

CHARTER

of the

TOWN OF



COCHITI LAKE

TOWN OF COCHITI LAKE, NEW MEXICO 87041

CHARTER OF THE
TOWN OF COCHITI LAKE

The Pueblo de Cochiti, an Indian tribe recognized by the United States Department of the Interior and having accepted the provisions of the Indian Reorganization Act of June 18, 1934 (48 Stats 984, et seq.), and having secured the approval of the Bureau of Indian Affairs pursuant to delegation of approval of authority from the Secretary of the Interior dated August 7, 1970, does ordain and establish this Charter as the organic law of the Town of Cochiti Lake.

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ARTICLE I
GENERAL PROVISIONS

Section 100. Name

The political entity created hereby shall be known by the name of the "Town of Cochiti Lake."

Section 101. Definitions and Rules of Construction

Unless the provisions of the context require otherwise, the definitions and rules of construction hereinafter set forth shall govern the construction of this Charter.

(a) Headings, Effect of

Article and Section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any Article or Section hereof.

(b) Reference to Acts or Omissions Within this Town

This Charter shall refer only to the omission or commission of acts within the territorial limits of the Town of Cochiti Lake and to that territory outside of the Town of Cochiti Lake over which the Town of Cochiti Lake has jurisdiction or control by virtue of the Charter or by reason of ownership or control of property.

(c) Notices, Service of

Whenever a notice is required to be given under this

Charter, unless different provisions herein are otherwise specifically made, such notice may be given either by personal delivery thereof to the person to be notified, by deposit thereof in the United States mail, in a sealed envelope, postage prepaid, addressed to such person to be notified, at his last known business or residence address as the same appears in the public records of the Town of Cochiti Lake or other records pertaining to the matter to which such notice is directed, or by telegram sent by Western Union, or its successor in interest. Service by mail shall be deemed to have been completed at the time of deposit in the post office. Service by telegram shall be deemed to have been completed at the time of delivery to a representative of Western Union.

(d) Proof of Notice

Proof of giving any notice may be made by the certificate of any officer or employee of the Town of Cochiti Lake, or by affidavit of any person over the age of eighteen (18) years, which shows service in conformity with this Charter, or other provisions of law applicable to the subject matter concerned.

(e) Tenses

The present tense includes the past and future tenses, and the future, the present.

(f) Gender

The masculine gender includes the feminine and neuter.

(g) Number

The singular number includes the plural, and the plural, the singular.

(h) "Shall" and "May"

"Shall" is mandatory and "may" is permissive.

(i) Person

"Person" includes any person, firm, association, organization, partnership, or corporation.

(j) "Pueblo" is the Pueblo de Cochiti.

(k) "Council of the Pueblo" is the governing body of the Pueblo as now or may hereafter exist.

(l) "Charter" is this Charter of the Town of Cochiti Lake adopted by the Council of the Pueblo.

(m) "Town" is the Town of Cochiti Lake established by this Charter.

(n) "Master Lease" is that lease between the Pueblo and Great Western Cities, Inc., successor in interest to California City Development Company, dated April 15, 1969, under the provisions of the Act of August 9, 1955 (69 Stats 539), as amended by the Act of October 12, 1968 (82 Stats 1003, 25 USC 415-415(d)).

(o) "Demised Premises" is the land described in the Master Lease subject to being leased pursuant to the terms of the Master Lease by the exercise of any option by Lessee.

(p) "Lessor" is the Pueblo under the Master Lease.

(q) "Lessee" and "Sublessor" is Great Western Cities, Inc., or its successor in interest, under the Master Lease.

(r) "Sublessee" is a party leasing from the sublessor a portion of the demised premises.

(s) "Easement Land" is the land described in the agreement entitled "Easement Grant and Agreement" by and between the Pueblo and the United States of America (United States Army Corps of Engineers) accepted December 3, 1965.

(t) "Resident" is a person who has established his domicile in the Town sufficient to be qualified to vote for members of Congress in the United States Congressional District in which the Town is located.

(u) "Regular Election" or "Regular Election Date" is the second Tuesday in April of every odd numbered year.

(v) "Cochiti Lake Improvement Trust Fund" is the fund established by the Trustee under a trust to be established for the retention and distribution of improvement funds as provided in Section 14 of the Master Lease.

(w) "Trustee" is the Trustee of the Cochiti Lake Improvement Trust Fund.

ARTICLE II

BOUNDARIES

Section 200. Boundaries

The territory of the Town shall encompass such territory as shall actually be under lease to Lessee in accordance with the provisions of Section 3 of the Master Lease.

ARTICLE III

SUCCESSION

Section 300. Rights and Liabilities

The Town shall not own, possess, control or in any way succeed to any rights or property of any kind or nature of the Pueblo, except as otherwise provided herein, and shall not be subject to any of the debts, obligations, liabilities or duties of the Pueblo, except as otherwise provided herein.

Section 301. Laws Continued in Effect

All ordinances, resolutions, rules and regulations, or portions thereof the Pueblo, in force at the time this Charter takes effect, not in conflict or inconsistent herewith and which are clearly applicable to this grant of power to the Town and to the jurisdiction of the Pueblo with respect to its members, shall continue in force until duly repealed, amended, changed or superseded by a proper authority.

Section 302. Pending Actions and Proceedings

No action or proceedings, civil or criminal, pending at the time this Charter takes effect, brought by or against the Pueblo de Cochiti or any of its officers, employees or agents, shall be affected or abated by the adoption of this Charter.

Section 303. Dissolution

Upon the expiration of the term of this Charter or any extensions thereof, the Town of Cochiti Lake shall be dissolved. Such dissolution, however, shall not affect any pending actions and proceedings brought by or against the Town of Cochiti Lake. Upon dissolution, all real property within the territory of the Town of Cochiti Lake shall become the property of the Pueblo de Cochiti.

Section 304. Effective Date of Charter

This Charter shall take effect upon and after the date of its approval by the Pueblo and the Bureau of Indian Affairs pursuant to delegation of approval of authority from the Secretary of the Interior, whichever is last to occur. The term of this Charter shall be the same as the term of the Master Lease, and any lawful extensions thereof.

ARTICLE IV

POWER.

Section 400. Scope

The Town hereby is delegated the governmental and proprietary powers of the Pueblo within the territory of the Town as set forth in this Charter.

All rights and privileges accorded to residents of the Town, including but not limited to the right to the full benefits of the recreational facilities and institutions of the Town, shall be accorded to all Indians subject to the jurisdiction of the Pueblo regardless of their place of residence, except that no nonresident of the Town shall have the right to vote in any election of the Town.

The Town shall have the power to purchase, lease, receive, hold, control and enjoy real and personal property, and may lease and dispose of it in any manner and subject to the terms of the Master Lease.

Section 401. Procedures

The Town shall have the power to establish any procedures for the exercise of its powers, unless a different procedure is provided in this Charter.

ARTICLE V

FORM OF GOVERNMENT

The government of the Town of Cochiti Lake shall be vested in an Assembly and such other boards or advisory agencies which it may appoint or which are provided herein. The Assembly may appoint an Administrator as the chief executive officer of the Town, with the powers and duties prescribed herein.

ARTICLE VI

THE ASSEMBLY

Section 600. Composition

The Assembly shall consist of five (5) members.

Section 601. Selection

The initial members of the Assembly shall be selected by the Lessee.

If ninety (90) days prior to a regular election date, there are 300 residents in the Town (and subsequently thereafter even though the number of residents may fall below 300), three (3) members of the Assembly shall be elected from the Town at large to fill the vacancies created by the expiration of the terms of three (3) members appointed by the Lessee. Two (2) members shall be elected from the Town at large at the second regular election held after there are more than 300 residents of the Town to fill the vacancies created by the expiration of the terms of two (2) members appointed by the Lessee.

Section 602. Term

Except for the terms of the members appointed by the Lessee, the term of each member of the Assembly shall be four years.

Members appointed by the Lessee shall serve at the pleasure of the Lessee except that three (3) of said appointed members, or their successors, shall hold office until the first Tuesday following

the first regular election at which time members are elected and two (2) members, or their successors, shall hold office until the first Tuesday following the second regular election at which members are elected.

Section 603. Qualifications

Except for persons appointed by the Lessee, no person shall be eligible to hold office as a member of the Assembly unless he shall be at the time he takes office (i) a resident of the Town, or (ii) a sublessee of land within the Town for six (6) months. A member of the Assembly must be at least twenty-one (21) years of age on the date he assumes office.

Section 604. Elections

Members of the Assembly to be elected shall be elected on the regular election date preceding the expiration of their term; provided, however, special elections to fill unexpired terms of vacated offices of members of the Assembly may be held at such times set by the resolutions of the Assembly. The candidates receiving the highest number of votes shall be elected. The term of all such members shall commence on the first Tuesday following such election, and each member shall serve until a successor is elected and qualified. Any ties in voting shall be settled by the casting of lots.

Section 605. Compensation

The members of the Assembly shall receive such compensation, if any, as is set by ordinance of the Assembly; as compensation for their services; and shall receive reimbursement for necessary travel and other expenses when on official duty on order of the Assembly. The compensation, if any, so set shall not be changed for any member during his then current term of office.

Section 606. Vacancy

A vacancy in the office of a member of the Assembly appointed by the Lessee from whatever cause, shall be filled by appointment by the Lessee. Such appointee shall hold office for the unexpired portion of the term of office vacated, and until his successor is elected and qualified. A vacancy in the office of a member of the Assembly elected to that office, shall be filled by appointment by the remaining members of the Assembly. Such appointee shall hold office until the next general Town election and until his successor is elected and qualified.

If any member of the Assembly absents himself from three (3) consecutive regular meetings of the Assembly, unless by permission of the Assembly expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be or is not a resident of the Town, and is not a sublessee within the Town, his office shall become vacant and shall be so declared by the Assembly.

Section 607. Assembly Officers

At the first meeting of the Assembly and on the first Tuesday following each regular Town election at which Assemblymen are elected, the Assembly shall meet and elect one of its members as its presiding officer, who shall have the title of Mayor. The Mayor shall have a voice and vote in all Assembly proceedings. He shall be the official head of the Town for all purposes, including ceremonial functions. He shall perform such other duties as may be prescribed by this Charter or as may be imposed by the Assembly, consistent with such office. The Mayor shall serve in such capacity at the pleasure of the Assembly.

The Assembly also shall designate one of its members as Mayor Pro Tempore. The Mayor Pro Tempore shall perform the duties of the Mayor during his absence or disability.

Section 608. Powers of the Assembly.

All powers of the Town of Cochiti Lake shall be vested in the Assembly, subject to the provisions of this Charter. The Assembly shall take no action, however, except during a duly called meeting. The Assembly may not delegate any of its legislative powers.

Section 609. Regular Meetings of Assembly

The Assembly shall hold regular meetings at least once each month, at such times as it shall fix by ordinance, and may adjourn

any regular or adjourned regular meeting to a date certain, which shall be specified in the order of adjournment, and when so adjourned, each adjourned meeting shall be a regular meeting for all purposes.

Section 610. Special Meetings of Assembly

Special meetings may be called at any time by the Mayor or by three (3) members of the Assembly, by written notice to each member at least seventy-two (72) hours before the time specified for the proposed meeting. ~~A special meeting also shall be validly called, without the giving of such written notice, if all members shall give their consent, in writing, to the holding of such meeting, and such consent is on file in the office of the Town Clerk at the time of holding such meeting.~~ A telegraphic communication from a member consenting to the holding of a meeting shall be considered a consent in writing.

Section 611. Place of Meeting

Regular meetings of the Assembly may be held at any place designated by resolution of the Assembly. Special meetings of the Assembly may be held at any place designated by the Mayor or majority of the members of the Assembly in the written notice of such meeting. However, in the event that such meeting is held outside of the boundaries of the Town of Cochiti Lake, then such

notice must be posted in at least three public places within the boundaries of the Town, as specified by ordinance of the Assembly, 48 hours prior to such meeting.

Section 612. Meetings Open to Public

All meetings of the Assembly and such other boards or advisory agencies appointed by it or provided herein, shall be open to the public.

Section 613. Assembly Proceedings

Three (3) members of the Assembly shall constitute a quorum to do business, except for the purpose of filling vacancies on the Assembly, in which case a majority of the remaining members shall constitute a quorum. Less than a quorum may adjourn from time to time any meeting of the Assembly. The Town Clerk also may adjourn any meeting of the Assembly to a time and place certain in the absence of all members of the Assembly.

The Assembly shall judge the qualifications of its members as set forth by this Charter and ~~shall judge all election returns.~~

The Assembly may establish rules for the conduct of its proceedings not in conflict with any provision of this Charter, and may punish any member or other person for disorderly conduct at any meeting. It shall have the power and authority to compel the attendance of witnesses, and to compel the production of evidence

before it. Subpoenas may be issued in the name of the Town and be attested by the Town Clerk.

Section 614. Adoption of Ordinances and Resolutions

With the sole exception of ordinances which take effect upon adoption, hereinafter referred to, no ordinance shall be adopted by the Assembly on the day of its introduction, nor within five (5) days thereafter. At the time of adoption of an ordinance, it shall be read in full, unless, after the reading of the title thereof, the further reading thereof is waived by unanimous consent of the Assemblymen present. In the event that any ordinance is altered after its introduction, the same shall be reintroduced and not finally adopted except at a meeting held not less than five (5) days after the date upon which such ordinance is so reintroduced. Correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

The affirmative votes of at least three (3) members of the Assembly shall be required for the enactment of any ordinance.

Any ordinance declared by the Assembly to be necessary as an emergency measure for preservation of the public peace, health or safety and containing a statement of the reasons for its urgency may be introduced and adopted at one and the same meeting if passed by at least four (4) affirmative votes.

Section 615. Codification of Ordinances.

Any and all ordinances of the Town which have been enacted, and which have not been repealed, may and within three years shall be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference by the passage of an ordinance for such purpose. When a code is prepared not less than three (3) copies thereof shall be maintained on file, for use and examination by the public, in the office of the Town Clerk. Subsequent amendments to sections of such code shall be enacted in the same manner as herein required for the amendment of ordinances generally.

Section 616. Ordinances--When Effective

No ordinance shall become effective until thirty (30) days from and after the date of its adoption, except the following, which shall take effect upon adoption:

- (a) An ordinance calling or otherwise relating to an election;
- (b) An ordinance declaring the amount of money necessary to be raised by taxation or affixing the rate of taxation; or
- (c) An emergency ordinance adopted in the manner provided herein.

ARTICLE VII
THE JOINT COMMISSION ON PUEBLO-TOWN RELATIONS

Section 700. Composition

The Joint Commission on Pueblo-Town Relations shall consist of six (6) members.

Section 701. Selection

Three (3) members of the Joint Commission on Pueblo-Town Relations shall be appointed by the Council of the Pueblo of Cochiti, two (2) members shall be appointed by the Assembly and one (1) member shall be appointed by the Lessee.

Section 702. Term

Members of the Joint Commission on Pueblo-Town Relations shall serve at the pleasure of the appointing entity.

Section 703. Compensation

The members of the Joint Commission on Pueblo-Town Relations shall be compensated by the Town at the same rate at which members of the Assembly are compensated and shall be reimbursed for necessary travel and other expenses when on official duty on the same basis as members of the Assembly.

Section 704. Responsibilities

The Joint Commission on Pueblo-Town Relations shall discuss all matters of mutual interest to the Pueblo, the Town and the Lessee.

It may pass resolutions of an advisory nature for consideration by the Pueblo, the Town, and the Lessee.

Section 705. Regular Meetings

The Joint Commission on Pueblo-Town Relations shall hold regular meetings once each month, at such times as it shall fix by resolution, and may hold special meetings by unanimous consent of its entire membership.

Section 706. Place of Meeting

Regular and special meetings of the Joint Commission on Pueblo-Town Relations may be held at any place set by resolution of the Commission.

Section 707. Proceedings

Four (4) members of the Joint Commission on Pueblo-Town Relations shall constitute a quorum to do business.

ARTICLE VIII

TOWN OFFICERS

Section 800. Appointment of Assembly

The Assembly shall appoint a Town Clerk, Town Attorney, Town Administrator, and Town Treasurer, and may appoint a Town Engineer, Building Official, Fire Chief, Chief of Police, and such other officers deemed necessary or desirable. Such officers shall serve at the pleasure of the Assembly and the powers and duties of such officers shall be as prescribed by ordinance of the Assembly, except as otherwise provided herein. One person may be appointed as two or more such officers. The duties to be performed by any of the officers of the Town may be performed, by agreement of the Assembly, by such appropriate officers of another political entity.

Section 801. Powers and Duties of Town Clerk

The Town Clerk shall have the powers and be required to:

- (a) Attend all meetings of the Assembly and record a full and true record of all the proceedings of the Assembly in books that shall bear appropriate titles and be devoted to such purposes. Such books shall have a general index sufficiently comprehensive to enable a person readily to ascertain matters contained therein;
- (b) Maintain ordinance and resolution books, into which shall be recorded all Town ordinances and Resolutions with the certificate of the Town Clerk Annexed to each thereof stating the same to be a correct copy, and giving the number of said ordinances or resolutions;
- (c) Take affidavits or depositions pertaining to the affairs and business of the Town; and
- (d) Certify copies of official records.

Section 802. Powers and Duties of Town Treasurer

The Town Treasurer shall be custodian of all public funds, which shall not be construed to include the Cochiti Lake Improvement Trust Fund, belonging to or under the control of the Town, or of any office, department or agency thereof, and shall have the power and be required to:

- (a) Receive and have custody of all monies receivable by the Town from any source;
- (b) Deposit all monies received in such depositories as may be designated by resolution of the Assembly and in compliance with all other applicable laws;
- (c) Disburse money on demands properly audited in the manner provided in this Charter;
- (d) Prepare and submit to the Assembly monthly written reports of all receipts, disbursements and fund balances;
- (e) Maintain a general accounting system for the Town government and each of its offices, departments and agencies;
- (f) Submit to the Assembly a complete financial statement and report, audited by an independent accounting firm, at the end of each fiscal year, showing the exact financial condition of the Town;

- (g) Audit and approve before payment all bills, invoices, payrolls, demands or charges against the Town government, and, with the advice of the Town Attorney when necessary, determine the regularity, legality, and correctness of such claims, demands or charges;
- (h) Assess property within the Town for purposes of ad valorem property taxes; and
- (i) Perform all the necessary functions of tax collector.

Section 803. Town Attorney:

The Town Attorney shall have the power and be required to:

- (a) Represent and advise the Assembly and all Town officers in all matters of law pertaining to their offices;
- (b) Represent and appear for the Town and any Town officer or employee or former Town officer or employee, in any and all actions and proceedings in which the Town or any such officer or employee, in or by reason of his official capacity, is concerned or is a party, but the Assembly shall have the control of all

legal business and proceedings and may employ other attorneys to take charge in any litigation or matter or to assist the Town Attorney therein;

- (c) Attend all meetings of the Assembly, unless excused, and give his advice or opinion in writing whenever required to do so by the Assembly, or by any of the boards or agencies or officers appointed by the Assembly or provided for herein;
- (d) Prepare upon request any and all proposed ordinances or resolutions for the Town and amendments thereto.

Section 804, Powers and Duties of Chief of Police

(a) The Chief of Police shall employ such number of policemen and other staff as shall be authorized by the Assembly.

(b) The Town police force is hereby authorized to enforce within the confines of the Town against Indians such laws and ordinances as the Pueblo may enforce against them. Any Indian arrested by the Town police force shall promptly be turned over to appropriate authorities of the Pueblo.

(c) The Chief of Police is authorized, with the consent of the Assembly, to enter into an agreement with appropriate authorities

of the State of New Mexico for the enforcement within the confines of the Town against non-Indians of the laws of the State of New Mexico.

Section 305, Powers and Duties of Town Administrator

The Town Administrator shall be appointed by a majority vote of the Assembly and shall hold office for and during the pleasure of the Assembly. He shall be chosen by the Assembly solely on the basis of his executive and administrative qualifications in the field of local government. He need not be a resident of the Town. No Assemblyman shall be appointed as Town Administrator during the term for which he shall have been elected or appointed nor within one (1) year after the expiration of his term, except upon the unanimous consent of all members of the Assembly.

The Town Administrator shall appoint, subject to the approval of the Assembly, one of the other officers of the Town to serve as Administrator Pro-Tempore during any temporary absence or disability of the Town Administrator.

The Town Administrator shall receive such compensation as the Assembly shall from time to time determine and fix by resolution, and shall be reimbursed for sums necessarily incurred or paid by him in the performance of his duties or when traveling on business pertaining to the Town under direction of the Assembly.

The Town Administrator shall be the administrative head of the government of the Town, under the direction and control of the Assembly, except as otherwise provided in this Article. He shall

be responsible for the efficient administration of all of the affairs of the Town which are under his control.

ARTICLE IX
PARKS AND RECREATION

Section 900. Parks and Recreation

The Town may own, lease, license, operate and maintain any parks, open spaces and recreational facilities either within or outside the boundaries of the Town. The Assembly may make such charges for use of its recreational facilities as it finds necessary or desirable; provided, however, the Assembly shall recognize all rights and privileges of persons who hold recreation privilege cards issued by Lessee and further no such charge shall be imposed upon the members of the Pueblo de Cochiti and their immediate families. The Assembly may appoint a Parks and Recreation Board to administer parks, open spaces and recreational facilities.

ARTICLE X
BOARD OF ZONING ADJUSTMENT

Section 1000. Board of Zoning Adjustment

The Assembly shall appoint a Board of Zoning Adjustment to administer the zoning powers delegated to the Town by this Charter. Such Board shall consist of five (5) members and shall have such powers and duties granted to them by the Assembly as are consistent with the provisions of this Charter.

The Assembly may act as the Board of Zoning Adjustment.

ARTICLE XI
APPOINTIVE BOARDS AND COMMISSIONS

Section 1100. Appointive Boards and Commissions

The Assembly may create by ordinance such boards, agencies or commissions as in its judgment are required in addition to those enumerated in this Charter, and may grant to them such powers and duties as are consistent with the provisions of this Charter.

ARTICLE XII
GENERAL PROVISIONS RELATING TO
OFFICERS AND EMPLOYEES

Section 1200. Official Bonds

The Assembly shall fix by ordinance the amounts and terms of the official bonds of all officials or employees, in a form approved by the Town Attorney. All such bonds shall be filed with the Town Clerk. The bond of the Town Clerk shall be filed with the Town Administrator. The premiums on official bonds shall be paid by the Town.

In all cases wherein an employe of the Town is required to furnish a fidelity bond, there shall be no personal liability upon, or any right to recover against, his superior officer or other officer or employe, or the bond of the latter, unless such superior officer, or other officer or employe is a part to, or has conspired in, the wrongful act causing directly or indirectly the loss.

Section 1201. Conflicts of Interest

No member of the Assembly shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the Town is a party, neither shall any officer or employe, or member of any board, agency or commission of the Town, be interested in any contract, sale or transaction to which the Town is a party, and which comes before said officer or employe, or

member of such board, agency or commission, or the department or office of the Town with which he is connected, for official action.

No member of the Assembly, Town official or employee, or member of any board, agency or commission, shall be deemed to be financially interested, within the meaning of the foregoing provisions, in any contract made with a corporation by reason of

- (i) the ownership of stock in such corporation, unless such stock owned by him shall amount to at least three per cent (3%) of all of the issued and outstanding stock of such corporation, or
- (ii) his employment by or being an officer of such corporation.

ARTICLE XIII
ZONING POWERS

Section 1300. Scope

The Town shall have the power to make and enforce land use regulations through exercise of the zoning power, subject to the limitations imposed by the Master Plan, Architect's Design, comprehensive plans, and specifications, including any amendments thereto, as approved pursuant to Sections 8 and 9 of the Master Lease.

Section 1301. Administration

The zoning powers of the Town shall be administered by the Board of Zoning Adjustment in the manner determined by ordinance of the Assembly.

ARTICLE XIV

SUBDIVISIONS

Section 1400. Subdivisions

Control and regulation of divisions of land within the territory of the Town, for purposes of present or prospective sale, lease or financing, including approval of tentative and final subdivision tract maps, shall be exercised by the Town under procedures and standards adopted by ordinance of the Assembly, subject to the limitations imposed by the Master Plan, Architect's Design, comprehensive plans, and specifications, including any amendments thereto, as approved pursuant to Sections 8 and 9 of the Master Lease.

ARTICLE XV

BUILDING REGULATIONS

Section 1500. Building Regulations

The construction, alteration and repair of buildings and structures within the Town of Cochiti Lake shall be regulated by ordinance of the Assembly, which may adopt Uniform Codes by reference, subject to the limitations imposed by the Master Plan, Architects Design, comprehensive plans, and specifications, including any amendments thereto, as approved pursuant to Sections 8 and 9 of the Master Lease.

ARTICLE XVI

ELECTIONS

Section 1600. General Elections

General elections for the filling of elective offices shall be held in the Town on the second Tuesday in April of every odd numbered year.

Section 1601. Special Elections

All other elections of the Town that may be held by authority of this Charter, or of any other law, shall be known as Special Elections.

Section 1602. Procedure for Holding Elections

All elections shall be held as provided by ordinance of the Assembly.

Section 1603. Initiative, Referendum and Recall

The right of the initiative and referendum and of the recall of elective officers are reserved to the electors of the Town, from and after such time as there are more than 300 residents in the Town. The procedures for initiative, referendum and recall of elected Town officers, shall be established by ordinance of the Assembly.

ARTICLE XVII
FINANCIAL AND FISCAL MATTERS

Section 1700. Fiscal Year

The fiscal year of the Town government shall begin on the 1st day of July of each year and end on the 30th day of June in the following year.

Section 1701. Tax and Assessment System

The Assembly shall have the power, and it shall be their duty, to provide by ordinance a system for the assessment, levy and collection of all Town taxes. The taxes referred to herein shall include, but not be limited to, ad valorem property taxes, sales taxes, use taxes, and payroll taxes. The Assembly may also provide for general and special assessments.

To the extent that funds are not available from other sources of the Town to satisfy its current obligations, an ad valorem property tax shall be assessed and collected for the purpose of paying such obligations.

The system of assessment, levy and collection of Town taxes, however, shall not place an encumbrance upon or subject to sale, any interest of the Pueblo under the Master Lease nor shall failure to pay such assessment or tax create a lien on the fee title in the land.

Ninety days following the conclusion of each fiscal year, one percent (1%) of all taxes collected in such fiscal year under the provisions of this Section shall be paid over to the Pueblo.

Section 1702. Tax Limit

Unless authorized by the affirmative votes of a majority of the electors voting on the proposition in any election in which the question is submitted to the electors, the ad valorem property tax of the Town shall not exceed \$1 for each \$100 of assessed value of taxable property in the Town. This section does not prevent the Town from having a validly contracted bonded indebtedness or from levying and collecting taxes for the payment of such indebtedness and the interest thereon, in addition to the taxes authorized to be levied and collected pursuant to this Article.

Section 1703. Contract for Public Works

Every contract involving an expenditure of more than \$5,000 for the construction or improvement, excluding maintenance and repair, of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds, and each separate purchase of materials or supplies for the same, where the expenditure required for such purchase shall exceed the sum of \$5,000, shall be let to the lowest responsible bidder, after due notice in the manner prescribed by ordinance of the Assembly.

The method of determining the lowest responsible bidder, the rejection of bids, and procedures for performance of the proposed work if no bids are received, shall be established by ordinance of the Assembly.

However, in every instance, such contracts, in excess of \$5,000 shall not be entered into by the Town unless and until

approved by the Council of the Pueblo de Cochiti, and when required with the consent of the Secretary of the Interior and/or the United States Army Corps of Engineers.

Section 1704. Use of Cochiti Lake Improvement Trust Fund Money

No expenditures of money in the Cochiti Lake Improvement Trust Fund shall be authorized by the Assembly without the prior written approval of the Trustee.

No contract shall be entered into or be binding on the Town which contract is to be paid with money in the Cochiti Lake Improvement Trust Fund unless there has been filed with the Assembly prior to letting such contract a certificate of the Trustee stating that the money for said payment has been set aside therefor.

Section 1705. Annual Audit

At the beginning of each fiscal year the Assembly shall employ an independent certified public accountant or firm of such accountants who, at such time or times as may be specified by the Assembly, shall examine the books, records, inventories and reports of all officers and employees who receive, handle, or disburse public funds and all such other officers, employees, departments, agencies or commissions as the Assembly may direct. As soon as practicable after the end of the fiscal year, a final audit and report shall be submitted by such accountant or firm to the Assembly, one copy thereof to be distributed to each member, one to the Town Attorney and the Town Treasurer, respectively, two to the Auditor, and three additional copies to be placed

available for inspection by the general public. Such accountant or firm shall have no personal interest, direct or indirect, in the fiscal affairs of the Town government or of any of the officers of the Town.

Section 1706. Annual Budget Preparation

At such date as he shall determine, the Town Administrator, shall obtain from each department head, officer, board or agency of the Town, estimates of expenditures for such department, officer, office, board or agency, detailed in such manner as may be prescribed by the Town Administrator. In preparing the proposed budgets, the Town Administrator shall review the estimates, hold conferences thereon with such department heads, officers, boards and agencies respectively, and may revise the estimates as he may deem advisable.

Section 1707. Submission of Budget to Assembly

At least sixty (60) days prior to the beginning of each fiscal year, the Town Administrator shall submit to the Assembly the proposed budget as prepared by him. After reviewing the same and making such revisions as it may deem advisable, the Assembly shall determine the time for the holding of a public hearing thereon, and shall hold such public hearing at the time and in the manner prescribed by ordinance of the Assembly.

Copies of the proposed budget shall be available for inspection by the public in the office of the Town Clerk at least ten (10) days

Section 1708. Budget Hearing

At the time so determined by the Assembly, or at any time to which such public hearing shall from time to time be adjourned, the Assembly shall hold a public hearing on the proposed budget, at which time interested persons desiring to be heard shall be given that opportunity to do so.

Section 1709. Adoption of Budget

After the conclusion of the public hearing the Assembly shall consider the proposed budget and make any revisions thereof that it may deem advisable, and on or before June 30th, it shall adopt the budget with revisions, if any, by the affirmative votes of at least three members. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. A copy thereof, certified by the Town Clerk, shall be placed, and shall remain on file, in the Office of the Town Clerk, where it shall be available for inspection by the public. Copies of public records shall be available at cost. The budget so certified shall be reproduced and copies made available for the use of all officers, departments, boards and agencies of the Town.

Section 1710. Budget Appropriation

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become

appropriated to the several departments, offices and agencies for the respective objects and purposes therein named. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

Section 1711. Amendment to Budget

At any meeting after the adoption of the budget, the Assembly may amend or supplement the budget by motion adopted by the affirmative votes of at least four (4) members.

Section 1712. Cash Basis Fund

The Assembly may maintain revolving funds, to be known as the "Cash Basis Fund", for the purpose of placing the payment of the running expenses of the Town on a cash basis. A reserve may be built up in this fund from any available sources with which to meet all lawful demands against the Town during periods that sufficient current revenue is not available. Transfers may be made by the Assembly from such fund or any other funds of such sum or sums as may be required for the purpose of placing such funds, as nearly as possible, on a cash basis.

Section 1713. Capital Outlay Fund

A fund for general capital outlays is created hereby, to be known as the "Capital Outlay Fund". The Assembly, by ordinance, may create a special fund or funds for a special

capital outlay purpose. The Assembly may transfer to any such fund any unencumbered surplus funds remaining on hand in the Town at any time.

Once created, such funds shall remain inviolate for the purposes for which created; if, for general capital outlays, then for any such purposes, and, if for a special capital outlay, then for such purpose only, unless the assent of the voters is expressed to the use of such funds for some other purpose upon a majority vote of the electors voting in favor thereof at a general or special municipal election at which such proposition is submitted.

Section 1714. Warrants on Treasury

All demands, after presentation and approval in such manner as may be prescribed by ordinance of the Assembly, shall be transmitted to the Town Clerk, who shall examine same, and if the amount thereof is legally due and there remains on his books an unexhausted balance or an appropriation against which the same may be charged, he shall approve such demand and draw his warrant on the Town Treasurer therefor, payable out of the proper fund. Objections of the Town Clerk may be overruled by the Assembly, and the warrant ordered drawn.

Such warrants presented to the Treasurer, shall be paid by him out of the fund designated, if there be sufficient money in the fund for that purpose. Warrant not paid for lack of funds shall be registered, and all registered warrants shall be paid in the order of their registration when funds therefor are available.

Requirement of Verified Demands
Section 1715. in Actions Against Town

No suit shall be brought on any claim for money or damages against the Town or any board, agency or officer thereof until a verified demand for same has been presented as herein provided and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Except in those cases where a shorter time is otherwise provided by applicable law, all claims for damages against the Town must be presented within ninety (90) days after the occurrence, event or transaction from which the damages allegedly arose, and all other claims or demands shall be presented within ninety (90) days after the last time of the account or claim accrued.

Every claim for money or damages against the Town or any board, agency or officer thereof shall be filed with the Town Clerk, who thereupon shall present the same to the Assembly, board, agency or officer authorized by the Charter to incur or pay the expenditure or alleged indebtedness or liability represented thereby. In all cases such claims shall be approved or rejected in writing and the date thereof given. Failure to act upon any claim or demand within sixty (60) days from the date the same is filed with the Town Clerk shall be deemed a rejection thereof.

No suit shall be brought on any claim for money or damages against the Town or any board, agency or commission thereof unless such suit is brought within six (6) months after rejection of the verified demand for same.

Section 1716. Indebtedness

The Town shall have the power to incur any indebtedness or liability, including, but not limited to, the issuance of general obligation and revenue bonds. Said indebtedness may be without limitation as to amount and may be made payable from any source of funds of the Town. The Town may, by ordinance, provide the manner of authorizing such indebtedness, provide the terms and conditions thereof, and may fix and establish such covenants, conditions, terms and provisions as it deems necessary or desirable to facilitate the issuance and sale of its obligations or for the protection and security of the holders thereof.

ARTICLE XVIII

FRANCHISES

Section 1800. Granting of Franchises

The Assembly is empowered to grant by ordinance a franchise to any person, firm or corporation, to use the public streets, ways, alleys and places as the same now or hereafter exist, for the construction and operation of plants, works or equipment, necessary or convenient in connection with its transportation, communication, water, lights, heat, power, refuse collection, storage or any other public utility or service. The Assembly may prescribe the terms and conditions of any such grant. It also may provide, by ordinance, the method of procedure and additional terms and conditions for making such grants, subject to the provisions of this Charter.

Section 1801. Resolution of Intention, Notice and Public Hearing

Before granting any franchise, the Assembly shall pass a resolution, declaring its intention to grant the same, stating the name of the proposed grantee, the character of the franchise, and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour, and place, when and where any person having any interest therein or any objection to the granting thereof, may appear before the Assembly and be heard thereon. It shall direct the Town Clerk to give notice of said resolution in the manner prescribed by

ordinance of the Assembly. The time fixed for such hearing shall not be less than twenty (20) nor more than forty-five (45) days after passage of such resolution.

At the time set for the hearing, the Assembly shall proceed to hear and pass upon all protests, and its decision thereon shall be final and conclusive. Thereafter, it may grant, or deny, the franchise, subject to the right of referendum of the people.

Section 1802. Term of Franchise.

Every franchise shall state the term for which it is granted, which, may be indeterminate.

An indeterminate franchise, but not to exceed the term of the Master Lease or any extension thereof, shall endure in full force and effect until the same is surrendered voluntarily or abandoned by its possessor, or until all property actually used and useful in the exercise of such franchise is purchased by voluntary agreement or condemned, or until the franchise is forfeited for non-compliance with its terms by the possessor thereof.

Section 1803. Grant to Be In Lieu of All Other Franchises

Any franchise granted by the Town with respect to any given utility facility shall be in lieu of all other franchise, rights or privileges owned by the grantee, or by any successor of the grantee to any rights under such franchise, with respect

to such utility facilities within the limits of the Town as they may now or hereafter exist. The acceptance of any franchise hereunder shall operate as an abandonment of all other such franchises, rights and privileges within the limits of the Town as such limits shall at any time exist, in lieu of which such franchise shall be granted. Any franchise granted hereunder shall not become effective until written acceptance thereof shall have been filed by the grantee thereof with the Town Clerk. Such acceptance shall constitute a continuing agreement of such grantee that, if and when the Town shall thereafter annex additional territory, any and all other such franchises, rights and privileges owned by the grantee therein shall likewise be deemed to be abandoned within the limits of such territory.

Section 1804. Eminent Domain -- Not Impaired

No franchise grant shall in any way or to any extent impair or affect the right of the Town to acquire the property of the grantee thereof, either by purchase or through the exercise of the right of eminent domain, and nothing herein contained shall be construed to contract away or to modify, for the term of its existence under this Charter, the right of the Town to exercise its power of eminent domain with respect to any public utility. Every franchise grant shall be deemed to have reserved to the Town the right to purchase the property of such utility either at an agreed price or at a price deter-

mined in a manner prescribed by law.

Section 1805. Duties of Grantee

By its acceptance of any franchise hereunder, the grantee shall covenant and agree to perform and be bound by each and all the terms and conditions imposed in the grant, and further shall agree to:

- (a) Comply with all lawful ordinances, rules and regulations theretofore or thereafter adopted by the Assembly in the exercise of its police power;
- (b) Pay to the Town on demand the costs of all repairs to property of the Town made necessary by any of the operations of the grantee under such franchise;
- (c) Indemnify and hold harmless the Town and its boards, agencies, officers and employees from any and all liability for damages proximately resulting from any operation under such franchise;
- (d) Remove and relocate without any expense to the Town, any facility installed, used and maintained under the franchise if and when made necessary by any lawful change of grade, alignment or width of any public street, way, alley or place, or any vacation or abandonment

thereof, or by any necessary relocation of utility facilities including water, sanitary and storm sewer, and power facilities owned by the Town; and

- (e) Pay to the Town, during the life of the franchise, such compensation as the Assembly may prescribe in the grant.

ARTICLE XIX

EMINENT DOMAIN

Section 1900. Eminent Domain

Private property shall not be taken or damaged for public use by the Town without just compensation having first been made to, or paid into court for the owner.

The eminent domain powers shall not extend to permit the taking or the damaging of the property interest of the Pueblo de Cochiti.

ARTICLE XX

ALTERATION OF BOUNDARIES

Section 2000. Annexations

Territory shall be included within the territory of the Town with the consent of the Assembly, the Council of the Pueblo de Cochiti, the Secretary of the Interior and the Lessee.

Section 2001. Detachments

Territory may be detached from the boundaries of the Town, upon request of the owner or lessee of such territory, and the consent of the Assembly, the Council of the Pueblo, the Secretary of the Interior, and the Lessee. Territory not leased under the Master Lease on the date following the date of the expiration of the final lease option thereunder shall on said date be detached from the boundaries of the Town without further action. Territory detached as territory not leased under the Master Lease shall be relieved from its obligation to pay its share of any general obligation bonds, contracts or notes of the Town outstanding at the time of the detachment, however, no other detachment shall be so relieved from said obligations.

ARTICLE XXI

WATER, MINERAL, OIL AND PETROLEUM PRODUCTS

EXPLORATION, PRODUCTION AND USE

Water, Mineral, Oil and Petroleum Products,
Section 2100. Exploration, Production and Use

No exploration or production of mineral or oil or petroleum products within the territory of the Town may be permitted, except with the consent of the Council of the Pueblo, and upon such terms and conditions as such Council establishes. The Town, with the consent of Lessee, may extract water from water wells within the Town for domestic and municipal uses and may adopt such rules and regulations in regard to water extractions and use as it may determine including a restriction on the extraction by a sublessee of such water. Water may be used for industrial uses with the consent of the Town and of the Pueblo.

ARTICLE XXII

AMENDMENT, REVOCATION AND EFFECT OF CHARTER

Section 2200. Amendment, Revocation and Effect of Charter.

If any provision of this Charter conflicts with any provision of the Master Lease, the provision of said Lease shall control.

The provisions of this Charter may be amended by ordinance of the Council of the Pueblo, with the approval of a majority of the voters of the Town, voting in a general or special election at which such a proposition is submitted.

This Charter shall not be amended in any manner that would impair any contractual rights or obligations of (i) the Pueblo as recognized by Federal law, (ii) the Pueblo under the Master Lease, (iii) any leaseholder, or (iv) the Town.

This Charter constitutes a contract with Lessee made for the benefit of the sublessees thereof and shall not be revoked so long as there is in full force and effect any valid leasehold interest under or permitted by the Master Lease; provided, however, in the event the State of New Mexico obtains jurisdiction over the territory of the Town pursuant to the valid exercise of Federal and State law relative thereto, this Charter may be rescinded with the consent of (i) the Federal Government, (ii) the Pueblo, (iii) the Lessee, and (iv) a majority of the

residents of the Town voting at an election held for the purpose of rescinding the Charter and designating the form of government to be adopted under the laws of the State of New Mexico.

The sovereign immunity of the Pueblo is in no way enlarged or limited by the adoption of this Charter; provided, however, this provision shall not preclude any action by the Town or by the Pueblo for a violation of any provision of this Charter.

ARTICLE XXIII

VALIDITY

Section 2300 Validity

If any provision of this Charter, or the application hereof to any person or circumstance is held invalid, the remainder of the Charter and the application of such provision to other persons or circumstances, shall not be effected thereby.

RESOLUTION

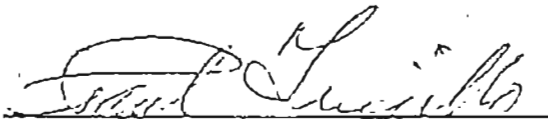
At a duly called meeting of the Council of the Pueblo de Cochiti, held on the 18 day of August, 1970, the following Resolution was adopted:

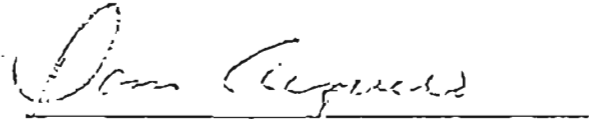
WHEREAS, the Lease between the Pueblo de Cochiti and the California City Development Company, subsequently assigned to Great Western Cities, Inc., calls for the creation of a new municipality or municipalities, or like political subdivision, on the premises leased thereunder, and

WHEREAS, it has been determined by the Pueblo de Cochiti and Great Western Cities, Inc. that the said municipality should be a home rule political subdivision chartered by the Pueblo de Cochiti, to be known as the town of Cochiti Lake, and

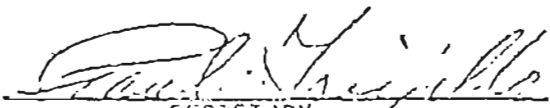
WHEREAS, a new municipal charter for the said town of Cochiti Lake has been prepared, reviewed, and approved by the Pueblo de Cochiti Council, Great Western Cities, Inc., and the Secretary of the Interior,

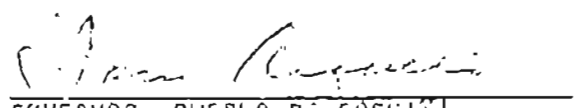
NOW, THEREFORE, BE IT RESOLVED that the Pueblo de Cochiti Council does hereby approve the charter of the town of Cochiti Lake, which charter is attached hereto and by reference made a part hereof as Exhibit "A", and does ordain and establish the said charter as the organic law of the town of Cochiti Lake in accordance with the terms thereof.


SECRETARY

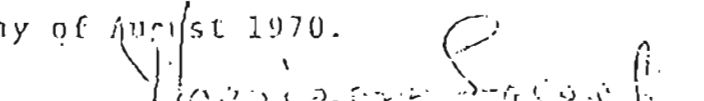

GOVERNOR, PUEBLO DE COCHITI

The foregoing Resolution was adopted by the Council of the Pueblo de Cochiti at a duly called meeting thereof at which a quorum was present, 11 voting for, and 0 opposed.


SECRETARY


GOVERNOR, PUEBLO DE COCHITI

APPROVED this 25th day of August 1970.


SECRETARY OF THE INTERIOR