

**MINUTES OF A REGULAR MEETING
OF THE GOVERNING BODY OF THE TOWN OF BERNALILLO
HELD AT THE TOWN HALL
July 23, 2007**

The Governing Body of the Town of Bernalillo met in a special session within the law and rules of the Town on July 23, 2007, at 6:30 P.M.

Upon Roll call the following members were found to be present:

PRESENT:

Mayor Chávez
Councilor Montoya
Councilor Sisneros
Councilor Jaramillo

ABSENT:

Councilor Torres

ALSO PRESENT:

Stephen Jerge Marlene Feuer
Fred Radosevich John Estrada
George Perez Mike Foster
Santiago Chavez

Others Present Not Identified

APPROVAL OF AGENDA: 4a)

Councilor Jaramillo moved to approve the agenda as presented. The motion was seconded by Councilor Sisneros and motion carried unanimously.

PUBLIC HEARING: 5a) Discussion, Consideration and Adoption of Ordinance #230 an ordinance Amending Ordinance #19 relating to compensation of the Fire Chief, Two Full Time Fire Fighters and One Part Time Fire Fighter of the Town of Bernalillo. Presenter: Stephen Jerge.

STATE OF NEW MEXICO

TOWN OF BERNALILLO

ORDINANCE NO. 230

AN ORDINANCE AMENDING ORDINANCE NO. 19 PROVIDING FOR THE ESTABLISHMENT OF THE TOWN OF BERNALILLO FIRE DEPARTMENT, ITS OFFICERS AND MEMBERS AND THEIR DUTIES, AND THE PURPOSES, OPERATION AND GOVERNMENT OF THE DEPARTMENT, DISSOLVING A FIRE DEPARTMENT ADVISORY BOARD AND FIRE COMMISSIONER POSITION AND IMPOSING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERNALILLO NEW MEXICO:

ARTICLE II - FIRE DEPARTMENT

PART 1. CREATION OF DEPARTMENT AND PURPOSES

Section 1-201. Creation of Department and Purposes. There is hereby created the Town of Bernalillo Fire Department, which shall be a Combination Fire Department (paid and volunteer members) of the Town the officers and members of which shall receive no compensation for their services other than is now or hereafter may be authorized by law and ordinance for officers and members of a volunteer fire department; the principal object of the Department shall be the prevention of fire and the protection of life and property within the Town of Bernalillo.

Section 1-201(A). Commencing July 1, 2007 the Mayor and Board of Trustees authorized and appropriated funds for a fire chief, two fire fighters and one part time fire fighter. Future paid staffing levels will be determined by the Emergency Response need of the community and in conjunction with the financial capacity of the Town. The Mayor and the Board of Trustees, through resolution, may provide for additional paid positions.

Part 2. OFFICERS

Section 1-202. Positions Created. The Officers of the Department may consist of a Fire Chief, and such other subordinate officers as the Fire Chief and the Mayor may deem necessary for the effective operation of the Department.

Section 1-203. Fire Chief to be Appointed. The Chief shall be appointed by the Mayor, with the advice and consent of the Mayor and Board of Trustees, for an indefinite period of time, and his tenure of office shall depend upon his good conduct and efficiency. The position of Fire Chief is a paid exempt position as defined by the Personnel Rules and Regulations of the Town of Bernalillo. He or she shall be technically qualified by training and experience and shall have the ability to command men and women and hold their respect and confidence.

Section 1-204. Accountability and Reports. The Chief shall be held accountable to the Mayor and the Board of Trustees, and shall make such written or verbal reports as the Mayor or Board of Trustees may require. All other Fire Department Members shall be accountable and make their reports to the Chief only.

Part 3. DUTIES OF THE CHIEF

Section 1-211. General Authority and Responsibility. The Fire Chief shall have complete command over all members of the Department, and all apparatus and property belonging to the same; he shall be responsible to the Board of Trustees for the personnel, morale and efficiency of the Department, and while working at fires shall have complete command over all persons assisting there at.

Section 1-212. Fire-Fighting Companies will be established as deemed necessary. The

Chief shall determine the number and kind of companies of which the Department is to be composed of and shall determine the response of such companies to emergency response situations.

Section 1-213. Firemanship Training. The Chief shall at least once a month conduct suitable drills or instruction in the operation and handling of equipment, first aid and rescue work, salvage, a study of buildings and streets in the Town of Bernalillo area, tire prevention, water supplies, and all other matters generally considered essential to good Firemanship and safety of life and property from fire as required by Law.

Section 1-214. Arson Prevention and Suppression. The Chief or his designee is hereby required to assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin, and circumstances of all fires.

Section 1-215. Inspection of Buildings for Fire Hazards. The Chief or his designee is hereby empowered to inspect all business buildings including warehouses, factories, stores, etc. at any reasonable hour, and to serve written notice upon the owner or occupant to abate within a specified time any and all fire hazards that may be found. He shall also inspect any private dwelling upon invitation of the owner or occupant, unless by proper Court order he is authorized to inspect without such invitation.

Section 1-216. Abatement of Fire Hazards. Any person so served with a notice to abate any fire hazard or hazards, shall comply therewith and promptly notify the Chief.

Section 1-217. Records. The Chief shall see that complete records are kept of all fires, inspections, apparatus and minor equipment, personnel and other information about the work of the Department.

Section 1-218. Monthly Reports. The Chief shall report monthly in writing to the Mayor the condition of the apparatus and equipment; the number of fires and EMS calls during the month, their location and cause, and date of same and loss occasioned thereby; the number and purpose of all other runs made; and the number of members responding to each fire or other run, and any changes in membership.

Section 1-219. Annual Report. The Chief shall make a complete written annual report to the Mayor and Board of Trustees within twenty days after the close of the fiscal year, such report to include the information specified in Section 1-217, together with comparative data for previous years and recommendations for improving the effectiveness of the Department.

Section 1-220. Assistant Chiefs. The Assistant Chiefs shall perform such duties as the Chief and Mayor may prescribe. In the absence of the Chief, the Senior Assistant Chief (as designated by the Chief) shall have overall command of the Department, and shall assume and perform all the duties of the Chief. In the absence of the Chief and of both Assistant Chiefs, the ranking senior officer present shall assume command.

Part 4. FIRE DEPARTMENT MEMBERSHIPS

Section 1-225. Selection of Members. The volunteer membership of the Department shall consist of such persons as may be appointed by the Chief with the approval of the Mayor, and shall be able-bodied citizens. Determination of whether candidates for appointment are able-bodied shall be made by the Chief after a medical and physical examination has been made in a manner prescribed by the Chief and approved by the Mayor.

Section 1-226. Termination of Membership. Any paid member of the Department may be suspended or discharged, pursuant to the Personnel Rules and Regulations and Department bylaws of the Town of Bernalillo. A volunteer member may be suspended or discharged by the Chief at any time pursuant to the Department bylaws. Any person aggrieved by the decision of the Chief shall on request be granted a hearing before the Town Administrator or Mayor's designee.

Part 5. FIRE DEPARTMENT EQUIPMENT

Section 1-231. Purchases and Donations. The Department shall be equipped with such apparatus and other equipment as shall be recommended by the Chief and purchased with the approval of the Mayor and Board of Trustees in the manner prescribed by law. All fire-fighting equipment, apparatus and clothing donated to the Department, the Chief, or any Department or Town officer, immediately becomes the property of the Department and shall be entered in its inventory.

Section 1-232. Safekeeping of Equipment. All apparatus and equipment of the Department shall be safely and conveniently housed in such places as may be designated by the Fire Chief with the approval of the Mayor and Board of Trustees.

Section 1-233. Fire Alarm Equipment. Suitable arrangement (Regional Dispatch) or equipment shall be provided for citizens to report an alarm, to dispatch members of the Department so that they may promptly respond.

Section 1-234. Unlawful Use. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the Department.

Section 1-235. Unauthorized Entry to and Handling. No person shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the Department unless accompanied by, or having the special permission of, the Chief and/or his designee.

Section 1-236. One Serviceable Fire Truck to be Always Available Within Town. Upon recommendation of the Fire Chief, the Mayor and Board of Trustees is hereby authorized to enter into agreements with the governing boards of the County or nearby communities for mutual fire protection aid, but only on condition that at such time, if possible, there are two or more Fire Trucks in the Department and that at least one serviceable Fire Truck and a trained Company must remain in the Town and available for duty at all times.

Section 1-237. Chief to Inventory, Inspect and Account For Property. The Chief shall be responsible and accountable to the Mayor and Board of Trustees for all fire-fighting equipment, apparatus and other property belonging to the Department, shall keep an up-to-date inventory of the same and shall inspect and check the inventory as often as necessary and not less than once a month, and shall promptly report to the Mayor in writing any damages, losses or shortages and the circumstances thereof.

Section 1-238. Willful or Negligent Damage or Loss. Any person, whether or not a member of the Department, whose willful or negligent act or conduct proximately causes damage to or loss of any property of the Department, shall be liable therefore in damages, and it shall be the duty of the Fire Chief to collect the same and if necessary to institute suit for damages in the Magistrate Court or in the District Court in the name of the Town of Bernalillo.

Part 6. MISCELLANEOUS

Section 1-256. Rules and Regulations. The Chief shall, with the approval of the Mayor and the Board of Trustees, formulate and adopt written rules and regulations, not inconsistent with any Town Ordinance and or Personnel Rules and Regulations, for the Governance of the Department, and may in like manner amend the same, and when so formulated and adopted they shall have the same force and effect as an ordinance, to the extent permitted by law, and it shall be the duty of the Chief to enforce the same.

Section 1-257. Severability Clause. If for any reason any section, subsection, sentence, clause or phrase of this Ordinance is held to be unconstitutional or invalid, the validity of the remaining portions thereof shall not be affected.

Section 1-258. Repeal of Conflicting Ordinances. All ordinances and parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

1 Part 8. ENFORCEMENT

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3 Section 1-261. Penalties. Any person violating any provision of this ordinance shall upon
4 conviction thereof be fined up to \$500.00 or by imprisonment for not more than 180 days, or
5 both at the discretion of the Court, and each violation shall constitute a separate offense. The
6 Town of Bernalillo Fire Chief, Police Department, and/or his designee shall have ability to
7 enforce this and all other Fire Ordinances.

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9 Councilor Torres moved to approve the Adoption of Ordinance #230 as amended. The motion
10 was seconded by Councilor Jaramillo.

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12 Roll Call Vote

13	Councilor Torres	Yea
14	Councilor Montoya	Yea
15	Councilor Jaramillo	Yea
16	Councilor Sisneros	Yea

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APPOINTMENT 6) Fire Chief.

Mayor Chávez stated that it was her recommendation to appoint John Estrada as the Town of Bernalillo Fire Chief.

Councilor Jaramillo moved to approve appointment of John Estrada as Fire Chief. The motion was seconded by Councilor Torres.

Roll Call Vote

Councilor Sisneros	Yea
Councilor Jaramillo	Yea
Councilor Montoya	Yea
Councilor Torres	Yea

APPROVAL OF MINUTES: 6a) Regular Meeting of July 09, 2007.

Councilor Jaramillo state on line 245 should be “Montoya moved” instead of Montoys mved.

Councilor Jaramillo moved to approve the minutes of July 09, 2007 as amended. The motion was second by Councilor Montoya and carried unanimously.

APPROVAL OF MINUTES: 6a) Special Meeting of July 02, 2007.

Councilor Jaramillo stated on line 30 regulation should be “regulations”.

Mayor Chávez stated on line 60 Pete’s last name should be added which is Doles and the word “the” should be deleted.

Councilor Jaramillo moved to approve the minutes of July 02, 2007 as amended. The motion was second by Councilor Sisneros and carried unanimously.

APPROVAL OF MINUTES: 6a) Special Meeting of July 16, 2007.

Councilor Jaramillo stated that line 27 and line 39 his should be “her”.

Councilor Sisneros moved to approve the minutes of July 16, 2007 as amended. The motion was second by Councilor Torres and carried unanimously.

NEW BUSINESS: 6a) Discussion, Consideration and Action on Adoption of Resolution 07/23/07 A Resolution Relation to Solid Waste; Supporting Approval of the Application of Waste Management of New Mexico, Inc. for a Solid Waste Facility Permit for the Rio Rancho Landfill. Presenter: Stephen Jerge

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TOWN OF BERNALILLO
RESOLUTION 07-23-07

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A RESOLUTION
RELATING TO SOLID WASTE; SUPPORTING APPROVAL OF THE APPLICATION
OF WASTE MANAGEMENT OF NEW MEXICO, INC. FOR A SOLID WASTE
FACILITY PERMIT FOR THE RIO RANCHO LANDFILL

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WHEREAS, the New Mexico Environment Department will hold a public hearing on the application (“Application”) of Waste Management of New Mexico, Inc. for a Solid Waste Facility Permit for the Rio Rancho Landfill (RRLF);

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WHEREAS, the Application is for a permit to continue the construction, operation, and eventual closure of the existing RRLF, which is located on Northern Blvd. approximately 2.7 miles west of Highway 528.

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WHEREAS, the Solid Waste Bureau of the New Mexico Environment Department has reviewed the Application and recommends issuance with specified conditions;

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WHEREAS, the RRLF will be an integral facility for the disposition of solid waste generated in the Town of Bernalillo in a safe and environmentally sound manner.

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WHEREAS, approval of the Application will assist the Town of Bernalillo in planning and in anticipating and meeting the needs of its citizens for solid waste disposal.

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WHEREAS, the Governing Body of the Town of Bernalillo has determined that approval of the application is necessary for the health safety and welfare of the citizens of Town of Bernalillo;

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WHEREAS, any person may submit general written comments concerning the Application at the hearing;

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NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF BERNALILLO
GOVERNING BODY:

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The Town of Bernalillo supports approval of the Application, and requests the Secretary of the New Mexico Environment Department approve the Application.

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Councilor Jaramillo moved to approve the Resolution 07/23/07 A Resolution Relating to Solid Waste; Supporting Approval of the Application of Waste Management of New Mexico, Inc. for a

100 Solid Waste Facility Permit for the Rio Rancho Landfill. The motion was seconded by Councilor
101 Sisneros.

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103 Roll Call Vote

104 Councilor Montoya Yea

105 Councilor Jaramillo Yea

106 Councilor Sisneros Yea

107 Councilor Torres Yea

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110 **NEW BUSINESS: 6a) Discussion, Consideration and Action on Adoption of**
111 **Resolution 07/23/07A A Resolution Amending the Personal Rules and Regulations.**

112 **Presenter: Stephen Jerge**

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Town of Bernalillo

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115 **Resolution No. 07-23-07A**

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117 A Resolution amending the Town of Bernalillo's Personnel Rules and Regulations.

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119 **WHEREAS**, The Governing Body of the Town of Bernalillo, pursuant to Resolution no. 2-26-
120 01-A finds that upon written recommendation of the Town Manager/Administrator, the
121 following changes to the Town of Bernalillo's Rules and Regulations are desirable.

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123 **NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF BERNALILLO THAT:**

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125 The Definition of Exempt positions is hereby amended to include the position of Fire Chief of
126 the Town of Bernalillo. Said definition will now read as follows:

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128 Exempt Positions: Are employees appointed by the Mayor and approved by the Governing
129 Body who remain in the position at the pleasure of the Mayor, and have no rights to the
130 grievance process. They included the Town Manager, Town Clerk, and Chief of Police, Town
131 Treasurer and Fire Chief.

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133 **BE IT FURTHER RESOLVED:**

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135 That reference to the position of Town Manager in said Personnel Rules and Regulations also
136 includes reference to Town Administrator.

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138 Councilor Sisneros moved to approve the Resolution 07/23/07A A Resolution Amending the
139 Town of Bernalillo's Rules and Regulations. The motion was seconded by Councilor Montoya.

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141 Roll Call Vote

142 Councilor Jaramillo Yea
 143 Councilor Sisneros Yea
 144 Councilor Torres Yea
 145 Councilor Montoya Yea

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NEW BUSINESS: 6a) Discussion, Consideration and Action on Adoption of Resolution 07/23/07B Budget Adjustment General and Utility Fund. Presenter: Santiago Chavez

TOWN OF BERNALILLO
 RESOLUTION NO. 07-23-
 07B

WHEREAS, the Town of Bernalillo meeting in Regular Session on the 23rd day of July, 2007 at the Town Hall at 6:30 p.m., as per law,

WHEREAS, the need for a budget adjustment has developed due to the unanticipated increase in expenditures:

NOW, THEREFORE BE IT RESOLVED; that the budget be amended as follows:

	TO	FROM
Fire Misc Inc (NMFA)		\$ (177,060.71)
Fire	\$ 177,060.71	
Fire (Cash)		\$ (10,565.91)
EMS (Cash)	\$ 10,565.91	
Revenue Bond		\$ (779,479.47)
Waste Water	\$ 779,479.47	
General Fund Misc		\$ (24,751.43)
General Fund Misc	\$ 24,751.43	
Utility Fund		\$

Misc		(104,260.50)
Utility Fund		
Misc	\$ 104,260.50	
TOTAL	\$ 1,096,118.02	\$(1,096,118.02)

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153 Councilor Montoya moved to approve the Resolution 07/23/07B Budget Adjustment General
154 and Utility Fund. The motion was seconded by Councilor Torres.
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156 Roll Call Vote
157 Councilor Sisneros Yea
158 Councilor Torres Yea
159 Councilor Montoya Yea
160 Councilor Jaramillo Yea
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162 **NEW BUSINESS: 6a) Discussion, Consideration and Action on Adoption of**
163 **Resolution 07/23/07C A Resolution Regarding Disposal of Property. Presenter: Santiago**
164 **Chavez**
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166 **Resolution No. 07-23-07C**
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169 A Resolution regarding disposal of property.
170

171 **WHEREAS,** the Town of Bernalillo has accumulated numerous
172 vehicles, attached hereto as Exhibit A, which are no
173 longer needed for essential governmental purposes and
174 which are now so deteriorated that they have very little
175 value, if any and
176

177 **WHEREAS,** Section 3-5-2(A) N.M.S.A. Comp. Provides that a
178 municipality may dispose of personal property at private
179 sale without notice where it is shown to the governing
180 body that such property does not exceed the value of
181 Two Thousand Five Hundred (\$2,500) dollars; and

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WHEREAS, the Governing Body is satisfied that none of these vehicles has a value in excess of Two Thousand Five Hundred (\$2,500) dollars.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF BERNALILLO THAT

None of the vehicles identified in the attached Exhibit have a value over Two Thousand Five Hundred (\$2,500.00) dollars.

The Town of Bernalillo, through its administration is hereby authorized to dispose of the obsolete vehicles identified in Exhibit A, attached hereto pursuant to the provisions of Section 3-54-2-A, N.M.S.A. Comp.

Councilor Jaramillo moved to approve the Resolution 07/23/07C A Resolution Regarding Disposal of Property. The motion was seconded by Councilor Montoya.

Roll Call Vote

Councilor Torres	Yea
Councilor Montoya	Yea
Councilor Jaramillo	Yea
Councilor Sisneros	Yea

NEW BUSINESS: 6a) Discussion, Consideration and Action on Approval on the Request for Waiver of the 300ft Rule for the Purpose of Wine Served at the 20th Annual New Mexico Wine Festival to be held September 1-3, 2007. Presenter: Maria Rinaldi

The Town of Bernalillo MainStreet Association hereby formally request a waiver of the 300 Foot Rule, pursuant to Chapter 223 of the Liquor Control Act for the purpose of hosing the 20th Annual New Mexico Wine Festival on the grounds of the Lorretto Community Park on Labor Day weekend, September 1-3, 2007.

The waiver request would allow the temporary serviced of wine within three hundred feed of Our Lady of Sorrows Catholic Church, Assembly of God Church, PB&J Therapeutic Preschool.

House Bill 131 of the 1997 State Legislature allows that a license may be granted for proposed licensed premises if a waiver is obtained from the local option district governing body.

222 Councilor Sisneros moved to approve the Request for Waiver of the 300ft Rule for the Purpose
223 of Wine Served at the 20th Annual New Mexico Wine Festival to be held September 1-3, 2007.
224 The motion was seconded by Councilor Torres.

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226 Roll Call Vote

227	Councilor Montoya	Yea
228	Councilor Jaramillo	Yea
229	Councilor Sisneros	Yea
230	Councilor Torres	Yea

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234 **NEW BUSINESS: 6a) Discussion, Consideration and Action on Approval on the**
235 **Request for Waiver of the 300ft Rule for the Purpose of Wine Served at the UNM Los**
236 **Alamos Retirement Scholarship Fundraiser to be held July 29, 2007. Presenter: Maria**
237 **Rinaldi**

238

239 The University of New Mexico Los Alamos (UNMLA) formally request formally request a
240 waiver of the 300 Foot Rule, pursuant to Chapter 223 of the Liquor Control Act for the purpose
241 of serving wine at the Retirement Scholarship Fundraiser on July 29, 2007.

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243 The waiver request would allow the temporary serviced of wine within three hundred feed of
244 Our Lady of Sorrows Catholic Church, Assembly of God Church, PB&J Therapeutic Preschool.

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246 House Bill 131 of the 1997 State Legislature allows that a license may be granted for proposed
247 licensed premises if a waiver is obtained from the local option district governing body.

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249 Councilor Torres moved to approve the Request for Waiver of the 300ft Rule for the Purpose of
250 Wine Served at the UNM Los Alamos Retirement Scholarship Fundraiser to be held July 29,
251 2007. The motion was seconded by Councilor Jaramillo.

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253 Roll Call Vote

254	Councilor Jaramillo	Yea
255	Councilor Sisneros	Yea
256	Councilor Torres	Yea
257	Councilor Montoya	Yea

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260 **FINANCIAL SECTION: 11a) Approval of General Fund Vouchers #31697**
261 **#31796.**

262 Councilor Jaramillo moved to approve the General Fund Vouchers 31697 - #31796 as presented.
263 The motion was seconded by Councilor Montoya and carried unanimously.

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FINANCIAL SECTION: 11b) Approval of Utility Fund Vouchers #62662 - #62713.

Councilor Jaramillo moved to approve the Utility Fund Vouchers #62662 - #62713 as presented. The motion was seconded by Councilor Sisneros and carried unanimously.

FINANCIAL SECTION: 11c) Approval of MVD Fund Vouchers #66436 - #66447.

Councilor Jaramillo moved to approve the MVD Fund Vouchers #66436 - # 66447 as presented. The motion was seconded by Councilor Montoya and carried unanimously.

**FINANCIAL SECTION: 11d) Approval of Housing Low Rent Vouchers #5237LR-
#5258LR.**

Councilor Torres moved to approve the Housing Low Rent Vouchers #5237LR - #5258LR as presented. The motion was seconded by Councilor Montoya and carried unanimously.

**FINANCIAL SECTION: 11f) Approval of Waste Water Treatment Plant Voucher
#18-19.**

Councilor Torres moved to approve the Waste Water Treatment Plant Voucher #18-19 as presented. The motion was seconded by Councilor Jaramillo and carried unanimously.

There being no further business the meeting was adjourned at 8:00 P.M.

Done this 23rd day of July 2007.

ATTEST:

Ida Fierro, Town Clerk
(seal)

Patricia A. Chávez, Mayor