



## **RESOLUTION 09-07**

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

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

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

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

**WHEREAS**, the Town is proposing to contract with Alicia Esparza and Matthew Spriggs, dba Taos Physical Therapy, who is related to Matthew Spriggs, an employee of the Town.

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

The Town hereby waives Section 13-1-190 and 13-1-193 as they relate to Alicia Esparza and Matthew Spriggs dba Taos Physical Therapy by allowing them to contract with the Town of Taos as long as the Town complies with the Procurement Code in all applicable areas and the Town gives no apparent or actual bias or favoritism.

The Town hereby finds that Matthew Spriggs shall excuse himself from making any decision on any procurement or on any contract or other agreement with the Town of Taos concerning Taos Physical Therapy and thereby assures there is no conflict.

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

The Town has contracted with Alicia Esparza and Matthew Spriggs dba Taos Physical Therapy using the procurement process; it is in the best interest of the Town to continue to do so.

**Duly passed, adopted, and approved this 10<sup>th</sup> day of February, 2009.**

Mayor Pro Tem Rudy C. Abeyta     no vote  
*(Mayor Pro Tem Abeyta conducted the meeting in the absence of the Mayor, therefore, he did not vote.)*

Councilmember A. Eugene Sanchez   yes  
Councilmember Amy J. Quintana    yes  
Councilmember Michael A. Silva    yes

**TOWN OF TAOS**

\_\_\_\_\_  
**Darren M. Cordova, Mayor**

**ATTEST:**

**APPROVED AS TO FORM:**

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

\_\_\_\_\_  
**Allen Ferguson, Town Attorney**