

1 **MINUTES OF A REGULAR MEETING**
2 **OF THE GOVERNING BODY OF THE TOWN OF BERNALILLO**
3 **HELD AT THE TOWN HALL**
4 **April 27, 2009**
5

6 The Governing Body of the Town of Bernalillo met in a regular session within the law and rules
7 of the Town on April 27, 2009, at 6:30 P.M.

8 Upon Roll call the following members were found to be present:
9

10 **PRESENT:**

11 Mayor Chávez
12 Councilor Montoya
13 Councilor Jaramillo
14 Councilor Sisneros
15 Councilor Torres
16

ALSO PRESENT:

George Perez	Felicia Rodriquez
Robert Bryant	Vern Kilfoy
Santiago Chavez	Mike Moloney
Mary Kwapick	Mary Jo Moloney
Fred Radosevich	John Estrada
Joe Liebert	Martha Liebert
Steve Amiot	Margie Amiot
George Perez	Catherine Wambach
Carlos Madrid	Vangie Madrid

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23 **ABSENT:**

Others Present Not Identified

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

26 Councilor Jaramillo asked to add under Miscellaneous discussion an update on the
27 reorganization. Councilor Montoya asked to add under Miscellaneous discussion update on the
28 task force for the credit card expenditures, discussion on status of the hiring or an actual interim
29 Town Manager and Discussion of the organizational chart. All items to be discussed after the
30 Financial Section on the agenda.
31

32 Councilor Jaramillo moved to approve the agenda as amended with the added Miscellaneous
33 Items to the agenda for discussion only. The motion was seconded by Councilor Torres and the
34 motion carried unanimously.
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36 **PUBLIC HEARING: 5a)Discussion, Consideration and Action on Approval and**
37 **Adoption of Ordinance 250 Implementing an Amendment to the Town of Bernalillo**
38 **Building Code and Performance Standards (TEXT) to Change Required Wording.**
39 **Presenter: Wayne Wormhood**
40

41 STATE OF NEW MEXICO

TOWN OF BERNALILLO

42
43 **ORDINANCE NO.250**
44

45 **AN ORDINANCE IMPLEMENTING AN AMENDMENT TO THE TOWN OF**
46 **BERNALILLO BUILDING CODE AND PERFORMANCE STANDARDS (TEXT) TO**

47 **CHANGE REQUIRED WORDING**

48
49 **WHEREAS**, the 48th Legislature of the State of New Mexico, First Session, 2007, Amended
50 Section 3-17-6 NMSA 1978; and,

51
52 **WHEREAS**, municipalities shall not be in conflict with the laws of the State of New Mexico;
53 and,

54
55 **WHEREAS**, some administrative review costs are not currently recovered under the Town of
56 Bernalillo Building Code and Performance Standards Ordinance; and,

57
58 **WHEREAS**, application and filing fees should cover the full amount necessary for all
59 aspects of the required administrative review, in order that new development not be a
60 financial burden on existing Town residents and businesses;

61
62 **THEREFORE**, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF
63 BERNALILLO, SANDOVAL COUNTY, NEW MEXICO, AS FOLLOWS:

64
65 That the text of Ordinance No. 199 entitled the “The Town of Bernalillo Building Code and
66 Performance Standards” be hereby amended to provide for a change to the required
67 language to reflect current State of New Mexico law, use, and terms as designated in
68 “Exhibit ‘A’” attached hereto.

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72 **EXHIBIT “A”**

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74 **TO THE**

75 **ORDINANCE IMPLEMENTING AN AMENDMENT TO THE TOWN**
76 **OF BERNALILLO BUILDING CODE AND PERFORMANCE**
77 **STANDARDS ORDINANCE (TEXT) TO CHANGE REQUIRED**
78 **WORDING**

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80 **1-1-4 APPLICABILITY**

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82 In order to assist in the construction of this Ordinance, the Town
83 Council declares that it is the intent of the Council that all of the
84 authority conferred upon municipalities by NMSA 1978 Sec. 3-17-6,
85 be exercised by the Town, and that all the provisions of the **New**
86 **Mexico Building Codes (NMAC Title 14, Chapters 5-10) shall 2003**

87 ~~International Building Code, and the 2003 International Residential~~
88 ~~Code~~ apply to and be enforced within not only the corporate limits of
89 the Town, but also within the platting and planning jurisdiction of the
90 Town

91 .

92 **1-2-3 UNLAWFUL TO PERFORM WORK WITHOUT PERMIT IF**
93 **REQUIRED.**

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95 It is unlawful for any person, whether acting as principal, servant,
96 agent, employee or owner, to do any building or construction work for
97 which a permit is required by the NM Building Code without first
98 securing such permit from the inspection department authorizing him
99 so to do. Violation of this section shall be punished in accordance with
100 Bernalillo Ordinance No. 142.

101
102 ~~Note: The State of New Mexico CID Inspectors shall permit and~~
103 ~~inspect all electrical, plumbing and mechanical work in the Town of~~
104 ~~Bernalillo. The manufactured Housing Division shall permit and~~
105 ~~inspect all manufactured placements within the Town.~~ **STRIKE**

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107 **1-3-5 ON SITE UTILITY REQUIREMENTS.**

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109 All housing units, to include site built, modular, manufactured home or mobile homes
110 whether titled or untitled are subject to this Ordinance and shall, prior to occupancy, be
111 inspected by the Building Inspector, and issued a Certificate of
112 Occupancy or a Certificate of Compliance. Approved on site utilities, to include
113 water, sewer, and electricity are a prerequisite to issuance of a manufactured housing
114 installation permit (MHIP) or issuance of a building permit. All housing units shall be
115 connected to a liquid waste disposal system permitted and approved By the New
116 Mexico Environment Department, domestic water well permitted by the New Mexico
117 State Engineer, or be connected to an approved potable water utility whether private or
118 municipal. For purposes of this section:

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- A. There shall be no multiple users connected to a domestic water well nor to any on site liquid waste disposal system.

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B. Approval of connections will only be made after inspection and approval by a **NM Certified Electrical, and/or the New Mexico State Plumbing Inspector** for compliance with the **Code. IBC.**

C. All electrical, plumbing, and gas hookups shall be inspected and approved by an inspector of the Manufactured Housing Division, ~~or CID, as the case may be~~ prior to occupancy and before a Certificate of Occupancy or Certificate of Compliance will be issued by the Town. **STRIKE**

1-4-5 **PERMIT REQUIRMENTS.**

The Town of Bernalillo inspection department shall prescribed a permit application form requiring information regarding the identification of the manufactured home/mobile home, location of placement, compliance with applicable placement standards, and such other information as deemed necessary by the director of the inspection department. If the contemplated placement is within the “flood plain zone” as that term is defined by FEMA, the appropriate **Floodplain Use Permit** ~~flood certificates~~ must be obtained.

1-5-1 **FEES**

The Town Council shall from time to time establish fees and charges by resolution for Building Permits, **and Floodplain Use Permits.**

161 Wayne Wormhood, Building Inspector indicated that these changes will better reflect what the
162 State of New Mexico has done with their building code.

163
164 Mayor Chávez asked if there was anyone that would like to speak for or against Ordinance #250.
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166 There was no one for or against Ordinance #250.

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168 Mayor Chávez entertained a motion.

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170 Councilor Sisneros moved to approve Ordinance #250. The motion was seconded by Councilor
171 Torres.

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173 Roll Call Vote

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175 Councilor Torres Yea
176 Councilor Sisneros Yea
177 Councilor Jaramillo Yea
178 Councilor Montoya Yea

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181 **APPROVAL OF MINUTES 6a) Regular Meeting of April 13, 2009**

182 Councilor Jaramillo moved to approve the minutes of April 13, 2009 as presented. The motion
183 was second by Councilor Montoya and the motion carried unanimously.

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FINANCIAL SECTION:7a) Approval of Account Payable List.

186 Councilor Montoya asked for information on the several vouchers: rentals on the restrooms in
187 Rotary Park. Maria Rinaldi was not available to give an update on the status of the new
188 restrooms in Rotary Park, J &J was for the hardware of the new GIS system, Mason Consulting
189 was for training for NM Gang Task Force, and MasterCard expenses would like the Mayor's and
190 Stephen's credit card statements pulled.

191
192 Councilor Jaramillo asked why credit cards are used for town business.

193
194 Santiago Chavez stated the credit cards are used for vendors that do not use credit cards. It is
195 used for flights, hotel rooms and training. A purchase order is obtained by the department using
196 the card prior to purchases. Going forward we are looking for pre authorized cards for use.

197 Councilor Montoya stated that it was good to see a detailed report with the current credit card
198 statements.

199
200 Councilor Sisneros made a motion to approve all the vouchers presented for payment. The
201 motion was seconded by Councilor Montoya and the motion carried unanimously.

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203 **MISCELLANEOUS: 8a) Discussion on the Reorganization.**

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205 Mayor Chávez stated the assignments of duties are in the interest of moving projects forward.
206 The assignments were given to very capable employees and the load has been spread.

207
208 Councilor Montoya read the email sent to staff and councilors about the new organizational
209 chart.

210
211 Councilor Jaramillo asked why are we fixing something that is not broken if staff is working then
212 why are we not just appointing someone to administrator. The directors are doing wonderful
213 jobs and why do this at this point.

214
215 Mayor Chávez stated the assignments made were in the interest of keep our entire projects
216 moving forward. The input of the Council is appreciated.

217
218 Councilor Montoya stated all these projects were being handled correctly by the staff and
219 directors prior to this reorganization. There are a lot of projects and programs that have been
220 reassigned and not sure the people reassigned can handle the work. Adding new responsibilities
221 to the staff that are above the scope of their work. Were reviews done or a performance plan
222 developed prior to the changes made.

223
224 Mayor Chávez stated the reorganization and the responsibilities are not outside the realm of the
225 duties they have been given. With the exception of Santiago Chavez who I have given the
226 responsibility of Town Administrator.

227
228 Councilor Montoya stated there have been several individuals given new responsibility and have
229 already asked the former individual for assistance.

230
231 Councilor Torres stated Mayor you have stated you value our input but we were never asked
232 about the reorganization.

233
234 Mayor Chávez stated that Councilors roll is legislative and administrative is the job of the
235 Mayor. Calling each Councilor would be in violation of "Open Meeting Act".

236
237 Councilor Montoya stated that each director was not notified prior to the changes being made.
238 Some directors had to hear it from other directors.

239

240 Councilor Jaramillo stated the Council would have been more than glad to meet in a Special
241 Meeting to discuss the reorganization.

242
243 Councilor Sisneros agreed with Councilor Jaramillo's statement in "why are trying to fix
244 something that is not broken" and overload one person.

245
246 Mayor Chávez stated that each of the directors affected with added responsibilities were talked to
247 on Thursday. Councilors interfering with the business at hand in not Councils roll. Questioning
248 staffs their skill set is not right.

249
250 **MISCELLANEOUS: 8a) Discussion on Applications for Interim Town Administrator**

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252 Councilor Montoya asked if we are accepting applications prior to the Town Administrator
253 position being posted.

254 .
255 Mayor Chávez stated we have received letters of interest and telephone calls about the position.
256 The information will be used when the position is posted. Yolanda Mora, HR Director will
257 follow the procedures and the interview process.

258
259 **MISCELLANEOUS: 8a) Discussion on the Task Force**

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261 Councilor Montoya stated there was no communication given on the changes made to the Task
262 Force. Who are the individuals and what their qualifications are. How were they chosen and what
263 were is the focus of the Task Force. It should be an investigation.

264
265 Mayor Chávez has directed the Task Force to address the credit card expenditures that are in
266 question. The members are Juliette Chavez who owns her own accounting business, Rob Burpo
267 our Financial Advisor, Lori Dominguez business manager for BPS, Liz Arellano retired BPS and
268 has worked with DFA and finance. The State Auditor indicated our auditors need to remain
269 independent therefore could not be part of the Task Force.. The first meeting the Task Force with
270 be provided direction from Mayor Chávez. Santiago Chavez will provide the task force with the
271 documents and our current policies. Once the Task Force has completed their investigation it will
272 be brought before the Council in a public meeting.

273
274 Councilor Montoya read a public statement about the changes and the Task Force.

275
276 There being no further business, the meeting was adjourned at 7:35P.M.
277 Done this 27th day of April 2009.

278
279 ATTEST:

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281 _____
282 Ida Fierro, Town Clerk

281 _____
282 Patricia A. Chávez, Mayor

Minutes of the Town Council Meeting

April 27, 2009

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(seal)