



ENCHANTED CIRCLE COUNCIL OF GOVERNMENTS

RESOLUTION 21-02

RESOLUTION DESIGNATING THE TOWN OF TAOS AS FISCAL AGENT FOR A REGIONAL AIR SERVICE PROJECT

WHEREAS, the Enchanted Circle Council of Governments (hereafter “the ECCoG”), has been formed through a JPA approved by the State of New Mexico, through the NM Department of Finance Administration, as a legal inter-governmental entity for the purposes of promoting and enhancing regional economic development; and

WHEREAS, the initial priority of the ECCoG was to encourage the development of regional air service, and in a manner that facilitates increased regional tourism and connectivity; and

WHEREAS, the Town of Taos and Taos Ski Valley, in conjunction with TSVA Holdings, Inc., and through a public-private partnership, has initiated seasonal regional air service, branded as “Taos Air”, designed to bring increased tourism to the region and provide connectivity to major cities, tourism markets and air hubs; and

WHEREAS, the destinations selected for Taos Air (initially Dallas and Austin, Texas), have now been augmented with connecting service to San Diego and Los Angeles California based on private market data and the State of Mexico Department of Tourism research as to the most productive markets for attracting tourism to the Enchanted Circle; and

WHEREAS, a pilot program by Taos Air for the period December 20, 2018 through March 30, 2019 has resulted in consistent occupancy above 70% and a subsequent economic impact study showed benefits to all the members of the ECCoG throughout the Enchanted Circle and that the users of the service were of the preferred economic demographic to maximize economic impact; and

WHEREAS, the ECCoG in 2019 passed Resolution 19-02, A RESOLUTION DESIGNATING THE TOWN OF TAOS AS FISCAL AGENT FOR A REGIONAL AIR SERVICE PROJECT in order to show support for the air service concept and in order to meet and simplify any state or local procurement, invoicing and payment considerations through a central government-to-government source; and

WHEREAS, shortly after the anticipated service was initiated the COVID pandemic hit and the service and agreement under RESOLUTION 19-02 were put on hold and all parties were asked to carry over the committed funding; and

WHEREAS, Taos Air is now committed to resume service to all 4 destinations, rather than 2, and for an extended season as of July 1, 2021; and

WHEREAS, the ECCOG wishes to take once again advantage of an opportunity to extend the Taos Air service to (a.) encourage summer tourism from the Texas and California markets to the Enchanted Circle, (b.) help Taos Air demonstrate the financial feasibility of permanent year-round service in order to secure both federal and state capital and operating subsidies in future years, (c.) establish a baseline for fully operational commercial service to and from the region, (d.) develop customer reliance on the service and brand loyalty to the region, and (e.) improve connectivity and convenience for those living in the region, tourists coming to visit the region and potential second homes owners, retirees and new businesses thinking of locating or investing in the region; and

WHEREAS, members of the ECCOG wish to individually, as local governments, and collectively, as the Enchanted Circle Council of Governments, extend their earlier commitment to financially contribute to or support both summer air and year-round service to and from the region by Taos Air, consistent with the priorities of the ECCOG and the purposes of the regional economic goals and purposes of the ECCoG JPA, and

WHEREAS, the delegation of a fiscal agent for the ECCoG for the purposes of this project for (a.) the receipt, accounting and reporting of funds from members and outside revenue sources related to the project, (b.) applying for state and federal grants (subsidies) for marketing and operations related to the project to reduce current and future costs to the operator(s) and members, (c.) conducting project-related customer satisfaction, economic impact and marketing studies in order to provide accurate reporting and cost-benefit analysis to the ECCoG members, and (d.) to satisfy state and local procurement and auditing requirements, is both permitted under the ECCoG JPA and desirable by the members for the purposes of this project; and

WHEREAS, the Town of Taos, as an ECCoG member, is also the owner and operator of the Taos Regional Airport, where the air service is based, and has an existing financial relationship with the service provider,

NOW, THEREFORE, BE IT RESOLVED that:

1. The ECCOG Board of Directors does hereby designate the Town of Taos as the ECCoG's Fiscal Agent for the purposes of the previously outlined 2021 Taos Air Service project.
2. That any and all contributions by the members are voluntary and made as individual local governments, and not as an obligation of the Enchanted Circle Council of Governments.
3. No member shall be required to contribute any amount to the project as an obligation of their membership in the ECCoG or as a result of this resolution, and each governing body shall elect to contribute or not, and at what amount, if any, independently and solely by their own authority.
4. This agreement does not bind the ECCoG or its members, collectively or individually, to any financial or general liability for the project or any of the consequences resulting therefrom, which shall remain the sole responsibility of the fiscal agent and contracted parties.
5. The Fiscal Agent is authorized to develop, solicit and award RFP's, bids, and contracts, as required by law, incur and pay obligations, expend funding, and pay valid invoices for Taos

Air, dba TSVA Holdings, and other entities, as necessary in the development and implementation of this project without further approval(s) of the ECCoG Board, collectively, or its members individually,

6. That the Town, as Fiscal Agent, shall establish a special account/fund for the receipt of and payment of funds from the ECCoG and/or its members for this project and shall provide a monthly accounting to the ECCoG members.
3. The Fiscal Agent shall cause all project funds to be audited separately or as part of its annual local government independent single audit and shall notify the ECCoG and its members of any findings related to the project, and make such accountings and audit findings available upon request.
4. The Fiscal Agent shall cause to be conducted from its own funds and in partnership with Taos Air an economic impact study for the 2021 project, which shall be presented to the ECCoG upon and within 60 days of its completion.
5. Financial records related to the project and maintained by the Fiscal Agent shall be available to the ECCoG and its members participating in the project during normal hours of business and upon reasonable request, as well as to any authorized public agencies and to the public, in accordance with the State of New Mexico Inspection of Public Records Act (IPRA).
6. The Fiscal Agent shall comply with all State of New Mexico procurement requirements related to the project funding, as relates to its self and the project contributors, and shall provide copies of any state issued opinions or notices of any kind with regards to the project, though each entity should consult with and rely upon their own Procurement Officer, Finance Director and Attorney with regards to the eligibility of the source of funds they individually choose to use as a local government to support the project.
7. This resolution does not represent a financial commitment to any future extension or expenses of the project by the ECCoG or its members.
8. The fiscal agency granted under this resolution shall expire with the completion of the financial requirements related to the project, or as determined by the Board of Director.

PASSED, ADOPTED AND APPROVED this 20th day of May 2021, at the Special Meeting of the Enchanted Circle Council of Governments by the following vote:

Taos County	_____
Colfax County	_____
Questa	_____
Taos Ski Valley	_____
Red River	_____
Eagle Nest	_____
Angel Fire	_____
Taos	_____

Daniel R. Barrone, Chairman

ATTEST:

APPROVED AS TO FORM:

Francella Garcia, Town of Taos Clerk

Stephen C. Ross, Town of Taos Attorney