

REGULAR MEETING
City of Anthony Board of Trustees
Conference Call
Wednesday, October 07th, 2020
6:00 P.M.
MINUTES

You can join meeting using your phone by dialing.

United States: +1 (571) 317-3122

Access Code: 224-231-349

All members of the public entity participating remotely must identify themselves whenever they speak and must be clearly audible to the other members; public will be allowed 3 minutes presentation on agenda number 7.

1. CALL TO ORDER by Mayor Diana M. Trujillo
2. PLEDGE OF ALLEGIANCE led by Diana M. Trujillo
3. ROLL CALL
Present: MPT Fernie Herrera YES NO
Trustee Gloria Gameros YES NO
Trustee Elva Flores YES NO
Trustee Javier Silva YES NO
Mayor Diana M. Trujillo YES NO
Quorum Established YES NO

Traducción del ingles al español y del español al ingles esta disponible a petición.

4. CONFLICT OF INTEREST

5. APPROVAL OF AGENDA ORDER

1st Motion Trustee Gameros 2nd Motion: Trustee Silva

MPT Fernie Herrera YES NO
Trustee Gloria Gameros YES, NO 4 to 0 votes, motion passed.
Trustee Elva Flores YES NO
Trustee Javier Silva YES NO
~~Mayor Diana M. Trujillo YES NO~~

6. APPROVAL OF MINUTES

- a) Regular Meeting – 08/05/2020
- b) Regular Meeting – 8/24/2020
- c) Special Meeting- 9/22/2020
- d) Special Meeting – 9/23/2020

- Motion to approve minutes with following corrections:
- September 23rd - add the mayor there as well as being present.

1st Motion Trustee Gameros 2nd Motion: MPT Herrera

MPT Fernie Herrera YES NO
Trustee Gloria Gameros YES, NO 4 to 0 votes, motion passed.
Trustee Elva Flores YES NO
Trustee Javier Silva YES NO
~~Mayor Diana M. Trujillo YES NO~~

7. ITEMS FROM THE FLOOR

8. CONSIDERATION AND ACTION

- a) Consideration and Action to approve Proclamation of the month of October as DOMESTIC VIOLENCE AWARENESS MONTH. Presented by Chief of Police

1st Motion Trustee Gameros 2nd Motion: Trustee Silva

MPT Fernie Herrera YES NO
Trustee Gloria Gameros YES, NO 4 to 0 votes, motion passed.
Trustee Elva Flores YES NO
Trustee Javier Silva YES NO
~~Mayor Diana M. Trujillo YES NO~~

- **Henry Brutus:** *We're now celebrating Domestic Violence Awareness Month. I am the Executive Director and I speak on behalf of my organization La Casa and we are very honored and humbled by this proclamation. COVID-19 impacted all of us and has added stressors to our lives. Universally, this has also been an additional stressor for any families or any individuals facing or dealing with domestic violence after losing employment etc.*
- **Juliana Hernandez-** *South Valley Operations Manager and also a citizen of Anthony, New Mexico. Thank you to the City of Anthony, on behalf of the staff, the clients, and of our South Valley office. We appreciate your continued support of our movement against domestic violence and for acknowledging the negative impact that domestic violence creates in our community.*

b) Consideration and action to approve the use of match component from Colonia's 4104 of the total amount \$13,250 in addition to the CWSRF balance of \$65,705.35; totaling to \$78,955.35 to prepare the design plans and services and satisfy the readiness to proceed items for South Anthony Arroyo project. **Presented by Projects Coordinator**

1st Motion Trustee Gamos 2nd Motion: Trustee Silva

MPT Fernie Herrera	YES	NO
Trustee Gloria Gamos	YES	NO
Trustee Elva Flores	YES,	NO 4 to 0 votes, motion passed.
Trustee Javier Silva	YES	NO
Mayor Diana M. Trujillo	YES	NO

- **Projects Coordinator:** *Apologize to the Mayor and the Board: This item was brought to the Board, 05/20/2020. Item was approved when we're doing the preliminary budget for the fiscal year 2021. Matching component was in place until in final revision. It was taken out. This was a fault in my part. I forgot to add this part.*
- **MPT Herrera:** *Was this the same one that was denied by water board?*
- **Projects Coordinator:** *The one that was denied by Water Trust board was colonias. We are trying to get the \$13,250 as the matching component to use with the balance of the Clean Water State Revolving Fund.*
- **Trustee Gamos:** *So, you're requesting to place back that \$13,250 to fund 283 to make a total of \$78,000.*
- **Projects Coordinator:** *yes.*

c) Consideration and actions to approve Wilson & Co. Task order No. 082420, City of Anthony Transportation Asset Management Plan, funded by NMEDD for the total amount of \$50,000. **Presented by Projects Coordinator**

1st Motion Trustee Gamos 2nd Motion: MPT Herrera

MPT Fernie Herrera	YES	NO
Trustee Gloria Gamos	YES,	NO 4 to 0 votes, motion passed.
Trustee Elva Flores	YES	NO
Trustee Javier Silva	YES	NO
Mayor Diana M. Trujillo	YES	NO

- **Projects Coordinator:** *this is a task order for Wilson & company for your approval of \$50,000.*
- **Mario Infante:** *Both the State and federal grants are now making asset management plans a required criterion. This plan will make the City more competitive moving forward.*

d) Consideration and Action to accept COVID-19 Emergency Grant award (CARES Act Funds) of \$50,000. **Presented by Projects Coordinator.**

1st Motion Trustee Silva 2nd Motion: MPT Herrera

MPT Fernie Herrera	YES	NO
Trustee Gloria Gamos	YES,	NO 4 to 0 votes, motion passed.
Trustee Elva Flores	YES	NO
Trustee Javier Silva	YES	NO
Mayor Diana M. Trujillo	YES	NO

- **Projects Coordinator:** *We were awarded \$50,000 from the CARES Act and this will be used to cover some of the costs that the city has incurred during the pandemic.*

- **MPT Herrera:** I'm a little concerned mayor. You had mentioned that you had also worked with Dona Ana County on a CARES Act package?
 - **Mayor Trujillo:** This is grant is covering anything that is internal cost because of COVID, with the City. The \$50,000 that was approved with the county and the municipalities, is going to be offered to small businesses within the City of Anthony that have suffered due to the pandemic.
 - **Trustee Flores:** I'm just wondering what line item this might be placed in.
 - **City Clerk:** Trustee Flores, the next agenda item is to create a line item for the grant.
 - **Trustee Silva:** What is it going to be used for specifically? I would appreciate that you keep us informed before the money starts being disbursed.
 - **Projects Coordinator:** Grant paperwork says it is for purchases that had to be done in order to be compliant with the restrictions of COVID pandemic.
 - **City Manager:** Trustee, an example of an expenditure that will be charged to this grant is the sanitizing of the city today related to the potential COVID exposure and any other sanitation cost equipment used to sanitize. Staff is looking into some personnel costs as raised by Chief around hazard pay.
 - **Trustee Flores:** Request staff to track the expenses.
 - **Projects Coordinator:** I have set up the account with FEMA, if needed we can use that option
 - **City Manager:** Just to clarify the CARES Act is 100% reimbursable; the FEMA award is an 80/20 grant. The City will do its best to exhaust the CARES Act funding first and then we would move to the FEMA reimbursement option. I also asked procurement clerk to track all COVID-related expenses in our finance system since the Spring.
- e) Consideration and action to approve Fund number 297, a new line item to be added on FY 2020/2021 budget for COVID-19 Emergency Grant award (CARES Act Funds) of \$50,000. **Presented by City Manager.**

1st Motion Trustee Gameros 2nd Motion: Trustee Silva

MPT Fernie Herrera	YES	NO
Trustee Gloria Gameros	YES,	NO 4 to 0 votes, motion passed.
Trustee Elva Flores	YES	NO
Trustee Javier Silva	YES	NO
Mayor Diana M. Trujillo	YES	NO

- **City Manager:** This line item will be a part of the quarter one budget adjustment that will be submitted to DFA. This is simply the next step in the process that was begun with the previous action item, the grant is reimbursement based.
- f) Consideration and actions to approve an amended City Organizational Chart. **Presented by Trustee Gameros**

1st Motion Trustee Gameros 2nd Motion: Trustee Silva

MPT Fernie Herrera	YES	NO
Trustee Gloria Gameros	YES,	NO 3 to 1 votes, motion passed.
Trustee Elva Flores	YES	NO
Trustee Javier Silva	YES	NO
Mayor Diana M. Trujillo	YES	NO

- **Trustee Gameros:** The other chart that we had had individual names on it and I feel that we need to get away from putting people's names on the chart.
 - **MPT Herrera:** It's pretty well thought out, thank you.
 - **Trustee Flores:** I'm going to vote no, because I would have liked to see a department for project coordinator. So, no.
- g) Consideration and actions to approve an updated Payroll/Procurement clerk job description with payroll and accounts payable duties listed.

1st Motion Trustee Gameros 2nd Motion: MPT Herrera

MPT Fernie Herrera	YES	NO
Trustee Gloria Gameros	YES,	NO 4 to 0 votes, motion passed.
Trustee Elva Flores	YES	NO

Trustee Javier Silva **YES** NO

~~Mayor Diana M. Trujillo YES NO~~

- **City Manager:** This is a draft job description that was begun back in January of this year and sort of shelved for some time because of other events including the pandemic. This is a document that has been heavily revised over the last several months and is now before this body for discussion and approval.
- **Trustee Gameros:** Change department to read finance department not city manager.
- **Trustee Flores:** Have we allowed our payroll/procurement clerk to give her input into this job description? I would have really appreciated it if she had been, I don't know if she thought she wasn't invited, or if she knows that, she could just come on, but I would have really appreciated it if she had been at this meeting
- **City Manager:** The payroll procurement clerk definitely had a lot of input into the revision of the job description.
- **Alan Dahl:** I believe that one of the duties of the payroll clerk was supposed to be the management of the accounts payable.
- **Trustee Gameros:** I agree. We should add that on the essential duties area on the last bullet, management of accounts payable.
- **City Clerk:** We placed it on the finance policies.
- **Trustee Gameros:** Let it be the first one on the essential duties and responsibilities on the job description.

h) Consideration and actions to approve an amended Finance Officer job description. **Presented by Trustee Gameros**

1st Motion Trustee Gameros 2nd Motion: MPT Herrera

MPT Fernie Herrera **YES** NO

Trustee Gloria Gameros **YES,** NO **4 to 0 votes, motion passed.**

Trustee Elva Flores **YES** NO

Trustee Javier Silva **YES** NO

~~Mayor Diana M. Trujillo YES NO~~

- **Trustee Gameros:** We have added that they will coordinate with the annual audit procedures; be responsible for petty cash; responsible for overseeing the accuracy of the disbursement of funds and monitors all expenditures. Those were just the little minor detail that I found there.
- i) Consideration and actions to approve an amended Employee handbook. **Presented by Trustee Gameros**

1st Motion Trustee Gameros 2nd Motion: Trustee Silva

MPT Fernie Herrera **YES** NO

Trustee Gloria Gameros **YES,** NO **4 to 0 votes, motion passed**

Trustee Elva Flores **YES** NO

Trustee Javier Silva **YES** NO

~~Mayor Diana M. Trujillo YES NO~~

- **Trustee Gameros:** The changes are what we worked on at the workshop on Friday. So, these amendments are just coming to the board, for the approval of the governing body.
 - **Mayor Trujillo:** Was the attorney going to look into assisting us with the grievance part of the employee handbook?
 - **Alan Dahl:** I will be looking into updating the grievance procedures, to cross reference them against what other local public bodies have done, including Dona Ana County, but given the size of the change and just the sheer amount of items that were going over at the workshop, that's something that we've decided or that seemed reasonable to put off until a later date. I do expect to be working with the board here soon on some additional amendments.
 - **Trustee Flores:** Request a copy of the handbook and copy of any of the other changes that we made to any of the policies.
- j) Consideration and actions to approve an amended **Resolution 2017-008** a resolution of the City of Anthony, NM Adopting Mayor, Trustees, and City Manager Policies and Parliamentary Procedures with amendments of current City of Anthony Board of Trustees Policies and Procedures. **Presented by Trustee Gameros**
- **Trustee Gameros:** This is one of the documents that we worked on at the workshop.

- **City Clerk:** This resolution was approved by the Board, but I was not able to find an original signed copy. My question is, do we still keep resolution number, 2017.
- **Alan Dahl:** I think the best way to do it is probably to write "Amendment"
- **Trustee Flores:** Suggest to add resolution number on the "Exhibit A" title. Suggest to change the wording "Mayor is empowered to discharge the city manager but only with a governing body, Approval". I feel like Mayor is empowered, and then we take the power away. It doesn't make sense to me and it's not matching to staff handbook.
- **Alan Dahl:** I agree with you, except that the Contradictory language is from the Attorney General Opinion and it has its foundations and case law and so it is an oxymoron or a paradox.
- **Trustee Gameros:** I'm sorry that you weren't here on Friday, but all the city manager items, is a "copy and paste" from the state statute.
- **Trustee Flores:** I think it would keep us from having all these grievances if we all work as a team, and we know what the city manager is doing. I feel that it would help send a signal that, everyone is on the same page.
- **Trustee Silva:** If we all agree later that it needs to be changed, then submit it all at once because you got to understand, we have a binding contract right now with our city manager.
- **Trustee Gameros:** Motion to amend the title of Resolution 2017 to add "Amendment 2" & on Exhibit A to add "Attachment to Resolution 2017-008 (Amendment 2)".

1st Motion Trustee Gameros 2nd Motion: Trustee Silva

MPT Fernie Herrera	YES	NO
Trustee Gloria Gameros	YES,	NO 4 to 0 votes, motion passed.
Trustee Elva Flores	YES	NO
Trustee Javier Silva	YES	NO
Mayor Diana M. Trujillo	YES	NO

Motion: Consideration and action to approve an amended Resolution 2017-008 a resolution of the City of Anthony, NM Adopting Mayor, Trustees, and City Manager Policies and Parliamentary Procedures with amendments of current City of Anthony Board of Trustees Policies and Procedures with amendments.

1st Motion Trustee Gameros 2nd Motion: MPT Herrera

MPT Fernie Herrera	YES	NO
Trustee Gloria Gameros	YES,	NO 4 to 0 votes, motion passed.
Trustee Elva Flores	YES	NO
Trustee Javier Silva	YES	NO
Mayor Diana M. Trujillo	YES	NO

k) Consideration and actions to approve EDA CARES Act application for the Dos Lagos project. **Presented by City Manager**

- **City Manager:** The language on this particular action item is incorrect and I didn't catch it when I reviewed the agenda. In the packet, you have a draft letter of support and that's really what it should say here. The city would be supporting an application and not necessarily applying itself for these funds. To my knowledge, there's no fiscal impact to the City. Our partners at Wilson, I believe are on the line to confirm.
- **Mario Infante-Juarez:** That is correct, city manager.
- **Alan Dahl:** I think the Board or the Mayor, would want to entertain a motion to amend the language to say something along the lines of consideration and action to approve issuance of a letter of support of the EDA CARES Act application for the Dos Lago's project.
- **Trustee Gameros:** I move to amend consideration and action or to place the issuance of a letter of support to EDA Cares Act the application for the Dos Lagos project.

1st Motion Trustee Gameros 2nd Motion: Trustee Silva

MPT Fernie Herrera	YES	NO
Trustee Gloria Gameros	YES	NO
Trustee Elva Flores	YES	NO 4 to 0 votes, motion passed.
Trustee Javier Silva	YES	NO
Mayor Diana M. Trujillo	YES	NO

Motion to approve item with amendment:

1st Motion Trustee Gameros 2nd Motion: Trustee Silva
MPT Fernie Herrera **YES** NO
Trustee Gloria Gameros **YES** NO
Trustee Elva Flores **YES** NO **4 to 0 votes, motion passed.**
Trustee Javier Silva **YES** NO
~~Mayor Diana M. Trujillo YES NO~~

9. **ORDINANCE FIRST AMENDMENT READING**

A. ORDINANCE 2019-002 an ordinance of the City of Anthony to provide for the hiring of a City Manager

First reading: October 7th, 2020

Notice of publication date: September 28th, 2020

Public Comments/Discussion: October 7th, 2020 and October 21st, 2020

Consideration and Action to pass October 21st, 2020

- **Trustee Flores:** *I'm sure these items that you have here, in blue are those the ones that you just sent here today, in the afternoon? it was sent in a bit late, and I didn't get a chance to really go through this. I don't feel comfortable voting on this item.*
- **Mayor Trujillo:** *Trustee Flores, you won't be voting, this is a first reading, you will be voting on October 21st.*

10. **CLOSED SESSION: at 7:54 PM**

A. NOTICE IS HEREBY GIVEN that the City of Anthony Board of Trustees will meet in Executive Session Pursuant to NMSA 1978, Section 10-15-(H)(2) Discussion of Limited Personnel Matters, to discuss the document of reprimand of the City Manager by the Mayor & Discussion of hiring Temporary Finance officer.

1st Motion MPT Herrera 2nd Motion: Trustee Gameros
MPT Fernie Herrera **YES** NO
Trustee Gloria Gameros **YES** NO **4 to 0 votes, motion passed.**
Trustee Elva Flores **YES** NO
Trustee Javier Silva **YES** NO
~~Mayor Diana M. Trujillo YES NO~~

B. **OPEN SESSION- at 9:08PM**

Motion to return to open session

Mayor Trujillo: *no decision was made during the closed session; I entertain a motion to come back to open session*

1st Motion Trustee Gameros 2nd Motion: Trustee Silva
MPT Fernie Herrera **YES** NO
Trustee Gloria Gameros **YES** NO **4 to 0 votes, motion passed.**
Trustee Elva Flores **YES** NO
Trustee Javier Silva **YES** NO
~~Mayor Diana M. Trujillo YES NO~~

11. **CONSIDERATION AND ACTION**

a) Consideration and action to accept the document of reprimand in the personnel file of the City Manager.

Mayor Trujillo: *I'm going to get off this item, when we go back to 11B, please call me text me to log in to meeting again.*

1st Motion Trustee Gameros 2nd Motion: Trustee Silva
MPT Fernie Herrera YES **NO**
Trustee Gloria Gameros YES **NO** **1 yes and 3 No votes, motion not passed.**
Trustee Elva Flores **YES** NO
Trustee Javier Silva YES **NO**
~~Mayor Diana M. Trujillo YES NO - Absent~~

b) Consideration and action to hire a temporary Finance Officer

1 st Motion	<u>Trustee Silva</u>	2 nd Motion:	<u>MPT Herrera</u>
MPT Fernie Herrera	YES	NO	
Trustee Gloria Gameros	YES,	NO	3 yes to 0 No votes, motion passed.
Trustee Elva Flores	YES	NO	Absent (dropped call at 9:12pm)
Trustee Javier Silva	YES	NO	
Mayor Diana M. Trujillo	YES	NO	

- Trustee Silva: just for the records I believe we lost Trustee Flores.

12 ITEMS FROM THE CITY CLERK

- Clerk requested Mayor to allow Chief Ordonez present to the Board.
- **Chief Ordonez:** My apologies for not being available for item 8a earlier this evening regarding the Domestic Violence Awareness Month. I have been handling staffing issues. So, with that, I just wanted to acknowledge the proclamation of the month of October as Domestic Violence Awareness Month and the Anthony Police Department is fully supporting their efforts in domestic violence awareness
- **City Clerk:** Presented new stamp artwork. The City of Anthony has only one stamp and I understand that has been my responsibility, but I also realized, in my absence, sometimes operation can be delayed, and so, I was suggesting to have at least three of these. One stamp with City Clerk, City Manager & with Mayor to have a stamp that says office of the Mayor.
- Library has never had a stamp. This will help in stamping library agendas and any other official documents.
- City Clerk issued the board a copy of New Mexico Municipal league summary of 2020 Laws of Interest to Municipalities. This is just for reference.
- Presented Lapel pin. This was initially requested by Trustee Flores as marketing items.
- We have vacancies in the Library Board. We have requested Madam Mayor to look into this. Last meeting, they had no quorum.

13 ITEMS FROM THE CITY MANAGER - None

14 ITEMS FROM THE MAYOR AND TRUSTEES

Trustee Silva: I have been communicating with the city manager regarding the soccer field and he was telling me that he was being told by public works that it had been getting watered at three o'clock in the morning, but I had actually gone out there on multiple occasions and it looked dry. There was a couple of yellow spots that were starting to show up in the middle of the field. Now there's moisture. You can also notice that the yellow spots on the grass is kind of going away, so I'm just asking that we stay on top of that grass because we paid a lot of money.

Trustee Gameros: Open Meetings Act and the IPRA training is tomorrow. If anyone is interested, I think I can share the phone number and code.

Mayor Pro Tem Herrera: We had a meeting scheduled yesterday for a hearing for the variance and the people that were requesting the variance requested that it be canceled because of an emergency that they had. As far as I understand, according to Municipal League trainings, if a meeting has been posted and not canceled within 24 hours of the meeting, then it has to go on. I just want to make sure that we're not in violation of the Open Meetings Act.

City Clerk: I will be honest, I have no idea as well, Mayor Pro Tem, but I checked Open Minutes Act before I sent a cancelation, called Randy to no success and called Attorney General's office for guidance. I expected a call back. This will be one of the questions I will be asking at the training tomorrow.

Alan Dahl: There's nothing in the language or that I have identified, I should say in the language of the Act itself, that prohibits the last-minute cancelation of a meeting. I am as curious as anyone at this point to know the proper procedure and the sources of the advice that was previously given by the Municipal League, as it does not appear to be in the statute itself.

Mayor Trujillo: Just to let the board know I signed the closing documents for Dos Lagos at the Dona Ana Title company.

15 ADJOURNMENT

1st Motion Trustee Gameros 2nd Motion: MPT Herrera

MPT Fernie Herrera **YES** NO

Trustee Gloria Gameros **YES**, NO *3 to 0 votes, motion passed at 9:34PM*

~~Trustee Elva Flores~~ ~~YES~~ ~~NO~~

Trustee Javier Silva **YES** NO

Mayor Diana M. Trujillo ~~YES~~ ~~NO~~

ATTEST:



Esther Motongo, City Clerk




Diana Murillo-Trujillo, Mayor