

**TOWN OF EDGEWOOD
ORDINANCE NO. 2004-3**

AN ORDINANCE GRANTING THE PETITION BY OWNERS OF A MAJORITY OF 15.618 ACRES OF TERRITORY CONTIGUOUS TO THE EASTERN BOUNDARY ON HIGHWAY 66 OF THE TOWN OF EDGEWOOD, NEW MEXICO TO ANNEX THE TERRITORY.

WHEREAS; THE TOWN OF EDGEWOOD granting the owners of a majority of 15.618 acres of territory contiguous to the current Eastern boundary on Highway 66 of the Town of Edgewood petition the Town to annex the territory; and

WHEREAS, the annexation petition delivered to the Town Clerk complies with the requirements of NMSA 1978, S3-7-17 (Repl. Pamp 1987) and was, prior to signature by petitioners, duly approved by the Town Clerk, pursuant to NMSA 1978, S3-1-5 (Repl. Pamp. 1987) and

WHEREAS, in particular, the annexation petition is accompanied by one map labeled Exhibits "A" showing respectively the external boundary of the territory proposed to be annexed and the relationship of such territory to the existing Town boundary; and

WHEREAS, the Governing Body of the Town of Edgewood has determined that the Town is capable of providing municipal services to the territory proposed to be annexed within a reasonable time and that the annexation is in the best interests of the Town as a whole.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF EDGEWOOD THAT:

The territory described and defined in the map attached hereto as Exhibits "A" is hereby annexed to the Town of Edgewood and is hereby made subject to all of the laws and ordinances, which shall now or hereafter apply to land within the Town limits. Further, the Council hereby directs the Town Clerk to file a copy of the map of the annexed territory in the office of the Clerk of Santa Fe County and of any other County in the event the annexed territory extends into another County and to send copies of the ordinance and of the maps of the territory so annexed to the Secretary of Finance and Administration and to the Secretary of Taxation and Revenue.

APPROVED, PASSED AND ADOPTED this 18th day of February 2004 at an open meeting held at the Edgewood Community Center, Town of Edgewood, New Mexico.

ATTEST:)



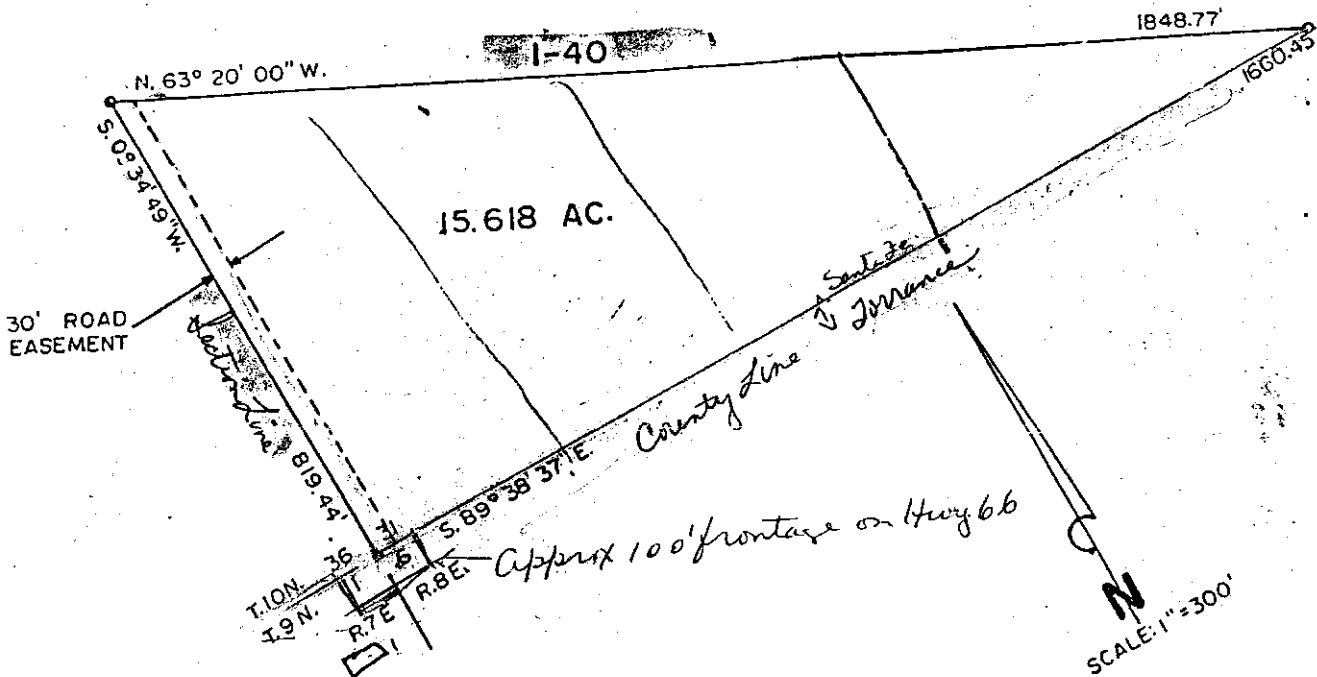
Mayor / Howard Calkins



Clerk-Treasurer / Karen Alarid



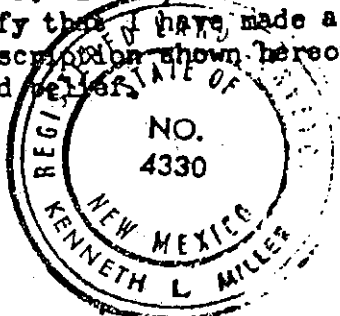
PORTION OF SW1/4 SECTION 31, T. 10 N., R. 8 E.
SANTA FE COUNTY, NEW MEXICO.



A certain parcel of land, situate in the southwest quarter of Section 31, T. 10 N., R. 8 E., N.M.P.M., Santa Fe County, New Mexico; being more particularly described by metes and bounds as follows:
 Beginning at the southwest corner of the parcel, a point common with the southwest corner of Section 31;
 Thence from the beginning corner S. 89° 38' 37" E. 1660.45 feet along the southerly line of Section 31;
 Thence N. 63° 20' 00" W. 1848.77 feet along the southerly R.O.W. line of Interstate Highway 40;
 Thence S. 0° 34' 49" W. 819.44 feet along the westerly line of Section 31 to the beginning corner;

Containing 15.618 Acres more or less.

I, Kenneth L. Miller, New Mexico Registered Land Surveyor No. 4330, do hereby certify that I have made a survey of the lands described above, and that the description shown hereon is true and accurate to the best of my knowledge and belief.



Kenneth L. Miller
 Kenneth L. Miller

24 Jan., 1978

25 30
36 31

30 29
31 32

LANDS

OF

TR B

CB

NE 1/4

TR A

BASSETT

LANDS OF ANDERSON

A

LANDS

OF

B-4

B-3

B-2

WERSONIK/JUSTICE

B-1

NE 1/4 SE 1/4

1-C

2-C

3-C

4-C

5-C

LANDS

LANDS

LANDS

OF

ROMERO

1

OF

2

3

OF

D-1

INTERSTATE FRONTAGE ROAD

40

SANTA FE COUNTY

GIBSON

ANDERSON

ROADWAY EASEMENT

SECTION LINE



SCALE: 1" = 750'



Area to be amended
2-18-04. Ord # 2004-

LEGAL DESCRIPTION

T 10 N

R 8 E

SEC 31

UNIFORM PROPERTY CODE

1042055

MAP AMENDED THROUGH

JULY 1, 1999

M 43

36 31
1 6

31 32
6 5

TORRANCE COUNTY

THOMPSON ROAD

COUNTY ROAD 2-A



EDDHOOD SPRINGE
 PAGE 3
 COUNTY OF SANTA FE)
 STATE OF NEW MEXICO) ss
 I hereby certify that this instrument was filed for
 Record on the 20th day of February, A.D. 2009 at 14 51
 And has duly recorded as Instrument # 1314761
 of the Records of Santa Fe County
 Witness My hand and Seal of Office
 Rebecca Bustamante
 Deputy County Clerk Santa Fe NM
Rebecca Bustamante



PETITION REQUESTING THE
TOWN OF EDGEWOOD TO
ANNEX A CERTAIN TERRITORY

Pursuant to NMSA 1978, §3-7-17 the undersigned petitioners request that the Town of Edgewood, by ordinance, grant this petition and annex approximately 15.618 acres of territory contiguous to its current Edgewood boundary. Attached to this Petition as Exhibits "A" and "B", are two maps, the first being a map showing the external boundaries of the territory proposed to be annexed and the relationship of this area to the existing Town boundaries and the second being a map showing the boundaries of the territory proposed to be annexed. The undersigned petitioners own a majority of the number of acres in the area proposed for annexation.

Beverly Stewart-Wilson Beverly Stewart-Wilson-Trustee 01/12/04
Signature Trustee Print Name Date

Owner of approximately 15 acres in the area proposed for annexation.

Signature Print Name Date

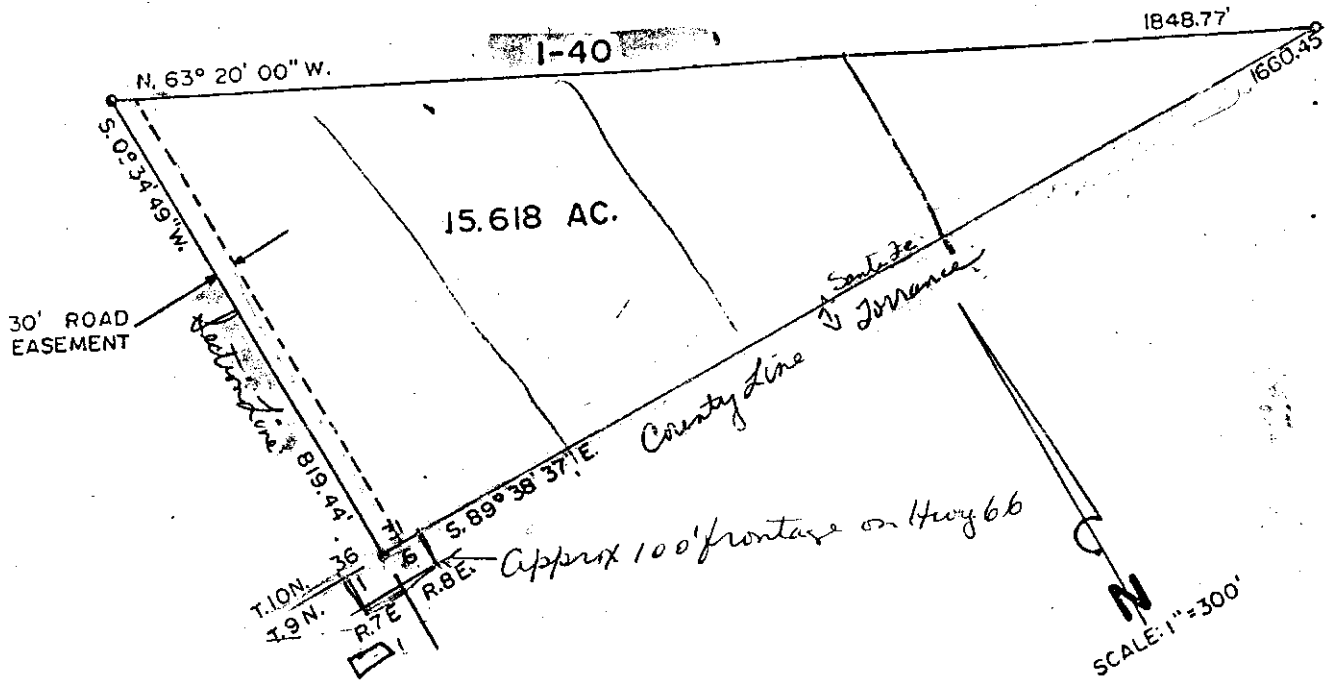
Owner of approximately ____ acres in the area proposed for annexation.

Signature Print Name Date

Owner of approximately ____ acres in the area proposed for annexation.

JAN-12-2004 (MUN) 09:40
TOWN OF EDGEWOOD
17 JAN 2004 09:40 AM

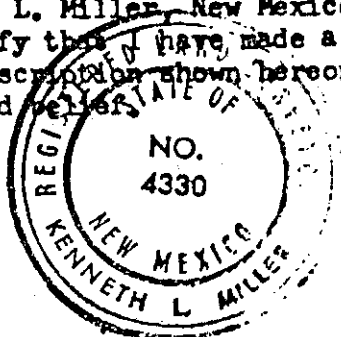
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Containing 15.618 Acres more or less.

I, Kenneth L. Miller, New Mexico Registered Land Surveyor No. 4330, do hereby certify that I have made a survey of the lands described above, and that the description shown hereon is true and accurate to the best of my knowledge and belief.



Kenneth L. Miller
Kenneth L. Miller

24 Jan., 1978

PUBLIC NOTICE

Be advised the Governing Body of the Town of Edgewood has scheduled a public hearing on February 18, 2004 at 6:30 pm at the Edgewood Community Center. The purpose of the hearing is to receive input from the public on the consideration of annexation of land contiguous to the Municipal Limits:

Santa Fe Section 31, T10N, R8E, NMPM and Torrance County SE ½, Section 6, T9N, R8E, NMPM and Section 1, T9N, R7E, NMPM.
Total acreage of property: 15.618 acres more or less

During the hearing citizens will be given opportunity to comment on the above. If you are unable to attend the hearing written comments maybe mailed to Town of Edgewood, P.O. Box 3610, Edgewood, NM 87015. Comments must be received by 1:00pm February 18, 2004. Copies of the proposed annexation are available at the Town Offices during regular working hours. For further information please call Karen Alarid, Clerk/Treasurer at 286-4518.

/s/ Karen Alarid
Clerk-Treasurer

Publish two times week of 2-4-2004 and 2-11-2004
Posted the 2-2-2004

pd ckt# 6054
1/13/04



A New Town in New Mexico

PETITION FOR ANNEXATION

Pursuant to NMSA 1978, 3-7-17, the undersigned petitioner(s) requests that the Town of Edgewood, by ordinance, grant this petition for annexation of land(s) contiguous to the municipal limits.

Petitioner(s): Beverly Stewart-Wilson Trust **Telephone:** (505) 440-4668
(Attach proof of ownership. If not owner, must also provide notarized statement of authorization from owner.)
Mailing Address: PO Box 35631 Alb. NM 87176

Signature: Beverly Stewart-Wilson Trustee **Date:** 01/12/04

Signature: _____ **Date:** _____

LEGAL DESCRIPTION OF PROPERTY: *(Attach additional sheets as necessary.)*
Santa Fe Section 31, T10N, R8E, NMPM and Torrance County SE 1/2
Section 6, T9N, R8E, NMPM and Section 1, T9N, R7E, NMPM

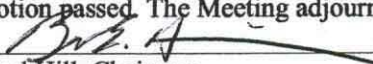
TOTAL ACREAGE OF PROPERTY: 15.618 Acres more or less

REQUESTED ZONING DESIGNATION FOR PROPERTY: Commercial/Business
(Please note that the final zoning designation by City Council may differ from the requested designation.)

INSTRUCTIONS: Type or print clearly on this form and *attach a map* showing the external boundary of the territory proposed for ANNEXATION, and its relationship to the existing boundary of the TOWN of EDGEWOOD. Territory proposed for annexation *must* be contiguous to the existing limits of the TOWN.

NOTE: Although deemed effective at the time of filing with the County Clerk, annexations do not become complete until 30 days (thirty) after such filing, being subject to public appeal in District Court during said period.

**Planning & Zoning Commission
Regular Meeting
Edgewood Community Center
2/16/04**

- Call to Order** The meeting was called to order @ 6:00 p.m. Members present: Eldy Gillmer, Chris Kinnaman Matt Lowry, Karen Bull, Rey Fulwiller and P&Z Administrator, Karen Mahalick. Members absent, Brad Hill.
- Approve Agenda** Commissioner Lowry made the motion to approve the agenda. The motion was seconded and the motion passed.
- Appointment of Officers** Commissioner Gillmer nominated absent Commissioner Brad Hill for another term as Chairman. The motion was seconded and the motion passed. Commissioner Kinnaman nominated Commissioner Gillmer as Vice-Chairman. The motion was seconded and the motion passed. Commissioner Kinnaman nominated Commissioner Lowry as Secretary. The motion was seconded and the motion passed. Commissioner Lowry made the motion that the alternate sit as a full voting member in the absence of a commissioner. The motion was seconded and the motion passed.
- Approve minutes of 2-2-04** Commissioner Kinnaman made the motion to approve the minutes, the motion was seconded and the motion passed.
- Update on the Sign Ordinance** The Commission was updated on the tabling of the sign ordinance at the Council meeting of 2-04-04 and further that there will be a committee appointment during the Council meeting of 2-18-04, the purpose of which is to provide more input on drafting of the sign ordinance.
- Annexation update on Prairie Hills** The applicant, Patrick McGavick has requested the annexation petition be removed from consideration. The applicant did not want to go through a platting approval process with the Town.
- Annexation of 15.618 acres North of Highway 66 in Section 31 of Santa Fe County.** This property is north of Highway 66 and east of Williams Ranch Rd in Section 31 of Santa Fe County. The applicant is requesting commercial zoning (CB). The Commissioners were concerned that some of the property may lie within Torrance County and requested that if this were found to be correct that the Council be made aware that this would be an expansive annexation.
- Commissioner Lowry made the motion that the property be zoned Commercial and that staff report to Council on the status of the property boundaries. The motion was seconded and the motion passed.
- Adjourn** The motion was made for the meeting to adjourn and was seconded, the motion passed. The Meeting adjourned @ 7:17 p.m.
- 

Brad Hill, Chairman

**Edgewood Town Council
Regular Meeting
6:30pm-Edgewood Community Center
February 18, 2004**

CALL TO ORDER

Mayor Calkins called the meeting to order at 6:30pm.
Members present: Councilor Hoffman, Councilor Stearley and Councilor Ring.
Also present were: Karen Alarid and Karen Mahalick and Town Attorney David Henderson.
Members absent: Councilor Worthington

Approve Agenda

Councilor Stearley made a motion to approve the agenda. Councilor Ring seconded the motion. Councilor Hoffman voted aye. Councilor Stearley voted aye. Councilor Ring voted aye. The motion carried.

Approve consent agenda

Councilor Stearley made a motion to approve the consent agenda approving council minutes from 1/14/04, 2/4/04 and acknowledging the P&Z minutes from 2/2/04. Councilor Ring seconded the motion. Councilor Hoffman voted aye. Councilor Stearley voted aye. Councilor Ring voted aye. The motion carried.

Obtain Authorization for EVEDA agreement

Myra P. presented the Governing Body with a packet from EVEDA for their review. Bill Williams was also available for questions. Several concerns from the council were voiced. Councilor Ring made a motion to get answers to the following questions: Can the Town legally budget their contribution to EVEDA thru 2008? And is there an Exit Clause in the agreement? Councilor Hoffman seconded the motion. Councilor Stearley voted aye. Councilor Ring voted aye. Councilor Hoffman voted aye. The motion carried. David Henderson requested that EVEDA's lawyer, Dennis Wallin, contact him directly so these issues can be resolved.

Public Hearings:

- A. An Ordinance granting annexation of 78 acres**
- B. An Ordinance granting annexation of 15.618 acres**
- C. An Ordinance updating the Zoning Map**

- A.** This item concerns the continuation of a Public Hearing held on January 21, 2004, establishing an ordinance granting the petition by owners of a majority of 78 acres of territory contiguous to the South Boundary, East of Edgewood 7, of the Town of Edgewood, New Mexico, to annex the territory. Karen M. announced that the principle landowner asked her to remove this application from the agenda. Councilor Ring made a motion to vacate item A on the agenda. Councilor Hoffman seconded the motion. Councilor Hoffman voted aye. Councilor Stearley voted aye. Councilor Ring voted aye. The motion carried.
- B.** This item concerns establishing an ordinance granting

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the petition by owners of a majority of 15.618 acres, more or less, of land that is contiguous to the Southeastern Municipal Limits (located on SR333 East). The public was given an opportunity to speak. The landowner came forward to answer any questions. Councilor Ring made a motion to grant the petition. Councilor Hoffman seconded the motion. Councilor Hoffman voted aye. Councilor Stearley voted aye. Councilor Ring voted aye. The motion carried.

- C. Karen M. stated that there were two properties under consideration for annexation zoning. The first property is at Church and Main and the P&Z Commission is recommending the approval of RS Zoning. The second property is the property that was just annexed in **Item B**. They are requesting commercial zoning. The Mayor asked for comments from the public. Councilor Stearley made a motion to zone the property at Church and Main Street as RS and the property on SR333East as CB. Councilor Hoffman seconded the motion. Councilor Hoffman voted aye. Councilor Stearley voted aye. Councilor Ring voted aye. The motion carried.

Authorization to sign agreement between TOE and the Domestic Violence Program

This item relates to the January 21, 2004 Town Council Meeting. At that meeting, Councilor Hoffman made a motion to assist with the expense for the Domestic Violence Program in the amount of \$7000. Karen A. presented the governing body with a memorandum of understanding between the Torrance County Domestic Violence Program and the Town of Edgewood. Councilor Hoffman made a motion to authorize the Mayor to sign the agreement between the Town of Edgewood and the Torrance Domestic Violence Program. Councilor Stearley seconded the motion. Councilor Hoffman voted aye. Councilor Stearley voted aye. Councilor Ring voted aye. The motion carried.

Appointment of Sign Ordinance Committee

The council was provided with a list of 6 Business people and 5 Citizens. Councilor Stearley made a motion to nominate the Business people first and recommended Mike Turner, Ralph Hill, Carol Lowry and Bill Gilmore. Councilor Hoffman seconded the motion. Councilor Hoffman voted aye. Councilor Stearley voted aye. Councilor Ring voted aye. The motion carried. Councilor Hoffman made a motion to nominate 4 citizens: Dick Pledger, John Dvorak, additional people and also Ray Seagers because he is a realtor. Councilor Ring asked if

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Ray Seagers could be nominated as an alternate because there is a chance that we may have a new councilor in the election and if Carol Lowry is appointed now, she may have to step down if her husband is nominated as a new councilman because you cannot have the wife of a councilman serve on a committee. Councilor Hoffman amended his motion to nominate Ray Seagers and Sue West as the alternates and John Dvorak, Mary Stanton, Jan Clements and Dick Pledger as the primary people. Councilor Ring seconded the motion. Councilor Hoffman voted aye. Councilor Stearley voted aye. Councilor Ring voted aye. The motion carried. Councilor Ring made a motion for staff to present a special request in writing to MRCOG for their assistance and to put a deadline on this committee of two months to report back to Council and or P&Z. Councilor Hoffman seconded the motion. Councilor Hoffman voted aye. Councilor Stearley voted aye. Councilor Ring voted aye. The motion carried.

**Authorization to
sign lease for
Maintenance Yard**

This item pertains to having a lease in place between the Town of Edgewood and the Mayor. David Henderson explained that the Town has been storing its road equipment on property owned by the Mayor. The purpose of the lease agreement is to protect both entities. Councilor Ring made a motion to authorize the Town to sign a lease agreement with the Mayor that can be renewed from year to year. Councilor Stearley seconded the motion. Councilor Hoffman voted aye. Councilor Stearley voted aye. Councilor Ring voted aye. The motion carried. Mr. Henderson also explained that there are tenants on the property. Those tenants are the caretakers of the property. The Town insurance company requested that we enter into some type of agreement where those tenants agree to act as the Town's independent contractors to oversee the equipment yard. This would not be an additional charge to the Town as the tenants already have an agreement with the Mayor. The tenants will be responsible for furnishing their own insurance for their trailer.

Reports:

- A. Roads**
- B. Impact Fee
Committee**
- C. F&A**

A. Karen M. provided council with a copy of proposed Resolution #2004-04 for the Local Government Road Fund. Councilor Ring made a motion to authorize execution of Resolution #2004-04. Councilor Stearley seconded the motion. Councilor Hoffman voted aye. Councilor Stearley voted aye. Councilor Ring voted aye. The motion carried.

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Karen M. also reported on snow removal during the last couple of storms. Councilor Hoffman asked if Karen M. could put together some sort of spreadsheet to see how much money the Town spends on snow removal. In addition, Councilor Hoffman directed staff to send a letter to the State Highway Dept. asking them to revise their work schedule when storms hit because none of our on or off ramps were cleared and were extremely icy.

B. Karen M. reported on the Impact Fee Committee. She stated that the committee has met 3 times during the past month. During the Feb. 9, 2004 meeting, the committee agreed to call for Public Hearing. This will be scheduled for the Town Council meeting on March 3, 2004. The Land Use Assumptions that they agreed to were those published by the S.F. County Fire Dept. and S.W. Planning & Marketing. They were published in March of 2002. The committee studied the maps provided by Mr. Oden and S.F. Fire District. They also reviewed statistical analysis from the census bureau that was provided to them by Ms. Mahalick.

- C.** 1. With regard to election signage, Councilor Stearley made a motion for the Town to purchase a dozen yard signs to advertise the election. The signs would say, "Vote Edgewood Election 7:00am – 7:00pm, Community Center-Tuesday, March 2, 2004. In addition, these signs should be posted in high traffic areas around I-40. Councilor Ring seconded the motion. Councilor Hoffman voted aye. Councilor Stearley voted aye. Councilor Ring voted aye. The motion carried.
2. With regard to Section 32 and the State Land Office, The Mayor reported that the Land Commissioner, Mr. Patrick Lyons, was in his office today with Mr. Jerry King. Councilor Ring asked if Section 32 had been annexed yet and suggested that staff send a letter to the Land Commissioner asking them if they would like to annex Section 32 into the Town. Councilor Ring made a motion to move forward in signing the contract with the State Land office for the State Agricultural Lease numbered: GO-2270, pay for the improvement on the acreage in the amount of \$10, 482 and pay the 2003-2004 lease in the amount of \$293.40. Councilor Stearley seconded the motion. Councilor Hoffman voted aye. Councilor Stearley voted aye. Councilor Ring voted aye. The motion carried.

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**Discuss letter in
newspaper from
Ron Godbey**

With regard to a letter that appeared in one of the local newspapers, David Henderson made the following statement: "There are 3 issues in the Godbey letter that I want to discuss tonight that reflect upon the Town of Edgewood because I feel the public has a right to know that there are statements in that letter that are false and or misleading. The letter was reported in a local newspaper and I have since obtained a copy of that letter which I will be referring to tonight. The first issue, on page one, that I want to address is the idea that I represent both Edgewood and Campbell Corporation. As I have said to a number of reporters, that is false. I have never represented Campbell Corporation. I was hired by the Town of Edgewood in the summer of 2001 to represent the Town of Edgewood in contract negotiations against Campbell Corporation. When litigation occurred after the annexation was approved, the Town wanted me to continue to represent it in that litigation and Campbell found that was acceptable to Campbell. But again, my only contractual obligation was to the Town of Edgewood. My only professional obligation was to the Town of Edgewood. My only attorney-client relationship was with the Town of Edgewood. In fact, having represented the Town of Edgewood in these contract negotiations, I was precluded from representing Campbell Farms in any litigation resulting from those negotiations. After that litigation had gone on for a while, the post of Town Attorney became open. I was invited by the Town of Edgewood to apply for that job and was selected by the Town of Edgewood for that job. There was no one on the selection committee or the governing body that was unaware of either the fact that I had negotiated with Campbell Farms or had represented the Council in those proceedings. I have never failed to carry out a directive of this governing body in performing any of my duties and in particular, with any duties related to that litigation or those negotiations. Accordingly, there has never been a conflict of interest as Mr. Godbey falsely claims in carrying out my duties to the Town because I have only represented the Town. The idea that there has been a conflict of interest or that I had an obligation to the Town is negated by positions that the Town has taken thru its attorney in various litigation that has occurred as a result of that litigation. First, there was the lawsuit filed by Councilors Stearley & Hoffman and

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Linda Sparling. After they were elected, Councilors Stearley and Hoffman wanted to voluntarily dismiss their lawsuit because they thought they would be better able to, at that time, handle their duties as Town Councilors if they did not have litigation pending. Campbell Farms opposed their motion to dismiss their lawsuit. On behalf of the Town, I concurred in that motion. The Judge granted that motion over Campbell Farms objections. In the Santa Fe County lawsuit, at various times there were negotiations with Santa Fe County that could have resulted in the settlement of the Santa Fe County appeal of Campbell Farms. If that appeal had been settled, that annexation would now be complete. It is in Campbell Farm's interests that that annexation be complete, but it was not in the Town's interests as determined by its governing body for us to accept particular proposals that were made by Santa Fe County in those negotiations. Without asking Campbell's permission, without seeking Campbell's permission and without regard to Campbell's interests, on behalf of the Town, I informed Santa Fe County on two occasions that we were breaking off negotiations because the terms were unacceptable to the Town of Edgewood. That is about all I want to say and hopefully will ever have to say about the allegation that I represent Campbell Farms. Of the other two allegations in Mr. Godbey's letter, one is that this Town has given away its statutory authority, inherent statutory duties and powers to Campbell Farms. That is, again, false. The annexation agreement, Section 1 Paragraph 4, says the following, "Except to the extent allowed or permitted by State Law as in affect from time to time, nothing in this agreement is intended or shall be construed as a promise by the Town to undertake specific action or make a certain decision in derogation of required legislative or elective processes, or to refrain from acting or making a decision where it is required by duly enacted statute ordinance to do so. That provision says, in plain English, we are not giving away the store. This Council retains its full legislative authority under this provision. That provision was inserted at my insistence in those contract negotiations. I have taken the position in both the law suit that was filed by Mr. Stearley, Mr. Hoffman and Linda Sparling and Santa Fe County, that this provision in this contract means that the Town maintains its full legislative authority and can at any time, in act legislation pursuant to that authority that affects Campbell Farms and its plans to develop its property if and when that

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**Discuss and Set
Agenda Items for
future Council
Meetings**

The Council had nothing to add at this time.

Closed Session

At 8:00pm, Councilor Ring made a motion to go into closed session pursuant to 10-15-1 (H) (7) meeting subject to attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant. The Governing Body will be discussing a letter from Santa Fe County and possible legal action related to the Godbey letter. Councilor Hoffman seconded the motion. Councilor Hoffman voted aye. Councilor Stearley voted aye. Councilor Ring voted aye. The motion carried.

Open Session

At 8:13 pm, Councilor Stearley made a motion to return to open session. Councilor Ring seconded the motion. Councilor Hoffman voted aye. Councilor Stearley voted aye. Councilor Ring voted aye. The motion carried.

Record Action

David Henderson announced that only the items that were announced in the motion to close the session were discussed. Councilor Hoffman made a motion to authorize David Henderson to continue discussions with Santa Fe County. Councilor Stearley seconded the motion. Councilor Hoffman voted aye. Councilor Stearley voted aye. Councilor Ring voted aye. The motion carried.

Adjourn

Councilor Hoffman made a motion to adjourn the meeting. Councilor Stearley seconded the motion. Councilor Hoffman voted aye. Councilor Stearley voted aye. Councilor Ring voted aye. The motion carried and the meeting adjourned at 8:42pm.

Approved, adopted and passed this 3rd day of March, 2003.



Mayor, Howard Calkins

ATTEST:



Clerk, Karen Alarid



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annexation becomes complete. Again, that position is the interest of the Town of Edgewood and I doubt very much if it is in the interests of Campbell Farms. Mr. Godbey's statement is at best; a misreading of the contract, assuming that he read it. Finally, he says that on December 3, 2001 there appears to be an Open Meetings Act violation and if so the legality of policy decisions including the Campbell Farm annexation made at that council meeting, may not be valid without curative action by the sitting council. Mr. Godbey, from what I understand and have been told, is a lawyer. Apparently, he has not researched this area of the law. The law in N.M., according to settled cases, decided by our State Court of Appeals and our State Supreme Court, is that when there is a violation of the Open Meeting Act that takes place in executive session, what is necessary to cure that violation is prompt action by the governing body in open session. If there were any violations that took place on December 3, 2001 because there was an executive session that was not fully recorded in the manner that we have recently learned, we would like to record those meetings, I would suggest that a court very likely will find that the curative action necessary to correct that problem took place on December 3, 2001 when this council reconvened in open session, took a great deal of testimony from the public, and then voted after deliberation among the council and statements by the council members in public. In essence, I think this Open Meetings Act conflict is the proverbial tempest in a teapot. I think that the people in Edgewood have a right to hear the Town's side of this issue since Mr. Godbey's side of this issue got so much press. I also think, aside from my own feelings about an effort to impugn my integrity, it would reflect poorly on this Town Council and the previous Town Council, if the public were to take what Mr. Godbey said as truth.

Calendar Review

Karen A. reminded everyone that the Municipal Election will be held on Tuesday, March 2, 2004 and that early voting will be held at the Town office from now until Friday, February 27, 2004. Councilor Ring reminded the public that there will be a Political Forum on Saturday, February 28, 2004 from 4:00pm-6:00pm at Edgewood Elementary.