

**COUNCIL OF THE VILLAGE OF BOSQUE FARMS
MINUTES OF THE REGULAR MEETING
JUNE 18, 2015**

1. CALL TO ORDER

Mayor Robert G. Knowlton called the meeting to order at 6:02 p.m.

2. ROLL CALL

Present were Mayor Bob Knowlton, Councilors Wayne Ake, Bill Kennedy, Russell Walkup, and Dolly Wallace, Clerk/Administrator Gayle Jones, Treasurer Debra Kelly, P & Z Officer Loretta Hatch, Police Chief Greg Jones and Attorney Mark Jarmie.

3. SILENT INVOCATION

Mayor Knowlton asked everyone to continue to remember our service men and women who put themselves on the line in service for our country, the families who have lost loved ones and our first responders: EMS, police and fire.

4. PLEDGE OF ALLEGIANCE

Councilor Walkup led the Pledge of Allegiance.

5. APPROVAL/DISAPPROVAL OF AGENDA

Councilor Walkup moved to approve the agenda. Councilor Kennedy seconded. **Motion carried unanimously.**

6. APPROVAL/DISAPPROVAL OF MINUTES

May 21, 2105 Regular Council Meeting

Mayor Knowlton stated that the minutes would stand as presented.

May 28, 2015 Joint Workshop with Planning & Zoning Commission

Mayor Knowlton stated that the minutes would stand as presented.

June 2, 2015 Joint Workshop with Planning & Zoning Commission

Mayor Knowlton stated that the minutes would stand as presented.

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7. DEPARTMENTAL REPORTS

Chief Jones gave the Police Department Report for May 2015.

Lillie McNabb gave a report on the Older Americans Program, which had a meeting on June 17, 2015. August 30, 2015 will be Senior Day at the Valencia County Fair. Seniors will get in free and there will be senior services representatives available.

8. TREASURER'S REPORT

Councilor Kennedy moved to approve the May 2015 Treasurer's report. Councilor Walkup seconded. **Motion carried unanimously.**

9. PRESENTATIONS

The Mayor presented a plaque to former P&Z Commissioner John Craig for his service on the Commission.

The Mayor also recognized the Utilities Department for receiving the Wastewater Treatment Plant of the year award from New Mexico Rural Water.

10. NON-AGENDA ITEMS – DISCUSSION LIMITED TO 1 1/2 MINUTES

Lillie McNabb informed the Council that the Library is honoring our heroes on July 2, which will include the Patriots and the Police and Fire Departments.

She also reminded Council of the July 4th parade in Los Lunas. Following the parade, there will be a Veterans lunch at Daniel Fernandez Park.

Mayor Sharon Eastman stated that there was a piece on the news on June 17, 2015 regarding Sgt. Roberto. Sgt. Roberto is being targeted by APD and the Law Enforcement Academy (LEA) Board. The LEA Board has approved to revoke her law enforcement certification for life. This would be a tremendous loss for the Village. Mayor Eastman encouraged everyone to contact the Attorney General's Office and give them positive feedback about what a good job Sgt. Roberto is doing in the Village. Mayor Eastman handed out flyers with instructions on how to contact the AG's Office.

Lillie McNabb stated that everyone needs to contact Attorney General Hector Balderas directly.

The Mayor stated that he wrote a letter to the previous AG several months ago regarding this issue and never received anything in response.

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Mayor Eastman stated that we need to support our officer. If Sgt. Roberto loses her certification, the Village loses a very good officer.

Councilor Ake stated that he attended one of the LEA Board hearings regarding this issue with the Chief. As a Village, we have to let the AG hear our concerns regarding this issue.

Chief Jones stated that when we hired Sgt. Roberto, there was an extensive background check done. There was nothing in her Internal Affairs file with APD. She was fired after 14 years with nothing in her IA file. After two years, she is still being denied an appeal hearing on her firing from APD. Basically, Sgt. Roberto was targeted by APD because she was a union representative. Sgt. Roberto does have the right to appeal the revocation by the LEA Board to District Court. Sgt. Roberto loves our Village and she has been an excellent officer for this Village. This Village really needs to support her.

Jim Broom with the Bosque Farms Rodeo Association wanted to discuss putting up a gate on Arena Road. BFRA wants to close off Arena Road at the Community Center to keep people from little league parking on the road. There was discussion of the ownership of Arena Road. Clerk/Administrator Jones stated that the road was there pre-incorporation and at least back to 1962. The Village has a copy of the deed where the rodeo grounds were deeded to BFRA but the road was excluded. The County says that Arena Road belongs to the Village and the Village has always said that it belonged to BFRA. The Mayor told Mr. Broom that we would get back to him.

Brad Fitzgerald stated that he had some issues with the new animal control ordinance. The Mayor told him that he needed to wait until that item came up on the agenda.

11. OLD BUSINESS

A. Consideration of Adoption of Animal Control Ordinance 8-1

Councilor Wallace moved to approve Animal Control Ordinance 8-1. Councilor Walkup seconded. The Mayor asked for discussion from the Council. There was none.

The Mayor opened the floor for discussion from the audience. Brad Fitzgerald, resident addressed the Council. Mr. Fitzgerald stated that he had an issue with the definition of abandoned animal; it was too broad. Mr. Fitzgerald continued by asking what the State Corporation Commission (SCC) had to do with an animal rescue or animal sanctuary premises. Councilor Wallace explained that the non-profits have to be registered with the SCC. Mr. Fitzgerald continued by stating that “exigent circumstances” appears numerous times in the ordinance and the definition is very broad, such as on page 7 in 8-3-4C. Mr. Fitzgerald also stated that he had concerns with the definition of Nuisance Animal; it is also too broad. Who decides what is “unreasonable”? Councilor Wallace also addressed this

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concern by stating that it will be up to the animal control officer as to “unreasonable”. Mr. Fitzgerald stated concerns regarding page 10, section 8-4-2.C.6. There needs to be a definition or a tow or log chain. Also section 8-4-2.D should include “proper nutritious food”. The word “proper food” is too broad. He stated that section 8-4-4.B is subjective and needs to be amended. He further stated that 8-4-6 Cruelty to Animals is too vague. Some people would consider the cropping of a dog’s ears or docking a dog’s tail as disfigurement.

Councilor Wallace stated that this section is language from state statute. Mr. Fitzgerald stated that on page 13, section 8-4-10.C the language regarding the sale of animals off the premises of the breeder is too vague.

Dr. Gail Goodman from Los Chavez addressed the Council regarding the animal control ordinance. She stated that she has issues with the Cruelty to Animals section 8-4-6 and the Dangerous Dogs section 8-4-7. These sections are in conflict with the New Mexico seizure bond law. The Council asked the Village Attorney about this law. Mr. Jarmie stated that he had never heard of it. Dr. Goodman stated that the owner of an impounded dog has to put up a seizure bond for the care of the animal while it is impounded. If the owner of the dog is found not guilty, the bond has to be refunded. Mr. Jarmie will research and if necessary, the ordinance can be amended.

Margaret Fitzgerald, resident asked why the word “accidental” was in the definition of Litter Permit. Also, she pointed out that there was an unfinished sentence at the end of the paragraph in 8-3-5.D. She also stated that section 8-4-3 Confinement During Estrus, only addresses females not the males.

Lee Wharton, resident suggested that Council table this until next month to fix what has been brought up. Ms. Wharton also stated that she was disappointed that spay, neuter and licensing requirements had been stripped out of this ordinance. She further suggested that a definition for a tow or log chain be added.

Dr. Gail Goodman addressed Council again regarding 8-4-10.C. Allowing animals to be sold off breeder premises only by 501(c)3 non-profits penalizes the pure bred breeders.

Lee Wharton stated that there were 4 breeders on the original committee and they saw no problem with this language.

The Council discussed the unfinished sentence in 8-3-5.D. Clerk/Administrator Jones went and retrieved the original working document to determine what was missing. There was discussion of tow and log chains. Councilor Walkup pointed out some numbering issues on pages 7 & 8.

Councilor Wallace addressed the concerns that had been raised. She stated that section 8-4-4B refers to quarantine in a home or boarding kennel only, nothing else. She also stated that

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section 8-4-6.E states “malicious” disfigurement. That is the key word. Cropping a dog’s ears or docking a tail is not “malicious” disfigurement.

Councilor Ake call for point of order and called for the vote. Council reviewed the missing language, which was “notice thereof” and the definition of litter permit.

Councilor Wallace amended her motion to include striking the word “accidental” in the definition of litter permit, adding the missing language of “notice thereof” to 8-3-5.D, add the word “nutritious” to section 8-4-2.D and correcting the numbering issues on pages 7 & 8. Councilor Walkup amended his second. **Amended motion carried unanimously. Original motion carried unanimously.**

B. Consideration of Adoption of Amendments to Ordinance 12-12-1.2 the Penalty Assessment Program

Councilor Walkup moved to adopt the amendments to Ordinance 12-12-1.2 Penalty Assessment Program. Councilor Ake seconded. **Motion carried unanimously.**

C. Consideration of Adoption of Amendments to Sewer Service Ordinance 9-3-22D

Councilor Walkup moved to approve the amendments to the Sewer Service Ordinance 9-3-22D. Councilor Ake seconded. **Motion carried unanimously.**

12. NEW BUSINESS

A. Consideration of Resolution #838-15 Adopting a Procurement Policy

Councilor Walkup moved to approve Resolution #838-15 adopting a procurement policy. Councilor Ake seconded. Clerk/Administrator explained that this was one of her projects for the Certified Procurement Officer certification. Even though the Village has adopted the State Procurement Policy in statute, it was recommended that we have our own policy. **Motion carried unanimously.**

B. Consideration of Resolution #839-15 Adopting a Schedule of Fees and Fines for Animal Control Ordinance 8-1

Councilor Walkup moved to approve Resolution #839-15 adopting the fees and fines for Animal Control Ordinance 8-1. Councilor Ake seconded. There was discussion. **Motion carried unanimously.**

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C. Consideration of Publication of Amendments to Water Service Ordinance 9-2-8, 9-2-12, 9-2-18 & 9-2-19

Councilor Walkup moved to publish the amendments to the Water Service Ordinance 9-2-8, 9-2-12, 9-2-18 & 9-2-19. Councilor Ake seconded. **Motion carried unanimously.**

D. Consideration of Minor Subdivision as per Ordinance 10-2-16 at 500 Mitchell drive by Virgil and Ramina Proctor

Loretta Hatch, P&Z Officer, stated that the P&Z Commission has recommended this minor subdivision for approval. There was discussion. Councilor Ake moved to approve the minor subdivision at 500 Mitchell Drive. Councilor Wallace seconded. **Motion carried unanimously.**

E. Discussion of Court Changes

Mayor Knowlton stated that Judge Thomas has been appointed as Judge for Isleta, which is a full time position. The Judge is going to change court in Bosque Farms to Tuesday evenings. The Mayor also stated that the Council doesn't have the authority to dictate court times but the Council does control the budget for the court, the Judge's staff and the Village staff. This change will affect Village budget and staffing. The Mayor further stated that he doesn't feel that it is appropriate to allow over-time for court or to put a burden on the Village staff to have to attend court after regular work hours, which will include the P&Z Officer, the Animal Control Officer and the Police Department. The Mayor asked for any discussion from the Council.

Councilor Ake stated that Judge Thomas was invited to attend this Council Meeting but he wrote the Mayor and Council a letter stating that this was not a topic for public discussion. Councilor Ake stated that he disagreed with Judge Thomas, and thinks that this is a topic for public discussion because Judge Thomas was elected by the citizens of Bosque Farms. Councilor Ake also stated that the Police Department is already short-handed and this will put an additional burden on the officers. The Judge should have had the courtesy to discuss this with the Mayor prior to making the change. This change is not fair to our citizens. Councilor Ake further stated that the Judge should go ahead and resign his position as Judge.

Mayor Knowlton stated that if the P&Z Officer or the Animal Control Officer is not allowed over-time for court, then they will not be doing any enforcement.

Lee Wharton, resident stated that as a resident she would much rather come to an evening court. She also stated that the Judge doesn't have to consult with the Council on this issue, but he should have to be polite. Ms. Wharton further stated that she would rather keep a Judge that is trained and that knows what he is doing. The Council has a fiduciary responsibility to adjust the budget to allow for the over-time for court. The Mayor stated that

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he respectfully disagreed with her especially regarding the Council's fiduciary responsibility. The Mayor also stated that the Village needs to have staff in the courtroom to enforce the laws and it should be during regular work hours.

Lillie McNabb, resident stated that the alternate Judge should step up and have day court. This change in court times will put a hardship on our Police Department and the P&Z Officer and Animal Control Officer.

Chief Jones stated the currently, there are 4 court days per month so that our officers don't have to come to Village court on their days off. The Judge's proposed schedule will limit court to 2 Tuesday evenings per month. The Police Department has one entire squad, 5 officers, that don't work on Tuesdays. Court will now be over-time for all of these officers. Peralta also has court on Tuesday afternoon at 4:00. This proposed change will not work well for the Police Department. Chief Jones further stated that the officers are already very busy with court schedules because of District and Magistrate courts.

Mayor Sharon Eastman stated that the Judge, being an elected official, can set court whenever he wants. Maybe someone from the Governing Body should sit down with the Judge and convince him to schedule a day court for at least one day per month. Mayor Knowlton stated that he has already had that conversation with the Judge and he was not open to that idea at all.

13. MAYOR & COUNCILOR'S REPORTS

Councilor Wallace stated that she is glad that the County has finally decided on the ownership of Arena Road. If it does indeed belong to the Village, the sign needs to be changed and the holds need to be fixed. The Village needs to take responsibility for that road. She understands the reasons for the gates, but the Village has to have access through the gates to the well. Councilor Wallace also stated that she has also found someone who is willing to write grants for the Village for an administrative fee.

Councilor Kennedy had no report.

Councilor Ake stated that the Village really needs to get behind Sgt. Roberto and support her in the issue with the LEA Board. She is a great asset for this Village.

Councilor Walkup had no report.

Mayor Knowlton wished everyone a safe 4th of July.

14. ADJOURNMENT

Mayor Knowlton adjourned the meeting at 8:37 p.m.

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PASSED, APPROVED AND ADOPTED THIS 16TH DAY OF JULY 2015

Robert G. Knowlton, Mayor

(SEAL)

ATTEST:

Gayle A. Jones, Clerk/Administrator