



# TOWN OF TAOS Candidate Handbook

2018 Regular Municipal Election

**OFFICE OF THE TOWN CLERK**

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## Office of The Town Clerk

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Dear Candidate:

It is a pleasure to welcome you as a candidate for municipal office.

This handbook has been compiled to guide you through the process of running your campaign and declaring your candidacy.

Please take time to visit our website at [www.taosgov.com](http://www.taosgov.com). You will find many resources to assist you in learning more about Town of Taos government including the annual budget, Town Code, audit, and staff contact information.

I trust that this information will answer most of your questions; however, the Town Clerk's Office is available to provide any additional information you may need. Please contact me at 751-2005 or my Deputy Clerk Francella Garcia at 751-2004 if we can be of assistance.

Best wishes on your campaign!

Regards,

A handwritten signature in blue ink, appearing to read 'Renee Lucero', written in a cursive style.

Renee Lucero,  
Town Clerk

## Declaration of Candidacy Information

The Town of Taos Municipal Election is March 6, 2018. As a potential candidate, there are things you need to know in regards to the election process, your responsibilities, and the responsibilities of the Town Clerk.

### What are the qualifications to run for Municipal Office?

Pursuant to the Municipal Election Code 3-8-28, any *qualified elector* may be a candidate for municipal office in the municipality which he or she resides. A *qualified elector* is defined as “any person whose affidavit of voter registration has been filed by the county clerk, who is registered to vote in a general election precinct established by the board of county commissioners that is wholly or partly within the municipal boundaries and who is a resident of the municipality. Persons who would otherwise be qualified if land on which they reside is annexed to a municipality shall be deemed to be qualified electors.”

### Determining Residency:

**Municipal Election Code 3-8-3.** For the purpose of determining the residence of a person desiring to be a candidate for a municipal elected office, or the residence of a person who has signed a petition to cause a special or regular municipal election, or for determining residency for any other purpose pursuant to the Municipal Election Code [Chapter 3, Articles 8 and 9 NMSA 1978], the following rules shall govern:

- A. residence shall be presumed to be at the address or location shown on the original affidavit of voter registration on file with the county clerk; and
- B. the presumption established in Subsection A of this section may be overcome if residence is shown to be elsewhere pursuant to the rules set forth in Section 1-1-7 NMSA 1978.

### Election Code 1-1-7. Residence; rules for determining.

For the purpose of determining residence for voting, the place of residence is governed by the following rules:

- A. the residence of a person is that place in which his habitation is fixed, and to which, whenever he is absent, he has the intention to return;
- B. the place where a person's family resides is presumed to be his place of residence, but a person who takes up or continues his abode with the intention of remaining at a place other than where his family resides is a resident where he abides;
- C. a change of residence is made only by the act of removal joined with the intent to remain in another place. There can be only one residence;
- D. a person does not gain or lose residence solely by reason of his presence or absence while employed in the service of the United States or of this state, or while a student at an institution of learning, or while kept in an institution at public expense, or while confined in a public prison or while residing upon an Indian or military reservation;
- E. no member of the armed forces of the United States, his spouse or his dependent is a resident of this state solely by reason of being stationed in this state;
- F. a person does not lose his residence if he leaves his home and goes to another country, state or place within this state for temporary purposes only and with the intention of returning;
- G. a person does not gain a residence in a place to which he comes for temporary purposes only;
- H. a person loses his residence in this state if he votes in another state in an election requiring residence in that state, and has not upon his return regained his residence in this state under the provisions of the constitution of New Mexico;
- I. "residence" is computed by not including the day on which the person's residence commences and by including the day of the election;
- J. a person does not acquire or lose residence by marriage only.

### When do I file for office?

January 9, 2018, between the hours of 8:00 AM and 5:00 PM at the office of the Town Clerk. **This is the ONLY time the Town Clerk can accept a declaration of candidacy for a candidate;** unless the candidate files as a write-in candidate on January 16<sup>th</sup>, in which case their name would not appear on the printed ballot.

All candidates must file the following documents:

1. A Declaration of Candidacy form (included at the end of this packet); *AND*
2. A certified copy of the candidate's current affidavit of voter registration on file with the Taos County Clerk which has been certified on a date not earlier than adoption of the Election Resolution (November 29, 2017).

The Declaration of Candidacy form is provided with this information packet and must be used for filing. Only this form will be accepted. Please read through the form and understand the requirements of the information you need to provide. Your signature is required to be notarized. There will be a notary available to notarize your signature in the Town Clerk's Office. ***(IMPORTANT: Please ensure that your name and resident address on the Declaration of Candidacy are IDENTICAL to your name and resident address on your affidavit of voter registration).***

The affidavit of voter registration must show the address as a street address, **not a post office box**. Certified affidavits of voter registration may be obtained from the Taos County Clerk, 105 Albright Street Suite D, Taos, New Mexico. You may call the County Clerk's Office at (575) 737-6380. You must submit a certified copy of your current affidavit of voter registration.

If you are unable to personally appear on January 9, 2018, an Affidavit Authorizing Filing of Declaration of Candidacy (included in this packet) is also available. This provides for an authorized representative to act on your behalf during any part of the election process that requires or permits a candidate to appear. This form is required to be notarized. You, as the candidate, must sign your Affidavit Authorizing Filing of Declaration of Candidacy; the representative may not.

When the Declaration of Candidacy is filed in the office of the Town Clerk, it becomes a public record.

### How does the Town Clerk certify my candidacy?

From the information provided on the Declaration of Candidacy form, the Town Clerk determines if the individual is a qualified elector and if the individual is registered to vote in the town limits.

By 9:00 AM on January 11, 2018, the Town Clerk shall post a list of certified candidates, with those who have not been certified and the reasons for non-certification. The candidate or authorized representative shall contact the Town Clerk's Office on this date to learn whether the declaration has been certified as valid.

At 5:01 PM, January 11, 2018, at the Town Hall Executive Conference Room, the Town Clerk will conduct a drawing by lot for positions on the ballot in the presence of the certified candidates or their representatives. Either you or your representative should be present to draw for your ballot position. If no one is present to draw for your ballot position, a member of the Town Clerk's staff will draw for the position.

### Certified Candidate Information

1. The Election Resolution was adopted by the Town Council on November 29, 2017 and will be published on December 7, 2017 and on December 28, 2017 in the Taos News. The published resolution notifies the public that an election will be occurring, questions on the ballot and polling locations.
2. The Town Clerk will order ballots on January 12, 2018 to provide the correct spelling of candidates and their positions on the ballot. **The candidate's name will appear on the ballot exactly as shown on the voter's registration.**

3. The Taos Town Council will appoint the precinct board members at their regularly scheduled council meeting on January 23, 2018. The list of poll workers will be posted. *No relatives of any candidate can serve on a precinct board.*
4. ON ELECTION DAY there is no campaigning within 100 feet of the building where the polling is located (Town Hall). In addition, there will be no campaign literature allowed within 100 feet of the building.

### Forms and Requirements

Included at the end of this packet are forms to file for candidacy.

### Additional Information

Listed below are additional resources that may help you. If this handbook is picked up at the Clerk's Office, hard copies of these resources will be included.

- [Election Resolution](#)
- [Municipal Election Code \(begins on page 257\)](#)
- [Municipal Judge Mandatory Orientation; Code; Political Activities](#)
- [Resolution 16-17 Council Code of Ethics](#)
- [Resolution 17-27 Council Rules of Conduct](#)

You may access several Town public records such as minutes, resolutions, ordinances, deeds and easements at <http://publicrecords.taosgov.com/webink8/>. The Town Code, budgets, audits, and many other resources are available on the Town's website at [www.taosgov.com](http://www.taosgov.com).

If you need records not accessible on the Town's website, you may submit a request from the Town's website under the Town Clerk on the left hand side and go to Public Records Request Portal Link. You may also come in to the Clerk's Office for assistance.

Again please feel free to contact me at [rlucero@taosgov.com](mailto:rlucero@taosgov.com) or (575) 751-2005 or the Deputy Town Clerk, Francella Garcia, at [fgarcia@taosgov.com](mailto:fgarcia@taosgov.com) or (575) 751-2004.

# IMPORTANT DATES TO REMEMBER

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November 29, 2017		Adoption of Election Resolution 17-50 calling for Municipal Election
<b>January 9, 2018</b>	<b>8:00 AM - 5:00 PM</b>	<b><i>FILING DAY: Appear in Town Clerk's office to file Declaration of Candidacy (Remember to bring a certified copy of your current affidavit of voter registration which has been certified by the County Clerk not earlier than the adoption of the election resolution.)</i></b>
January 10, 2018	by 5:00 PM	Town Clerk certifies declarations of candidacy
January 11, 2018	8:00 AM – 5:00 PM	Contact Town Clerk's Office to ascertain whether your declaration of candidacy has been certified as valid.
January 11, 2018	1:00 PM	Candidate Informational Meeting with Town Management Team
January 11, 2018	5:01 PM	Drawing by lot for Ballot Position (Executive Conference Room) Town Hall
January 16, 2018	by 5:00 PM	Deadline for candidate to withdraw his/her candidacy
January 16, 2018	8:00 AM – 5:00 PM	Write-In Candidate Filing Day
January 17, 2018		Town Clerk certifies write-in candidates
January 17, 2018	8:00 AM – 5:00 PM	Contact Town Clerk's Office to ascertain whether your declaration of write-in candidacy has been certified as valid.
January 30, 2018		Deadline for Write-In Candidates to withdraw his/her candidacy
January 30, 2018		First day absentee ballots can be issued/mailed to voter
February 6, 2018	5:00 PM	County Clerk closes voter registration
February 14, 2018		Early Voting by paper ballot/electronic vote tabulators begins <i>Town Hall</i>
March 2, 2018	by 5:00 PM	Last day for absentee/early voting. Last day to mail absentee ballots from Clerk's Office. After 5:00 p.m. all unused absentee ballots will be destroyed.
March 2, 2018		Deadline for candidates to file a petition for challengers or watchers.
<b>MARCH 6, 2018</b>	<b>7:00 AM - 7:00 PM</b>	<b><i>ELECTION DAY</i></b>
March 7, 2018	3:00 PM	Canvass of Municipal Elections
March 8, 2018	3:00 p.m.	Elected Officials will receive Certificate of Election and take Oath of Office
March 13, 2018	3:00 PM	Governing Body Organizational Meeting

# CAMPAIGN MATERIAL

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## ADVERTISING

### Chapter 12.28

#### **12.28.010: GENERALLY:**

It is unlawful in the town for any person to distribute, place or post in or upon public property any showcard, poster, brochure, circular, handbill or other advertising device, or to distribute, place or post in or upon private property, including utility poles, any such matter without the express consent of the owner. (Prior code § 3-1)

#### **12.28.020: SIGNS OR BANNERS ACROSS STREETS OR SIDEWALKS:**

No person shall erect or place any sign or banner of wood, cloth, metal or other material across any street or sidewalk in the town without the permission of the town manager. (Editorially amended during 1998 codification: prior code § 3-2)

#### **12.28.030: DESTROYING LAWFUL POSTERS:**

It is unlawful for any person to wrongfully and maliciously tear down, deface or cover up any posted advertisement or bill within the town of any other person during the time such sign or advertisement is lawfully posted and is of value. (Prior code § 3-3)

#### **12.28.040: MARKING ON STREETS OR SIDEWALKS PROHIBITED; EXCEPTION:**

It is unlawful for any person to advertise, or attempt to advertise, by marking or painting on any of the streets or sidewalks within the town, without permission of the town manager. (Editorially amended during 1998 codification: prior code § 3-4)

#### **12.28.050: SOUND VEHICLES RESTRICTED:**

It is unlawful within the town for any person to advertise anything by the use of any public address system or amplifying equipment located on or transported by any vehicle without first having obtained any other required town license and a permit therefor from the town police department. (Prior code § 3-5)

#### **12.28.060: STICKERS ON VEHICLES:**

It is unlawful for any person to attach any gummed sticker to any vehicle within the town without the consent of the owner of such vehicle. (Prior code § 3-6)

#### **12.28.070: GENERAL PENALTY FOR VIOLATIONS OF CHAPTER; CONTINUING VIOLATIONS:**

- A. Whenever in this chapter an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this chapter the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision or the failure to perform any such act shall be punishable by a fine of not exceeding three hundred dollars (\$300.00) or by imprisonment not to exceed ninety (90) days or by both such fine and imprisonment in the discretion of the court.
- B. Each day any such violation or failure to perform such act shall continue shall constitute a separate offense and a separate violation of an ordinance of this town, unless otherwise specifically provided. (Prior code § 3-7)

# HANDBILLS

## **Chapter 12.32**

### **12.32.010: DEFINITIONS:**

For the purposes of this chapter, the following words, terms and phrases shall have the meanings respectively ascribed to them:

**HANDBILL:** Any printed or written matter, sample, device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature.

**NEWSPAPER:** Any newspaper of general circulation as defined by general laws, any newspaper duly entered with the postal service of the United States in accordance with federal statutes or regulations, and any newspaper filed and recorded with any recording officer as provided by general law. In addition thereto, the term "newspaper" shall mean and include any periodical or current magazine regularly published with not less than four (4) issues per year and sold to the public, and the term shall mean and include any other copyrighted material.

**VEHICLE:** Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks. (Prior code § 3-19)

### **12.32.020: PROHIBITED ACTIVITIES IN OR UPON INHABITED PRIVATE PREMISES:**

No person shall throw, deposit or distribute within the town any handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or upon such private premises; provided, however, that in case of inhabited private premises which are not posted as provided in section [12.32.030](#) of this chapter, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such premises if such handbill is so placed or deposited as to secure or prevent the same from being blown or drifted about such premises or sidewalks, streets or other public places; and provided further, that mailboxes may not be so used when so prohibited by federal postal law or regulation. (Prior code § 3-21)

### **12.32.030: PROHIBITED ACTIVITIES WHEN SO NOTIFIED OR WHERE PROPERLY POSTED:**

No person shall throw, deposit or distribute within the town any handbill upon any private premises if requested by anyone thereon not to do so or if there is placed on such premises a sign bearing the words: "No Trespassing", "No Peddlers or Agents", or any similar notice indicating in any manner that the occupants of such premises do not wish to have their right of privacy disturbed or to have any handbills left upon such premises. (Prior code § 3-22)

### **12.32.040: DEPOSITING ON UNINHABITED OR VACANT PREMISES:**

It is unlawful for any person to throw or deposit any handbill in or upon any private premises within the town which are uninhabited or vacant. (Prior code § 3-23)

### **12.32.050: PLACING ON VEHICLES:**

It is unlawful within the town for any person to throw or deposit any handbill in or upon any vehicle. (Prior code § 3-24)

### **12.32.060: RESTRICTED IN PUBLIC PLACES:**

It is unlawful within the town for any person to hand out, distribute or sell any handbill in any public place; except that, a handbill may be personally delivered to any person willing to accept the same. (Prior code § 3-25)

### **12.32.070: DEPOSITING ON PUBLIC PREMISES:**

It is unlawful within the town for any person to throw or deposit any handbill in or upon any public premises which are inhabited, uninhabited or vacant. (Prior code § 3-26)

**12.32.080: EXEMPTIONS FOR MAIL AND NEWSPAPERS:**

The provisions of this chapter shall not apply to the distribution of mail by the United States postal service or of newspapers of general circulation within the town; except that, newspapers shall be placed on private property for delivery thereto in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon other private property. (Prior code § 3-20)

## SIGNS

**16.20.010.5.14: CONDITIONALLY EXEMPT SIGNS:**

The following types of signs are conditionally exempt from these sign regulations and do not require a sign permit provided they comply with the design criteria defined in this section. Any exempt sign which does not meet the design criteria will be deemed in noncompliance with these sign regulations.

- A. Bulletin Boards: A single on-premises exterior bulletin board is permitted, so long as the bulletin board does not exceed eight (8) square feet in sign area nor exceed seven feet (7') in overall height.
- B. Construction Signs: No more than two (2) construction signs shall be permitted per project location so long as each construction sign is no larger than twenty four (24) square feet in sign area and no greater than six feet (6') in height.
- C. Commercial Sign Walker: One (1) commercial sign walker shall be allowed per each place of business provided that sign area does not exceed three (3) square feet in sign area. Commercial sign walkers shall be prohibited within the Historic Overlay Zone (HOZ).
- D. Directional Signs: No more than two (2) directional signs shall be allowed per premises, provided they do not exceed six (6) square feet nor three feet (3') in height.
- E. Drive-Through Menu Signs: Drive-through menu signs are exempt from these sign regulations provided they do not exceed two (2) in number per premises. Drive-through menu signs shall not be located in the street frontage facade of the building.
- F. Election Campaign Signs: An election campaign sign is exempt from the provisions of these sign regulations provided there are no more than five (5) such signs per site location, nor exceed six (6) square feet in sign area, and so long as the sign is posted with the consent of the property owner. All such signs shall not be placed earlier than sixty (60) days prior to the election, and shall be removed within three (3) days after the election. These signs shall not be posted on any public right-of-way or on Town of Taos property.
- G. Garage Sale And Yard Sale Signs: One (1) on-premises sign announcing a garage or yard sale event shall be wholly exempt from the provisions of these sign regulations provided it is located on the premises where the sale is to be held. No more than three (3) off-site signs announcing a garage or yard sale event shall likewise be wholly exempt from the provisions of these sign regulations provided they are posted with the consent of the owner of the premises on which they are placed. Such sign shall not be displayed for a period of more than two (2) consecutive days prior to the event and must be removed by the entity or individual who posted them within one (1) day of the conclusion of the event.
- H. Gasoline Station Price Signs: One (1) on-premises single or double faced gasoline price sign is exempt from the provisions of these sign regulations provided the sign does not exceed twelve (12) square feet per each sign area and does not bear any advertising or logo other than a

gasoline brand name and price. No more than one (1) double faced price sign is permissible at any one (1) location.

- I. Government Sponsored Special Event Signs: A temporary sign erected or authorized by the Town of Taos which advertises a community event is exempt from these sign regulations.
- J. Menu Signs: Menu signs shall be no greater than six (6) square feet and are exempt from these sign regulations so long as such sign is mounted on the facade near the entrance of the restaurant or eatery.
- K. Memorial Signs: On-premises memorial signs are exempt from the provisions of these sign regulations so long as the sign is permanently attached to the building or structure to which they refer and do not exceed three (3) square feet in sign area.
- L. Noncommercial Signs: Permanent, civic, church, service club, political, or other noncommercial signs or emblems, whether for a charitable purpose, a religion, a cause, an idea, an ideology, or any other noncommercial purpose, are exempt from these sign regulations.
- M. Real Estate (Residential) Signs: Real estate (residential) sales or leasing signs are exempt from these sign regulations, but are limited to one (1) such sign per street frontage, which may be double faced, and the sign shall not exceed six (6) square feet in sign area, nor exceed five feet (5') in height above the average grade below. Such sign shall be removed within three (3) days of the rental, leasing or sale closing of the property.
- N. Real Estate (Commercial, Industrial, Agricultural) Signs: Real estate (commercial, industrial, agricultural) signs are exempt from these sign regulations, but are limited to one (1) such sign per street frontage, and which may be double faced, and which may not exceed twelve (12) square feet in sign area, nor exceed eight feet (8') in height above the average grade below. Such sign shall be removed within three (3) days of the rental, leasing or sale closing of the property.
- O. Street Address Signs: Street address signs shall not exceed three (3) square feet per each sign area and are exempt from these sign regulations. Whenever possible and practical, the street address of the property shall be clearly visible to the public.
- P. Subdivision Signs: Subdivision signs are exempt from these sign regulations, but shall not exceed twelve (12) square feet in sign area and shall not exceed six feet (6') in height. Subdivision signs shall be located at the main intersection or intersections entering into the subdivision.
- Q. Time And Temperature Signs: Time and temperature sign (prohibited in the Historic Overlay Zone) is exempt from these sign regulations, but shall not exceed twelve (12) square feet per each sign area, nor exceed an overall height of six feet (6'). Time and temperature signs are not permitted, or allowed by any variance process, within the Historic Overlay Zone.
- R. Window Signs: Window signs are exempt from these sign regulations, but the total area of all window signs shall not exceed twenty percent (20%) of all of the window area visible to the public.
- S. Illuminated Window Signs: Except in the Historic Overlay Zone, interior static neon, LED, or otherwise internally illuminated window signs displaying messages such as "open" or other advertisements are permitted, provided they do not exceed, cumulatively, three (3) square feet in total sign area.
- T. Vehicle And Equipment Signs: Signs on trucks, buses, boats, trailers or other motorized vehicle and equipment are permitted so long as the signs adhere to the following standards:
  - 1. The primary purpose of the vehicle or equipment is not the display of signs;

2. The vehicle/equipment is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used in the daily function of the business to which signs relate;
3. The vehicles and equipment are not used primarily as static displays, advertising a product or service, nor utilized as storage or shelter; and
4. During periods of inactivity, the vehicles and equipment shall be stored in a designated parking space, said vehicle shall not be parked in drive aisles, landscaped areas, public right-of-way, or any other areas not specifically designated for parking. (Ord. 17-03, 2017)

# Powers, Duties and Compensation of Elected Officials

## Chapter 3.28

### MAYOR

#### **3.32.010: CHIEF EXECUTIVE OFFICER; POWER AND DUTIES:**

The mayor is the chief executive officer of the town, and shall:

- A. Cause the ordinances and regulations of the town to be enacted and obeyed;
- B. Exercise, within the town, those powers conferred upon sheriffs of counties, to suppress disorders and keep the peace;
- C. Perform such other duties compatible with the office and which the town council may require;
- D. Supervise the operation and management of the town, through the town manager;
- E. Appoint all appointed officers, to include the town manager, town attorney, town clerk, finance director/town treasurer and police chief, subject to the advice and consent approval of the majority of the members of the town council, and as authorized by this code and pursuant to New Mexico Statutes Annotated, 1978, section 3-11-1 et seq., except those holding elective office;
- F. Sign all commissions, licenses and permits granted by the town council and other acts that the law or ordinances may require. (Ord. 15-05, 2015)

#### **3.32.020: VACATED MAYOR'S OFFICE; APPOINTMENT BY TOWN COUNCIL:**

In the event of the death, disability, resignation, or change of residence from the town of the mayor, the town council shall appoint, by majority vote, a qualified elector of the town of Taos to fill the vacancy for the unexpired term of office. (Ord. 15-05, 2015)

#### **3.32.030: PRESIDING OFFICER OF THE TOWN COUNCIL:**

The mayor shall be the presiding officer of the town council at all meetings of the council. The mayor shall vote only when there is a tie vote or as otherwise required by law. (Ord. 15-05, 2015)

#### **3.32.040: MAYOR PRO TEMPORE:**

The town councilors shall, at the organizational meeting after the regular municipal election, elect from their own body a mayor pro tempore to act in the absence of the mayor, except as may otherwise be provided by law or ordinance. The town councilors may change the mayor pro tem at their pleasure at any time. The mayor shall have the power to break a tie vote on the election of the mayor pro tempore. (Ord. 15-05, 2015)

### TOWN COUNCIL

#### **3.28.010: GOVERNING BODY; LEGISLATIVE BRANCH**

- A. The corporate authority of the town is vested in the governing body, the town council, which shall constitute the legislative branch of the town, and shall not perform any executive functions, except those assigned to it by law.
- B. A majority of the governing body is a quorum for the purpose of transacting business.
- C. Unless otherwise provided by law, a question before the governing body shall be decided by a majority vote of the members of the quorum present.
- D. The governing body of the town is the town council, whose members are the mayor and the four (4) councilors. The election of the mayor and councilors shall be on an at large basis.
- E. Whenever there is a requirement that a certain fraction or percentage of the members of the entire town council, or all the members of the town council, or of the entire membership of the governing body, or other similar language, other than the requirement of a simple majority, in order for a measure to pass, the mayor shall have no vote except in the case of a tie, and the mayor shall not be counted in determining the actual number of votes needed. (Ord. 15-05, 2015)

**3.28.020: POWERS AND DUTIES:**

The town council shall:

- A. Elect one of its members to act as mayor pro tem as provided in section 3.32.040 of this title;
- B. Possess all powers granted by law, and such other municipal powers not conferred by law or ordinance on another officer of the town;
- C. Manage and control the finances and all property, real and personal, belonging to the town;
- D. Determine the time and place of holding its meetings, which shall be in accordance with the New Mexico open meetings act;
- E. Determine the rules and/or procedures of council proceedings;
- F. Keep minutes of its proceedings;
- G. Adopt rules and regulations necessary to effect the powers granted to municipalities;
- H. Prescribe the compensation, including, but not limited to, benefits and fees, to be paid to town officers and employees;
- I. Prescribe the powers and duties of those officers whose terms of office or powers and duties are not defined by law, and impose additional powers and duties upon those officers whose powers and duties are prescribed by law;
- J. Discharge any appointed officer, department director, classified or other employee by a majority vote of the entire council subject to the provisions of this title, any collective bargaining agreement (CBA) and this personnel policy, as applicable. (Ord. 15-05, 2015)

**3.28.030: FISCAL RESPONSIBILITIES:**

The town council shall:

- A. Control the finances and property of the town;
- B. Appropriate money for municipal purposes only;
- C. Adopt the annual operating budget of the town;

- D. Prescribe policies and procedures for fiscal control;
- E. Provide for payment of debts and expenses of the town; and
- F. Meet at least annually as the board of finance. (Ord. 15-05, 2015)

**3.28.040: PUBLIC MEETINGS OF THE TOWN COUNCIL:**

- A. The town council shall determine at least annually in a public meeting, and provide public notice of the dates, times, locations and notice requirements of all public meetings.
- B. The town council may compel the attendance of absent members, in such manner and under such penalties, as it deems desirable.
- C. The town clerk shall be responsible for the preparation of the agenda and for providing notice to all members of the town council and to the public which shall be made available to the public pursuant to the provisions of the open meetings act New Mexico Statutes Annotated, 1978, section 10-15-1 et seq., as amended. (Ord. 15-05, 2015)

**3.28.050: EMERGENCY MEETINGS:**

- A. Meetings of an emergency nature may be called by the mayor to consider any matter that needs emergency action because of a clear and present danger to the health, safety, and welfare of the citizens of the town.
- B. The only subjects for discussion at an emergency meeting shall be the matters designated by the mayor in his emergency call.
- C. Notice of such an emergency to the members of the council shall be by telephone, direct home delivery, or by the town police.
- D. Notice to the public of such meeting shall be by whatever notice is practical under the circumstances. (Ord. 15-05, 2015)

**3.28.060: VACANCIES:**

- A. Any vacancy on the town council shall be filled by appointment of a qualified elector, by the mayor, with the advice and consent of the town council.
- B. Any qualified elector, appointed to fill a vacancy on the town council, shall serve to fill the remaining unexpired term, if any, until the next regular municipal election; or any special election called for such purpose, at which time a qualified elector shall be elected.
- C. A special election, for the purpose of filling a vacancy on the town council, may be called by the mayor with the consent of the town council, or by the town council. (Ord. 15-05, 2015)

**3.20.040: COMPENSATION OF MAYOR AND TOWN COUNCIL ELECTED TO OFFICE AT NEXT ELECTION:**

Compensation for the mayor, mayor pro tem, and council members is authorized by section 3-10-3, New Mexico Statutes Annotated, 1978, as amended. The mayor and members of the town council who shall be elected to office at the regular municipal election for office to be held on March 3, 1998, and those elected or appointed thereafter, shall be compensated for their services to the municipality as follows:

- A. The annual compensation of the mayor shall be one hundred sixty percent (160%) of the authorized annual salary of an elected county commissioner of a class B county as provided in section 4-44-4.1 New Mexico Statutes Annotated, as amended. **(\$42,010)**
- B. The annual compensation of each member of the town council shall be eighty percent (80%) of the authorized annual salary of an elected county commissioner of a class B county as provided in section 4-44-4.1 New Mexico Statutes Annotated, as amended. **(21,005)**
- C. In addition to the above enumerated salaries, compensation for the mayor and council members shall include those benefits, including travel allowances under the per diem and mileage act, as are afforded other town employees and as may be provided by law, ordinance, or town policy. Compensation shall be prorated and paid on a biweekly basis. (Ord. 15-05, 2015)

## MUNICIPAL JUDGE

### **3.68.010: CREATED:**

There is created the office of municipal judge in, and for, the town of Taos. (Ord. 15-05, 2015)

### **3.68.020: QUALIFICATIONS:**

Any qualified elector, being a resident of the town, shall be eligible to occupy the office of municipal judge of the town. (Ord. 15-05, 2015)

### **3.68.030: ELECTION:**

The municipal judge shall be elected for the term of four (4) years at the regular municipal election and shall serve until his/her successor is duly elected and qualified. (Ord. 15-05, 2015)

### **3.68.040: VACANCIES:**

Vacancies in the office of municipal judge shall be filled by appointment of the mayor with the approval of the town council, at either a regular or special meeting called for that purpose. The municipal judge, so appointed, shall serve until the next regular municipal election. (Ord. 15-05, 2015)

### **3.68.050: OATH OF OFFICE:**

The municipal judge shall be qualified to act, in such capacity, upon the issuance of a certificate of election, taking an oath of office as prescribed by law, and filing the required bond. (Ord. 15-05, 2015)

### **3.68.060: COMPENSATION:**

The compensation of the judge shall include those benefits, including travel allowances under the per diem and mileage act, and other fringe benefits as are provided all regular employees of the municipality, and as may be provided by law, ordinance, or town policy. Compensation shall be prorated and paid on a biweekly basis. (Ord. 15-05, 2015)

### **3.68.070: COMPENSATION OF JUDGE ELECTED TO OFFICE AT NEXT MUNICIPAL ELECTION:**

The municipal judge who shall be elected to office at the regular municipal election for office to be held on March 4, 2014, and those elected or appointed thereafter, shall be compensated for their services to the municipality as follows:

- A. Any new municipal judge shall be compensated at the rate of forty four thousand dollars (\$44,000.00) annually; any existing municipal judge shall be compensated at their existing rate, and thereafter as that rate may be increased from time to time, in the same fixed amount or percentage increase and at the same time, that the majority of the other municipal employees receive an increase in compensation.
- B. Any increase granted subsequent to this chapter shall be incremental and shall apply to each subsequent municipal judge. (Ord. 15-05, 2015)

### **3.68.080: POWERS AND DUTIES:**

- A. The municipal judge will maintain regular office hours of at least a forty (40) hour work week, and shall be available for emergency reasons at all reasonable times.

- B. The municipal judge shall preside over all municipal court hearings, at every stage of any proceedings, concerning violation of any provision of this code, or ordinance of the town.
- C. The municipal judge shall issue warrants for tickets and fines which have not been paid to the town.
- D. The municipal judge shall exercise all powers conferred upon a municipal judge by law. (Ord. 15-05, 2015)

**3.68.090: TEMPORARY INCAPACITY; ACTING MUNICIPAL JUDGE:**

During the temporary incapacity, or absence, of the duly elected or appointed municipal judge, under circumstances not tantamount to, or constituting, a vacancy in office, including, but not limited to, vacations, temporary absences, unavailability or incapacity, the mayor shall appoint any registered voter, who resides within the town, to serve as acting municipal judge. Such acting judge shall exercise all powers of the municipal judge until the return of the duly elected or appointed municipal judge. (Ord. 15-05, 2015)

**3.68.100: COMPENSATION FOR ACTING MUNICIPAL JUDGE:**

The duly appointed acting municipal judge shall be paid at a rate of one hundred twenty five dollars (\$125.00) per day, provided, however, that if the temporary incapacity or absence of the duly elected or appointed municipal judge extends more than five (5) days beyond absences for incapacities, or other authorized absences by the town for regular employees, then the compensation to be paid to the acting municipal judge shall be deducted from the regular authorized salary of the duly elected or appointed municipal judge. (Ord. 15-05, 2015)

**3.68.110: REPORTS AND REMITTANCES:**

The municipal judge shall furnish monthly written reports, to the finance director, of all monies collected by the municipal court, not later than the tenth day of each month. The municipal judge shall deposit all monies received, by the municipal court, within twenty four (24) hours after receipt, to the finance director. All reports shall include an itemized statement showing the different amounts collected, the purpose of collection, the name of the person paying and the date of payment. All receipts shall be numbered sequentially in a manner prescribed by the finance director. (Ord. 15-05, 2015)



## Town of Taos Management Team

### **Town Manager**

Richard Bellis  
Office (575) 751-2002  
[rbellis@taosgov.com](mailto:rbellis@taosgov.com)

### **Town Clerk**

Renee Lucero  
Office (575) 751-2005  
[rlucero@taosgov.com](mailto:rlucero@taosgov.com)

### **Town Attorney**

Stephen C. Ross  
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[srosslaw@cybermesa.com](mailto:srosslaw@cybermesa.com)

### **Finance Director**

Marietta Fambro  
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[mfambro@taosgov.com](mailto:mfambro@taosgov.com)

### **Human Resources Director**

Tamara Chavez  
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[tchavez@taosgov.com](mailto:tchavez@taosgov.com)

### **Planning, Community & Economic Development Director**

VACANT  
Office (575) 751-2035  
[rbellis@taosgov.com](mailto:rbellis@taosgov.com)

### **Chief of Police**

David Trujillo  
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### **Marketing and Tourism Director**

A. Karina Armijo  
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### **Administrative Fire Chief**

Leroy Gonzales  
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### **Youth & Family Center Director**

Brian Greer  
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### **Facilities and Events Director**

Mitch Miller  
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[mmiller@taosgov.com](mailto:mmiller@taosgov.com)

### **Library Director**

Shirley Fernandez  
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### **Information Technology Director**

Conrad Cordova  
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[ccordova@taosgov.com](mailto:ccordova@taosgov.com)

### **Public Works Director**

Francisco Espinoza  
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### **Grants and Revenue Dev. Director**

Lynda Perry  
Office (575) 737-2632  
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# FORMS FOR FILING

COUNTY OF TAOS )  
 ) ss.  
STATE OF NEW MEXICO )

**DECLARATION OF CANDIDACY**

I, \_\_\_\_\_, being first duly sworn upon my oath do hereby state for my affidavit that:

I, \_\_\_\_\_, hereby declare that I am a candidate for the office of \_\_\_\_\_ for a **four-year term** to be elected at the Regular Municipal Election to be held on March 6, 2018.

I affirm that I currently reside at \_\_\_\_\_ New Mexico.  
(Address, Town)

**I affirm that my name and resident address as stated in this Declaration of Candidacy are identical to my name and resident address as stated in my affidavit of registration on file with the County Clerk of Taos County, New Mexico.**

I affirm that I am eligible and legally qualified to hold the office for which I have declared my candidacy.

I affirm that I have not been convicted of a felony.

-OR-

I affirm that I have been convicted of a felony, that my elective franchise has been restored, and I have been granted a pardon or a certificate by the Governor restoring my full rights of citizenship.

I affirm that I, or my authorized representative, shall contact the office of the Town Clerk during normal business hours on January 10, 2018 to ascertain whether the Town Clerk has certified my declaration of candidacy as valid.

I affirm that I, or my authorized representative, can be reached at the following for purposes of receiving notice: Phone#: \_\_\_\_\_ or \_\_\_\_\_; or Email: \_\_\_\_\_.

I affirm that this declaration of candidacy is an affidavit under oath and that any false statement knowingly made herein constitutes a fourth degree felony under the laws of New Mexico.

\_\_\_\_\_  
Signature of Candidate

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

My Commission Expires: \_\_\_\_\_  
Notary Public

Received in the office of the Town Clerk at \_\_\_\_\_ (A.M./P.M.) on the 9<sup>th</sup> day of January, 2018.  
\_\_\_\_\_  
Renee Lucero, Town Clerk

**AFFIDAVIT AUTHORIZING FILING OF  
DECLARATION OF CANDIDACY**

COUNTY OF TAOS            )  
  ) ss.  
STATE OF NEW MEXICO    )

I, \_\_\_\_\_, being first duly sworn upon my oath do hereby state for my affidavit that I hereby appoint and authorize \_\_\_\_\_, who resides at \_\_\_\_\_, New Mexico to file my Declaration of Candidacy for me with the office of the Town Clerk of the Town of Taos.

\_\_\_\_\_  
Signature of Candidate

Subscribed and sworn to me before this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**AFFIDAVIT OF WITHDRAWAL OF CANDIDACY**

I, \_\_\_\_\_, being first duly sworn upon my oath do hereby state for my affidavit that:

I, \_\_\_\_\_, hereby withdraw as a candidate for the office of  
(Name of Candidate)

\_\_\_\_\_ for a four-year term in the election scheduled for March 6, 2018

and that I hereby revoke my Declaration of Candidacy filed with the Town Clerk on January 9, 2018.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Received in the office of the Town Clerk at \_\_\_\_\_ (A.M./P.M.) on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Signed \_\_\_\_\_

Renee Lucero, Town Clerk

COUNTY OF TAOS )  
 ) ss.  
STATE OF NEW MEXICO )

**DECLARATION OF WRITE-IN CANDIDACY**

I, \_\_\_\_\_, being first duly sworn upon my oath do hereby state for my affidavit that:

I, \_\_\_\_\_, hereby declare that I am a write-in candidate for the office of \_\_\_\_\_ for a **four-year** term to be elected at the Regular Municipal Election to be held on March 6, 2018.

I affirm that I currently reside at \_\_\_\_\_, New Mexico.  
(Address, Town)

**I affirm that my name and resident address as stated in this Declaration of Write-In Candidacy are identical to my name and resident address as stated in my affidavit of registration on file with the County Clerk of Taos County, New Mexico.**

I affirm that I am eligible and legally qualified to hold the office for which I have declared my write-in candidacy.

I affirm that I have not been convicted of a felony.  
-OR-

I affirm that I have been convicted of a felony, that my elective franchise has been restored, and I have been granted a pardon or a certificate by the Governor restoring my full rights of citizenship.

I affirm that I, or my authorized representative, shall contact the Town Clerk during normal business hours on January 18, 2018 to ascertain whether the Town Clerk has certified my declaration of write-in candidacy as valid.

I affirm that I, or my authorized representative, can be reached at the following for purposes of receiving telephone notice: \_\_\_\_\_ or \_\_\_\_\_.

I affirm that this declaration of write-in candidacy is an affidavit under oath and that any false statement knowingly made herein constitutes a fourth degree felony under the laws of New Mexico.

\_\_\_\_\_  
Signature of Write-In Candidate

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

My Commission Expires: \_\_\_\_\_  
Notary Public

Received in the office of the Town Clerk at \_\_\_\_\_ (A.M./P.M.) on the 16<sup>th</sup> day of January, 2018.

\_\_\_\_\_  
Renee Lucero, Town Clerk

**AFFIDAVIT OF WITHDRAWAL OF WRITE-IN CANDIDACY**

COUNTY OF TAOS            )  
  ) ss.  
STATE OF NEW MEXICO    )

I, \_\_\_\_\_, being first duly sworn upon my oath do hereby state for my affidavit that:

I, \_\_\_\_\_, hereby withdraw as a write-in candidate for the office of \_\_\_\_\_  
(Name of Candidate)

for a four-year term in the election scheduled for March 6, 2018 and that I hereby irrevocably revoke my Declaration of Write-In Candidacy filed with the Town Clerk on January 16, 2018.

Signed \_\_\_\_\_  
Signature of Write-In Candidate

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

Received in the office of the Town Clerk at \_\_\_\_\_ (A.M./P.M.) on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Signed \_\_\_\_\_  
Renee Lucero, Town Clerk