



Oscar Dominguez
City Manager

REGULAR MEETING
City of Anthony Board of Trustees
820 HWY 478 – Council Chambers
Anthony, NM 88021
Tuesday, March 24th, 2020
6:00 P.M.
MINUTES

Mayor Diana M. Trujillo
MPT Fernie Herrera
Trustee Elva Flores
Trustee Javier Silva
Trustee Gloria Gameros

You can join meeting using your phone by dialing.

United States: [+1 \(224\) 501-3412](tel:+12245013412)

Access Code: 971-356-733

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. Only Ten people will be allowed in the room at a time.

1. **CALL TO ORDER** by Mayor Diana M. Trujillo – at 6:43 P.M

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

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

4. **CONFLICT OF INTEREST**

Mayor: *This is just a reminder, if any Board members have conflict of interest with items on agenda, please recuse yourself.*

5. **APPROVAL OF AGENDA ORDER**

1st Motion: Trustee Gameros 2nd Motion: MPT Herrera

Motion to approve agenda order.

Roll Call vote:

MPT Fernie Herrera	YES	NO
Trustee Gloria Gameros	YES	NO 4 to 0 vote, motion passes
Trustee Elva Flores	YES	NO
Trustee Javier Silva	YES	NO
Mayor Diana M. Trujillo Tie Breaker	YES	NO

6. **APPROVAL OF MINUTES**

Regular Meeting 03/04/2020

Workshop Meeting 03/04/2020

Motion to approve minutes for regular meeting 03/4/2020; workshop meeting 03/04/2020

1st Motion: Trustee Gameros 2nd Motion: MPT Herrera

Roll Call vote:

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

7. **ITEMS FROM THE FLOOR-** *None in the room & none on phone.*

8. **CONSIDERATION AND ACTION**

A. Consideration and Action to approve the purchase of Library computers and Electric sign using junior funds grant number ZD9027 for City of Anthony Library. **Presented by City Manager.**

- ❖ **City Manager:** *Quote presented by head librarian is to purchase computers for the library. The cost is above city managers approved limit of \$5,000 and requires board approval.*
- ❖ **Trustee Gameros:** *quote for electric sign is missing, what amount is being approved?*
- ❖ **City Clerk:** *It should be the same quote presented by head librarian last time, staff need to use library grant and junior funds by June 2020.*
- ❖ **Trustee Gameros:** *Request staff bring quote for both items, fund numbers used to purchase and spreadsheet showing obligated funds.*

motion to post pone the item to next meeting.

1st Motion: Trustee Gameros 2ndMotion: MPT Herrera

Roll Call vote:

MPT Fernie Herrera	YES	NO	
Trustee Gloria Gameros	YES	NO	
Trustee Elva Flores	YES	NO	4 to 0 vote, motion passes
Trustee Javier Silva	YES	NO	
Mayor Diana M. Trujillo Tie Breaker	YES	NO	

B. Consideration and Action to enhance City Manager authority to make executive order during COVID-19 state of affairs.

- ❖ **City Manager:** *Mayor and Trustees, I did not request the agenda item.*
- ❖ **Trustee Flores:** *Suggest both Mayor and City Manager. Mayor is in contact with other Mayors and Governors office.*
- ❖ **City Clerk:** *Spoke with city attorney. Item is to allow City Manager to make quick decisions in regard to State emergency COVID-19 if needed. We have had to implement new HR procedures to accommodate the changes, for example. city manager will make decisions regarding operations and employee matters.*
- ❖ **Mayor:** *Agrees that city manager needs to make decisions regarding city operations. Requested city manager stay in touch with Mayor.*
- ❖ **Trustee Silva:** *Mayors orders are different; she still has authority to make executive orders. Suggested to add: "city manager makes financial decisions regarding the operation of the city".*
- ❖ **Trustee Gameros:** *we cannot add to the agenda item but can add to the minutes.*

Motion: Consideration and Action to enhance City Manager authority to make executive order during COVID-19 state of affairs & financial decisions regarding City operation.

1st Motion: Trustee Gameros 2ndMotion: Trustee Silva

Roll Call Vote:

MPT Fernie Herrera	YES	NO	
Trustee Gloria Gameros	YES	NO	
Trustee Elva Flores	YES	NO	4 to 0 vote, motion passes
Trustee Javier Silva	YES	NO	
Mayor Diana M. Trujillo Tie Breaker	YES	NO	

C. Consideration and action to approve PERA Interest payment. **Presented by City Clerk.**

- ❖ **City Clerk:** *The City received invoices on the last 3 employees who had more PERA paystubs to correct. Staff is requesting the Board to pay penalty charged to employee since it was no fault of the employee.*
- ❖ **PERA does not make payment plans, City pays the full amount up-front. Employee is allowed to make payments to reimburse The City; Employee signs a promissory note allowing city to deduct a certain amount until the full amount is paid. If the employee resigns or is terminated, the balance remaining is deducted on the employee's final paystub in full.**

❖ **Trustee Gameros:** *Agrees city should pay the interest charged. Requested to the minutes reflect a total of \$8,911.48 including employee portion and interest will be paid to PERA.*

Interest for Antonio Cervantes - \$153.75

Interest for Maribel Villa - \$ 422.73

Interest for Daniel Barreras- \$563.22

- ❖ **Trustee Flores:** *Agrees to payment plan and that employees should sign an agreement.*
- ❖ **Trustee Silva:** *Suggest payment plan for 12 months.*
- ❖ **Trustee Gameros:** *Agrees to 12 months.*
- ❖ **MPT Herrera:** *Requests staff to check with city attorney if it is legal to ask payback from employees who are no longer with the city.*
- ❖ **City Manager:** *We will and expect they will do the right thing and fulfill their commitment. The legal costs of pursuing these amounts is usually more than the amounts themselves.*
- ❖ **Trustee Flores:** *Which line item will pay this?*
- ❖ **City Clerk:** *PERA retirement contribution backpay line item 101-03-50320 in city clerk budget. It had a total of \$25,000 approved by the board.*

Motion: Consideration and action to approve PERA Interest payment

1st Motion: Trustee Gameros 2nd Motion: MPT Herrera

Roll Call Vote:

MPT Fernie Herrera	YES	NO	
Trustee Gloria Gameros	YES	NO	
Trustee Elva Flores	YES	NO	4 to 0 vote, motion passes
Trustee Javier Silva	YES	NO	
Mayor Diana M. Trujillo Tie Breaker	YES	NO	

D. Consideration and action to add, “the employee shall abide, implement, and enforce the legal direction of the City Manager for the efficiency of operations of the City” in all employee’s job descriptions. **Presented by Trustee Gloria Gameros.**

- ❖ **Trustee Gameros:** *Now that we are approving an updated employee handbook, we need to update job descriptions.*
- ❖ **Trustee Flores:** *Concerned we are coming out really strong.*
- ❖ **City Clerk:** *Right now, all job description are not binding as they do not have City Manager in them. We now have a City Manager and job descriptions read that employees report to Mayor. This is a contradiction.*

Motion: Consideration and action to add, “the employee shall abide, implement, and enforce the legal direction of the City Manager for the efficiency of operations of the City” in all employee’s job descriptions.

1st Motion: Trustee Gameros 2nd Motion: MPT Herrera

Roll Call Vote:

MPT Fernie Herrera	YES	NO	
Trustee Gloria Gameros	YES	NO	
Trustee Elva Flores	YES	NO	4 to 0 vote, motion passes
Trustee Javier Silva	YES	NO	
Mayor Diana M. Trujillo Tie Breaker	YES	NO	

E. Consideration and action to amend job descriptions of head librarian, public works supervisor, IT manager, Police Chief, City Clerk, Finance Director and MVD Manager by replacing with “reporting to City Manager” and deleting reporting to Mayor; amending payroll/procurement job description by adding “reporting to City Manager” and deleting “reporting to Finance Director”.

- ❖ **City Clerk:** *This will change all job descriptions of staff that report directly to City Manager.*

Motion: *Consideration and action to amend job descriptions of head librarian, public works supervisor, IT manager, Police Chief, City Clerk, Finance Director and MVD Manager by replacing with “reporting to City Manager” and deleting reporting to Mayor; amending payroll/procurement job description by adding “reporting to City Manager” and deleting “reporting to Finance Director”.*

1st Motion: Trustee Gameros 2nd Motion: Trustee Silva

Roll Call Vote:

MPT Fernie Herrera	YES	NO	
Trustee Gloria Gameros	YES	NO	
Trustee Elva Flores	YES	NO	4 to 0 vote, motion passes
Trustee Javier Silva	YES	NO	
Mayor Diana M. Trujillo Tie Breaker	YES	NO	

- F. Consideration and action to approve a revised Employee Handbook. **Presented by City Manager.**

- ❖ **City Manager:** *Thanks to the trustees, city clerk and city attorney for revising the combined efforts that resulted in a much-improved handbook.*

Motion: *Consideration and action to approve a revised Employee Handbook*

1st Motion: Trustee Gameros 2nd Motion: MPT Herrera

Roll Call Vote:

MPT Fernie Herrera	YES	NO	
Trustee Gloria Gameros	YES	NO	
Trustee Elva Flores	YES	NO	4 to 0 vote, motion passes
Trustee Javier Silva	YES	NO	
Mayor Diana M. Trujillo Tie Breaker	YES	NO	

- G. Consideration and action to approve Staff to initiate Solid Waste RFP. **Presented by City Manager.**

- ❖ **City Manager:** *Requesting permission from the board to initiate request for proposal (RFP) for solid waste collection. This will eventually facilitate franchise fee from solid waste for the city.*
- ❖ **Trustee Flores:** *Are we going with only one company?*
- ❖ **Trustee Gameros:** *We have solid waste ordinance. It explains that one vendor will be for residential and multiple for commercial.*
- ❖ **Trustee Silva:** *Some companies do not have commercial services. Does that exclude them all together?*
- ❖ **Trustee Gameros:** *They were okay with ordinance before it was approved.*
- ❖ **Trustee Flores:** *So the RFP for commercial not residential?*
- ❖ **Mayor:** *We will have one vendor for residential, several for commercial.*

Motion: *Consideration and action to approve Staff to initiate Solid Waste RFP*

1st Motion: Trustee Gameros 2nd Motion: Trustee Silva

Roll Call Vote:

MPT Fernie Herrera	YES	NO	
Trustee Gloria Gameros	YES	NO	
Trustee Elva Flores	YES	NO	4 to 0 vote, motion passes
Trustee Javier Silva	YES	NO	
Mayor Diana M. Trujillo Tie Breaker	YES	NO	

9. CLOSED SESSION

- 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 on Limited Personnel Matters; Personnel update from City Manager.
- ❖ **Mayor:** *Called attorney general, it was advised since the board is joining the meeting at home it would not be a good idea to have closed session.*
- ❖ **MPT Herrera:** *Cannot see why not. Did Alan (city attorney) say anything different?*
- ❖ **Trustee Gameros:** *(Reads AG Open Government Division Advisory during COVID-19 State of Public Health Emergency). It does not say no closed session.*
- ❖ *Mayor calls city attorney*
- ❖ **Trustee Flores:** *Requested staff to turn public phone line off.*

Motion to go into closed session.

1st Motion: Trustee Gameros 2nd Motion: MPT Herrera

Roll Call Vote:

MPT Fernie Herrera	YES	NO	
Trustee Gloria Gameros	YES	NO	
Trustee Elva Flores	YES	NO	4 to 0 vote, motion passes at 7:39 P.M
Trustee Javier Silva	YES	NO	
Mayor Diana M. Trujillo Tie Breaker	YES	NO	

B. OPEN SESSION

Motion to return to open session.

1st Motion: Trustee Gameros 2nd Motion: Trustee Silva

Roll Call Vote:

MPT Fernie Herrera	YES	NO	
Trustee Gloria Gameros	YES	NO	
Trustee Elva Flores	YES	NO	4 to 0 vote, motion passes at 7:48 P.M
Trustee Javier Silva	YES	NO	
Mayor Diana M. Trujillo Tie Breaker	YES	NO	

- B. Consideration and possible action following executive session on limited personnel matters.
Trustee Gameros: no action was taken, suggested to bypass this item.

10. ITEMS FROM THE CITY CLERK

- ❖ **City Clerk:** *Ask if the board is planning to continue meeting.*
- **Trustee Gameros:** *Yes. Suggest not meet on 04/01/2020. Instead meet once a month to keep the City running. Next meeting would be on 04/15/2020.*
- **City clerk:** *Would like to minimize exposure to public. Does not want to take virus home to family.*
- **Trustee Silva:** *Suggested city clerk find a substitute.*
- **City clerk:** *Acting city clerk (projects coordinator) is teleworking as well.*
- **Trustee Flores:** *Requests that all consider governors suggestion. As leaders we ought to be examples to residents. We are putting clerks and her family at risk. City manager can request meeting only when it is super critical.*
- **Trustee Gameros:** *We postponed approval of the library sign and might lose the grant. Governor has not prohibited State/ Local governments from meeting. We can meet virtually.*
- **Trustee Silva:** *If we have to meet, meet remotely. Agree to have one meeting a month and keeping agenda minimal. Necessary items only.*
- **City clerk:** *What about exposure while posting agenda at public buildings?*
- **Trustee Gameros:** *We can get guidance from attorney general.*

11. **ITEMS FROM THE CITY MANAGER – no items**

12. **ITEMS FROM THE MAYOR AND TRUSTEES**

❖ **MPT Herrera:** *Residents around St. Anthony and Elm Street are requesting lights at that corner.*

❖ **Trustee Gameros:** *no items*

❖ **Trustee Silva:**

- *Requests city manager to pass his appreciation to public works supervisor, Mr. Roman and his team for their continual work on potholes. Recommends certificate of appreciation to the team.*
- **City Manager:** *Agrees: We have received a lot of positive feedback from residents as well.*
- **Trustee Silva:** *Received the email of water rights application form. Trustee was under the impression that city will not change until we knew what to do with water rights.*
- *Wants staff to see who determines what we do with water rights.*
- **City Manager:** *Wilson & Company is taking lead on how water will be utilized as they are working on the architecture and design of multi-generational complex. They are in the best position to make those recommendations.*
- **Trustee Silva:** *Who will pay them? Requested city manager to check and keep trustees informed.*
- **Trustee Silva:** *Reiterates lighting is needed as MPT Herrera mentioned. A barricade business was vandalized in Anthony. Requested police department to patrol more now that kids are home from school.*

❖ **Trustee Flores:**

- *Thank Mr. Roman and his team. People are happy. Thanked city manager for keeping on top of it.*
 - *Thanked Mayor for organizing trash pickup on Saturday.*
 - *Did not feel city manager wanted to hear request when I visited his office to talk about Longoria street. City manager seemed angry, brought up personal issues, did not let me talk about residents' request.*
 - *Have a signed petition and pictures showing the street is in dire need of paving. Nothing has been done on this street since it is a private street. It is dangerous incase of fire; These residents are paying towards city streets bond and they pay property taxes.*
 - *City manager was not very happy trustee does not know why. City manager does not live here in Anthony, so residents go to trustees if they need help.*
 - **City Manager:** *I do not get angry. Explained this is a private road and putting public money into it is not an option. I've been reached by and met with many residents. They know how to reach him. Trustees request sounds like a directive, which can only come from the governing body as a whole.*
 - **Trustee Flores:** *Requested city manager look into plot plan to see which road belongs to the city. Trustee does not agree with city manager that there is nothing that can be done. Trustee understands it will be more work for city manager but, requests he looks into it.*
 - **Trustee Flores:** *How did we handle promotions? We have not heard anything from city manager about those wage increases.*
 - **City Manager:** *All employees promoted in the last few months are within the board-approved city pay scale.*
 - **Trustee Silva:** *What is the relevance of whether city manager lives in the city or not? That was not in the job description. If residents have a petition signed, they need to go to planning & zoning. Trustee should suggest to the group to start with planning & zoning. Asking city manager is not the right process.*
 - **Trustee Flores:** *If Trustee is sure that P&Z commission can help, she will sure send residents there. Mario from Wilson & company directed Trustee to city manager.*
 - **City clerk:** *Residents of Longoria Street requested to be on agenda. They even presented pictures of that street, but it was too late as agenda was already posted. I requested that they attend board meeting and sign for public comment. None of those residents attended the meeting.*
 - **MPT Herrera:** *For the street to be part of the city, residents have to put the petition themselves. City manager cannot do it for them.*
 - **Trustee Flores:** *All I asked for is the plans as directed by Mario.*
- ❖ **Mayor:** *Supports city clerk request to be at home during this time. Attorney General can give good guidance. Requests motion to adjourn.*

- ❖ **Trustee Silva:** *Just to let those on phone know: Trustee Gameros left.*
- ❖ **City clerk:** *Correct, trustee Gameros left at 8:19 p.m.*

13. **ADJOURNMENT**

Motion to adjourn the meeting.

1st Motion: MPT Herrera 2nd Motion: Trustee Silva

Roll Call Vote:

MPT Fernie Herrera	YES	NO	
Trustee Elva Flores	YES	NO	4 to 0 vote, motion passes at 8:34 P.M
Trustee Javier Silva	YES	NO	
Trustee Gloria Gameros	YES	NO	
Mayor Diana M. Trujillo-Tie Breaker	YES	NO	

ATTEST:

Esther Motongo, City Clerk



Diana Murillo-Trujillo, Mayor