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4 **MINUTES OF A REGULAR MEETING**  
5 **OF THE GOVERNING BODY OF THE TOWN OF BERNALILLO**  
6 **HELD AT THE TOWN HALL**  
7 **October 08, 2007**  
8

9 The Governing Body of the Town of Bernalillo met in a special session within the law and rules  
10 of the Town on October 08, 2007, at 6:30 P.M.

11  
12 Upon Roll call the following members were found to be present:

13  
14 **PRESENT:**

15 Mayor Chávez  
16 Councilor Montoya  
17 Councilor Sisneros  
18 Councilor Jaramillo  
19 Councilor Torres

**ALSO PRESENT:**

Stephen Jerge                      Steve Amiot  
Fred Radosevich                  Sharon Torres-Garcia  
Yolanda Mora                      Crystal Hyer  
Santiago Chavez                  Christopher Hyer  
Kelly Moe                            George Perez  
Mary Kwapich                      Orlando Lucero

20  
21  
22  
23 **ABSENT:**

**Others Present Not Identified**

24  
25 **APPROVAL OF AGENDA: 4a)**

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

28  
29 **Appointment 5a) Municipal Judge**

30  
31 Mayor Patricia Chavez presented to the Governing Body, Christopher Hyer, for Municipal  
32 Judge, Christopher is a twelve (12) year resident of The Town of Bernalillo, he is registered to  
33 vote, as per the ordinance requirements for Municipal Judge, and he was one of the top  
34 recommendations from the panelist that interviewed all four (4) candidates. We had a total of  
35 seven (7) calls of interest for Municipal Judge, of those four (4) calls of interest; there was four  
36 (4) letters of interest that were submitted for consideration, the four (4) individuals of interested  
37 were as follows:

38  
39 Christopher Hyer  
40 Sharon Torres-Garcia  
41 E.L Maner  
42 Ernest Rinaldi

43  
44 After Human Recourse identified that all candidates met the qualifications, all four (4) went  
45 through a panel interview; three (3) were submitted to the Mayor for consideration.  
46

47 Mayor Chavez asked Mr. Hyer to address the Governing Body. Christopher Hyer, addressed  
48 Governing Body, he distributed copies of a letter of reference, to Mayor & Council Members,  
49 addressed from Mr. Tapia, Bernalillo High School Principal.

50

51 Mayor Chavez asked for Mr. Hyer's interest in Judge Position and processes for Municipal  
52 Judge. Mr. Hyer then went over his resume, stating his current position at Albuquerque Advance  
53 Planning Department, as acting Project Manger, in which familiarizes him with Ordinances and  
54 interpretation of Ordinances. He stated he has involvement with community projects, resolution  
55 of community issues and teaches Economics at UNM

56

57 Mr. Hyer then asked for questions.

58

59 Councilor Jaramillo then asked if Mr. Hyer had any experience in the court room at all. He  
60 answered no, not as a Judge.

61

62 Councilor Torres asked how he had heard about the vacancy. Mr. Hyer answered he read the  
63 press release the Town published and the Town of Bernalillo Newsletter.

64

65 Councilor Jaramillo asked if the Municipal Judge position would be a conflict with his teaching  
66 schedule. Mr. Hyer answered no, he only teaches at UNM once a week, on Tuesdays, and if it  
67 became a conflict he would temporary resign.

68

69 Councilor Torres asked how felt about the position only being for five (5) months until the next  
70 election in March. Mr. Hyer answered the position would offer him opportunity to learn; and he  
71 would like to campaign for the position.

72

73 Councilor Montoya asked the Mayor if the Council Members could get a copy of Mr. Hyer's  
74 resume. Council Montoya stated that they had no background information on Mr. Hyer, and it  
75 would be difficult to make an informed decision. Mayor Chavez passed out Mr. Hyers' resume.

76

77

78 Mayor Chavez asked if there were any other questions.

79

80 Councilor Torres then asked the Mayor why they could not continue with the Alternate Judge  
81 Sharon Torres-Garcia until the election. Mayor Chavez answered the outline of the process was  
82 discussed at a prior council meeting after Judge Alonzo resigned in August. Mayor stated that it  
83 was set up to present transparency in Government and getting the community involved.

84 Expressed in that meeting she was not well verse on the Judgeship and therefore a panel of  
85 Judges would be invited to consulted on interviewing. The panel consisted our resident citizen,  
86 HR Manger, and former 2<sup>nd</sup> Judicial District Judge (also practices in Sandoval County), Former  
87 Magistrate Judge.

88

89 Deadline was September 6, 2007 on submitting of letters of interest; no letter of interest were  
90 accepted after that firm date. The Mayors' intent was to offer recommendation at last meeting be  
91 due to conflicts in gathering the panelist that was not possible until the October 8, 2007 Council  
92 meeting.

93  
94 Councilor Jaramillo stated it was her wishes that the Town continued with Judge Sharon Torres-  
95 Garcia and to make Mr. Hyer the Alternate Judge. Mayor Chavez answered that was an open  
96 option previously, but it was decided by Council to go through the process to find the best  
97 qualified candidate.

98  
99 Councilor Jaramillo stated that Mr. Hyer was asked about his experience and stated that he had  
100 none, therefore how could he be received as the best candidate.

101  
102 Councilor Sisneros stated that Sharon Torres-Garcia has put the time in and sought education of  
103 the position and the process pertaining to the Municipal Judgeship; therefore she would be the  
104 best candidate. Mr. Hyer could be a candidate for the Alternate Judgeship.

105  
106 Councilor Montoya stated that all information and facts about the candidates were not given to  
107 council so therefore they could not possibly make an informed decision. Mayor Chavez states  
108 that the governing body had many opportunities to express their opinions before now; she felt all  
109 candidates were capable of performing the judicial duties; if Council is not ready to make  
110 decision now, a workshop can be scheduled to further interview Mr. Hyer.

111  
112 Councilor Torres stated that he felt a workshop is not in order and furthermore the governing  
113 body has brought to her attention that Sharon Torres-Garcia has had experience and Mr. Hyer  
114 has none, therefore a resolution could be she could be the Judge and he could be a candidate for  
115 Alternate Judge.

116  
117 Councilor Jaramillo stated that the Election is a short time away and would give Mr. Hyer a  
118 chance to see if he would like to pursue a Judgeship, if he was deemed to be Alternative. Mayor  
119 Chavez states that decision was made when the candidates submitted letters of interest; one of  
120 the questions of the interviewers was their wiliness to run in the next election; stating that she  
121 stands on her recommendation of Mr. Hyer.

122  
123 Mayor Chavez asked Council if they had any other questions of Mr. Hyer.

124  
125 Councilor Torres had a question for George Perez, Town Attorney, once she makes her  
126 recommendation and council disagrees, does the motion die. George Perez answered no that only  
127 applies to the appointed positions.

128  
129 Council Jaramillo makes motion to continue Sharon Torres- Garcia as Municipal Judge and  
130 Christopher Hyer as the alternative Judge.

131  
132 Mayor Chavez states the discussion on the table is the hire of Christopher Hyer as the Municipal  
133 Judge. She would like to table the appointment until Council has a workshop.  
134 Councilor Torres stated that there will be no need for a workshop, because Mr. Hyer experience  
135 will still remain the same at that time.

136  
137 Council Jaramillo states the Governing Body wishes have been clear and then asked George  
138 Perez for advice. George states that there is a motion on the floor and it needs to be seconded or  
139 dies for lack of a second. The recommendation needed to be voted on.

140  
141 Mayor Chavez moves for a second on motion of Council Jaramillo to have Sharon Torres-Garcia  
142 as Municipal Judge and Christopher Hyer as an alternate Judge; lack of a second. Motion tabled.

143  
144 Mayor Chavez moves to approve the Municipal Judge seat to Christopher Hyer

145  
146 Roll Call Vote

147	Councilor Sisneros	Nea
148	Councilor Jaramillo	Nea
149	Councilor Torres	Nea
150	Councilor Montoya	Nea

151  
152 **Appointment 5b) of Alternate Judge**

153  
154 Mayor Chavez states her recommendation Sharon Torres-Garcia. Mayor Chavez asks Sharon  
155 Torres-Garcia to address the Governing body.

156  
157 Sharon stated that she has been doing this for the last five years and is fully qualified for this  
158 position. She states she is knowledgeable in working with the kids of the community and is also  
159 bilingual and there is no need for an interpreter in the courtroom. She was mentored by the  
160 previous Judge Alonzo Lucero. She stated that she wants to be the Municipal Judge for The  
161 Town of Bernalillo and will continue being the Alternative Judge until the matters at hand are  
162 settled.

163  
164 Mayor Chavez asked Governing body has any questions.

165  
166 Council Jaramillo asked Sharon Torres-Garcia about her training. Sharon Torres-Garcia states  
167 that training the Judicial Education Committee since the beginning 2002. She recertifies every  
168 year and has been on the bench training for four (4) years. Sharon stated the last two (2) month  
169 since the resignation of Judge Lucero has been the best Judgeship experience.

170  
171 Councilor Torres asked if she has been handling the Zoning ordinances. She stated she has not.  
172 Council Torres asked do you have a copy of the ordinances. Sharon Torres-Garcia states she

173 does not have a copy of those ordinances. She stated that she requested one from H/R Director,  
174 Yolanda Mora, and she was told there was one around here somewhere, but still has not received  
175 a book of ordinances. She depends on the officers in court to state the ordinances.

176  
177 Councilor Sisneros asked if any of those cases are going to Magistrate Court. Sharon Torres-  
178 Garcia then stated that she had no idea. Council Sisneros asked Kelly Moe if these were being  
179 directed to Magistrate Court or District Court. Kelly Moe, Planning and Zoning Officer, stated  
180 he does not know of any being heard recently, but in the past they have been heard at the  
181 Municipal Level. Sharon Torres-Garcia stated that the community service pulled thru the court is  
182 not being handled by Bessie Gutierrez, Municipal Court Clerk, because she is overwhelmed  
183 currently, because the lack of a Judge. Therefore, arrangement are filter thru the county, then  
184 back thru the city to Jason Soto, Recreation Director, or Randy Maestas, Public Works Director.  
185 Community Service is currently overseen by the County.

186  
187 Councilor Jaramillo asked when she took the Alternate Judge position did she apply or  
188 volunteer. Sharon Torres-Garcia stated that the previous Judge Lucero offered her the position,  
189 and then the council voted her in as Alternative Judge.

190  
191 Mayor Chavez moves to vote for the Alternative Judge Position

192  
193 Councilor Montoya asked if they vote, Yea, will this exclude Sharon Torres-Garcia as a  
194 candidate for Municipal Judge, per George Perez, Town Attorney, stated no this will not have  
195 any effect on that vote.

196  
197 Councilor Torres Rescued  
198 Councilor Sisneros Yea  
199 Councilor Montoya Yea  
200 Councilor Jaramillo Yea

201  
202 **Personnel 6a) Receptionist**

203  
204 Yolanda Mora, Human Resource Director, stated that the committee recommends, Sandra  
205 Archibeque, for the receptionist position.

206  
207 Councilor Sisneros asked how many application were received for this position, Yolanda stated  
208 that approximately twelve (12) persons applied, out of the twelve, five (5) were interviewed.

209  
210 Council Montoya move to approve the hire of Sandra Archibeque for the Receptionist Position.  
211 The motion was second by Council Sisneros and carried unanimously

212  
213 Councilor Torres asked if applicants can be present in the future. Yolanda Mora stated she does  
214 tell the applicant about the Council Meetings, but tells them it is not mandatory attendance. In

215 the future she can make it mandatory for the applicants attend to the Council Meetings.

216

217 **Personnel 6b) Motor Vehicle Clerk Part-Time**

218

219 Yolanda Mora, Human Resource Director, stated that the committee recommends Adriana  
220 Bryant, for the position of Motor Vehicle Clerk part-time.

221

222 Council Torres ask how many hours part-time. Yolanda answered no more than thirty-two (32).

223

224 Councilor Jaramillo asked Yolanda will she be able to assist when Diane Prairie is absent.

225 Yolanda stated that yes this was discussed in the interview process.

226

227 Councilor Jaramillo moved to approve Adriana Bryant as the part-time Motor Vehicle Clerk.

228 The motion was second by Councilor Torres and carried unanimously.

229

230 **Personnel 6c) Administrative Assistant Housing Department**

231

232 Yolanda Mora, Human Resources Director, stated that the committee recommends Zachary  
233 Falser, as the Administrative Assistant for the Housing Department. Yolanda stated that he came  
234 from Excel Staffing Services and has been with the Town for five (5) months. He has help bring  
235 in funds and locate funds that were owed to the Housing Department.

236

237 Council Sisneros asked if we get local applicants from Bernalillo. Yolanda stated yes the Town  
238 does receive applications from residents of Bernalillo.

239

240 The Town received five (5) applicants for this position.

241

242 Councilor Sisneros moved to approve hiring of Zachary Fosler as Administrative Assistant for  
243 the Housing Department. The motion was seconded by Councilor Montoya and carried  
244 unanimously

245

246 **Personnel 6d) Firefighter**

247

248 Yolanda Mora, Human Resource Director, stated that the committee recommends Brannon Porch  
249 for the firefighter position for The Town of Bernalillo. Councilor Torres asked why there was  
250 only one (1), he thought they were hiring two (2). Yolanda responded that the other candidate  
251 declined the position. Council Torres asked if he could ask why. Yolanda stated she did not  
252 know why he declined the position.

253

254 Councilor Sisneros asked in the interview process did they complete any test. Yolanda stated yes  
255 there was an agility test, scoring was not a consideration for hire, only to achieve the test. The  
256 test was completed by Rio Rancho Fire Station one. Council Sisneros asked how Brannon Porch

257 did on this test. Yolanda answered stated he did better than most full-time Firefighters at Rio  
258 Rancho, on average they come in at three and a half (3 1/2) minutes and Brannon scored two  
259 minutes and fifty three seconds. 2.53.

260  
261 Councilor Torres asked what steps are we taking now, and when he gets hired what steps follow.  
262 Yolanda replied part of condition of employment will be a completion of Bernalillo County Fire  
263 Training Academy, which will be at no cost to the Town. Unfortunately, the first date has passed  
264 for enrollment, next date will be April. Yolanda stated that she did not have an exact date, but  
265 she is handling the Firefighter employment process. Councilor Torres asked if another  
266 Firefighter will be hire before April. Yolanda stated yes. Councilor Torres asked if they would  
267 all be attending the training at the same time. Yolanda answered yes. Council Torres asked if we  
268 are relying on volunteers and the Chief in the interim. Yolanda answered yes.

269  
270 Councilor Jaramillo asked how long the Academy lasts; Yolanda stated twelve (12) weeks.

271  
272 Councilor Jaramillo move to approve the hiring Brannon Porch as Firefighter. The motion was  
273 second by Councilor Sisneros and carried unanimously.

274  
275 **Approval of Minutes 7a) Regular Meeting of September 10, 2007**

276  
277 Mayor Chavez requests approval of adoption of ordinance with the conditions, some conditions  
278 were left out that need to be included into the ordinance as in, no water connections,  
279 landscaping, water rights, and drainage. Starting at 150-153, Councilor Jaramillo asked what the  
280 Mayor notes stated, Mayor answered one concern was the water right transferred at the time the  
281 Master Plan is adopted, discussion of landscaping that they describe in the plan and captured in  
282 the ordinance, drainage as per purposed in the plan. Council Jaramillo asked if Ida could take a  
283 look at that.

284  
285 Council Sisneros moves to approve minutes of September 10, 2007 as amended. The motion  
286 was second by Councilor Montoya and carried unanimously.

287  
288 **Approval of Minutes 7b) Regular Meeting of September 24,2007**

289  
290 Mayor Chavez stated line 118 misspelling of through and line 119 misspelling of through. Line  
291 133 “to” to replace “on”. Line 161-163 including as conditions Spanish Bluff and add  
292 landscaping and drainage. Line 143 misspelling of “stated”. Line 257 changed “tradition” to  
293 “traditional”. Line 262 change “if” to “it”. Line 316-319 includes “drainage and landscaping”  
294 after open spaces. Line 472 added “stated” after Bohannon. Line 477 should be water rights, not  
295 right, again in adoption of ordinances in line 484 add, “develop a round about to commercial  
296 grade to detour traffic”. Ida Fierro will review minutes with Margaret Valdez in Zoning.

297  
298 Councilor Montoya moved to approve the minutes of September 24, 2007 as amended. The

299 motion was second by Councilor Sisneros and carried unanimously.  
300  
301

302 **NEW BUSINESS: 8a) Discussion, Consideration and Action on Approval of 2007**  
303 **Justice Assistance Grant for New Mexico Gang Multi-Jurisdictional Task Force.**  
304 **Presenter: Fred Radosevich**  
305

306 State of New Mexico- Department of Public Safety Grant Accountability & Compliance Section  
307

308 SUB GRANT AGREEMENT  
309

310 THIS SUB-GRANT AGREEMENT made and entered into by and between the Department of  
311 Public Safety, State of New Mexico, acting through the Grant Accountability and Compliance  
312 Section (GACS), Post Office Box 1628, 4491 Cerrillos Rd., Santa Fe, New Mexico, 87504,  
313 hereinafter referred to as the SECTION, and the Town of Bernalillo on behalf of the New  
314 Mexico, Gang Task Force (NMGTF), hereinafter referred to as the SUB-RECIPIENT.  
315

316 Whereas, this Sub-grant Agreement is made by and between the Section and the Sub-recipient  
317 pursuant to the statutory authority under 42 U.S.C. 3751(a)(BJA-JAG Formula).  
318

319 Grant Program Budget amount: \$210,156.00  
320

321 Councilor Jaramillo moved to approve Action on Approval of 2007 Justice Assistance Grant for  
322 New Mexico Gang Multi-Jurisdictional Task Force. The motion was seconded by Councilor  
323 Torres and carried unanimously.  
324

325  
326 **NEW BUSINESS: 8b) Discussion, Consideration and Action on Approval of 2008**  
327 **Justice Assistance Grant for New Mexico Gang Multi-Jurisdictional Task Force.**  
328 **Presenter: Fred Radosevich**  
329

330  
331 State of New Mexico- Department of Public Safety Grant Accountability & Compliance Section  
332

333 SUB-GRANT AGREEMENT  
334

335 THIS SUB-GRANT AGREEMENT made and entered into by and between the Department of  
336 Public Safety, State of New Mexico, acting through the Grant Accountability and Compliance  
337 Section (GACS), Post office Box 1628, 4491 Cerillos Rd., Santa Fe, New Mexico, 87504,  
338 hereinafter referred to as the SECTION, and the Town of Bernalillo on behalf of the Gang Task  
339 Force (NMGTF), hereinafter referred to as the SUB-RECIPIENT.  
340

Whereas, this Sub-grant agreement is made by and between the Section and the Sub-recipient,



341 pursuant to purpose of Regional Drug Task Force.

342

343 Grant Program Budget Amount: \$64,286.00

344

345

346 Councilor Torres moved to approve the Action on Approval of 2008 State Appropriation for the  
347 Department of Public Safety New Mexico Gang Task Force. The motion was seconded by Councilor  
348 Sisneros.

349

350

351

352

353 **MISCELLANEOUS: 9a) Update Administration Items – Presenter Stephen Jerge.**

354 Kelly Moe gave an update on the progress of the Transit Oriented Plan. No action taken as of  
355 this time.

356 **FINANCIAL SECTION: 10a) Approval of General Fund Vouchers #32204-#32310.**

357

358 Councilor Jaramillo moved to approve the General Fund Vouchers #32204-#32310 as presented.  
359 The motion was seconded by Councilor Montoya and carried unanimously.

360

361 **FINANCIAL SECTION: 10b) Approval of Utility Fund Vouchers #62902-#62930.**

362 Councilor Jaramillo moved to approve the Utility Fund Vouchers #62902- #62930 as presented.  
363 The motion was seconded by Councilor Torres and carried unanimously.

364

365 **FINANCIAL SECTION: 10c) Approval of MVD Fund Vouchers #66510-#66158**

366 Councilor Sisneros moved to approve the MVD Fund Vouchers #66510-#66158 as presented.  
367 The motion was seconded by Councilor Torres and carried unanimously.

368

369 **FINANCIAL SECTION: 10d) Approval of Housing Low Rent Vouchers #5355LR-**  
370 **#5373LR**

371 Councilor Torres moved to approve the Housing Low Rent Vouchers #5355LR-#5373LR as  
372 presented. The motion was seconded by Councilor Montoya and carried unanimously.

373

374 **FINANCIAL SECTION: 10e) Approval of Section 8 Vouchers #7756-#7767.**

375 Councilor Torres moved to approve the Section 8 Vouchers #7756-#7767 as presented. The  
376 motion was seconded by Councilor Montoya and carried unanimously.

377

378

379 There being no further business the meeting was adjourned at 7:56P.M.

380

381 Done this 8th day of October 2007.

382

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October 8, 2007  
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383 ATTEST:

384

385

386 \_\_\_\_\_  
Ida Fierro, Town Clerk

387 (seal)

\_\_\_\_\_  
Patricia A. Chávez, Mayor