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48 WHEREAS, current conditions such as relative humidity; weather and fuel content and  
49 condition create an extremely high hazard in the Town of Bernalillo; and,  
50

51 WHEREAS, the probability of ignition of material and fire spread is extremely high in  
52 the Town of Bernalillo; and,  
53

54 WHEREAS, the Town of Bernalillo Town Council finds, based upon current drought  
55 indices published by the national weather service and other information supplied by the United  
56 States Forest Service and the New Mexico State Forestry – District 6, that severe drought  
57 conditions affect the Town of Bernalillo, New Mexico; and,  
58

59 WHEREAS, The Town of Bernalillo Town Council finds that restrictions should be  
60 imposed upon the use of fire, combustibles and fireworks within the Town of Bernalillo, New  
61 Mexico; and,  
62

63 WHEREAS, the possibility of extreme fire situations will severely tax current local, state  
64 and federal resources; and,  
65

66 WHEREAS, the Town of Bernalillo Town Council finds that there exists and immediate  
67 danger to the public health, safety, and welfare of the Town on Bernalillo.  
68

69 NOW THEREFORE BE IT ORDAINED BY THE TOWN OF BERNALILLO, TOWN  
70 COUNCIL, THAT:  
71

72 Section 1. The Town of Bernalillo Town Council hereby declares the conditions  
73 exist in the Town of Bernalillo creating high fire hazard that  
74 represents a significant immediate threat to the peace, safety,  
75 health and welfare of the Town of Bernalillo.  
76

77  
78 Section 2. The following types of open burning shall be prohibited **except in gas**  
79 **cooking grills** unless a permit is obtained:  
80

- 81 a. Campfires;  
82 b. Open Fires;  
83 c. Open Burning of vegetation or rubbish; and,  
84 d. Any other smoke producing substance and  
85 material that creates a fire safety hazard.

86 There is hereby imposed a \$10.00 fee for said permit or such other  
87 amount as may be designated by the Town Administration.  
88

Section 3. For purposes of this Ordinance, the word “fireworks” means any device

89 intended to produce a visible or audible effect by combustion,  
90 deflagration or detonation. The term fireworks is used in the  
91 Ordinance includes but is not limited to the definition of the **word**  
92 “fireworks” provided in NMSA 1978, § 1978, § 60-2C-2K (cum.  
93 Supp. 1999)

94  
95 Section 4. Pursuant to NMSA 1978, § 60-2C-8.1F (2) (a) (Cum. Supp. 1999), the  
96 Town of Bernalillo Town Council gives itself the power to and  
97 does hereby limit the use fireworks to safe and sane fireworks; to  
98 areas that are paved or barren or that have a readily accessible  
99 source of water for use by the homeowner or the general public.  
100 **(Safe and Sane fireworks means hand-held sparklers, smoke**  
101 **devices, ground spinners, pinwheels, top trick noisemakers,**  
102 **crackling devices, cone fountains less than Six feet in height).**

103  
104 Section 5. Pursuant to NMSA 1978, § 60-C2-8.1 F (2) (b) (Cum. Supp. 1999), the  
105 Town of Bernalillo Town Council gives itself the power to and  
106 does hereby restrict the sale and use of illegal fireworks within  
107 the Town of Bernalillo Town Limits. **(Illegal fireworks means**  
108 **missile-type rockets, helicopters, aerial spinners, aerial shells,**  
109 **stick-type rockets, roman candles, firecrackers, cone fountains**  
110 **with a height greater than 6 feet, M-100’s, m-80’s, cherry**  
111 **bombs, and ground audible devices).**

112  
113 Section 6. Pursuant to NMSA 1978, § 60-2C-8.1F (2) (a) (Cum. Supp. 1999), the  
114 Town of Bernalillo Town Council gives itself the power to and  
115 does hereby ban the use of all fireworks within wild lands in its  
116 jurisdiction. (“Wild lands” means any lands covered wholly or in  
117 part by timber, brush or native grass).

118  
119 Section 7. Except as permitted by this Ordinance, the use of all other fireworks of  
120 any kind or description are banned within the Town of Bernalillo.

121  
122 Section 8. EFFECTIVE DATE AND DURATION:

123  
124 Pursuant to NMSA 1978, § 3-18-11, the Town of Bernalillo Town Council hereby  
125 declares it is necessary for the public peace, health, safety and  
126 welfare that this Ordinance take effect immediately after passage.  
127 This Ordinance may be rescinded when favorable conditions exist.

128  
129 Section 9. ENFORCEMENT  
130

131                   The Town of Bernalillo **Fire Chief, Fire Marshal or his designee**, Police  
132                   Department, Planning & Zoning Officer and any of their agents  
133                   shall have the ability to enforce the Ordinance.  
134

135           Section 10.    PENALTIES  
136

137                   Any violation of this Ordinance shall be deemed a misdemeanor and punishable  
138                   by a fine of not more that three hundred dollars (\$300.00) and/or  
139                   up to 90 days in Jail.  
140

141           Section 11.   This Ordinance supersedes and replaces any Ordinances of reference to  
142                   burning, open fire, fireworks, campfires or celebratory events  
143                   requiring open burning. Nothing herein shall relate to a licensed  
144                   business pursuit  
145

146   Mayor Chávez asked if anyone would be testifying either for or against the transfer.  
147

148   Helen Sandoval asked if there would be a fee of \$10 charges just to burn small pile of weeds.  
149

150   Chief John Estrada indicated that once the burn permit is filled out someone from the fire  
151   department would go inspect the site and make the decision at that point whether the fee would  
152   be charged for the burn permit of \$10.  
153

154   Nick Mora asked if the fee of \$10 would be charges every time he burns. He owns a ranch and  
155   burns weeds a few times a year.  
156

157   Chief John Estrada indicated that the \$10 fee would be good for 30 days.  
158

159   Mayor Chávez called for a vote.  
160

161   Councilor Montoya moved to approve Ordinance 241 An Ordinance Amending Ordinance  
162   #2221 Limiting Open Burning and Fireworks in the Town of Bernalillo. The motion was  
163   seconded by Councilor Sisneros and carried unanimously.  
164

165   Roll Call Vote  
166

167   Councilor Jaramillo   Yea

168   Councilor Montoya    Yea

169   Councilor Torres      Yea

170   Councilor Sisneros    Yea  
171  
172

173 **Appointment 6a) Municipal Judge**

174  
175 Tabled

176 **Approval of Minutes 8a) Regular Meeting of November 12, 2007**

177 Council Jaramillo moved to approve minutes of October 22, 2007 as presented. The motion was  
178 second by Councilor Sisneros and carried unanimously.

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182 **NEW BUSINESS: 8a) Discussion, Consideration and Action on Approval on**  
183 **Cancellation of Meeting on December 24, 2007; and, Authorization to Pay Vouchers Due**  
184 **Within Period. Presenter: Stephen Jerge**

185 Due to the holiday season and staff vacations cancellation of meeting the December 24, 2007.  
186 Also to allow the treasurer to proceed with payment of vouchers due within that period.

187  
188 Councilor Jaramillo moved to approve the cancellation of Meeting on December 24, 2007 and  
189 authorization to pay vouchers due within that period. The motion was seconded by Councilor  
190 Sisneros and carried unanimously.

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192

193 **NEW BUSINESS: 8b) Discussion, Consideration and Action on Adoption of Resolution**  
194 **11/26/07 A Resolution Calling for the Election March 04, 2008. Presenter: Ida Fierro**

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196  
197

**ELECTION RESOLUTION**

198  
199

**TOWN OF BERNALILLO**

200  
201

**Resolution No. 11-26-07**

202  
203

Be it resolved by the governing body of the Town Bernalillo of Bernalillo that:

204  
205  
206

207 A. A regular municipal election for the election of municipal officers shall be held on March  
208 4, 2008. Polls will open at 7:00 A.M. and close at 7:00 P.M.

209  
210

211 B. At the regular municipal election, persons shall be elected to fill the following elective  
212 offices: (use only those offices whose terms expire in 2008, or if a vacancy has occurred in  
213 the office of a councilor, trustee, commissioner and/or judge with an expiration term of  
214 2010).

214 1. TWO Councilors for a four year term.

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2. One Municipal Judge for a four year term.
- C. Precincts 1 and 3 and portions of Precincts 2, 4, 50 and 74 are consolidated for the regular municipal election.
- D. The following locations are designated as polling places for the conduct of the regular municipal election:
1. Voters in (Consolidated) Precinct(s) 1 and 3 and portions of Precincts 2, 4, 50 and 74 shall vote at  

Town Hall  
829 Camino del Pueblo  
Bernalillo, NM 87004
- E. Absentee Voting. Any qualified elector of the Town of Bernalillo shall obtain an application for an absentee ballot, only from the office of the Municipal Clerk. All applications for an absentee ballot must be completed and accepted by the Municipal Clerk prior to 5:00 p.m., February 29, 2008. After 5:00 p.m. on February 29, 2008, all unused absentee ballots will be publicly destroyed by the Municipal Clerk. The Municipal Clerk will accept completed absentee ballots delivered by mail, or in person by the voter casting the absentee ballot or by a member of the voter's immediate family, until 7:00 p.m. on March 4, 2008.
- Absentee ballots may be marked in person in the office of the Municipal Clerk during the regular hours and days of business, beginning on Wednesday, February 6 and closing at 5:00 p.m. on Friday, February 29, 2008.
- Absentee voting on paper ballots counted by M100 electronic vote tabulator will be conducted in the office of the Municipal Clerk during the regular hours and days of business, beginning on Wednesday, February 13, 2008 and closing at 5:00 p.m. on Friday, February 29, 2008.
- F. Persons desiring to register to vote at the regular municipal election must register with the County Clerk of Sandoval County not later than Tuesday, February 5, 2008 at 5:00 P.M., the date on which the County Clerk will close registration books.
- G. All Declarations of Candidacy shall be filed with the Municipal Clerk on Tuesday, January

257 8, 2008 between the hours of 8:00 A.M. and 5:00 P.M.

258

259 H. The casting of votes by qualified municipal electors shall be recorded on  
260 paper ballots to be counted by M100 electronic vote tabulators.

261

262 Adopted and approved this 26th day of November, 2007.

263

264 Councilor Sisneros moved to approve Resolution 11/26/07 A Resolution Calling for the Election  
265 of March 04, 2008. The motion was seconded by Councilor Torres and carried unanimously.

266

267 **NEW BUSINESS: 8c) Discussion, Consideration and Action on Adoption of**  
268 **Resolution 11/26/07A A Resolution Regarding Disposal of Property. Presenter: Santiago**  
269 **Chavez**

270

271 Town of Bernalillo

272

273 Resolution No. 11-26-07A

274

275 A Resolution regarding disposal of property.

276

277 WHEREAS, the Town of Bernalillo has accumulated numerous vehicular apparatuses,  
278 attached hereto as Exhibit A, which are no longer needed for  
279 essential governmental purposes and which are now so  
280 deteriorated that they have very little value, if any and

281

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

286

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

289

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

291

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

294

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

298  
299 PASSED, APPROVED and ADOPTED by the governing body at its meeting of  
300 November 26, 2007.

301  
302 Councilor Torres moved to approve Resolution 11/26/07A A Resolution Regarding Disposal of  
303 Property. The motion was seconded by Councilor Jaramillo.

304  
305 Roll Call Vote  
306 Councilor Montoya Yea  
307 Councilor Torres Yea  
308 Councilor Sisneros Yea  
309 Councilor Jaramillo Yea

310  
311  
312 **NEW BUSINESS: 8d) Discussion, Consideration and Action on Adoption of**  
313 **Resolution 11/26/07B A Resolution Adopting The Low Rent Public Housing Operating**  
314 **Budget for Fiscal Year 2008 Ending June 30, 2008 for the Town of Bernalillo Housing**  
315 **Services Department. Presenter: Rick Bela**

316  
317 RESOLUTION 11-26-07B

318  
319 A RESOLUTION ADOPTING  
320 THE LOW RENT PUBLIC HOUSING OPERATION BUDGET  
321 FOR FISCAL YEAR 2008, ENDING JUNE 30, 2008  
322 FOR  
323 THE TOWN OF BERNALILLO HOUSING SERVICES DEPARTMENT.

324  
325  
326 WHEREAS, the Town of Bernalillo has entered into an annual Contributions Contract with the  
327 United States Government, Department of Housing and Urban Development (HUD), and in  
328 accordance therewith has provided for the development and operation of dwelling units for low  
329 income residents of the Town of Bernalillo; and,

330  
331 WHEREAS, the Town of Bernalillo Town Council, is the governing body of the Town of  
332 Bernalillo Housing Services Department; and

333  
334 WHEREAS, the Town of Bernalillo Housing Services Department has prepared forms HUD-  
335 52564, 52571, and 52566, the Low Rent Public Housing Operating Budget for Fiscal Year 2008,  
336 in a manner prescribed by HUD, a copy of which is hereby attached; and

337  
338 WHEREAS, the Town of Bernalillo Housing Services Department has prepared form HUD-  
339 52574 entitled "PHA Board Resolution Approving Operating Budget," in a manner prescribed



340 by HUD, a copy of which is hereby attached; and,

341  
342 WHEREAS, the Town of Bernalillo Town Council, as the governing body of the Town of  
343 Bernalillo Housing Services Department, and in accordance with 24 CFR 990.315, has reviewed  
344 and approved the forms HUD-52564, 52571, and 52566, the Low Rent Public Housing Budget  
345 for Fiscal Year 2008 and form HUD-52574, entitled "PHA Board Resolution Approving  
346 Operating Budget;"

347  
348 NOW, THEREFORE, BE IT RESOLVED by the Town of Bernalillo Town Council that said  
349 forms HUD-52564, 52571, and 52566, the Low Rent Public Housing Operating Budget for FY  
350 2008 and accompanying form HUD-52574, entitled "PHA Board Resolution Approving  
351 Operating Budget," are approved.

352  
353 PASSED, APPROVED AND ADOPTED THIS DATE, NOVEMBER 26, 2007.

354  
355 Councilor Jaramillo moved to approve Resolution 11/26/07B A Resolution Adopting The Low  
356 Rent Public Housing Program Operating Budget for Fiscal Year 2008 Ending June 30, 2008 for  
357 the Town of Bernalillo Housing Services Department. The motion was seconded by Councilor  
358 Montoya.

359  
360 Roll Call Vote

361 Councilor Torres Yea  
362 Councilor Sisneros Yea  
363 Councilor Montoya Yea  
364 Councilor Jaramillo Yea

365  
366 **MISCELLANEOUS: 9a) Wells 1,2,3,& 4 Update and Storm Water Presentation.**

367 **Presenter Ramesh Narasimhan**

368 Ramesh Narasimhan gave an update on the progress of Well 1, 2, 3 and 4 and Storm Water  
369 Presentation. No action taken as of this time.

370  
371 Police Chief Fred Radosevich gave the Mayor and Governing Body a brief overview of the  
372 Town of Bernalillo Police Department.

373  
374 No action was taken.

375  
376 **FINANCIAL SECTION: 10a) Approval of General Fund Vouchers #32502-#32602.**

377 Councilor Jaramillo moved to approve the General Fund Vouchers #32382-#32501 as presented.  
378 The motion was seconded by Councilor Sisneros and carried unanimously.

379  
380 **FINANCIAL SECTION: 10b) Approval of Utility Fund Vouchers #63021-#63076.**

381 Councilor Jaramillo moved to approve the Utility Fund Vouchers #63021- #63076 as presented.

382 The motion was seconded by Councilor Montoya and carried unanimously.

383

384 **FINANCIAL SECTION: 10c) Approval of MVD Fund Vouchers #66540-#66543**

385 Councilor Jaramillo moved to approve the MVD Fund Vouchers #66540-#66543 as presented.

386 The motion was seconded by Councilor Sisneros and carried unanimously.

387

388 **FINANCIAL SECTION: 10d) Approval of Housing Low Rent Vouchers #5440LR-**  
389 **#5469LR**

390 Councilor Jaramillo moved to approve the Housing Low Rent Vouchers #5440LR-#5469LR as  
391 presented. The motion was seconded by Councilor Torres and carried unanimously.

392

393 **FINANCIAL SECTION: 10f) Approval of Waste water Treatment Plant Voucher**  
394 **#27-28**

395 Councilor Sisneros moved to approve the Waste Water Treatment Plant Voucher #27-28 as  
396 presented. The motion was seconded by Councilor Montoya and carried unanimously.

397

398 There being no further business the meeting was adjourned at 8:27P.M.

399

400 Done this 26th day of November 2007.

401

402 ATTEST:

403

404

405 \_\_\_\_\_  
406 Ida Fierro, Town Clerk  
(seal)

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