

REGULAR MEETING

City of Anthony Board of Trustees
750 Landers/Multi - Purpose Building
Anthony, NM 88021

Wednesday, January 20, 2016
6:00 P.M.

MINUTES

1. **CALL TO ORDER** by Mayor Arnulfo Castañeda at 6:00 p.m.
2. **PLEDGE OF ALLEGIANCE** led by Mayor Arnulfo Castañeda

3. **ROLL CALL** Present: Trustee James Scott
Trustee Betty Gonzalez
Trustee Pilar Madrid
Trustee Diana M. Trujillo
Mayor Arnulfo Castañeda

4. **APPROVAL OF AGENDA ORDER**

A motion to approve the agenda order was made by Trustee Betty Gonzalez. A second was made by Trustee Diana M. Trujillo.
All in favor; **motion passes.**

5. **APPROVAL OF CONSENT AGENDA**
A. Regular Meeting – January 6, 2016

A motion to approve the consent agenda was made by Trustee James Scott. A second was made by Trustee Betty Gonzalez.
All in favor; **motion passes.**

6. **ITEMS FROM THE FLOOR – PUBLIC COMMENT**

None

7. **PUBLIC MEETING**
Consideration and Action

- A. Consideration and Action to approve Resolution No. 2016-001. [English and Spanish]
A resolution providing notice of the candidates for office, designating the polling places, and appointing the precinct board members for the March 1, 2016 election.
Draft resolution attached. (Drafted by Christy Sifuentes)
Presented by: ~~Christy Sifuentes~~-Sukie Saldaña

Trustee Diana M. Trujillo – I want to make sure that my name on the voter card is Diana Murillo Trujillo not Diana M. Trujillo.

Mayor Arnulfo Castañeda – You can get with the City Clerk and she will help you with that.

A motion to approve Resolution No. 2016-001 was made by Trustee James Scott. A second was made by Trustee Pilar Madrid.

Roll call vote:

Trustee Diana M. Trujillo - YES

Trustee James Scott - YES

Trustee Betty Gonzalez - YES

Trustee Pilar Madrid – YES

Unanimous vote; **motion passes.**

- B. Consideration and Action to approve Resolution No. 2016-002. [Short Title] A resolution authorizing the execution and delivery of a Colonias Infrastructure Project fund loan/grant agreement in the amount of \$688,420.
Draft resolution with complete long title attached. (Drafted by Virtue & Najjar PC)
Presented by: Arnulfo Castañeda

A motion to approve Resolution No. 2016-002 was made by Trustee Pilar Madrid. A second was made by Trustee Betty Gonzalez.

Roll call vote:

Trustee James Scott - YES

Trustee Betty Gonzalez - YES

Trustee Pilar Madrid - YES

Trustee Diana M. Trujillo - YES

Unanimous vote; **motion passes.**

- C. Consideration and Action to approve Resolution No. 2016-003. A resolution adopting recount/recheck costs for the March 1, 2016 regular municipal elections.
Draft resolution attached. (Drafted by Christy Sifuentes)
Presented by: ~~Christy Sifuentes~~ Sukie Saldaña

A motion to approve Resolution No. 2016-003 was made by Trustee Pilar Madrid. A second was made by Trustee James Scott.

Roll call vote:

Trustee Pilar Madrid - YES

Trustee James Scott - YES

Trustee Betty Gonzalez - YES

Trustee Diana M. Trujillo - YES

Unanimous vote; **motion passes.**

- D. Consideration and Action to approve Cooperative Project Agreement between the City of Anthony and the New Mexico Department of Transportation. (CMAQ).
Agreement attached. (Drafted by NMDOT Project Oversight Division)
Presented by: Mayor Arnulfo Castañeda

A motion to approve a Cooperative Project Agreement between the City of Anthony and the New Mexico Department of Transportation was made by Trustee Pilar Madrid. A second was made by Trustee Diana M. Trujillo.

Roll call vote:

Trustee Betty Gonzalez - YES

Trustee James Scott - YES

Trustee Pilar Madrid - YES

Trustee Diana M. Trujillo - YES

Unanimous vote; **motion passes.**

- E. Consideration and Action to approve Resolution No. 2016-004. A resolution approving a budget adjustment in the amount of \$311,143 for the increase in revenue and expenditures due to the award from the State of New Mexico Department of Transportation FFY (Fiscal Funding Year) 2016 Congestion Mitigation/Air Quality - Mand (CMAQ) funds, and also a budget adjustment to increase the City's matching fund account in the amount of 14.56% to equal \$53,022 which is the City's matching responsibility.
Correlates to item D.
Draft resolution attached (Drafted by Christy Sifuentes)
Presented by: Joy Tellez

A motion to approve Resolution No. 2016-004 was made by Trustee Betty Gonzalez. A second was made by Trustee Diana M. Trujillo.

Roll call vote:

Trustee Pilar Madrid - YES

Trustee James Scott - YES

Trustee Betty Gonzalez - YES

Trustee Diana M. Trujillo - YES

Unanimous vote; **motion passes.**

- F. Consideration and Action to approve Resolution No. 2016-005. A resolution approving a budget adjustment in the amount of \$21,033.08 to the Workers Compensation liability line due to an increase in Workers Compensation insurance premiums to correlate with the increase in hired staff. Resolution attached. (Drafted by Christy Sifuentes)
Presented by: Joy Tellez

Sukie Saldaña – There is an increase in Workers Compensation based on an increase in employees.

Trustee Pilar Madrid – How many specifically new ones have we hired?

Sukie Saldaña – 21. It had not been updated since the beginning and initially we had only 6 employees. We have increased that by 21.

Trustee Pilar Madrid – Just recently how many?

Sukie Saldaña – 3 for the MVD, Police Records Clerk and the Chief of Police

Trustee James Scott – When we prepared the budget for the 15-16FY we had four years of experience with the premiums for the Workers Compensation Insurance. We anticipated an increase in and our budget does reflect that but this looks really strange that we budgeted \$7000 but we really needed \$28,000. Somebody please explain to me why it is so high.

Mayor Arnulfo Castañeda – It was not updated since we had 7 employees in 2012.

Trustee James Scott – So we have been paying the same Workers Compensation Fees for all these years based on seven employees when it wasn't seven for all these years?

Mayor Arnulfo Castañeda – You are right, it should have gone up and it didn't. Mrs. Saldaña went over the records and it hadn't been increased. She contacted our insurance company and this what she found out.

Trustee Pilar Madrid – Can we table this until we see a more detailed about it and have time to look at our budgets?

Trustee Betty Gonzalez – If I recall, Christy called up there to get an estimate of cost and it was a rather large increase. I am wondering why we did not budget for that large increase that they had told her about?

Mayor Arnulfo Castañeda – From what I understand we just get a bill, is that correct Joy?

Joy Tellez – Yes

Mayor Castañeda – We get billed for the amount of employees that we have. Back then we had seven, now we have many more and that is why we are seeing the increase, correct? If we don't report hired employees then the premium does not increase. We updated and reported all active employees. This is what Mrs. Saldaña did, she was adding the MVD and noticed that it was not a complete list of current employees.

Trustee Betty Gonzalez – Mrs. Saldaña, thank you for doing that but I do remember us getting a figure because we had to call up there and get a figure for the budget. It was a large increase so I was rather shocked when I saw \$7,000 because I do not recall the figure being that low.

Joy Tellez – Last year it was \$5,500

Sukie Saldaña – In working in with Workman's Compensation with my husband's business it does depend on the type of work. We have a Police Department, we have Codes, have Public Works and of course we have the City Clerk Department.

Trustee James Scott – Workers Compensation insurance is the insurance that we have for our employees in case they get injured on the job they can continue to receive compensation. Have we had an excessive number of claims?

Sukie Saldaña – No, it due to the increase in employees.

Trustee Betty Gonzalez – I think we need to be more careful, had it not been for Mrs. Saldaña finding this we would have paid the wrong amount and it is very critical that our employees are covered.

Mayor Arnulfo Castañeda – The employees are covered anyway. This is like when you buy a new car and you add it to your policy. We hadn't added all the employees.

Trustee James Scott – I hate to be a party pooper but can I get someone to talk to whoever issued this bill and in writing tell us why we had such a huge increase. I would feel more comfortable. In my own personal life I have received many bills that were incorrect and I looked into them, there were a few times that the error was in their part. I would like to make sure that they haven't made a mistake. They sent us a bill and as a good bill paying entity we need to pay it so I will vote yes but I would like more information on it.

Sukie Saldaña – I can request a detailed invoice.

Trustee James Scott – Next meeting why don't you provide it to the BOT.?

Trustee Pilar Madrid- Is it going to explain everything?

Sukie Saldaña – I don't know what it will say.

Mayor Arnulfo Castañeda – Is the BOT wanting a detailed invoice?

BOT – YES

Trustee Pilar Madrid – Can we table this?

Mayor Arnulfo Castañeda – We still need money to pay the bill, we have not paid the bill.

Sukie Saldaña – No we have not.

Mayor Arnulfo Castañeda – If we don't pay the bill then we are not covered.

Sukie Saldaña – Yes, that is correct.

A motion to approve Resolution No. 2016-005 was made by Trustee James Scott. A second was made by Trustee Betty Gonzalez.

Roll call vote:

Trustee Betty Gonzalez - YES

Trustee Diana M. Trujillo - NO

Trustee James Scott - YES

Trustee Pilar Madrid - YES

3 – YES, 1 - NO; **motion passes.**

G. Consideration and Action to approve a MOA between Doña Ana County, Doña Ana Sheriff's Department and The City of Anthony Police Department for increased border security and protection under Operation Stonegarden.

MOA attached. (Drafted by Doña Ana Sheriff's Department)

Presented by: Chief Joe Baca

Trustee Pilar Madrid – Do you have this money already?

Chief Joe Baca – No, we can start using this in April.

Trustee Pilar Madrid – So why do we need to approve this now?

Joy Tellez – So that we have all our paperwork in order and have it in the budget so that when April gets here we can start the patrols.

Trustee James Scott – Just like I was telling you after lunch that as long as this doesn't result in a large number of Citations coming into the court at the same time.

Chief Joe Baca – I will get with the Judge and I will also let the officers know. I will make sure that the tickets are distributed evenly over different court dates or we do a call of the court (the court calls and gives the defendant a court date).

Trustee James Scott – You are the Chief of Police and you got the old car back, right?

Chief Joe Baca – Yes

Trustee James Scott – I am not going to be around much longer but I would suggest to you to make a projection of how many officers you are going to have and how much a new fleet would cost. We still have no idea what a modern police fleet would cost us.

Chief Joe Baca – I am already working on that. There is a USDA grant that will give us five new vehicles so I am going to look into that grant and if not, I am looking into other options as well.

Trustee James Scott – How many officers do you project that you will need units for?

Chief Joe Baca - We will basically need five more.

Trustee James Scott – We need to address this with the next administration. We have been messing around with this for too long. Those Crown Vic's are not worth it.

A motion to approve the MOA was made by Trustee James Scott. A second was made by Trustee Pilar Madrid.

Roll call vote:

Trustee Diana M. Trujillo - YES

Trustee Pilar Madrid - YES

Trustee Betty Gonzalez - YES

Trustee James Scott- YES

Unanimous vote; **motion passes.**

- H. Consideration and Action to approve Resolution No. 2016-006. A resolution approving a budget adjustment in the amount of \$12,873.12 due to an award of Stonegarden monies for Fiscal Quarter 4 (April – June 2016) from Doña Ana County and Doña Ana County Sheriff's Department to the City of Anthony.

Draft resolution attached. (Drafted by Christy Sifuentes)

Presented by: Joy Tellez

A motion to approve Resolution No. 2016-006 was made by Trustee Betty Gonzalez. A second was made by Trustee Diana

M. Trujillo.

Roll call vote:

Trustee Betty Gonzalez - YES

Trustee Pilar Madrid - YES

Trustee Diana M. Trujillo - YES

Trustee James Scott - YES

Unanimous vote; **motion passes.**

9. ITEMS FROM THE CITY CLERK

10. ITEMS FROM THE MAYOR AND TRUSTEES

Trustee James Scott – I will not be around much longer and I want to fix something that we made a big mistake on. The City Handbook has never been passed. On this list of Ordinances that Christy gave us some time ago there is not listing of an ordinance passing the City Handbook. I think I know what happened. At the time Gloria was the City Clerk and she had sued the City of Sunland Park and she was going back to work over there. We were in the middle of marking up the original handbook that I had worked on. At the time we had the world's worst attorney, I think Betty will agree with me on that. He marked it up in such a way that there is no mechanism to get rid of anyone. That is not right. I didn't write this. I took a lawyers document and just made the name changes.

I gave it to the City Clerk after Gloria, Lisa Rascon I believe it was. I had previously given it to Gloria but she didn't like the idea because she had already been fired twice by the City of Sunland Park and both times she sued them. Both times she won but at the time we were writing this she didn't know if she was going to win the second lawsuit, so she wanted to make sure that we wouldn't do to her what they (City of Sunland Park) had done to her. That is how the document reads to this day, when you sign as an employee it says:

"The undersigned employee acknowledges that they have received the CITY OF ANTHONY Employee Handbook and that they understand the provisions therein and, in consideration of their employment or continued employment, acknowledge and agree that:

1. *Your employment with the CITY OF ANTHONY is "at will", meaning that employment can be terminated by the City or the employee at any time for any reason or no reason in which the law allows;"*

There are certain things that you cannot do such as fire people for sexual orientation or gender or things of that nature. You cannot do that, you have guaranteed rights but if a new administration comes in for example a new Mayor. He/she comes in and someone gave them money to campaign and to come into office you know, there is a name for this. It's been happening for hundreds of years.

Does anyone remember what it is called? In New York City, anytime that there was a change in power the new administration would push out the old administration and bring in their own administration. There are pros and cons to that. The system still exists today. We are going to have to fix these problems. It won't be me, it will be whoever wins these elections. People do not know what their rights are and they believe incorrectly that they are bullet proof. They think you can't touch them, you can't discipline them, and you can't make them go away. We've done it before, we've disciplined and fired people, and you know we made them go away but the bottom line is that this will have to be addressed. Be aware that the copy that I wrote or that I plagiarized is valid. I stake my professional reputation or ten cents, whichever is more valuable, that is a valid document. Except for if Palomarez reviewed it, then it wouldn't pass muster. Remember all the problems we had trying to get our own documents back from our own lawyer. He was what he was but we are still suffering from that period of time when Gloria was leaving. We couldn't get anything back from our lawyer. It was really messed up. That's all.

Trustee Betty Gonzalez – On the new Municipal building we put up a SNMHD sign. Why did we do that if we knew that they were leaving? Why did we see a need to do that?

Mayor Arnulfo Castañeda – That was there old lettering from the front of the building from before we purchased the building.

Trustee Betty Gonzalez – Those new letters that you put up?

Mayor Arnulfo Castañeda – Those are their old letters from the front of the building, they just moved them. We put up the City of Anthony letters.

Trustee Betty Gonzalez – So you just moved them over?

Mayor Arnulfo Castañeda – They moved them over.

Trustee Betty Gonzalez – So it was not a purchase.

Mayor Arnulfo Castañeda – No

Trustee Betty Gonzalez – Also, on Monday night which was MLK Day, the lights at the ballpark where on, why?

Eleazar Roman – The park had been requested by that soccer group. They filled out the application and it was approved. The way it works is that we issue them a key so they can go into the park at the approved time and leave when they are supposed to.

As for the lights we turn the lights on and off at designated times. They do not have access to the lights, only to the gate.

Trustee Betty Gonzalez – So you were in charge of the lights that night?

Eleazar Roman – Felipe is our local resident on staff so he goes and turns them on at the designated time and then he returns five minutes before time is up to turn the lights off.

Trustee Betty Gonzalez – This is his personal time so we pay him overtime?

Eleazar Roman – We pay him an hour but he leaves an hour early on Friday's in order to avoid overtime.

Trustee Diana M. Trujillo – On the campaign signs what is the law on the State and City right away.

Chief Joe Baca – You cannot. The State will pull the signs and put them in their yard.

Mayor Arnulfo Castañeda – There was information about that in the campaign packet.

Trustee Diana M. Trujillo – I did not see it.

Trustee James Scott – Anyone that puts up signs needs to pick up their signs once the election is over. I'm not your daddy I am not going to come pick up after you.

Trustee Betty Gonzalez – Thank you to Mrs. Saldaña for putting out this MVD report. I see that there is a lot of money for the State and not so much for us. What is the percentage that the City gets to keep?

Sukie Saldaña – It depends on the type of transaction it is. We get different amounts back depending on the type of transaction that we process. I did call State to ask them to explain the spreadsheet to me because I do not understand some things on the report. Like they are showing less transactions that what we show. They are going to get back to me. I can have more answers for you by the next meeting.

Mayor Arnulfo Castañeda – We don't get a percentage back. We get a set fee per type of transaction and then we also charge a City fee up front.

Trustee Pilar Madrid – Is it in the City's deposit?

Sukie Saldaña – Yes, the City's portion is.

11. ADJOURNMENT

A motion to adjourn was made by Trustee James Scott. A second was made by Trustee Diana M. Trujillo. All in favor; motion passes.

ATTEST:



City Clerk, Christy Sifuentes





Mayor, Arnulfo Castañeda

Public comments limited to 3 minutes.

Regular Meeting

CITY OF ANTHONY, NM
Board of Trustees
Multi – Purpose Building
750 Landers
Anthony, NM 88021

Wednesday, January 20, 2016
6:00 PM

Public Input

Name:

Agency/Concern(s):

1. _____

2. _____

3. _____

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10. _____

