for the next scheduled JUB meeting on November 12, 2009.

<table>
<thead>
<tr>
<th>Fund:</th>
<th>10-410</th>
<th>Line Item:</th>
<th>72213</th>
<th>Budgeted Amount:</th>
<th>39,784.37</th>
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</table>

Is this item presently included in your budget?  Yes  No

Item Discussion:

The Request for Proposal for Professional Services for an Attorney for the Joint Use Board was advertised on September 25, 2009 in the Ruidoso News and on September 27, 2009 in the Albuquerque Sunday Journal, Las Cruces Sun Times and the Roswell Daily Record.  There were three (3) requests for this RFP and by the due date of October 27, 2009, only one (1) response.  The response was from Montgomery & Andrews.  As discussed at the last JUB meeting, items scheduled for the JUB are to be presented to each entity for consideration prior to the scheduled JUB meeting.  Staff is requesting that Council support the award of RFP 09-008 to Montgomery & Andrews for Legal Services for the JUB and the RWWTP.  This will allow negotiations to begin between the JUB and Montgomery & Andrews.

Recommendations:

Staff respectfully requests Council to direct JUB members – Mayor Pro Tem Greg Cory and Village Councillor Jim Stoddard to support award of proposal to Montgomery & Andrews and authorize negotiations to begin.
TO: Mayor Nunley and Councilors

FROM: Robert Decker, Planning Administrator

MEETING DATE: November 10, 2009

RE: Discussion and possible action to authorize execution of an agreement with White Mountain Development to provide Village water and sewer service to lots in Gavilan South Industrial Subdivision

<table>
<thead>
<tr>
<th>Fund:</th>
<th>Line Item:</th>
<th>Budget Amount:</th>
</tr>
</thead>
</table>

Item Summary

White Mountain Development has requested that the Village provide water and sewer service to Lots 6 through 13 in the Gavilan South Industrial Subdivision.

Item Discussion

Gavilan South Industrial Subdivision is an approved existing subdivision located outside the current Village municipal boundary. Lots 4 and 5 are currently owned by the Village and receive water and sewer service from the Village systems.

Per the requirements of the Ruidoso Village Municipal Code Sections 86-31 (g) and 86-63 (a), in order for the Village to provide service outside Village limits there must be a written agreement on file with the Village Clerk. This subdivision was approved by Village Council on July 31, 1984 to tap the Village sewer system. Since then Village water service has been extended to this area.

Lot 11 is being developed for an automobile service garage that will require minimal quantities of water. The Village has capacity to serve this use.

Water service will be provided from a high pressure main through a pressure reducing valve located on the solid waste transfer station property. White Mountain Development will be responsible for installing the water service line from the solid waste transfer station property to Lot 11.

The agreement places restrictions on the size and type of development that can occur on Lots 6 through 13 in order to meet fire flow requirements. The remaining lots in the subdivision are currently vacant and there are no plans for immediate development.

Recommendation

Staff recommends approval of the agreement.
Agreement by and between the Village of Ruidoso and White Mountain Development for provision of water and sewer service to Lot 11, Gavilan South Industrial Subdivision (406 Gavilan Canyon Rd.)

Per the requirements of the Ruidoso Village Municipal Code Sections 86-31 (g) and 86-63 (a), in order for the Village to provide service outside Village limits there must be a written agreement on file with the Village Clerk. This subdivision was approved by Village Council on July 31, 1984 to tap the Village sewer system. Since then Village water service has been extended to this area.

Gavilan South Industrial Subdivision is an approved existing subdivision located outside the current Village municipal boundary. Lots 4 and 5 are currently owned by the Village and receive water and sewer service from the Village systems.

Lot 11 is being developed for an automobile service garage that will require minimal quantities of water. The Village has capacity to serve this use.

Connection to the sewer will be by normal sewer tap.

White Mountain Development acknowledges that water service will be provided from a high pressure main through a pressure reducing valve located on the solid waste transfer station property. The Village will provide a standard pressure tap with meter at the boundary of the solid waste transfer station property. White Mountain Development will be responsible for installing the water service line from the solid waste transfer station property to Lot 11.

White Mountain Development acknowledges that, in order to provide water service in the future to Lots 6 through 13 utilizing the existing PRV at the solid waste transfer station, the type of development on each lot will need to be restricted to relatively low fire hazard uses within buildings of limited size. A document entitled “Report of Needed Fire Flows for Development of Gavilan South Industrial Subdivision Ruidoso, NM” prepared by Benchmark Engineering dated 10/22/09 that sets forth water system requirements for development of Lots 6 through 13 is attached to and made a part of this agreement.

White Mountain Development agrees that any water or sewer system installed to serve Lots 6 through 13 will be designed and installed to VOR standards. White Mountain Development agrees to provide VOR with fully engineered drawings and specifications for review and approval at least 90 days prior to the planned start of construction.

White Mountain Development agrees to install individual pressure regulators for each service and will hold the Village harmless of any damage in the event of Transfer Station PRV failure. White Mountain Development agrees to build a new PRV to supply Lots 6 through 13 in the event the Transfer Station PRV is not capable of meeting required demand.

White Mountain Development agrees to comply with all Village rules, regulations and ordinances related to water and sewer service. White Mountain Development agrees to pay all applicable fees and charges.
White Mountain Development agrees to not contest annexation if this area is proposed for annexation to the Village.

By execution of this agreement the Village agrees to supply both water and sewer service to Lot 11.

Date

__________________________  ____________________________
Village of Ruidoso  White Mountain Development
AGENDA MEMORANDUM

Village of Ruidoso

To: Mayor Nunley & Village Council

From: Debi Lee
Village Manager

Date: November 10, 2009

Re: Discussion and Possible Action on the Process of selecting a new Police Chief

Item Summary:
Chief Wolfgang Born has submitted his resignation as Police Chief effective December 31, 2009. This item is presented for the Mayor and Council discussion and direction on how they wish to proceed with the replacement and appointment of a new Police Chief.

General DESCRIPTION
Per the City Code Article II. Officers and Employees; Section 2-51 Appointive Officers Generally states that the Police Chief is an appointed position. Sec 2-52 provides for procedures for the appointment ...

“Att the organizational meeting of the Council, the mayor shall submit, for confirmation by the council, the names of persons who shall be employed to fill the appointive offices. If the council fails to confirm any person as an appointive official or employee for the village, the mayor, at the next regular meeting of the council, shall submit the name of another person to fill the appointive office or to be employed by the village.” The organization meeting will not occur until March 2009 and per the Village attorney, the Council does have the option of selecting a new Police Chief sooner with an appointment before the March election as has recently been done with the Village Manager. Either option, the Mayor and Council should appoint the interim or acting Police Chief with a final appointment of Police Chief at a time determined by the Mayor and Council.

Staff is requesting direction on how the Mayor and Council would like to proceed.

| Fund: | N/A  | Line Item: | Budgeted Amount: | N/A |

Recommendations:
Using the Employee Assessment Center process, begin advertising and recruiting candidates for the position of Police Chief in November. The Assessment process would include two Village Council members and other assessment team members as determined by the Mayor and Council. The Assessment Date and date for appointment should be timed based on the direction given at this meeting by the Mayor and Village Council. Also, we are requesting that you appoint an Interim or Acting Chief before December 18, Chief Born’s last official day with the Village.
**JOB DESCRIPTION**

**Job Title: Police Chief**

<table>
<thead>
<tr>
<th>Classification Title : Official and Administrators (1)</th>
<th>Department: Police</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grade/Salary 116/59,466</td>
<td>Location:</td>
</tr>
<tr>
<td>Reports To: Village Manager</td>
<td>Exempt: Yes ( ) No ( )</td>
</tr>
<tr>
<td>Employee Printed Name:</td>
<td>Safety Sensitive: Yes (X) No ( )</td>
</tr>
<tr>
<td>Employee Signature:</td>
<td>Date:</td>
</tr>
</tbody>
</table>

(XX) Full-time   ( ) Part-time   ( ) Temporary

**Classification Summary**

Under general direction, manages all activities of the Village of Ruidoso Police Department. Exempt FLSA.

**Job Title Summary**

The Police Chief directs the operations of the Police Department to enforce municipal, state, and federal laws and ordinances of the Village. Operations of the Police Department include administration, police patrol, investigations, training, animal control, code compliance, communications, detention, and records. Develops and implements rules, regulations, policies and procedures to advance the Department’s mission, goals, and objectives, and to provide efficient and effective police services for residents, visitors, and businesses in the Village of Ruidoso.

**Essential Job Functions**

- Determines levels of staff, equipment, and other resources needed to effectively protect the Village of Ruidoso during broad seasonal variances in its population and nature of activities.
- Performs a variety of complex administrative, managerial, and professional work in planning, coordinating, and directing the activities of the Police Department.
- Ensures that the department offers and maintains an effective and positive community Oriented Policing philosophy for the purpose of maintaining the highest possible credibility level within the area.
- Manages and leads police department staff-including administration, operations, animal control, communications, and code compliance, directly or through subordinate supervisors using leadership skill.
- Develops, implements, monitors, and adjusts, as necessary, and effective communication system throughout the Police Department.
- Ensures compliance with changing requirements in local, state, federal laws and accreditation requirements.
- Reviews department performance and effectiveness, formulates programs or policies to alleviate deficiencies.
- Manages and coordinates the preparation and presentation of an annual budget for the department; directs the implementation of the department’s budget; plans for and reviews specifications and needs for additional personnel and for new or replacement equipment.
- Ensures appropriate and adequate training and development of Department personnel in all areas such as but not limited to advance officer training, safety, current law changes, dispatcher training, emergency procedures etc.
- Handles grievances/or departmental problems, maintains Departmental discipline and the conduct and general behavior of assigned personnel.
- Prepares and submits periodic reports to the Village Manager regarding the Department’s activities, and prepares a variety of other reports as appropriate.
- Ensures that laws and ordinances are enforced and that the public peace and safety is maintained.
Hires, evaluates, promotes, disciplines, and terminates employees following established procedures and policy.
Guides and develops employees in the accomplishment of their duties and professional growth.
Consults on the management of projects, programs, and major criminal cases.
Researches, develops, and recommends new laws, procedures, and ordinances.
Cooperates with County, State and Federal law enforcement officers as appropriate when activities of the police department are involved.
Coordinates law enforcement efforts with other departments and jurisdictions.
Develops programs for the enhancement of public relations between the police Department, residents, merchants, and schools, such as the bicycle and walking patrol programs.

Other Responsibilities or Job Requirements
- Ensure that employees keep timesheets based on actual hours worked
- Ensures that employee timesheets are submitted accurately and timely
- Ensures that any on-the-job injury is reported immediately and followed up with appropriate forms and actions.
- Reports any suspected fraud and/or abuse to the Deputy Village Manager or Village Manager
- Ensures any reports of harassment are immediately reported and appropriate actions are taken
- Represents the Village of Ruidoso in the New Mexico Police Chief's Association and federal law enforcement agencies and associations.
- Responsible for maintenance of assigned vehicle.
- Prepares and delivers talks and presentations to local civic and professional groups.
- Attends conferences and meetings to keep abreast of current trends in the field; represents the Village and the police Department in a variety of local, county, state and other meetings.
- The above statements are not a complete list of all responsibilities and duties performed by employees in this job. As a condition of employment, employees are required to perform other related duties and special projects as assigned.

Qualifications
- Bachelor's degree in police science, criminal justice or related field and six years full-time professional law enforcement work, at least three years of which included responsibility as a shift supervisor or higher level managerial experience OR eight years full-time professional law enforcement work, at least three years of which included responsibility as a shift supervisor or higher level managerial experience.
- Certified Police Officer required.
- Preference will be given to those candidates having completed on-going law enforcement or related training either within an established college degree program or through law enforcement training schools, such as FBI National Academy (FMINA), the Southern Police Institute (SPI) or the Northwestern University Center for Public Safety.
- Knowledge of the Ruidoso Municipal Code pertaining to police service and public safety.
- Knowledge of the Police Standard Operating Procedures Manual and other recognized manuals on police operations and standards.
- Knowledge of modern law enforcement principles, procedures, techniques, and equipment; considerable knowledge of applicable laws, ordinances, and department rules and regulations.
- Knowledge of the policies, goals, and procedures of the Ruidoso Police Department.
- Knowledge of modern management and leadership principles.
- Knowledge of general public administration principles and practices including budgeting, strategic planning, program evaluation and development, and employee supervision and training.
- Knowledge of law enforcement principles, methods, techniques, and practices including patrol, investigations, court procedures, community relations, special weapons and tactics, traffic control, report preparation, custody of persons and property, and crime prevention.
- Knowledge of equipment used in law enforcement, including weaponry, communications, personal computers, and automotive equipment.
- Ability to train and supervise subordinate personnel.
Ability to supervise the day-to-day operations of an assigned function or shift, such as training, investigations, traffic enforcement, or patrol.

Ability to understand and interpret complex statutes, ordinances, regulations, standards, and guidelines.

Ability to communicate effectively orally and in writing

Ability to establish and maintain effective working relationships with subordinates, peers, and supervisors

Ability to exercise sound judgment in evaluating situations and in making decisions

Ability to give verbal and written instructions

Ability to evaluate operations and programs to determine if they meet community needs.

Ability to prepare reports documenting the facts and actions regarding criminal and civil law enforcement incidents.

Ability to research and develop laws and ordinances.

Ability to negotiate and communicate, in person, in writing and on two-way radio.

Ability and Knowledge to conduct internal affairs investigations.

Ability to operate the following: police car, police radio, handgun and other weapons as required, pager, personal computer including word processing, spreadsheet, and database software.

Must be able to establishing and maintaining routine working relationships with citizens, public officials, outside agencies, businesses, and employees.

Must be able to pass regular criminal history checks.

Must possess and maintain valid New Mexico motor vehicle operator's permit of appropriate classification and endorsement as required. Must agree to maintain a satisfactory MVR and minimum requirement of insurability as required by law. MVR background checks will be conducted by the Village.

Physical Demands

Ability to maintain physical condition and stamina appropriate to the performance of assigned duties and responsibilities which may include sitting, standing, or walking for extended periods of time, driving or riding in vehicles.

Frequently required to sit, talk or hear.

Frequently required to stand, walk, run, use hands to finger, handle, or operate objects, controls, or tools listed above.

Occasionally required to reach with hands and arms, climb or balance, stoop, kneel, crouch or crawl, and taste or smell.

Occasionally required to physically subdue combative subjects and must maintain a level of physical ability accordingly.

The usual requirements in an office environment may require lifting boxes of supplies, equipment and occasional adjustment of office furniture.

Occasional pushing, pulling, lifting and/or moving up to 50 pounds.

Vision

Work Environment

Possess ability to adapt to inclement weather conditions and/or situations.

Ability to drive, occasionally long distances and during inclement weather conditions.

Most frequently in an office setting

May work a fairly irregular schedule, long hours, weekends, and holidays.

Ability to perform duties and adapt to flexible work schedules as established by management.

May be called when needed.

Noise level could be quiet in the office, and moderate to loud in the field.

Ability to work in stressful environment and deal effectively with stress.

Travel Requirements

Frequent - ability to travel for activities such as meetings, classes, and workshops in and out of the area.
Must be able to travel by air as needed to attend training, conferences, and related activities.

Overnight travel as required.

This job description is subject to change as the needs of the Village and Department change or the requirements of this position change.

EMPLOYEE DECLARATION

I have reviewed and understand the job functions of this position and state that I can perform these functions without accommodation: _____Yes _____No

If an accommodation is needed, please describe below the reasonable accommodation required for you to perform these job functions.

Employee Signature __________________________ Date ______________

NOTE: Employees must sign the job description on the front page, the last page and initial all pages in-between.
AGENDA MEMORANDUM
Village of Ruidoso

To: Mayor Nunley & Village Council
From: Carlos Salas
Water Wastewater Manager
Date: November 10, 2009
Re: Discussion and Possible action of Award of Request for Proposal #09-005 for Professional Services for Water Rights Attorney to Hennighausen & Olsen to begin negotiations

Item Summary:
The purpose of this Proposal is for the Village of Ruidoso to contract with an attorney for any water rights issues that may arise.

| Fund: 02-211 | Line Item: 72213 | Budgeted Amount: 250,000.00 |

Is this item presently included in your budget? Yes ☑ No

(If "No", a Budget Change Request must be completed, and approved, before a Purchase Order will be issued.) A BCR is pending in Finance.

Item Discussion:
This request for proposal was advertised on September 18, 2009 in the Ruidoso News, Albuquerque Journal, Las Cruces Sun Times and the Roswell Daily Record. There were five (5) requests for this RFP. At the time of the due date on Tuesday, October 20, 2009 there were two (2) responses. The proposals were from Hennighausen & Olsen of Roswell, NM and Sutin, Thayer & Browne of Albuquerque, NM. Both proposals were reviewed and accepted as responsive offers. The Evaluation committee met on Monday, November 2, 2009 and rated the two proposals. Attached is a copy of the Evaluation Committee Report and the final rating summary.

Recommendations:
Staff respectfully recommends that RFP #09-005 for Professional Services for a Water Rights Attorney for the Village of Ruidoso be awarded to Hennighausen & Olsen of Roswell, NM. This approval will allow the Village of Ruidoso to begin negotiations with the offeror on the terms and conditions of the contract.

Attachments:
Evaluation Committee Report
Final Rating Summary
MEMORANDUM

TO: Mayor Ray L. Nunley and Village Councilors

FROM: Vicki Eichelberger
Purchasing Agent

SUBJECT: Evaluation Committee Report – RFP # 09-005 Professional Services for a Water Rights Attorney

DATE: November 2, 2009

The Request for Proposal #09-005 for Professional Services for Professional Services a Water Rights Attorney for the Village of Ruidoso was advertised in the Ruidoso News, Albuquerque Journal, Las Cruces Sun Times and Roswell Daily Record on Friday, September 18, 2009.

This proposal was for Qualifications-based Professional Services. There were five (5) requests for this proposal. There were two (2) responses prior to the deadline of Tuesday, October 20, 2009 at 4:00 pm. After reviewing the proposals received, the responsive offerors were – Hennighausen & Olsen from Roswell, NM and Sutin, Thayer & Browne of Albuquerque, NM.

Summary of Evaluation Committee Activity The members of the evaluation committee were: Debi Lee – Village Manager; William Morris – Deputy Manager; Randall Camp – Public Works Director; Carlos Salas – Water Wastewater Manager and Ron Hardeman – Village Councilor. The committee met on Monday, November 2, 2009 to review and rate the proposals. The committee considered all of the offerors qualified to perform the work specified in the Request for Proposals. At the meeting it was decided to recommend to the Village Council Hennighausen & Olsen of Roswell, NM.

Recommendation of the Committee As a result of the scoring, the Evaluation committee respectfully recommends that RFP #09-005 be awarded to Hennighausen & Olsen of Roswell, NM. The results are tabulated on the rating summary sheet attached. This approval will allow the Village of Ruidoso to begin negotiations with Hennighausen & Olsen on the terms and conditions of the contract.

Thank you for your time and consideration of this recommendation.
### Evaluation Summary for RFP 09-005 for Professional Services for Water Rights Attorney
Committee meeting on November 2, 2009 at 4:00 p.m.

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Possible Points</th>
<th>Sudin, Thayer &amp; Browne</th>
<th>Hennighausen &amp; Olsen</th>
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<tr>
<td>1. General Qualifications</td>
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<td>2. Special Qualifications</td>
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<td>3. Ability to perform Contracted Services without conflict of Interest</td>
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<td>4. Ability to meet specified office hours</td>
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<td>5. Specific Knowledge of Local Water and Water Rights Law</td>
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<tr>
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