



Oscar Dominguez
City Manager

REGULAR MEETING
City of Anthony Board of Trustees
Conference Call
Wednesday, April 7th, 2021
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 \(646\) 749-3122](tel:+16467493122)
Access Code: 532-341-133

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

Traduccion 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: MPT Herrera

ROLL CALL

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 – 03/03/2021
- b) Special meeting – 03/10/2021
- c) Regular Meeting – 3/17/2021

Amendments:

- Minutes for 03/03/21 No.7a – add residents in plural
- Minutes for 03/10/21 No 5a- under MPT place space between 'onboard'.
- Minutes for 03/17/21 No 9b. remove dollar sign from approximate range.

Motion to approve amendments

1st Motion: Trustee Gameros

2nd Motion: MPT Herrera

ROLL CALL

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 to approve minutes as amended.

1st Motion: **Trustee Gameros**

2nd Motion: **Trustee Silva**

ROLL CALL

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 – PUBLIC COMMENTS

- a) **Gabriel Holguin:** E-mailed the board before the meeting. My job is to advocate for the citizens in my district. I would like to see the City open including resources such as City Hall, Police Department and MVD.
- b) **Projects Coordinator:** Presenting Soofa signs on behalf of the IT manager. Innovative signs which are 100% solar powered. An MOU is required. Each sign costs \$12,000. A minimum of 3 signs is required making this a total of \$36,000.

8. PRESENTATION

- a) Discussion of opportunity to allow the Anthony Police Department to have their own detective position. **Presented by Chief of Police**
 - **Chief of Police:** This is to promote having a detective position with the Anthony Police Department. We are a growing city and crime in our state has only increased. New Mexico has had the second highest violent crime rate behind Alaska and the second highest property crime rate behind Louisiana (credits to Safe Bice). We get about 20 felony cases in the city limits per year. A detective can assist the department in responding to the reports that we receive for allegations involving any kind of child abuse or neglect investigations. A detective can also assist the department and the city with background investigations or any citizen complaints about the PD.
- b) Discussion of the critical need to have command staff and the effective organizational structure for the Police Department. **Presented by Chief of Police**
 - **Chief of Police:** This presentation comes forward in light of House Bill 4 passing and it's very similar to the Lieutenant needs, as to why a detective position is being requested as well. The whole point behind civil liability is that public officials are expected to face legal consequences when they violate those constitutional rights. So, to better serve the community, it's quite important to organize the police force in a well-knit structure. This is where the police force restructure is highly recommended. In our standard operating procedures, we have the lieutenant position however, it has not been budgeted since my tenure. A lieutenant basically serves as another set of eyes ensuring that our policies and procedures are followed.
 - **Police Sergeant:** I'm in charge of the fleet department and the evidence. Most of the time, we have all units requiring maintenance. Requested lieutenant position to balance out some of these duties and offer better services to the community and for the police department.
- c) Presentation of City of Anthony Audit FY 2020. **Presented by Juan Garcia- Beasley Michell & Co**
 - **Juan Garcia:** Thanked city manager and staff for their hard work and assistance in the audit process.
 - Single audit was done. City received over \$750,000 in federal grant funding. No findings related to the single audit.
 - **Trustee Gameros:** Request to amend audit report. Page 88: city manager was hired in 2019 not 2020.

- **Juan Garcia:** We can correct it on our end. The report has already been accepted and published through the state.
- **Juan Garcia:** During testing, it was noted that journal entries were not approved. No progress has been made to resolve this line. Journals require management override control. We need some kind of verification that other people reviewed and approved it, even a department head.
 - **Finding 2020-003 Cash reconciliation:** Pooled cash account and the funds did not reconcile by \$160,323. Cash account module was not being used properly. The total amount of cash in the bank is correct. Nothing looked mischievous on that end.
 - **Trustee Silva:** City manager to make sure this finding is clarified and rectified by finance officer
 - **Trustee Gameros:** I had brought this up to City manager and he mentioned auditors were going to help reconcile.
 - **City Manager:** Finance officer is working through some of these. This is something we know that we have up until the end of the fiscal year to get corrected in Incode.
 - **Finding 2020-004:** It was noted that one out of five samples selected paid 100% of the per diem total, prior to travel dates. The total was paid was \$30. In the State of New Mexico, you're only allowed to pay out 80% upfront and then 20% upon return.
 - **Finding 2020-006:** It was noted that in one out of five employees, personnel file was missing. Last year, the samples selected all were well. Two years ago, we had the same issue. But I had noticed that they had corrected prior to me ending the audit. I think this is more like one of those isolated events.
 - **Trustee Gameros:** Audit is talking about the improper file retention, but then it goes on to say that it created difficulty to identify unauthorized modification of wages. Was this finding have to do with the modification of wages? If you could share that information with the board, so we are on the same page.
 - **MTP Herrera:** I would like a copy of that also in written form.
 - **Juan Garcia:** No, it was just a file.
 - **Finding 2020-007:** It was noted the city did not conduct a Capital Asset Count certification during the year. This is one of those requirements that are required in the state of New Mexico: That all capital assets, which means vehicles and buildings, even the infrastructure, like roads, are counted on a yearly basis, and the board needs to certify it. It doesn't matter what time of the year it is. You can go from that list, have somebody make sure that each item is accounted for, then they'll bring it to the board and they certify it. It's a documentation issue.
 - **Trustee Gameros:** I would like to request & schedule a meeting with the board, the city Manager, the City Clerk, the Finance Officer and the payroll/ procurement clerk, to discuss the situations that we have on findings. We can all create a solution and have better internal controls and oversight through the city manager and the staff to have policies and procedure language to resolve these findings.
 - **MPT Herrera:** There's a lot of findings here, that, it shouldn't be, the date back to June 30th, 2020. I would like to have a meeting also as soon as possible so we can discuss this and find a solution.
 - **Trustee Silva:** When the documents get submitted, out of respect for our current judge, change the report to reflect the current judge at the top of the paperwork. We try to report as much as we can and sometimes it seems worse than what it is. The reason we do audit is because we want the city to improve.
 - **Trustee Gameros:** Requested staff to bring the language that provides internal controls in the policies & procedures and I think a month's time should help them work on this.
 - **Mayor Trujillo:** All agreed May 13th, 2021 at 5:00 PM.

9. **CONSIDERATION AND ACTION**

a) Consideration and action to approve a Proclamation a proclamation declaring April 11–17, 2021 as National Public Safety Telecommunications week. **Presented by Chief of Police**

- **Chief of Police:** *On a daily basis, we see the work of police officers, EMS, firefighters. You know what they do to, to keep our community safe. This is an opportunity for us to say thank you for their hard work.*
- **Hugo Costa – MVRDA:** *It's a real honor to receive this proclamation from the City of Anthony. They take that first call and dispatch teams making life and death decision, like guiding citizens on CPR. On behalf of all the employees, thank you very much for this honor.*
- **Chief of police read the proclamation.**

1st Motion: **Trustee Gameros**

2nd Motion: **MPT Herrera**

ROLL CALL

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) Consideration and action to approve **Resolution 2020-013** a resolution approving All Hazard Mitigation Plan for the City of Anthony. **Presented by City Manager**

- **City Manager:** *This resolution is the final step in the adoption of a consolidated all hazards mitigation plan for the entire county of Dona Ana. This was driven by a steering committee, that our Mayor was a part of. The Steering Committee met once in person and online a few times in the last year.*

1st Motion: **Trustee Silva**

2nd Motion: **MPT Herrera**

ROLL CALL

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

c) Consideration and action to approve **Resolution 2021-014** a resolution adopting CDBG procurement policy. **Presented by Projects Coordinator**

- **Projects Coordinator:** *This is a requirement from the CDBG Grant Project that we have ongoing. Procurement policy, which provides fair and equitable treatment of all persons involved in the public procurement. City procurement clerk received a draft copy of this resolution for her feedback.*
- **Trustee Gameros:** *This resolution is taking care of our procurement policy stating that we're following state and obviously covers CDBG.*
- **Alan Dahl:** *My primary concern was simply that we do have some policies in place in the finance policies and procedure.*

Motion to add "together with the City's existing Finance policy and procedures".

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

ROLL CALL

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 to approve Resolution 2021-014 as amended.

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

ROLL CALL

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

d) Consideration and action to approve grant application for KNMB FY 2022. **Presented by Projects Coordinator**

- **Projects Coordinator:** This grant requires a 25% match. We could apply for \$45,000, but it is in-kind match. I received ideas from public works supervisor and our head librarian. Staff could apply for 6 recycled plastic benches, 2 for library, 2 for soccer field and 2 for walking path. Five dog waste stations to be placed on walking paths, 7 pine trees at soccer field and 2 pine trees at the library. Steel waste receptacles and sand blasting material for graffiti removal. These funds can also be used for drive by clean up. Soofa signs could be partially funded. Grantors mentioned that we would have to be very persuasive and very clear on our application in order to pinpoint some uses of this signs.
- **Trustee Flores:** Where would we place the signs?
- **Projects Coordinator:** IT manager has been working on this. He suggested walking path at Adams Baseball Park. There is a \$500 annual maintenance fee.
- **Trustee Silva:** Staff to check if the \$500 would cover solar panels if damaged or vandalized or there will be an additional cost.
- **Trustee Gameros:** Do you have time to submit this application, if we were to postpone this?
- **Projects Coordinator:** The deadline to apply is on 04/15/2021
- **MPT Herrera:** There are too many unanswered questions about the signs.
- **City Clerk:** The signs look good and this might not be a good grant for it now. Park equipment have higher chances of getting funded. The sign will require an MOU, we do not know how many years it can be renewed. We can collaborate with other government entities to pitch in for this cost. The MOU allows the city to advertise to cover the expenses. This might not be approved by grantors if they pay for signs. Recommended applying for park equipment.
- **Trustee Silva:** On the email sent by city manager, it does specify that other businesses could advertise, but the city will get 20% of net profits.

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

ROLL CALL

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

- e) Consideration and action to allow Ofc. Rudy Bueno a take home patrol unit. **Presented by Chief of Police**
- **Chief of police:** Vehicle Use Policy allows for us to make a special request to the City Manager and for the Board consideration.
 - Officer Bueno, has been with our department for over two years now. He is always motivated to learn and also expand his knowledge. He is reliable and at times report to work on short notice to help cover shifts. Chief is respectfully requesting for him to have a take home unit. He is only seven miles outside the 30 mile radius. We do have units that commute less than 20 miles and that can compensate those extra seven miles to accommodate his request.
 - **Trustee Gameros:** does he have any type of misconduct or it's just due to the fact that he lives out of the radius that we have set for the city.
 - **Chief of police:** He does not present any history of fleet crashes. He drives a 2018 Dodge charger.
 - **Trustee Silva:** I'm OK with him taking the unit home, with a review after 6 months. This is not a form of punishment just because we have a policy in place. I appreciate the hard work and dedication that the officer has given to our community, to our police department and to the city of Anthony.
 - **Trustee Flores:** By reviewing in six months, are we singling him out?
 - **Alan Dahl:** Assuming that this is the first instance where we have granted an exception, but we're asking the police chief to come back in six months or report back on the status of that vehicle. I think that's fine. The only issue is, when you're treating people differently. He's not being treated differently because, it doesn't have anything to do with him personally. It just has to do with the radius at which he lives and the settings in policy.
 - **MPT Herrera:** If he was involved in an accident while in Texas, is liability on the City?
 - **Alan Dahl:** I don't believe that there would be any different liability than an officer who gets into an accident within New Mexico.
 - **Trustee Gameros:** Asked chief to make sure she is aware of the fuel allowance for the police department because that's also another thing that is considered within this clause.
 - **Trustee Flores:** I think, it is just a small incentive. I don't feel like the gas is going to be that much. It's a lot for him to be using his car also.

1st Motion: **Trustee Silva**

2nd Motion: **Trustee Gameros**

ROLL CALL

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

- f) Consideration and action to approve full opening of the City Hall, Public library, City Parks and Playgrounds following all safety protocols. **Presented by MPT Herrera**
- **MPT Herrera:** Trustee Gameros and I did a survey. We stood by the post office and asked residents if they would like city hall open. One hundred percent requested the city to be opened as long as safety guidelines are followed. I support the residents as I think you should open the city and have the people come back and do their jobs.
 - **Trustee Flores:** Requested city manager input just because we're still in the yellow according to department of health.
 - **City Manager:** The guidelines from the state are really intended to help small businesses, to mitigate the risk of the pandemic, given a number of different parameters, including the positivity rate. Most of the restrictions that are imposed on businesses do not necessarily apply to governmental agencies so technically the city could re-open. City is short staffed in, first, and

foremost public works. It has been a challenge to recruit for the two open positions. Contact tracing will also not be possible if we are fully open.

- **Trustee Silva:** We are in the yellow and we are inching towards the green. As a municipality that has bills to pay, we have employees to pay. If you walk over there by Speedy title, they are following protocol. People stand outside if they really want to get their driver's license. Maybe we can provide some chairs on the outside six feet apart and have somebody sanitize the area.
- **Trustee Gameros:** Within an hour at the post office, we had talked to 25 people and another 20 from my neighborhood. Out of 45 people that we spoke to, 36 said that, they had tried to get city services and they weren't able to receive them. One man told me it was a hardship on them.
- **Trustee Flores:** We need to provide sanitizing stations. I'm not sure if we're asking for trouble.

1st Motion: **Trustee Silva**

2nd Motion: **Trustee Gameros**

ROLL CALL

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

g) Consideration and Action to approve the addition of **Section 6:2 Personal/Vacation Leave Accrual: No. 1 to 4** to the employee handbook. *Presented by City Clerk*

- **City Clerk:** Staff realized that some language in regards to maximum paid out vacation was missing from the handbook. Upon reaching out to Trustee Gameros, she recalled the initial handbook has the correct wording. This was missed in the many versions of the handbook correction. The language allows employee to continue accruing but in case of termination or resignation, city would only pay out 80 hours.
- **City Manager:** I think somewhere along the line when we stopped tracking those changes because of the cumbersome nature of a word document that had literally hundreds of changes in it already went up. We need to come up with a better way to revise this document going forward, perhaps twice a year.
- **Trustee Gameros:** This was placed so employees can use their hours not hoard them. Randy suggested the timeline for the people who are grandfathered in with the hours since we are going to have individuals that might not use it up.
- **Alan Dahl:** If Randy likes the language on #2, then I have no problem with it. My area of concern is understanding under what circumstances someone would have more than 80 hours after December 31st, 2021. We don't have anything addressing carryover. Recommendation would be to just table this till the next meeting.
- **City clerk:** Agreed to post pone. There is need to have clear direction on vacation. The handbook does not address vacation accruals when an employee is not at work (i.e. while being paid through workers comp, unpaid admin leave, accrual while on vacation etc.)

Motion to post pone item for next meeting.

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

ROLL CALL

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

10. ITEMS FROM THE CITY CLERK - None

11. ITEMS FROM THE CITY MANAGER - Requested time to transition in regards to re-opening of the City hall.

- **MPT Herrera:** In a weeks' time, to report Monday April 19, 2021 8:00 am -5:00 pm
- **Trustee Silva:** I'm okay with that
- **Trustee Gameros:** I think everybody should be fine to come back, especially now that the budget is going begin, staff need to talk to each other.
- **City Clerk:** Will the board be meeting in person at the municipal complex? This is because staff released a notice for ordinance reading which states online meeting only.
- **Trustee Gameros:** I think it is only fair that the Board go back if we are having employees open as well.
- **Mayor Trujillo:** I think there should be an option if you wanted to add virtual. A lot of residents don't want to go to the meeting in person.
- **Trustee Flores:** We have a lot more participants with virtually meetings. We should have the choice for in person and virtual. But we're losing out on having a lot of people participate. Nobody ever went to our in-person meetings and since we started virtual meetings we have attendees. People don't have to travel long distance to present when we have virtual meetings.

12. ITEMS FROM THE MAYOR AND TRUSTEES

- **Trustee Flores:** City manager, are going to need policies and procedures for that new neighborhood department?
 - **City Manager:** There's a job description for neighborhood services officer but as far as policies and procedures for that specific department, I do not believe that any exist. If the board wishes, staff can cobble that together.
- **Trustee Silva:** Update on the stop signs with the engineers
 - **City Manager:** The engineers are preparing to present on this item, including a third option at staff's request, including your request for stop signs at the next board meeting.
 - **Trustee Silva:** Thanks Oscar. I'd also just like to announce that I have a daughter who is going into the United States Navy, May 17th.
 - **Trustee Flores:** Congratulations, you ought to be very proud of her
 - **Mayor Trujillo:** Congratulations from us.
- **Mayor Trujillo:** My husband finished the city seal and they were taken back to City Hall. Let it show in the minutes that it was volunteer work and it was free of charge. No money was paid to him for the services.
 - **MPT Herrera:** Say thank you to Mr. Trujillo for us.

13. **ADJOURNMENT**

Motion to adjourn.

1st Motion: **MPT Herrera**

2nd Motion: **Trustee Gameros**

ROLL CALL

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

Mayor Trujillo: meeting is adjourned at 10:11 PM

ATTEST:



Esther Motongo, City Clerk

Diana Murillo-Trujillo, Mayor