



County of Los Alamos

Minutes

Community Development Advisory Board

1000 Central Avenue
Los Alamos, NM 87544

Chair, Catherine Ozment: Vice Chair, Andrea Pistone: William Dai; Denise Derkacs; Cindy Hollabaugh; Jaime Kennedy; and Aaron D. Walker: Members

Monday, October 15, 2018

5:30 PM

B & C Room 110

I. ADMINISTRATIVE ACTIONS

A. Call to Order/Introductions

Members Present: Catherine Ozment, Chair; and William Dai, Denise Derkacs, Cindy Hollabaugh, Jaime Kennedy, and Aaron Walker, Members

Member Absent: Andrea Pistone, Vice Chair;

Council Liaison: Antonio Maggiore

Others Present: Paul Andrus, CDD Director and Staff Liaison; Katie Thwaites, Assistant County Attorney; Michael Arellano, Chief Building Official; Barbara Lai, Administrative Support; Michael Marquez and Larry Valdez, Code Compliance Officers; Perry Rutherford, CDD staff; Helen Melinski, Resident.

The Meeting was called to order at 5:30pm.

B. Approval of Today's Agenda

Motion: Cindy Hollabaugh moved to approve the agenda as written. Board member Denise Derkacs seconded. The motion passed unanimously.

C. Review/Approval of Meeting Minutes

1. [11293-18](#) Minutes from the Community Development Advisory Board Meeting on September 17, 2018.

Attachments: [CDAB Minutes September 17, DRAFT](#)

Motion: Member Derkacs moved to approve the Minutes as amended for September 17, 2018. Member Kennedy seconded. The motion was approved unanimously.

D. Public Comment for Items Not on the Agenda

No public comment.

II. PRESENTATIONS AND DISCUSSION ITEMS (Action May be Taken on These Items)

A. Judicial and Legal Discussions Related to Code Compliance

1. [11295-18](#) Judicial and Legal Discussion Related to Code Compliance
Presiding Judge, Honorable Alan Kirk will discuss the Municipal Court

process and Assistant County Attorney, Kevin Powers will address the legal aspects of the LAC Codes.

Chair Ozment introduced the judicial and legal discussions. Municipal Judge, Alan Kirk provided an overview of the court procedure. He cautioned the Board that he cannot discuss specific cases. Judge Kirk stated that all code cases are under the ordinances of the County of Los Alamos and fall under criminal procedures. He discussed the procedures for pleading guilty, no contest and not guilty. He stressed that the goal of court is to work with all parties to achieve a resolution to a case.

Assistant County Attorney, Kevin Powers explained to the Board that it is important to do code enforcement to protect the public. He gave examples from around the country and Los Alamos where code violations have endangered the welfare of the public. He stated that as many as 90% of the cases get resolved in CDD, and that very few cases go to court. Mr. Powers explained the concept of the "plain-view doctrine". He explained the appeal process, other legal processes and procedures, and that he works very closely with CDD staff. He also answered questions from the members of the Board.

B. Continue Discussion of the Code Compliance Program

Chair Ozment asked for follow up information on items listed in the September 17 minutes. Ms. Ozment asked Paul Andrus to update the Board on the status of receiving the open-ended responses from the 2018 Community Survey. Mr. Andrus reported that the responses are potentially available, but he needs to ask additional questions of the public relations staff. The Board members asked for clarification of the number of cases reported in the performance measures in the budget book. Mr. Andrus explained that quotas are not used by CDD to measure performance. He stated that additional work needs to be done on developing more accurate measures that give a clear picture of the officers' daily activities. Mr. Arellano discussed how the compliance officers coordinate information with other CDD and County staff in their staff meetings. Mr. Arellano described the County employee performance form and procedure.

Follow up:

- * 2018 Community Survey open-ended responses
- * Performance measures based on inspections and daily operations

C. Ongoing Review of Monthly Cases

1. [11294-18](#) Follow Up on Case Data

Chair Ozment introduced the item. Board members asked Michael Arellano questions on specific case addresses regarding issues including: red tags, remodeling/construction work requiring a permit, building materials piled in a yard, anonymous complaints by neighbors, definition of weeds, inoperable

vehicles, accessory structures (carports) on a property, and lack of detail, in the courtesy letter.

Follow Up Items:

* Clarification of the code regarding vegetation over 18 inches including: weeds, grass, bushes, etc.

III. REPORTS AND UPDATES

A. Chair Report

Chair Ozment requested that Ms. Lai schedule a ride along with the compliance officers for the Board members for the week of October 22. Ms. Ozment reported to the Board that she will attend the B & C Luncheon in November. Ms. Lai reported that the Farmers Market dates for the winter in Fuller Lodge are not yet scheduled.

Follow up:

* Ms. Lai will send the schedule for the Winter Farmers Market as soon as it is available.

B. Board Member Reports

No Board member reports.

C. Staff Report

1. CDAB.CDD Email Distribution List

Mr. Andrus reported that the CDAB.CDD email account is being set up to receive the public comment.

D. Council Liaison Report

IV. PUBLIC COMMENT

Helen Melinski, 1651 36th St., spoke to the Board regarding her concerns.

V. NEXT MEETING(S)/FUTURE AGENDA ITEMS

The next CDAB meeting will be November 19, 2018 in B & C Room 110 at 5:30pm.

VI. ADJOURN

The CDAB meeting adjourned at 9:46 pm.

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