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**MINUTES OF A REGULAR MEETING
OF THE GOVERNING BODY OF THE TOWN OF BERNALILLO
HELD AT THE TOWN HALL
February 09, 2015**

The Governing Body of the Town of Bernalillo met in a regular session within the law and rules of the Town on February 09, 2015, at 6:30 P.M.

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

PRESENT:
Councilor Dominguez
Councilor Prairie
Councilor Sisneros
Mayor Torres

ALSO PRESENT:
William Sapien

ABSENT:
Councilor Jaramillo

Others Present Not Identified

APPROVAL OF AGENDA: 4a)

Ida Fierro Town Clerk requested that the Financial Report for December 31, 2014 be added to the agenda under Miscellaneous 9)b Financial Report and move Announcements to 9)c.

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

PRESENTATION 5a)2015 :Library Calendar Illustrators. Presenter: Kathy Banks and Susan Rinaldi

Good Evening...I am Kathy Banks the Library Directory for the Town of Bernalillo and this is Library Board Member Susan Rinaldi. We would like to thank you for having us here this evening, so that I we can tell you about a wonderful project as well as thank those that have helped on this project.

The program I am speaking about is the *Day by Day Family Literacy Activity Calendar*. This project was first presented to the Library Board by Susan Rinaldi and it has been Susan, who has spearheaded it through to its completions. The Library Board would like to present the council with a calendar and tell you a bit about it.

This calendar...

- Is geared toward preschoolers
- It is broken up by month

- 43 • Each month has a theme
44 ▪ There are no dates; no indicated year, which gives this calendar longevity
45 in use
46 • Each day of the month has a suggested activity for a parents/grandparent to do with a
47 preschooler. These activities can be as simple as playing a game, making a craft, taking a
48 walk and counting leaves, or reading a book.
49 • Besides daily activities, each month also has a book list geared towards the monthly
50 theme. And, Yes, the library has most of these titles.

51 The intent of this calendar is to assist parents/grandparent in finding new ways to teach
52 preschoolers their colors, numbers, shapes, and seasons. As well as assist them in instilling a love
53 of books and reading.
54

55 We did not think of this on our own. Susan’s brother is a librarian in South Carolina and their
56 State Library came up with the idea (Actually, we found out that South Carolina got it from
57 Oregon who got it from Idaho). They (South Carolina) were very pleased that we wanted to take
58 on such a project and allowed us to use anything from their calendar that we felt would help us
59 with ours. And, Yes, we did use some of their activities and suggested books.
60

61 In considering this project the Library Board members decided to incorporate members of the
62 community in the calendar’s creation. The illustrations for each month were done by a participant
63 of the Summer Recreation program. We think they did any awesome job.
64

65 **5 Illustrators** – 4 Summer Recreation Participants and their councilor, who came to the library
66 once a week during the summer to work on the pictures shown for each month in the calendar
67 Destenee Alvarez – Estefania Ledezema – Kittie Plancarte – Shantay Gutierrez – Ryan Garcia
68 **2 Typists/Formatters** – Being that these ladies both have regular jobs, they worked on weekends
69 typing and formatting this wonderful calendar...not an easy feat.

70 Carla Salazar – Renee Montoya

71 **The Library Board would like to thank Maria Rinaldi** - Director of Community Development
72 and Capital Projects for her encouragement and guidance on this project.

73 **As the Town Librarian**, I would like to thank the Library Board for taking on this project. Your
74 input and proof reading was very helpful.

75 Michael Stern – Bill Young – Nancy Gronning – Alicia Chavez-Lowe – Donna Mondragon – and
76 of course Susan Rinaldi (who brought this project to the board’s attention and who worked none-
77 stop for months getting it finished).

78 We are also sending calendars to the South Carolina State Library.

79 **Feedback** - We have started to get some feedback on this project.

- 80 • Parents/Grandparents like the idea
81 • It is helpful in finding activities and books

82

83
84 Mayor Torres and the Councilmembers thanked the Library Board and Kathy Banks for their
85 work in preparing the calendar for the children in the community.
86

87 **APPROVAL OF MINUTES:6a) Regular Meeting of January 26, 2015**

88 Mayor Torres stated that line # 206 needed to be deleted the same line is on the next page and
89 page 19 add the leave policy as an attachment to the minutes.
90

91 Councilor Sisneros moved to approve the minutes of January 26, 2015 as amended. The motion
92 was seconded by Councilor Dominguez and the motion carried unanimously.
93

94 **NEW BUSINESS: 7a) Discussion Consideration, Approval and Action on Adoption**
95 **of Joint Powers Agreement between the Southern Sandoval County Arroyo Flood Control**
96 **Authority for Street Improvements in the Town of Bernalillo. Presenter: Maria Rinaldi**
97

98 **JOINT POWERS AGREEMENT BETWEEN THE TOWN OF BERNALILLO AND**
99 **SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY**
100 **FOR STREET IMPROVEMENTS IN THE TOWN OF BERNALILLO**
101

102 This Joint Powers Agreement (JPA) is made and entered into by and between the Town of
103 Bernalillo, a New Mexico municipality (hereinafter “Town”) and Southern Sandoval County Arroyo
104 Flood Control Authority (hereinafter “SSCAFCA”), a corporate body and a political subdivision of
105 the State of New Mexico.
106

107 **WHEREAS**, pursuant to the Joint Powers Agreement Act, NMSA 1978, §11-1-7 (1962 as
108 amended) the Town and SSCAFCA are public agencies and have the authority to enter into joint
109 powers agreements; and
110

111 **WHEREAS**, the Town requested and received Capital Outlay Authorization 851 from the
112 2nd session of the 51st Legislature in 2014 in the amount of \$353,000.00 for Street Improvements in
113 the Town of Bernalillo; and
114

115 **WHEREAS**, SSCAFCA is authorized, empowered and directed to acquire, equip, maintain
116 and operate a flood control system for the benefit of the authority and the inhabitants thereof,
117 pursuant to Section 72-19-1 through 72-19-103 NMSA 1978; and
118

119 **WHEREAS**, the Town and SSCAFCA have agreed that the need exists to construct road and
120 drainage improvements for Calle Baack Road; and
121

122 **WHEREAS**, the Town desires to use Capital Outlay Authorization 851 to construct road and
123 drainage improvements for Calle Baack Road; and
124

125 **WHEREAS**, SSCAFCA has completed an engineering analysis of the road and drainage
126 needs for Calle Baack Road, which is attached hereto as Exhibit A and SSCAFCA also retains an on-
127 call contract for additional engineering services.
128

129 **NOW, THEREFORE**, in consideration of the premises and mutual obligations set forth
130 herein, the parties agree as follows:
131

132 SECTION ONE: SSCAFCA AGREES TO:
133

- 134 1.1 Administer this JPA.
135
- 136 1.2 Act as lead agency and pay all costs, including labor associated with the
137 construction of road and drainage improvements to the area of Calle Baack
138 Road, as identified in Exhibit A, except as provided in Section Two of this
139 JPA.
140
- 141 1.3 Invoice Town monthly for costs incurred in the design and construction of the
142 Calle Baack Road Improvements, not to exceed \$353,000.00.
143
- 144 1.4 Provide Town with copies of engineering submittals for review, comment,
145 and/or approval within a specified time frame, as determined by SSCAFCA
146 and agreed to by Town, including the design and construction cost estimates.
147
- 148 1.5 Ensure that all Town review comments/revisions are incorporated into
149 subsequent review drafts and in the final engineering plans for the Calle
150 Baack Road Improvements.
151
- 152 1.6 Provide the final Calle Baack Road Improvements Plans and Specs to the
153 Town for its approval.
154
- 155 1.7 Obtain written approval of Town prior to modifying or authorizing change
156 orders to the scope of work.
157
- 158 1.8 Furnish Town with a completed hard copy and digital copy of the Calle
159 Baack Road Improvements record drawings that have been approved by both
160 Town and SSCAFCA.
161
- 162 1.9 Maintain all records and documents pertaining to this JPA for a minimum of
163 five (5) years from the effective date herein.
164
- 165 1.10 Be strictly accountable for all receipts and disbursements.
166

167 SECTION TWO: THE TOWN AGREES TO:

- 168
169 2.1 Commit the amount of \$353,000.00 for this project.
170
171 2.2 Act as the Grant recipient and complete all required reporting and notification
172 required by the State of New Mexico for reimbursement for expenses as
173 required through the Capital Outlay process.
174
175 2.3 Review, comment, approve or reject submittals within the time frame
176 provided by SSCAFCA and agreed to by Town.
177
178 2.4 Approve the final Calle Baack Road Improvements Plans and Specifications.
179
180 2.5 Upon receipt of invoices with appropriate documentation, pay SSCAFCA
181 costs related to the design and construction of the Calle Baack Road
182 Improvements, no later than 30 days from receipt of invoices.
183
184 SECTION THREE: BOTH SSCAFCA AND THE TOWN AGREE AS FOLLOWS:
185
186 3.1 **Term.** This JPA shall be effective as set forth in paragraph 3.4 below until
187 the project is complete or until December 31, 2015, whichever comes first.
188
189 3.2 **Access to Records.** The parties agree to provide access to each other of all
190 information, documents, reports, files or references that may have been
191 produced as a result of the cooperative efforts set forth herein.
192
193 3.3 **Liability.** Neither party shall be responsible for liability incurred as a result
194 of the other party's acts or omissions in connection with this JPA. Any
195 liability incurred in connection with this JPA is subject to the immunities and
196 limitations of the New Mexico Tort Claims Act, NMSA 1978, §§41-4-1 *et*
197 *seq.* (1976 as amended).
198
199 3.4 **Effective Date.** The effective date of this JPA shall be the date it is approved
200 by the Secretary of the Department of Finance and Administration of the
201 State of New Mexico.
202
203 3.5 **Compliance with Laws.** In performing the services required in this JPA, the
204 Town and SSCAFCA shall comply with all applicable laws, ordinances and
205 rules of federal, state and local governments.
206

207 3.6 **Surplus Funds.** All funds provided by the City are intended to be expended
208 leaving no surplus funds because the City will pay only the amounts invoiced
209 and set forth in Section Two above.

210
211 3.7 **Merger/Amendments.** This document incorporates all agreements, covenants
212 and understandings of the parties hereto concerning the subject matter hereof
213 and such provisions are merged into this Agreement. This Agreement shall
214 not be altered, changed or amended except by instrument in writing executed
215 by the parties hereto and approved by the Secretary of the New Mexico
216 Department of Finance and Administration before becoming effective.

217
218 3.8 **Termination.** This JPA may be terminated by either of the parties hereto
219 upon written notice delivered to the other party at least thirty (30) days prior
220 to the intended date of termination. By such termination, neither party may
221 nullify obligations already incurred for performance or failure to perform
222 prior to the date of termination.

223
224 3.9 **Notices.** Any notice required or permitted to be given hereunder shall be
225 sufficient if mailed to the address shown below or faxed to the number below
226 for the party receiving notice, or to such other address or fax number of
227 which such party has duly notified the other party in accordance with the
228 provisions of this paragraph.

229
230 Mayor Torres entertained a motion.

231
232 Councilor Dominguez made a motion to approve the Joint Power Agreement between Southern
233 Sandoval County Flood Control Authority for Street Improvement in the Town of Bernalillo. The
234 motion was seconded by Councilor Sisneros and carried unanimously.

235
236 **NEW BUSINESS:7b) Discussion, Consideration Action and Approval of the Town of**
237 **Bernalillo Financial Report Fiscal Year Ended June 30, 2014. Presenter: Juan Torres**
238

239 Juan Torres Town Treasurer contacted Christopher Goeman, CPA for Heinfeld, Meech & Co., P.C.
240 on the conference phone so that Christopher could give a brief overview of the June 20, 2014 Town
241 of Bernalillo Financial Report.

242
243 Christopher briefly reviewed the letter dated January 6, 2015. Attachment A

244
245 The Financial Statement for Fiscal Year Ended June 30, 2014 there is a Disclaimer of Opinion and
246 there is no change from prior year. He then reviewed pages 7-24 of the report. Page 47 in reference to
247 GASB #68, page 74-77 required financial statements on accounts, and reviews the audit findings and

248 indicated that there were only 1 new audit finding staff has made progress 4 findings from the
249 previous year were resolved. The corrective action plan will help in eliminating the outstanding
250 prior year audit finding.

251
252 Councilor Dominguez asked why we continue to have these audits finding for prior years should they
253 not have been resolved. I am concerned with the causes on page 84 states insufficient staff and it has
254 continued every year. My concern as one of the councilors by now this should have been resolved.

255
256 Mayor Torres stated that the history the Town was 3 years back logged in Audit which took time to
257 do. What happens is you will continue to have those finding due to the fact there were no audits for
258 those years. The State Auditor and DFA's recommendation was to first get our audit up to date. We
259 have not had the same DFA analyst. Finally last year we met with the State Auditor to approve our
260 action plan to take care of these audit finding. Finally we are at a point that we have an action plan
261 and once we have their approval we will then go the DFA and get their approval. We cannot
262 implement any changes without the approval of both DFA and the State Auditor. The majority of
263 the findings are due to the bank accounts not being balanced monthly. We are current now. But
264 there was a software conversion and the balances carried forward are not correct. We have come a
265 long way in this audit there are 8 repeated finding 4 corrected from last year and 1 new one. It has
266 been a process to get to where we are now. Where we are now compared to 6 years ago we have
267 made great strides. I can assure the council that we do not exceed revenue with expenditures. There
268 are accounts set up for our bond payments. In 2021 we have a bond payment of 2.1 million dollars
269 and are placing that aside so the Town can make that payment. I want to credit Juan Torres he has
270 had to tell staff no on many items and making sure they follow and stay within their budget.

271
272 Mayor Torres entertained a motion.

273
274 Councilor Sisneros made a motion to accept the Town of Bernalillo Financial Report Fiscal Year
275 Ended June 30, 2014. The motion was seconded by Councilor Dominguez and the motion carried
276 unanimously.

277
278
279 **NEW BUSINESS: 7c) Discussion, Consideration, Action and Adoption of**
280 **Resolution 02-09-15 Adopting Citizen Participation Plan for the Town of Bernalillo.**
281 **Presenter: Maria Rinaldi**

282
283 RESOLUTION NO 02-09-2015
284
285 ADOPTING A CITIZEN PARTICIPATION PLAN

FOR THE TOWN OF BERNALILLO

286
287

288 **INTRODUCTION**

289

290 In accordance with the 1987 revisions to the Housing and Community Development Act and in
291 an effort to further encourage citizen participation, the Town of Bernalillo has prepared and
292 adopted this Citizen Participation Plan.

293

294 Objective A.

295

296 The Town of Bernalillo will provide for and encourage citizen participation within their areas of
297 jurisdiction with particular emphasis on participation by persons of low and moderate income.

298

- 299 1. The Town has adopted and adheres to the Open Meetings Act, which provides
300 citizens with reasonable notice of Town meetings, actions and functions.
301
- 302 2. The Town does and will continue to develop press releases on Town meetings,
303 actions and hearings to circulate to newspapers, radio and television media.
304
- 305 3. The Town does and will continue to develop and maintain listings of groups and
306 representatives of low and moderate-income persons and include on mailing lists for
307 announcements, notices, press releases, etc.
308

309 Objective B.

310

311 The Town of Bernalillo does and will continue to provide citizens with reasonable and timely
312 access to local meetings, information and records relating to the proposed and actual use of
313 CDBG funds.

314

- 315 1. Public notices, press releases, etc., will allow for a maximum length of notice to
316 citizens.
317
- 318 2. Appropriate information and records relating to the proposed and actual use of CDBG
319 funds are available upon request to all citizens. Personnel and income records may be
320 exempted from this requirement.
321

322 3. Meetings, hearings, etc., will be conducted at times and locations conducive to public
323 attendance, e.g., evenings, Saturdays.
324

325 Objective C.
326

327 The Town of Bernalillo does and will continue to provide for technical assistance to groups and
328 representatives of low and moderate-income persons that request assistance in developing
329 proposals. (Note: the level and type of assistance to be determined by the Town on a case-by-
330 case basis)
331

332 1. Low/moderate income groups are and will continue to be advised that technical
333 assistance, particularly in the area of community development, is available from the
334 Town.
335

336 2. The Town does and will continue to document all technical assistance provided to
337 such groups and have documentation available for review.
338

339 Objective D.
340

341 The Town of Bernalillo does and will continue to provide for public hearings to obtain citizen
342 participation and respond to proposals and questions at all stages of the Community
343 Development Block Grant Program.
344

345 1. The Town does and will continue to advise citizens of the CDBG Program objectives,
346 range of activities that can be applied for and other pertinent information.
347

348 2. The Town does and will continue to conduct a minimum of two public hearings:
349

350 a. One public meeting will be held for the purpose of obtaining the views of citizens
351 on community development and housing needs to include the needs of low and
352 moderate-income people. This hearing will take place prior to the selection of the
353 project to be submitted to the State for CDBG funding assistance.
354

355 b. A second public hearing will be held for the purposes of gaining citizen input on
356 the particular application to be submitted to the State for CDBG funding
357 consideration.
358

- 359 3. The Town will review program performance, past use of CDBG funds and make
360 available to the public its community development and housing needs including the
361 needs of low and moderate income families and the activities to be undertaken to
362 meet such needs.
363
- 364 4. Public hearing notices will be published in the non-legal section of newspapers or in
365 other local media. Evidence of compliance with these regulations will be provided
366 with each CDBG application, i.e., hearing notice, minutes of public meetings, lists of
367 needs and activities to be undertaken, etc. Amendments to goals, objectives and
368 applications are also subject to public participation.
369

370 Objective E.

371
372 The Town of Bernalillo will provide for timely written answers to written complaints and
373 grievances within 15 working days where practicable.
374

- 375 1. The Town will adopt complaint handling procedures or policies to insure that
376 complaints or grievances are responded to within 15 working days when possible.
377
- 378 2. Procedures will allow for appeal of a decision to a neutral authority.
379
- 380 3. A detailed record of all complaints/grievances and responses will be filed in one
381 central location with easy public access provided.
382

383 Objective F.

384
385 The Town of Bernalillo will identify how the needs of non-English speaking residents will be
386 met in the case of public hearings where a significant number of residents can be reasonably
387 expected to participate.
388

- 389 1. The Town recognizes that a large number of Spanish speaking persons reside in
390 Bernalillo and make appropriate provisions when issues affecting this population are
391 to be discussed at public meetings, hearings, etc. Appropriate provisions will include
392 having interpreters available at the meeting and/or having briefing materials available
393 in the appropriate language.
394
- 395 2. The Town will maintain records/rosters of public hearing attendees and proceedings
396 to verify compliance with this objective.

397
398 3. The Town will address all other non-English speaking populations in the same
399 manner as described in Objective F, 1 and 2.
400

401 Passed, Approved, and Adopted by the Town of Bernalillo, New Mexico this 9th day of February,
402 2015

403
404 Mayor Torres entertained a motion.

405
406 Councilor Dominguez made a motion to Adopt Resolution 02-09-15 Adopting Citizen
407 Participation Plan for the Town of Bernalillo. The motion was seconded by Councilor Prairie and
408 the motion carried unanimously.

409

410

411

412 **NEW BUSINESS: 7d) Discussion, Consideration, Action and Adoption of**
413 **Resolution 02-09-15A Update and Review of the Anti-displacement and Relocation**
414 **Plan for the Town of Bernalillo. Presenter: Maria Rinaldi**

415

416 **RESOLUTION NO 02-09-2015A UPDATE and REVIEW OF THE ANTI-**
417 **DISPLACEMENT AND RELOCATION PLAN**
418 **FOR THE TOWN OF BERNALILLO Adopted on October 11, 2005.**

419

420 (Section 104(d) of the Housing and Community Development Act of 1974 as Amended)

421

422 Section 509 of the Housing and Community Development Act of 1987 (Public Law 100-242,
423 approved February 5, 1988) amended Section 104 of the Housing and Community Development
424 Act of 1974 (the Act) by adding a new subsection (d).

425

426 The new subsection 104(d) of the Act provides that a grant under Section 106 (CDBG Programs)
427 may be made only if the grantee certifies that it is following a “residential anti-displacement and
428 relocation plan.”

429

430 Local governments, recipients under that State CDBG Program, must make this certification to
431 the State. The requirement applies only to those recipients of CDBG funds awarded to the State
432 by HUD after October 1, 1988.

433

434 Accordingly, the foregoing plan represents the efforts of the municipality of Bernalillo to comply

435 with the requirements of Section 104(d) of the Act and is certified herewith:

436

437 PLAN AND CERTIFICATION:

438

439 The Town of Bernalillo herewith certifies that it will replace all occupied and vacant occupiable
440 low/moderate-income dwelling units demolished or converted to a use other than as
441 low/moderate-income housing as a direct result of activities assisted with funds provided under
442 the Housing and Community Development Act of 1974, as amended, as described in 24 CFR
443 570.496 a (b).

444

445 All replacement housing will be provided within three years of the commencement of the
446 demolition or rehabilitation relating to conversion. Before obligating or expending funds that
447 will directly result in such demolition or conversion, the Town will make public and submit to
448 the Local Government Division of the Department of Finance and Administration the following
449 information in writing:

450

- 451 1. A description of the proposed activity;
- 452 2. The location on a map and the approximate number of units, described by size
453 (number of bedrooms), that will be demolished or converted;
- 454 3. A time schedule for commencement and completion of demolition or conversion;
- 455 4. The location on a map and the approximate number of dwelling units described by
456 size (number of bedrooms) that will be provided as replacement dwelling units;
- 457 5. The source(s) of funding and a time schedule for the provision of replacement units;
458 and
- 459 6. The basis for concluding that each replacement unit will remain a low/moderate-
460 income dwelling unit for ten (10) years from the date of initial occupancy.

461

462 The Town will provide relocation assistance, as described in 570.496-a to each
463 low/moderate-income household displaced by the demolition of housing or by the conversion
464 of a low/moderate-income dwelling to another use as a direct result of assisted activities.

465

466 To the extent which the Town participates in Federal Assistance Programs wherein the
467 following anti-displacement strategies can be applied, and consistent with the goals and
468 objectives of activities assisted under the Act, the Town will take the following steps to
469 minimize the displacement of persons from their homes (this listing not all inclusive):

470

471 DISPLACEMENT STRATEGY

472

- 473 A. Steps to Minimize or Prevent Displacement:
474
475 1. Plan, organize and stage the rehabilitation of assisted housing to allow tenants
476 to remain during and after rehabilitation so as to provide the greatest
477 convenience, safe and economically sound rehabilitation efforts possible.
478
479 2. Assist in identifying and locating of temporary relocation facilities in order to
480 house families whose displacement will be of short duration, so that they can
481 move back to their neighborhood after rehabilitation or new construction.
482
483 3. Evaluate housing codes and rehabilitation standards in reinvestment areas to
484 prevent the placing of undue financial burdens on long-established owners or
485 on tenants of multi-family buildings.
486
487 4. Counsel and advise homeowners and renters to understand the range of
488 assistance that may be available to meet and protect their housing rights and
489 interests.
490
491 5. In cooperation with neighborhood organizations, continuously review
492 development trends, identify displacement problems, and identify individuals
493 facing displacement who need assistance.
494

495 B. Actions to Assist Displaced Persons to Remain in their Present Neighborhoods:
496

- 497 1. Provide lower-income housing in the neighborhood through HUD housing
498 programs; purchase units as is; rehabilitate vacant units; or construct housing
499 units.
500 2. Give priority in assisted housing units in the neighborhood to area resident
501 facing displacement.
502
503 3. Target Section 8 existing programs and certificates to households being
504 displaced, and recruit area landlords to participate in the program.
505
506 4. Provide counseling and referral services to assist displaces in finding alternate
507 housing in the neighborhood.
508
509 5. Work with area landlords and real estate brokers to locate vacancies of
510 households facing displacement.

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C. Actions to Otherwise Mitigate Adverse Effects of Displacement

1. Use of public funds, such as CDBG, to pay moving costs and provide relocation payments, or, to the extent permissible by local or state law require private developers to provide compensation to persons displaced by development activities.
2. Give displaces priority in obtaining subsidized housing.
3. Provide counseling and referral services to assist displaces to locate elsewhere in the community.

It shall be the policy of the Town that all persons displaced by CDBG activity shall be relocated into housing that is:

- a) Decent, safe and sanitary;
- b) Adequate in size to accommodate the occupants;
- c) Functionally equivalent;
- d) In an area not subject to adverse environmental conditions.

Plan Adoption Date: Tuesday, October 11, 2005
Reviewed and Updated: **Monday, February 09, 2015**

Mayor Torres entertained a motion.

Councilor Dominguez made a motion to Adopt Resolution 02-09-15A Update and Review of the Anti-displacement and Relocation Plan for the Town of Bernalillo. The motion was seconded by Councilor Prairie and the motion carried unanimously.

NEW BUSINESS: 7e) Discussion, Consideration, Action and Adoption of Resolution 02-09-15B Adopting A Section 3 Plan for the Town of Bernalillo.
Presenter: Maria Rinaldi

RESOLUTION 02-09-2015B

549 **ADOPTING A SECTION 3 PLAN**
550 **FOR THE TOWN OF BERNALILLO**
551

552 **WHEREAS**, The Town of Bernalillo is committed to comply with Section 3 of the Housing and
553 Urban Development Act of 1968, as this act encourages the use of small local businesses and the
554 hiring of low income residents of the community and,
555

556 **WHEREAS**, The Town of Bernalillo has appointed Yolanda Mora, Personnel Director, as the
557 Section 3 Coordinator, to advise and assist key personnel and staff on Section 3, to officially
558 serve as focal point on Section 3 Complaints, as the on-site monitoring of prime contractors and
559 subcontractors to ensure the implementation and enforcement of their Section 3 Plans. The
560 approval or disapproval of the Section 3 Plan is the ultimate responsibility of the Town.
561 Documentation of Town efforts will be retained on file in the appropriate office for monitoring
562 by the State of New Mexico.
563

564 **THEREFORE**, the Town shall:
565

- 566 1. Hiring
567 a. Advertise for all Town positions in local newspapers.
568 b. List all Town job opportunities with the State Employment Service.
569 c. Preference in hiring will be given to lower income persons residing in the town.
570 If two equally qualified persons apply and one is a resident of the town, and one is
571 not, the resident will be hired.
572 d. Maintain records of Town hiring which list job classification, number of positions
573 to be filled, number of positions to be filled by lower income town residents,
574 number of positions filled and number of positions filled by lower income town
575 residents.
576
- 577 2. Contracting
578 a. The Town will compile a list of businesses, suppliers and contractors located in
579 the town.
580 b. These vendors will be contacted whenever the Town requires supplies, service or
581 construction to solicit bids or quotes.
582 c. Preference will be given to small local businesses. If identical bids or quotes are
583 received from a small business located within the town and one from outside the
584 town, the contract will be awarded to the business located within the town.
585
- 586 3. Training

587 The Town shall maintain a list of all training programs operated by the Town and its
588 agencies and will direct them to give preference to town residents. The Town will
589 also direct all CDBG sponsored training to provide preference to town residents.
590

591 4. CDBG Contracts

592 All CDBG bid packages and contracts shall include the following Section 3 language:

- 593 a. The work to be performed under this contract is on a project assisted under, a
594 program providing direct federal financial assistance from the Department of
595 Housing and Urban Development and is subject to the requirements of Section 3
596 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C.
597 1701u. Section 3 requires that to the greatest extent feasible, opportunities for
598 training and employment be given to lower income residents of the project area
599 and contracts for work in connection with the project be awarded to business
600 concerns residing in the project area.
- 601 b. The parties to this contract will comply with the provisions of said Section 3 and
602 the regulation issued pursuant thereto by the Secretary of Housing and Urban
603 Development set forth in 24 CFR and all applicable rules and orders of the
604 Department issued there under prior to the execution of this contract. The parties
605 to this contract certify and agree that they are under no contractual or other
606 disability, which would prevent them from complying with these requirements.
- 607 c. The contractor will send to each labor organization with which he has a collective
608 bargaining agreement or other contract or understanding, if any, a notice advising
609 the said labor organization of his commitments under this Section 3 clause and
610 shall post copies of the notice in conspicuous places available to employees and
611 applicants for employment and training.
- 612 d. The contractor will include this Section 3 clause in every subcontract for work in
613 connection with the project and will, at the direction of the applicant for, or
614 receipt of, federal financial assistance, take appropriate action pursuant to the
615 subcontract upon a finding that the subcontractor is in violation of regulations
616 issued by the Secretary of Housing and Urban Development, 24 CFR 135. The
617 contractor will not subcontract with any subcontractor where it has notice or
618 knowledge that the latter has been found in violation of regulations under 24 CFR
619 135, and will not let any subcontract unless the subcontractor has first provided it
620 with the requirements of these regulations.
- 621 e. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR
622 135, and all applicable rules and order of the Department, issued there under prior
623 to the execution of the contract, shall be a condition of the federal financial
624 assistance provided to the project, binding upon the applicant or recipient for such

625 assistance, its successors, and assigns. Failure to fulfill these requirements shall
626 subject the applicant or recipient, its contractors and subcontractors, its successors
627 and assigns to those sanctions specified by the grant or loan agreement or contract
628 through which federal assistance is provided, and to such sanctions as are
629 specified by 24 CFR. 135.

630
631 The Town of Bernalillo will maintain all necessary reports and will ensure that all contractors
632 and subcontractors submit required reports. The Town will also require each contractor to
633 prepare a written Section 3 Plan as part of their bids on all jobs exceeding \$100,000.00. All
634 Section 3 Plans shall be reviewed and approved by the Town's Equal Opportunity Section 3
635 Compliance Officer and shall be retained for monitoring.

636 **LOWER INCOME CLARIFICATION**

637
638 A family who resides in Bernalillo and whose income does not exceed Eighty (80) percent of the
639 statewide median is considered by the State to be a lower income family. Information contained
640 in this Section 3 Plan reflects the status of the Town employees regarding lower income
641 consideration based on their salary paid by the Town.

642
643
644 Done this 9th Day of February, 2015

645
646 Mayor Torres entertained a motion.

647
648 Councilor Dominguez made a motion to Adopt Resolution 02-09-15B Adopting A Section 3
649 Plan for the Town of Bernalillo. The motion was seconded by Councilor Sisneros and the motion
650 carried unanimously.

651
652
653 **FINANCIAL SECTION: 8a) Approval of Accounts Payable Voucher List.**

654 Mayor Torres asked for a motion to approve the accounts payable voucher list in the amount of
655 \$172,773.29.

656
657 Councilor Sisneros made a motion to approve the accounts payable voucher list in the amount of
658 \$172,773.29. The motion was seconded by Councilor Prairie and the motion carried
659 unanimously.

660
661
662 **MISCELLANEOUS SECTION: 10a) Public Comment.**

663 William Sapien wanted to thank the Council for the Christmas Lighting. He would like to see
664 more street lights on Camino Don Tomas. The library staff does a great job and the selections of
665 books are great.

666
667

MISCELLANEOUS SECTION: 9b) End of Month Financials. Presenter: Juan Torres

669 Juan Torres presented a General Fund Summary Report to the Governing Body. The expense
670 summary report has current budget, current period, YTD actual, YTD encumbrance, budget
671 balance, and percent of budget. There is also a Revenue Summary with the same information.
672 The report will assist the Governing Body with the information on each department's financial
673 status. The report will be given to the Governing Body monthly for all funds.

674

Financials Attachment A of Minutes

676

MISCELLANEOUS SECTION: 9c) Announcements. Presenter: Mayor Torres

678 Mayor Torres reminded the Council about the Municipal Day in Santa Fe on the 25th. The
679 Reception is on the 24th at 6p.m. We will carpool and leave from Town Hall.

680

681 Waste Management will have trash service on Mondays only in the Town of Bernalillo starting
682 March 31, 2015.

683

684 Maria Rinaldi mentioned you will see little library boxes in the parks for the public to get books
685 to read and there will be two reading rooms one behind the senior center and one at the train in
686 Rotary Park there will be benches as well placed next to the boxes.

687

688 The State of the Town is February 18th @ 6:30.

689

690 Mayor Torres stated that he was at a meeting at the MRCOG and Paseo Volcan was mentioned.
691 We will keep a close eye on it. That would significantly impact the traffic count on 550. I have a
692 meeting with NMDOT Secretary Church next week and I am going to mention our concerns.

693

694 Mayor Torres presented a certification to Michael Carroll Fire Chief for completion of Fire
695 Inspector 1. Michael Carroll stated with this certification it will help him in completing fire
696 inspections for new businesses.

697

698

699 There being no further business, Councilor Sisneros moved to adjourn the meeting at
700 8:09 P.M. The motion was seconded by Councilor Dominguez and carried unanimously.

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Done this 9th day of February 2015.

ATTEST:

Ida Fierro, Town Clerk
(seal)

Jack S. Torres, Mayor