

Vote: The appointments recommended by the Mayor were accepted unanimously.

3. Confirmation of Exempt Employees and Appointed Officials

Motion: **Trustee Siegel** moved approval of the confirmation of exempt employees and appointed officials. **Trustee Rembe** seconded the motion. Trustee Rembe asked why Kelly was not on the original list. Administrator Rosoff stated that she was already exempt.

Vote: The motion carried unanimously.

2. PUBLIC COMMENT PERIOD

Representative Ed Sandoval introduced himself and reported that he is now representing a new district, which includes 8 precincts that Raymond Sanchez and John Sanchez were previously representing.

3. CONSENT AGENDA

A. Approval of Minutes - Regular Meeting -February 27, 2002

B. Receive Department and Committee Reports

1. Police
2. Fire
3. Animal Control
4. Court
5. Building Inspections

C. Approval of Home Occupation Renewals

Trustee Rael made a correction to the February 27th minutes, under item 5.(B) Discussion and Approval to Distribute the Draft Zoning Code. He stated that the minutes should be corrected to insert the wording of "and business community" after Trustee Bartolucci moved to notify the Village residents.

Motion: **Trustee Rembe** moved approval of the consent agenda with the correction to the minutes stated by Trustee Rael. **Trustee Siegel** seconded the motion.

Vote: The motion carried unanimously.

Trustee Siegel asked when the Board would be receiving the police information that has been promised for the last year. Administrator Rosoff stated the sheriff's department has implemented the new reporting system this month, and should see the March data the first meeting in May.

4. PUBLIC HEARINGS AND APPLICATIONS

There were no public hearings.

5. OLD BUSINESS

A. **Discussion and Approval of Agreement Between the City of Albuquerque and the Village of Los Ranchos de Albuquerque for the Shared Ownership of the Anderson Field**

Trustee Rembe asked if this agreement would include educational programs at the Anderson Fields, and asked how the Village would be notified of these.

Jay Evans, who is with the City of Albuquerque Open Space stated that in the City Open Space Division they have a strong educational component to show people how to take care of their resources, so that they don't have to use law enforcement. He said they also have a Harvest Festival, and they would be happy to coordinate with the Village.

Trustee Lopez asked if any thought has been given by the City of Albuquerque on water conservation. He said that there are a number of demonstration type projects that could occur, that would lead to water conservation.

Jay Evans stated that the City does have an Ordinance on this, but philosophically are trying to take steps to take care of the resources. They have pilot projects, which regard to ditch lining and trying to improve irrigation for the most efficient use of the property.

Trustee Siegel asked if the wording in the agreement could be changed from coordinate to "approved by the Village. "

Attorney Mathew's stated that this could be done, but would have to go back to City to have that changed.

Mr. Evans stated that it has been approved as to form by City Attorney Ted Pearson, and he didn't anticipate any problems to have it changed.

Trustee Siegel stated that it is incumbent on the Village that the management plan meets the Master Plan goals.

Mr. Evans stated that the management plan would be presented to the public with public hearings. The status of the Anderson management plan is at the administrative level of the open space division.

Trustee Rembe asked if anyone from the village is on the open space board.

Mr. Evans stated that the criteria for appointment to the open space advisory board are normally City residents. He said that a village member could be added when there is a vacancy

Resident Barbara Chavez commented that the farmer who is working on that property is doing a good job, because it is now in great shape. She stated that the parking needs to be addressed.

Administrator Rosoff asked if the Board would consider approving the plan subject to changing the language that Trustee Siegel stated. If the City revises it and it is returned, the Mayor can execute it immediately.

Motion: Trustee Siegel moved approval of the agreement as amended. Trustee Rembe seconded the motion.

Vote: The motion carried unanimously.

6. NEW BUSINESS

A. Discussion and Approval to Advertise in Summary Proposed Changes to Business Registration and Licensing Ordinance, Chapter 5 of the Codified Ordinances

Administrator Rosoff stated that all businesses including home occupations are required by state statute to have business licenses. He said that the current fee is not covering the costs of fire inspections and administrative work. He is proposing an increase from \$20.00 to \$35.00, which is the maximum by state statute.

Motion: Trustee Siegel moved approval to advertise the ordinance. **Trustee Rembe** seconded the motion.

Amended Motion: Trustee Siegel amended his motion to add language "shall include the Village of Los Ranchos as the listed business address" to Section 54. **Trustee Rembe** seconded the motion.

Vote on the amendment: The motion carried unanimously.

Vote: The motion carried unanimously.

B. Discussion and Approval of - Job Description for Code Enforcement Officer (part-time)

Administrator Rosoff stated that at the January meeting the board approved the budget item for a part-time code enforcement, subject to seeing and approving the job description.

Motion: Trustee Siegel moved approval. **Trustee Rembe** seconded the motion.

Trustee Lopez asked why couldn't these duties be handled by the planner and building inspector.

Administrator Rosoff stated that the amount of business being done in this area is more than can be done with current staff. It is imperative to have someone in the field half a day to correct the zoning investigations that are coming in.

Trustee Lopez stated that when a zone code enforcement officer is hired this person is liable to create some ill will, and it is something that the village must be concerned about. He does not think this position is needed, but on the other hand, the board has the final decision.

Mr. Rosoff stated that the primary job of this person would be to issue warnings, besides investigating the current violations.

Trustee Rael asked if there was a study on how many complaints have been submitted, as to why this is justified that the board can review.

Administrator Rosoff stated that this could be done by the next meeting.

Trustee Lopez stated that he would like to see this also. He asked when this position is going to be filled.

Mayor Hooker stated that this could wait until after everyone has had a chance to review the complaints and get a better sense of what type of issues are being submitted from the field. He said that he is hoping that there is more consistency in applying the law so that everyone is treated fairly.

Trustee Lopez stated that the person that is hired could be very crucial, and asked that the board be able to review the applications that are submitted.

Trustee Siegel stated that the board should be able to review the applications. He said that there are already many controversies occurring that were not enforced in the past and are now being enforced. If the village is going to have regulations, they have to be consistently enforced. He said that he would like someone with more experience than what is on the job description, and would like to see more --not necessarily on education, but experience in a similar occupation. He would also like to see some kind of a formal training program for this individual before going out on the field.

Planner Tidwell stated that she is a certified zoning official, and is a member of the NMML zoning officials. She said that there are at least two conferences every year for this type of training.

Motion: Trustee Siegel moved to strike the six-month experience, and replace this with "two years experience". **Trustee Rembe** seconded the motion.

Trustee Lopez stated that since the Board has asked for additional information from staff. The approval could be deferred for one month until this information is reviewed, and the job description is modified with the changes that Trustee Siegel has asked for.

Trustees Siegel amended his motion to add that the individual attend education seminars under the direction of the planning officer prior to employment. **Trustee Rembe** accepted and seconded trustee Siegel's amendment.

Trustee Rael stated that the board is voting on something that is not known if needed. He said that this is being done prematurely, because of the information that is being requested.

Vote on amendment: Trustee Lopez-no; Trustee-Siegel-aye; Trustee Rembe-aye; Trustee Rael-no. Mayor Hooker voted aye breaking the tie vote.

Trustee Lopez moved to defer the approval of the job description until the April 10 Board Meeting, in order to review a list provided to the board of complaints for a period of at least 30 to 45 days that the staff can prepare. **Trustee Rael** seconded the motion.

Planner Tidwell stated that she has given a written report to the board on a semi-annual basis on the open and closed cases, which includes a dozen to twenty violations.

Resident Barbara Chavez stated that she believes that Trustee Siegel did not attend the meeting that she had attended when she was a Board member, and at that meeting, the motion had died for approval of the job description. She asked if there was someone already in line for this job. She stated that there is already adequate staff at the Village and that there is already a little bit of a surplus. She asked if this person would be hired for six months and then let go. She said that the Village has two well-paid staff members that are not being used to their full capacity.

Vote: The motion carries 3-1 with Trustee Siegel voting no.

C. Discussion and Approval of Resolution No. 2002-3-1 - Adopting a Drug and Alcohol Policy for the Village of Los Ranchos

Administrator Rosoff stated that the Village does have a drug policy in the current personnel ordinance. However, the Village has been advised by the Municipal League that a more detailed policy was needed. He said this has been reviewed by the Village attorney and municipal league and recommends that this be approved. He said that each employee would be required to sign the policy and acknowledge that they have read it and will be inserted in their personnel file.

Motion: **Trustee Siegel** moved approval. **Trustee Rembe** seconded the motion.

Trustee Lopez asked if there was any need for testing of employees. Mr. Rosoff stated that there was. He stated that there should be some form of letter to the employees that the employees will need to sign. Mr. Rosoff stated that it is attached to the policy.

Trustee Lopez asked when the tests would be administered, by whom and who will pay for it.

Administrator Rosoff stated that the Village tests new hires with Concentra and will continue to use them. The screening of Village employees would be pre-employment, upon suspicion or use, discovery of drugs on the premises, reports from third parties or after an on the job accident. There are also some employees that deal with the public more, who will be tested randomly or universally.

Trustee Siegel asked about the potential liability of the Village if a policy was not in place and something was to happen.

Attorney Mathews stated that if anyone was injured by a village employee we are likely to get a tort claim rather than a negligence lawsuit, which would be covered by the village insurance. The situation becomes different if the employee is under the influence of drugs or alcohol. In the event, the damages increase. It does increase the Village's damage exposure if the employee is impaired. He said he reviewed this policy, and that not everyone that is employed with the Village will be subject to this. The secretarial staff has no exposure, and random testing would invade their privacy. He said that the US Supreme Court has balanced the right of privacy, which came out of the case of Griswald vs. Connecticut. Therefore, it has to be people that are in contact with the public in the field. He said that the liability of not having the drug testing policy also has an impact on some federal grants.

Trustee Lopez asked if the Village has access to an employee assistant program, because he thought that this was available to any community or any government.

Administrator Rosoff stated that the Village does not have access to any employee assistant program.

Trustee Lopez stated that the Village should offer it. Mr. Rosoff stated that he would look into this.

Vote: Lopez-aye; Siegel-aye; Rembe-aye; Rael-aye. The motion carried unanimously.

D. Discussion and Approval of Resolution No. 2002-3-2 Concerning Governing Body Meetings and Public Notice Required.

Motion: **Trustee Rembe** moved approval. **Trustee Siegel** seconded the motion.

Trustee Lopez asked attorney Mathews the legalities of e-mails regarding open and closed meetings and quorums.

Attorney Mathew's stated that e-mails of village business are public record. He said that the board couldn't conduct meetings by e-mail. He said that there are provisions in the statutes for telephone attendance. He said that communications by two trustees regarding a topic is fine, but three trustees violate the open meetings act, and that would be a rolling quorum and is a violation of the open meetings act.

Trustee Lopez stated that he has his own personal e-mail and he could inform the Village webmaster of his official web address. He asked If he were to receive a communication from any of the trustees, this would then falls under this umbrella.

Attorney. Mathew's stated that there is no requirement to save the e-mails. It is a public record if you have it, but you do not have to save it.

Mayor Hooker asked attorney Mathew's what the meaning is of "conducting business". Attorney Matthew's stated that this means talking about a matter that is pending or that you know would be pending before the Village. Something that has not yet been decided that is or will be scheduled. He said that if there is knowledge of a topic that is likely to come up, it should not be discussed by more than two individuals at a time, which includes e-mail.

Roll Call Vote: Lopez-aye; Siegel-aye; Rembe-aye; Rael-aye. Motion carries unanimously.

E. Approval of Mayor's Nominations for the Planning & Zoning Commission

Mayor Hooker presented his nomination of Joe Brawley to the Planning & Zoning Commission.

Motion: Trustee Rembe moved approval of the nomination of Joe Brawley. **Trustee Rael** seconded the motion.

Mayor Hooker stated that Dan Dolan, and Janet Padilla-Lucero has requested to be re-appointed.

Trustee Lopez stated that in the past there was no planning & Zoning Commission. And asked what steps the residents can take if they are not satisfied with the Planning & Zoning Commission decisions.

Administrator Rosoff stated that they can appeal to the Board of Trustees and that there is a matrix that was approved with the ordinance that established the planning & Zoning Commission. This matrix states who has the final authority. He said that there are times when the Commission does not have the authority and still has to come before the Board of Trustees.

Resident Lillian Derwelis asked about the attendance of current members. She said that some are absent too many times.

Administrator Rosoff stated that Mr. Dolan does have a great number of absenteeism, but he also has a great deal of expertise that is valuable. He said that some were because deaths in the family, and some were because of lack of quorums.

Trustee Lopez stated that the appointments need to be made, because March 31st is around the corner. He said that there might be other applications out there, and he is not comfortable with approving Mr. Dolan.

Trustee Lopez amended the motion to consider the appointments of Joe Brawley and Janet-Padilla Lucero at this time. **Trustee Rael** seconded the motion.

Trustee Siegel stated that he would be comfortable with the motion, but with a slight modification that his consideration be deferred until he is spoken to about this. He said he does not want to remove him from consideration and would simply like to give him the opportunity to address the issue.

Trustee Siegel made an amendment to Trustee Lopez's motion adding that Mr. Dolan's appointment is deferred until the next meeting, and take action on the other two.

Administrator Rosoff stated that Mr. Dolan would continue to serve until he is replaced or re-approved.

Mayor Hooker stated that the motion is to approve Joe Brawley and Janet Padilla-Lucero for two-year terms, and defer action on Mr. Dolan's appointment until the next meeting.

Vote: The motion carried unanimously.

7. FINANCIAL BUSINESS

A. Cash Report - January

Treasurer Leatherwood reported that the receipts for the month of January were \$165,200, expenditures were \$145,763 with an excess of revenues over expenditures of \$19,437.

Motion: Trustee Siegel moved approval of the cash report and to pay the bills. **Trustee Rembe** seconded the motion.

Vote: The motion carried unanimously.

8. REPORTS

A. Mayor's Report

Mayor Hooker reported that he would be in Washington for the National League of City's Annual Policy Conference. He stated that the draft zoning code would be a major discussion of the board in the next four months. In regard to the Easter Egg Hunt, this will be held on March 31 with an Easter Bonnet Contest, and are soliciting donations for prizes. He stated that the 4th Street Cleanup would be held on April 6th in conjunction with the Alameda Community.

B. Administrator's Report

Administrator Rosoff stated that the construction of the emergency generator is under construction, and due to the power outage in installing the generator, the office will be closed on Thursday afternoon. He stated that Lori Webb's last day is Friday and that she will be missed. He stated that Comcast is merging at the corporate level with AT & T, and has provided a book of information. He said that this would not affect the contract with the Village. He stated that the Chavez Road grit Chamber project is on schedule, and should be finished within 11 days.

In regard to the real estate collection of gross receipts problem, he said that he has met with the Board of Realtors and the Title Companies, and will be meeting with the County Assessor and County Treasurer. He stated that he met with APS to discuss the Agreements of Taylor and Taft Fields, and that they are going to present a proposal for joint use of the Taft field only to define what the Village can do with these fields. He stated that the Zoning Code discussions would be scheduled to start at the April 10th meeting and notice will go out to the residents and

businesses with a schedule of what will be discussed. He stated that the draft budget for next year would be presented at the first meeting in May. He stated that ordinances the staff is currently working on for changes include animal control, alarms, home occupations, personnel and minor changes in the flood control ordinance. He stated that the staff is trying to figure out how to propose regulations dealing with irrigation water run off.

C. Legal Report

Attorney Mathews reported on the Fourth Street lawsuit, and said that the motion for summary judgement has been moved to May 1st at 11:00. He said that the previous board had authorized a lawsuit against Gemini Fireworks to bring them into compliance with the Fire Code, specifically to install alarm and sprinkler systems. He said that a tort claim notice had been received from Gemini. He stated that the Mayor has asked him to prepare an ordinance for transfer of development rights, and that would need to be included in the zoning ordinance. He stated that there is one complaint coming before the court of an out of control fire, and will try to recover damages to the Village. He stated that there is a zoning complaint on a lot in the village that has at least six residences on it. He stated that he has been asked by the Mayor to look into removal of overhead powers lines on Fourth Street. He said PNM is willing to abandon these lines and will be asking the public regulatory commission to allow those lines to be abandoned. In regard to the Planning & Zoning Ordinance he has already reviewed it and made his comments. He stated that in regard to the Extraterritorial Zoning, Bernalillo County would like the Village to do something less formal than the state statute has in mind. He said that he is dealing with Patrick Trujillo, and has discussed this with involving third parties.

D. Planner's Report

Planner Tidwell reported that the P & Z Commission is continuing their review of the subdivision ordinance. She said that the flood ordinance would have a change in the flood areas. She said that the current ordinance states that there are no flood areas of special hazard. She stated that the other changes are additional language of mobile and manufactured homes. She stated that the other issues that zoning is dealing with is the caseload of code enforcement. The worst cases that are being dealt with primarily involve people living in housing with no utilities.

E. Fire Dept. Report

There was no fire department report.

9. TRUSTEES INFORMAL DISCUSSION

Mayor Hooker announced the District 8 Meeting and encouraged the board members to attend if possible. He complimented Trustee Rembe for hosting the Mayor's Caucus Luncheon at La Quinta and stated that all the Mayor's were very impressed. Trustee Rembe stated that the staff did a wonderful job in preparing for the luncheon. He reported that the DWI Council meeting will be held tomorrow, and asked for help on that group.

Trustee Lopez stated that he appreciated the opportunity to serve on the board again, and that he had served eight years before this, and will look forward to another four. He said he hopes to offer his knowledge and ability to the Village, and that he is looking forward to working with the staff, employees and residents.

Trustee Rael stated that he also looks forward to working with the board and hopes to work toward consensus on many issues.

Trustee Rembe stated that a welcome letter along with a volunteer application should be sent to new residents as information so that they know what services are available to them. She said that the Shopping Directory should be also be updated, and that the change of the Village logo should be done by a contest.

Trustee Lopez stated that this should be done by a vote of the residents, such as putting it in the newsletter.

10. ADJOURNMENT

Motion: **Trustee Rembe** moved to adjourn the meeting at 9:46 p.m. **Trustee Lopez** seconded the motion.

APPROVED by the Board of Trustees of the Village of Los Ranchos de Albuquerque this _____ day of _____, 2002.

ATTEST:

Annabelle Silvas, CMC
Village Clerk