

## VILLAGE OF CLOUDCROFT

Minutes of the Regular Council Meeting of the Governing Body for the Village of Cloudcroft held on Tuesday, April 13, 2021 at 6:00 p.m., in the Village Council Chambers, 201 Burro Avenue, Cloudcroft.

Mayor Denney called the meeting to order at 6:02 p.m. with the following Council members providing a full Quorum:  
Present/absent:

- Mayor – William M. Denney – present
- Trustee – Bruce Smaga - absent
- Trustee – John Tieman - present
- Trustee – James Maynard – present
- Trustee – George Mitchell – present

The following Village staff were present at the Village Council Chambers: Barbara K. Garcia, Village Clerk/Treasurer, Jini Turri, Administrator; Kevin Summers, Chief of Police; Jubal Hall, VOC Public Works; Maria Tieman, Self; Shelley M. Hughes, self, Susan Maynard, GRME, Gilbert Garcia, self; Erich Wuersching, VOC; Michael Adams, Ski Cloudcroft; Jessica Beach, self; Cindi Bradshaw, self; Rex McCourt, Southwest Disposal; Tom Taylor, self; Donald Wiklund, James Sewell Ice Rink; Jessie Muscianisa, Ice Rink; Kim Muscicanis, Ice Rink; Hannah Dean, self; Jessica Mallett, VOC MVD; Kamee Richards, Ice Rink; Donna Clapper, Recreation Grant; Gail Kirz, self. (Item #1)

The pledge of allegiance to the US and NM flags was led by Mayor Denney. (Item #2)

**Approval of Agenda:** Mayor Denney entertained a motion to approve the agenda of the Regular Meeting of April 13, 2021 with the following amendment to New Business Discussion #7, should read NMSA 13-1-194. Trustee Tieman made such motion to amend as requested, Trustee Mitchell seconded the motion and upon vote of Trustees Tieman, Maynard and Mitchell all voting “aye: the motion carried unanimously. (Item #3)

**Approval of Minutes:** Mayor Denney entertained a motion to approve the Minutes for the following meetings: Regular Council Meeting of March 9, 2021 & Special Council Meeting of March 19, 2021. Mayor Denney called on Trustee Tieman who requested an amendment to the Minutes of March 9, 2021 under New Business, Resolution No. 2021.06, second sentence should read “was” rather than “wall”. Mayor Denney entertained a motion to approve the minutes, Trustee Maynard seconded the motion to approve both meeting minutes with amendment in place and upon vote of Trustees Tieman, Maynard and Mitchell all voting “aye: the motion carried unanimously. (Item #4)

**Announcements/Discussion:** *Level 2 Water Restriction in effect;* Mayor Denney advised that the Village moved to level two (2) water restrictions effective last week. By recommendation of the water department the Village will probably move to level three (3) shortly. Trustee Maynard asked to have a refresh on what was under level two, Clerk read from the code to explain.

*Resignation of Paula Dowding from Library Board.* Mayor Denney explained that we also have a resignation from Jim Dowding from the Planning & Zoning Commission.

Mayor Denney advised that this needed to be obtained officially but if there is anyone that is interested in serving on the P&Z Commission to please send him a letter of interest. (Item #5)

**Mayor's Report:** *Richard Mills appreciation of service;* Mayor Denney skipped this item due to the member not being present, may re-visit if Mr. Mills arrives. (Item #6)

**Reports:** *Report Ski Cloudcroft License – Jeremy & Michael Adams:* Jeremy advised that they have done some grading and that there are two springs that they will be capturing and take them to the edge of the tubing hill. He advised that the village could capture them, or they would be diverted to the culvert. Jeremy presented drawings regarding summer tubing and requested approval to utilize and to have it approved and put on the lease as exhibit C when signed as they will be the owner.

Governing Body is in approval and will move on it at the April 27<sup>th</sup> meeting posting of the lease.

**Action:** *Judicial, Police, Library, Wells & Springs, Water Usage/Production, EMS/FIRE, Maintenance, Projects, GRT, Lodger's Tax, Check Register: March 2021.* Trustee Tieman requested a status on the water audit, Mayor Denney requested Jubal Hall to speak to an update. There has been no further information, field work is complete, but we are still waiting for them to get the results back. No estimate currently on getting information back. Mayor Denney entertained a motion to accept the reports as provided, Trustee Tieman made such motion, Trustee Mitchell seconded the motion and upon further discussion Jini Turri, Project Manager advised that her written report was included, and she would stand for any questions if requested. Further update was given that the project manager with DFA did approve moving forward with the proposed Ice Rink Multi-Purpose Facility. A request for proposal will be drafted for Architectural Services with an estimated timeline of April for publication and proposal deadline May 25<sup>th</sup>, 2021 with an award at the June 8<sup>th</sup> meeting. Trustee Maynard requested update on the grants we received for \$94,000 for Roads and \$130,000 for Land Acquisition. Through ICIP we were awarded the \$130,000 for the purchase of the land for the WWTP. The \$94,000 was granted through the Governor and it is for the specific area of Woodlands, Blanca Vista, and Maple. It is limited to those areas and is for plan, design, and road rehabilitation. Upon vote of Trustees Tieman, Maynard and Mitchell all voting "aye: the motion carried unanimously. (Item #7)

**Unfinished Business:** Nothing to discuss (Item #8)

**New Business: Discussion/Action:** *Approval of new hire for MVD Clerk – Jessica Mallett:* Mayor Denney advised that several interviews were conducted, and that Jessica was selected. He is asking for approval of hiring. Jessica introduced herself and her work history. Mayor Denney entertained a motion to approval the hire, Trustee Mitchell made such motion to approve, Trustee Tieman seconded and upon vote of Trustees Tieman, Maynard and Mitchell all voting "aye: the motion carried unanimously.

**Action:** *Letter of Interest for Library Board - Hannah Dean:* Mayor Denney would like to appoint Mrs. Dean to the Library Board. Trustee Mitchell made a motion to accept her to a position on the Library Board. Trustee Maynard seconded and upon vote of Trustees Tieman, Maynard and Mitchell all voting "aye: the motion carried unanimously.

**Discussion/Action:** *Southwest Disposal Request Annual Rate Increase – Rex McCourt:* Rex McCourt was introduced and requested a 1.4% CPI increase per month, based on the 1086 meters that are currently being billed this will increase the water rate by about twenty (20) cents per month. Trustee Tieman made a motion to make the change in the contract based on the 1.4% CPI, Trustee Maynard seconded the motion and upon vote of Trustees Tieman, Maynard and Mitchell all voting "aye: the motion carried unanimously.

**Discussion/Action:** Authorization to utilize & improve un-used Village road as Driveway and/or Process to purchase unused Village Land – Joshua Spiess: Mr. Spiess was not present,

and no representative was present. In reviewing the map that was presented Mayor Denney advised that this is the primary lot to 207. Mayor Denney is not in favor of selling the property due to this. Project Manager Turri advised that she knew his main request was to be able to drive on it, it was pointed out that it is currently a road, and he may. Discussion ensued with the Council Members and the Public Works Department Head. Trustee Maynard suggested that the owner may improve the road if he chooses under the direction of Jubal Hall. Attorney Rhodes stated that it should be clarified that he is using this as a Village right of way. Trustee Maynard made a motion to approve usage of the road as a public right of way and improve under the direction of the Public Works Supervisor and not allow purchase. Trustee Mitchell seconded the motion and upon vote of Trustees Tieman, Maynard and Mitchell all voting "aye: the motion carried unanimously.

**Discussion/Action:** *Proposed Ice-Skating Rink – Cindi Bradshaw:* Mrs. Bradshaw spoke to the council members and presented documentation of research she had done regarding the proposed Ice-Skating Rink. She presented the typical cost of a fully functioning Regulation Ice Hockey Rink. Trustee Maynard spoke to the fact that since she is employed by the Chamber of Commerce who was she representing, she expressed that she was representing herself as a citizen of the Village. Trustee Maynard explained that Larry Evans, President of the Chamber is in full support of the project, she stated that was fine that she was not representing the Chamber but herself. She presented that to do a fully functioning rink the rough price is about \$3,000,000 to fully complete. She is concerned that the budget for the project is about \$820,000 and that this will leave a lot of funding that will still need to be procured through grants, she was in favor of finding the funding but questioned how long it would take to complete the facility? As proposed at the meeting that was held at the rink, there will be no public restrooms, no locker rooms, no concession stand and will still not be fully enclosed, it will not have electricity and will not have a chiller to make the ice with the tubing that will be included in the pad. She requested if the council had considered the cost of an employee to run it? She reviewed the average insurance and cost of water and electricity and questioned who would be responsible for maintenance and upkeep of the facility. She has been able to find four (4) ice hockey teams in the state of NM that range from the age of 4 to 18 year olders and most of them play in Taos and Rio Rancho and that some do travel to Colorado for tournaments. She understood that we are talking about bringing revenue here. When the Mountain Top Basketball Tournament is in town there are up to 10 to 12 teams and every room in the Village is taken and some of the teams stay in Alamogordo and Ruidoso, resulting in the question of where will we put them if we have these big hockey tournaments? She wanted to make sure that everyone is aware that Cloudcroft is known for the four seasons that we have in the year, in the spring and summer people come for the outdoor activities, hiking, biking, and the fall beauty. There is a concern with the cutting of all the trees that will need to be removed to expand in the direction the project is proposing. She presented what Ruidoso is doing to be able to utilize their facility year-round for the council's review. After speaking with Titan Steel, she has found a building for approximately \$139,000 that is a 60x120 with a 22-foot height. The concession stands could be upgraded and then with the extra funds available purchase of restrooms that could be utilized for multi-use all around the Village. This would still leave quite a bit of funds to spread throughout the Village for upgrades and we would still have an Ice-Skating Rink up to 55°. She advised that she was complete with her presentation and Mayor Denney thanked her for her time. Mayor Denney advised that currently we

are sending out to Architect for pricing as we cannot go out to bid until we follow the proper procedures and that we are going to see how far we can get with the funding that we have. Mayor Denney recognized Donald Wiklund having the floor. He stated that he understood that she was trying to provide an analysis, which he felt was not complete. He wanted to ensure that everyone knew that what we were talking about was how to best utilize the \$820,000 granted to the community and do the best that we can to have an appropriate facility and have all the amenities that the community wants to have. Mr. Wiklund wanted to make sure that everyone knew that having an official Ice Rink will bring in additional funding and programs in the future but that it must be an official Ice Rink for that to be a reality. He discussed her presentation and the heat load on the ice. He reiterated that there was a lot of interest in this, and he can understand her concerns, but stated that one of his concerns was that in representing this as a concerned citizen did she use any time or resources of her position to do this work within the scope of her position? Mrs. Bradshaw ensured him that she did not that she did this on her own. Mayor Denney advised that this need to be spoken about outside the council meeting as this part was not on the agenda.

**Discussion:** *Disclosure of certain interests of Trustee James Maynard under the NM Governmental Conduct Act and the NM Procurement Code.* Trustee Maynard explained that as we work through this project in a small town where everyone is needed to help to chip in. Being a small town sometimes there is a mingling of interest, so he has been done with the advice of the Village Attorney is written a disclosure to identify any real or potential conflicts as a trustee as it relates to the Governmental Conduct Act. The goal is to assist the Village of Cloudcroft in its proposed upgrade to the James Sewell Ice Rink located in Zenith Park, Village of Cloudcroft for the lowest possible cost. Trustee Maynard presented a documented disclosure of companies and real estate holdings owned 100% by him and his wife Susan R. Maynard. Trustee Maynard wishes to share his years of experience in the construction business and aid in the scope of work for any project requests for proposals and free work or materials as needed. The written document will become part of the minutes of the meeting, the procurement file, and Trustee Maynard's employee file. The document has been notarized. (See attached Disclosure)

**Discussion/Action:** *Consideration of Waiver under NMSA 13-1-194. as to Trustee James Maynard's participation in the planning and procurement of the proposed ice rink improvements.* Attorney Rhodes explained the Governmental Conduct Act and the Procurement Code findings. Mayor Denney entertained a motion to approve the Waiver under NMSA 13-1-194 upon meeting the following:

- A. the contemporaneous employment or financial interest of the employee has been publicly disclosed;
- B. the employee will be able to perform his procurement functions without actual or apparent bias or favoritism; and
- C. the employee participation is in the best interests of the state agency or a local public body.

Trustee Mitchell made a motion to grant the waiver, Trustee Tieman seconded the motion and with no further discussion a roll call vote was taken.

- Trustee Tieman - Aye
- Trustee Maynard – Abstained
- Trustee Mitchell – Aye
- Trustee Smaga – Absent
- Mayor Denney - Aye

The motion passes with three (3) “Aye Votes” one (1) abstention and one (1) absentee. (See attached Waiver)

**Discussion/Action:** *Special Use Permit for a Temporary Structure at 96 James Cyn – Presentation by Erich Wuersching:* Mr. Wuersching requested to place a pioneer looking board and bat siding structure on the bank property that he currently has his other business on to be utilized for tourist information. He would like to put brochures and placards inside so that people can come by and get the information. The structure is 10x14 on skids and if that complies with what the temporary structure ordinance states he would leave it like that and drop it right there. If he needs to put it on wheels and place a tongue on it, he will. Mrs. Turri included all of the necessary information for a temporary structure for the council to review and informed the council that this is the same as the Special Use Permit for a Temporary Structure that the two food trucks that are currently on the property and for Mad Jack’s. Mrs. Turri was questioned what the extraordinary circumstance for allowing this would be? The response was that there was not an extraordinary circumstance she was following the pattern that it has been used in before. Trustee Maynard asked if the side of this was to be used for a billboard or something? Mr. Wuersching stated that his goal is to not do that, he wants to use it strictly for information to be obtained by visitors. There is no electricity, no water, no sewage just an empty building. Trustee Mitchell questioned how long the building needs to be there, the response was that Mr. Wuersching would like to have it there. Trustee Mitchell pointed out that the Special Use Permit was for a limited time. Mrs. Turri stated that she issued them for one (1) year at a time. Trustee Maynard voiced that we must be very careful in how we support temporary buildings in the Village. There needs to be a shown need for the business and to him this does not show a need for the business, such as for extra storage. This does not show a benefit to the community. Trustee Tieman asked if this would not just be a duplication of the Chamber of Commerce? The Chamber confirmed that they do currently have this information. Mr. Wuersching explained that it is not a business and that he is not trying to take away business from the Chamber, just provide more information for the tourists. He explained that if it would not work as a temporary permit, maybe there was another way to do it, but that it could not be a permanent building due to restrictions on the property. Mayor Denney requested if this had been presented to the Planning & Zoning Commission and it was explained that it was but then directed to the governing body per the ordinance. Trustee Mitchell stated that he feels the use is covered by the Chamber of Commerce already. Mayor Denney entertained a motion, Trustee Mitchell moved to deny the Special Use Permit, Trustee Tieman seconded and upon vote of Trustees Tieman, Maynard and Mitchell all voting “aye”: the motion carried unanimously declining the special use permit.

**Discussion/Action:** *Emergency Response Complex Plan – Erich Wuersching:* Fire Chief Wuersching explained that with the design and construction ongoing with the 82 Fire Station they are now at a place where he is coming before the governing body to request decisions to be made. Presentation paperwork was supplied to all Governing Body Members to discuss and take into consideration three (3) different decisions.

- Consideration of drive through aspect and excavation of the rear
- Asking to go to Phase 1 construction.
- Chief is asking to go to Final Design for Phase 1 Construction
- Chief is asking to go to Preliminary Design on Phase 2.

1. Phase 2 Excavation – Was sent out for quotes this week, went out to three (3) contractors. Quote was for \$23,651. This is to connect the parking in the back. Discussion ensued. Mayor requested another quote to receive another figure.

2. Phase 1 Construction – will need to have all utilities relocated. To plan for phase 2, they will need to lay a ditch, relocate utilities electrical, propane, TBTC for telephone and PVT by trenching up to new location. Discussion ensued. Not budgeted at this time. Adding apparatus bay and what has been discussed for the last year for the purpose of housing the Police Department. Budget of \$357,843 was given with presentation of all that is inclusive in the construction of phase 1.

3. Phase 2 Construction – Discussion revolved around the funding for the Phase 2 construction and that it will come out of the Fire Protection Fund which cannot be used for road work in the Village but is allocated for the fire department. Fire Fund is supplied by homeowner's insurance but only roughly half of the fund goes into the Fire Protection Fund. Trustee Maynard asked if there was enough revenue in the Fund to cover the expansion. Clerk advised of the funding currently in the FPF and that it is not enough, Chief explained that this is going into the next year and there will be additional grants for the next FY. The funds are granted July 1<sup>st</sup> and then comes in via allotments over the course of the year. They are not ready to go to bid as the design needs to be done. Mayor would like to see Phase 1 Construction prior to going out to bid. Trustee Maynard requested if Chief Summers liked the layout and he advised that he did. Clerk advised that there were two current loans that the Fire Protection Fund is currently guaranteeing for the NMFA, is there a limit to the amount that can be borrowed? Chief Wuersching believed that there was, but he was not sure of the amount, last he knew it was 40%.

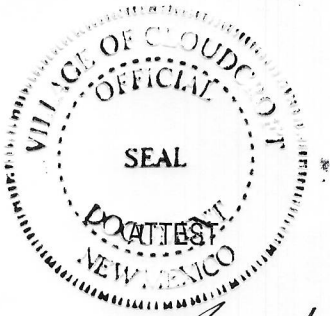
Mayor would like to go ahead with Phase 2 Excavation and requested that Chief get another quote so that we have a comparison. He would like to further discuss the funding at the budget special session on the 27<sup>th</sup> of April. Chief Wuersching would like to remind that they are asking for Final Planning on Phase 1 and Preliminary Planning on Phase 2, though they are not ready to go out to bid or construction at this time. Mayor requested to know how much the estimates for Final Design on Phase 1 cost. Shelly Hughes does not have a number currently, but did advise that a structural engineer, possibly electrical engineers, and a civil engineer would be needed. She believes that Final Design of Phase 1 would be less than \$20,000. Mayor Denney will have the numbers checked to see what has been obligated and spent of the initial approval of \$115,000 as he does not want to go above this at this time.

**Bills & Treasurer's Report:** *Acknowledgment March 2021 Bills Paid and Report*; Mayor Denney entertained a motion to acknowledge the bills and treasury report for March 2021. Trustee Maynard made such motion, Trustee Tieman seconded. Trustee Mitchell questioned the wording of the motion and would like to amend the motion. Trustee Mitchell amended the motion to change the first motion to acknowledge the bills that have been paid and approve the treasury report. Trustee Tieman seconded the amended motion, and upon vote of Trustees Tieman, Maynard and Mitchell all voting "aye: the motion carried unanimously.

Chief Summers brought an update on final bill HB4 signed by the Governor. The bill has been changed to have the agency cover the cost of any lawsuits, rather than be born by the individual.

**Adjournment:** Mayor Denney entertained a motion to adjourn the Regular Council Meeting of April 13, 2021, Trustee Mitchell made such motion, Trustee Maynard seconded and upon vote of Trustees Tieman, Maynard and Mitchell all voting "aye: the motion carried unanimously. Adjourned at 7:49 p.m.

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Regular Council Meeting  
April 13, 2021



Barbara K. Garcia, CPO

Village Clerk/Treasurer

William M. Denney

Mayor

DISCLOSURE

COPY

State of New Mexico  
County of Otero

To the Village of Cloudcroft

I, James R. Maynard, of 1404 Rainmaker Loop, Village of Cloudcroft, willfully make the following disclosure.

1. I am currently a Trustee serving the Village of Cloudcroft.
2. I am making this disclosure to address any issues of real or potential conflicts of interest as relates to the Governmental Conduct Act, NMSA 10-16-1 thru 10-16-18.
3. My goals are to assist the Village of Cloudcroft in its proposed upgrade to the James Sewell Ice Rink located in Zenith Park, Village of Cloudcroft for the lowest possible cost.
4. The following companies and real estate holdings are owned 100% by myself, James R. Maynard, and my wife, Susan R. Maynard. No other person or entity has an interest public or private in the proceeds or their operation:

a. Green Mountain Real Estate, Inc.  
500 Burro Ave.  
PO Box 653  
Cloudcroft, NM 88317  
Phone: 575-682-2537  
I am the Qualifying Broker / Owner.  
This is an S Corporation and I am the president.

b. 90 Acre Woods, LLC  
500 Burro Ave.  
PO Box 104  
Cloudcroft, NM 88317  
Phone: 575-682-2537  
Susan and I are the only members.  
I am the Managing Partner and Registered Agent.  
I was the original developer of "The Woodlands" subdivision, Village of Cloudcroft, Otero County, New Mexico. We still own numerous lots in the subdivision and hold them as inventory.

JRM 04-09-2021



- c. Double Nickel Storage, LLC  
500 Burro Ave.  
PO Box 104  
Cloudcroft, NM 88317  
Phone: 575-682-2537  
Susan and I are the only members.  
I am the Managing Partner and Registered Agent.  
The storage units are located at 2468 HWY 82.
- d. All Family Partners, LLC  
500 Burro Ave.  
PO Box 104  
Cloudcroft, NM 88317  
Phone: 575-682-2537  
Susan and I are the only members.  
I am the Managing Partner and Registered Agent.  
I was the original developer of "Skywater" subdivision, Village of  
Cloudcroft, Otero County, New Mexico.  
We still own numerous lots in the subdivision and hold them as inventory.
- e. James R. and Susan R. Maynard  
1404 Rainmaker Loop  
PO Box 104  
Cloudcroft, NM 88317  
Cell Phone: 575-430-1662  
Susan and I own numerous properties in Cloudcroft and Otero county,  
including but not limited to:
1. 1404 Rainmaker Loop, Cloudcroft, NM 88317
  2. Numerous lots in Bear Park subdivision, Cloudcroft, NM.
  3. 500 Burro Ave, Cloudcroft, NM – Office Building
  4. 32 Friar Tuck, Robinhood Park, James Canyon
  5. 2468 Hwy 82

*JRM 04.09.2021*

The following companies and real estate holding are owned jointly by myself, James R. Maynard, and others.

A. Jim-N-I, LLC dba Cloudcroft Brewing Company

1301 Burro Ave

PO Box 712

Cloudcroft, NM 88317

Phone: 575-682-2337

I am the Managing Partner and Registered Agent

I own less than 50% of this company.

There are two other owners: Cody L. Castello and Matthew D. Willett

B. MCW Holdings, LLC

500 Burro Ave

PO Box 104

Cloudcroft, NM 88317

Phone: 575-682-2537

I am the Managing Partner and Registered Agent.

I own less than 50% of this company.

There are two additional owners: Cody L. Castello and Matthew D. Willett

This is a newly formed company and has no property ownership at this time.

C. 1207 James Canyon Hwy

Village of Cloudcroft, NM

This is a half-acre commercial lot next to Dusty Boots Motel.

This property has joint ownership:

50% ownership – Daniel R. Hughes and Shelley M. Hughes

50% ownership – James R. Maynard and Susan R. Maynard

This property has no income or improvements at this time.

My office building located at 500 Burro Ave, Cloudcroft, NM is the business office location for all the companies listed previously in this disclosure. They share common amenities including kitchen, restroom, phone and internet service, copies, fax and clerical staff.

In addition to the companies listed I have two tenants in the office:

1. Green Mountain Construction, Inc. – Daniel R. Hughes, President.
2. Shelley M. Hughes Architects, PC, Inc. – Shelley M. Hughes, President.

Notes:

1. Both tenants pay monthly rent.
2. Daniel R. Hughes and Shelley M. Hughes as husband and wife purchased Green Mountain Construction, Inc. from James R. Maynard and Susan R. Maynard in the

04-09-2021

fourth quarter of 2009. They are paid in full and own 100% of the company stock and assets.

3. I have no positions in their companies.
4. I receive no compensation other than rent from their operations.
5. I hold a GB98 from the state of New Mexico, Construction Industries Division. Permanent Certificate #C10452. With this license I am listed as an additional qualifying party for Green Mountain Construction, Inc.

To the best of my knowledge and ability this is a full disclosure of my business interest and its relation to our community and its citizens.

James R. Maynard Date: 04-09-2021  
James R. Maynard  
Trustee, Village of Cloudcroft, NM

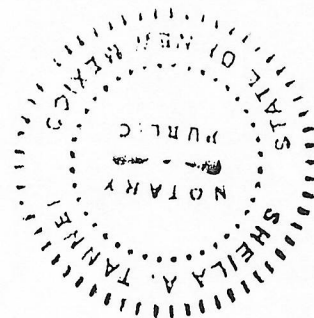
State of New Mexico County of Otero

By James R. Maynard

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of April, 2021.

Sheila A. Tanner Notary Public

My Commission Expires 01-28-2022



## REQUEST FOR WAIVER

State of New Mexico  
County of Otero

To the Village of Cloudcroft

I, Trustee James R. Maynard, of 1404 Rainmaker Loop, Village of Cloudcroft, request the following Waiver pursuant to Section 163E 13-1-190 NMSA 1978 of the Procurement Code.

### 13-1-190 Unlawful Employee Participation Prohibited

- A. Except as permitted by the University Research Park and Economic Development Act [Chapter 21, Article 28 NMSA 1978] or the New Mexico Research Applications Act [53-7b-1 to 53-7B-10 NMSA 1978], it is unlawful for any state agency or local public body employee, as defined in the Procurement Code, to participate directly or indirectly in a procurement when the employee knows that the employee or any member of the employee's immediate family has a financial interest in the business seeking or obtaining a contract.

13-1-194. Waivers from contemporaneous employment and unlawful employee participation permitted.

A state agency or a local public body may grant a waiver from unlawful employee participation pursuant to Section 163 [13-1-190 NMSA 1978] of the Procurement Code, or contemporaneous employment pursuant to Section 166 [13-1-193 NMSA 1978] of the Procurement Code, upon making a determination that:

- A. the contemporaneous employment or financial interest of the employee has been publicly disclosed;
- B. the employee will be able to perform his procurement functions without actual or apparent bias or favoritism; and
- C. the employee participation is in the best interests of the state agency or a local public body.

I further agree to abstention of any official act to avoid being included in prohibition in subsection A. of 13-1-190 as stated above.

I request the above waiver as described in 13-1-194 for the sole purpose of serving the Village of Cloudcroft in its efforts to upgrade the James Sewell Ice Rink located in Zenith Park, Village of Cloudcroft for the lowest possible cost.

James R. Maynard  
James R. Maynard  
Trustee Village of Cloudcroft, New Mexico

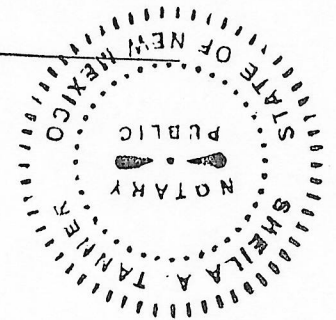
Date: 04-09-2021

State of New Mexico County of Otero

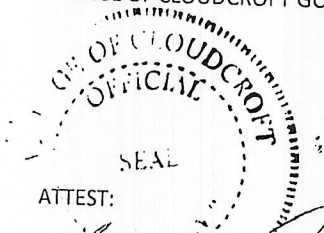
The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of April, 2021 by James R. Maynard

Sheila A. Tanner  
Notary Public

My Commission Expires: 01-28-2022



VILLAGE OF CLOUDCROFT GOVERNING BODY



ATTEST:

Barbara K. Garcia  
Barbara K. Garcia, Clerk/Treasurer

William M. Denney  
William M. Denney, Mayor

John Tieman  
John Tieman, Mayor Pro Tem

George Mitchell  
George Mitchell, Trustee

ABSTAINED  
James Maynard, Trustee

NOT PRESENT  
Bruce Smaga, Trustee