

Council delves into hot issues

Written by By Rick Abasta For the Sun
Friday, 16 March 2018 10:17



Audit report, pandhandling, shabby properties issues on tap

The March 13 regular meeting of the Gallup City Council began with an ordinance seeking criminal penalties for violators of the property maintenance code.

Curtis Hayes, city attorney, said the property maintenance code was to address homeowners who do not maintain their property.

“The purpose of this is twofold,” Hayes said. “One is to make the property maintenance code consistent with the fire code and building code, which already have criminal provisions. More importantly, is to put more teeth in the property maintenance code.”

He noted that issues such as overgrown weeds, trash, abandoned cars and dilapidated billboards had to be cleaned by the city, which contracted out these services. Notices were sent to homeowners to pay the past due invoices or face a lien imposed by the city upon the property.

The International Maintenance Code was adopted, which provides that violations are a misdemeanor civil infraction as determined by the municipality.

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“We put a lien on the property. The problem is that unless the person attempts to sell that property or refinance that property, those liens just sit there over at the county clerks office and after a four year period, they expire,” Hayes said.

Councilor Allan Landavazo asked if the proposed statute covered the issues of non-payment and compliance.

“Do we have enough teeth in this?” he asked.

Hayes said there was no way of knowing until some cases go before a municipal judge.

“For now, we can get the word out that we are serious about code enforcement and that there will be actual criminal prosecution, something other than the lien process,” he said.

Councilor Yogash Kumar motioned to accept the report and Councilor Linda Garcia seconded. The action passed by a vote of 5-0.

The city council returned to the first action item on the agenda, acceptance of the fiscal year 2017 audit report.

As required by state law, the city underwent an audit by the Albuquerque CPA firm of Hinkle + Landers.

The city received an unmodified report with no material weaknesses.

Patty Holland, chief financial officer for the city, said the audit was filed on time and that the finance department cleared prior year findings.

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“The state auditor has approved the report and the overall opinion is unmodified, which is something to be quite proud of,” Holland said.

She was proud of the “no material weaknesses” status from the report, which Holland said was something the department focused on since joining the team.

The audit for the current year is expected to be better than the 2017 report, she added.

FY 2017 ended on June 30, 2017.

Farley Vener, president and managing shareholder of Hinkle + Landers, summarized the report and said he was the partner in charge of the audit, which was conducted with two other associates from the firm.

“Our main job is, we look at two areas: financial statements, and our job is to determine if the financials are materially correct,” he said. “We audit the balance sheets and the balance sheet of transactions to see if we need to make adjustments anywhere.”

Vener summarized that the city received an unmodified report, which meant the audit was clean and that the numbers are materially correct.

“There were no significant findings or other material findings,” he said, noting that the city’s financial awards from the federal government (HUD, DOT, and DOI grants) were also included in the audit.

While the city did receive an unmodified opinion for the 2017 audit, a finding from the city landfill remained a concern from a special audit that was initiated by the city.

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Councilor Fran Palochak motioned to approve and Landavazo seconded. The action passed 5-0.

An ordinance amending the city code by enacting the pedestrian safety was next on the agenda, highlighting the need to address aggressive panhandling and other solicitation on the street.

Palochak said, "When I open the back of my van and I'm putting in groceries somebody will walk up to me, panhandling. It freaks me out. You're kind of vulnerable."

Hayes said the city will cease enforcement of the current solicitation ordinance because it is not defensible under the First Amendment. He reviewed cases in South Carolina, Arizona, Colorado, Santa Fe and Albuquerque and modeled the Gallup ordinance accordingly.

"You cannot be in the roadway in an unsafe manner," Hayes said. "Doesn't matter why you're there, whatever reason. You cannot obstruct a sidewalk or building entrance."

Landavazo commented about travelers on the north side of town.

"You see them with signs asking for gas money. Do we arrest and charge them or tell them they need to leave?" he asked.

The new ordinance covers the roadway, which means if panhandlers are in the roadway in an unsafe manner, it is a violation of the law.

Mayor Jackie McKinney supported the ordinance.

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“It’s good that we’re getting into compliance,” he said. “We don’t want other people being harassed.”

Landavazo motioned to approve and Garcia seconded the action before it passed by a vote of 5-0.

Item number four on the agenda involved repealing the city solicitation ordinance. Kumar motioned to approve and the action was seconded by Palochak before passing by a vote of 5-0.

Another ordinance was for creation of the Indigenous Peoples Commission. The mayor spoke in further detail about the proposed commission’s role.

“I felt the need and I was committed to visiting with Indigenous people and different ethnicities of the area and other communities in and out of state,” McKinney said. “I’m looking to assign 25 people to this commission to be a liaison to the city.”

Garcia motioned and the action was seconded by Palochak before passing by a vote of 5-0. Five individuals were also approved to serve on the commission, including non-Gallup residents.

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For the Sun***