

Oscar Dominguez
City Manager

REGULAR MEETING
City of Anthony Board of Trustees
820 Highway 478, Anthony NM 88021
& Conference Call
Wednesday, May 19, 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 (872) 240-3412

Access Code: 718-307-677

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 Chief Ordoñez
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**
 - *Mayor Trujillo: if anyone has any conflict of interest on the items presented on this agenda. Please recuse yourself from voting.*

5. **APPROVAL OF AGENDA ORDER**

Motion to approve agenda order.

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

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

6. **APPROVAL OF MINUTES**

a) Regular Meeting – 05/05/2021

Motion to approve minutes of the regular meeting May 5, 2021

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

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

7. **ITEMS FROM THE FLOOR – PUBLIC COMMENTS - NONE**

8. **CONSIDERATION AND ACTION**

a. Consideration and action to approve Dos Lagos large-room circular lighting. *Presented by Projects Coordinator*

- **Projects Coordinator:** *This was one of the options presented by staff for Multigenerational building.*

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

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

b. Consideration and action to approve Option two (Cocoa Prima) as material of choice for the Multi-Generational campus *Presented by Projects Coordinator*

- **Projects Coordinator:** *This is to approve Cocoa Prima Counter tops, River Marble Muddy Banks RM 93 flooring and Liner Matte Biscuit wall tile as material of choice for the multi-generational building. These samples were presented to the board at City Hall.*

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

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

c. Consideration and Action to transfer \$1,200.00 from GL: 101-05-71200 to GL: 101-05-60110 for Certification by Waiver expenses. *Presented by Chief of Police*

- **Chief of Police:** *We received a letter from the New Mexico Law Enforcement Academy, approving officer Justin Phillips to attend the Cert by Waiver course. I reached out to the DFA at that time, to see if the Law Enforcement Protection Fund would cover that cost. Certification by waiver is considered part of basic training, not advanced training and planning. so it would not be an allowable expense.*

- *Training total cost is \$700, \$450 for the course, and then \$250 for the meals and lodging and an additional \$360 for premiums.*

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

MPT Fernie Herrera YES NO
Trustee Gloria Gamos YES NO *4 to 0 vote, motion pass.*
Trustee Elva Flores YES NO
Trustee Javier Silva YES NO
Mayor Diana M. Trujillo ~~YES~~ ~~NO~~

d. Consideration and action to approve **Resolution 2021-021** a resolution adopting the coverage of benefits for the city of Anthony, New Mexico for fiscal year 2021-2022. *Presented by Payroll/procurement clerk.*

- **Payroll/procurement clerk:** *The resolution before you is based off the renewal that was discussed at the last meeting. After that meeting, it was brought to my attention that there was a concern regarding an RFP process for the insurance benefits, which led to a letter from city attorney. In summary it was required we RFP or use RMD. RFP procedure takes at least a month to three months. Sometimes they'll a little longer if the*

agencies contest. Brokers would not have had rates in time because rates are only released 60 days prior to the renewal date, which is July first and city clerk needs those rates for employee deductions by May 28. I got the rates May 3rd, then presented on May sixth meeting.

- We need to allow at least 10 days for the publication. Then we need to allow for written questions, evaluation, the scoring and time to protest. There was no sufficient time. I decided to research the second option the city attorney mentioned, which was the state benefits. I then reached out to the state and found out that the city is able to apply to participate. It's good for the city in the sense that, we don't have to RFP but it's not so good for the employees.

- City Attorney suggested we still to go through the state route instead of having a rushed RFP. That could also be a liability to the city.

- The difference in employee costs only would be a monthly difference of \$172. Employee spouse is less \$190 less, employee children is \$442 less. Once you average that out, it's only a \$202 monthly difference.

- Employee benefits are cut almost in half because of deductibles, compared with the current insurance. If we stay with the broker, it's a \$250 deductible's and with the state is \$500. The out of pocket is \$1500 with current broker and it's \$4000 with state. I did mention that to city attorney that it was more expensive and the benefits are not as good as we currently have.

- **Trustee Gameros:** It's a \$202 difference for employees? An employee with a spouse, employee spouses, and children, each category wouldn't be about that much difference of an increase?

- **Payroll/Procurement Clerk:** No, ma'am: That's the average monthly difference; Employee only are the ones who are going to suffer a significant difference, because it's about \$170 difference. But the employers with employee, spouse, and employee, family and employee children, are actually a little bit less.

- **Trustee Gameros:** I was wondering, would people be able to afford \$4000 out of the pocket in order to have coverage?

- **Payroll/Procurement Clerk:** Right: That was our concern as well.

- **City Clerk:** State is offering Presbyterian HMO as the lowest cost. HMO it is not good coverage. Blue Cross Blue Shield PPO is the one with \$4,000 out of pocket and \$500 deductibles. To answer trustees' question this is not affordable for employees.

- State insurance starts in January ends in December. If City joins in July, it means we meet those deductibles by December which is next to impossible. This deductible is including pharmacy; Employee would have a hard time getting refills as they will be paying to meet deductibles. Current renewal with UHC has \$250 deductible's and \$1,500 out of pocket. If we continue with UHC, employees input to deductibles will continue from where we are as they had same insurance in January.

- **Alan Dahl:** On the major issue, I wanted to make sure that you heard directly for me, as opposed to just Bonnie. I think she accurately represented what's happened up to today. From a legal perspective, last year, there was some closed session discussion relating to purchasing insurance and I issued an e-mail to the Board of Trustees at that time. That email has attorney client privilege. I won't discuss the contents of that e-mail in open session. It's our position today that insurance should be purchased with consistency to the procurement code and so that does mean either an RFP or taking an advantage of an existing agreement with the state. That is what directed city procurement to risk management division. I just wanted to confirm that it is the legal advice that we're providing on this matter.

- **Trustee Silva:** For substantial out of pocket, my employer provides a debit card with \$2000 to kind of offset the out of pocket and if employee does not use it for whatever reason it actually rolls over all year and accumulates.

- **City Manager:** You're referring to what I believe is a health savings account or an HSA and yes, that is another option that staff is starting to explore. They are pre-tax deduction from employees' wages in order for the

employee to be able to use those funds for medical related expenses, including co-pays, so yes, sir, that is something that we are exploring.

- **City Clerk:** after looking into market place insurance, there is another option offered to small business called "SHOP insurance". Private businesses get tax credits. They do provide a broker. We will explore the portal. I want us to look at all the options so that the board is able to make an informed decision.
- **MPT Herrera:** Why was an RFP not made, since it's required by law?
- **City Manager:** The timing seems to be the reason staff was not able to perform an RFP.
- **Payroll/Procurement Clerk:** From brokers, the rates aren't available 'till 60 days prior to the renewal date. Suggested paying provider in June then City reimburses itself. Instead of doing it backwards, i.e June pays for July.
- **MPT Herrera:** The only thing I don't like about it is that we requested an RFP for the insurers and it was never done. I know you're saying there was a time constraint, but it shouldn't happen. When the board requests something, it should be done.
- **Payroll/Procurement Clerk:** I understand Mayor Pro Tem, but we would have not met the deadline for the renewal so that's where the questioning came and I'm seeking other options or there would have been a gap in coverage.
- **City Clerk:** RFP would take 2 weeks of advertising, another week to review and award. I think it still can be done. Staff can request special meeting to award. Employees would have to do backpay of the amount owed to City, (the difference of the 2 insurances). Suggested 26 paystub deduction to allow new fiscal year transition.
- **MPT Herrera:** City manager and staff knew this had to be done because it was directed by the board. What bothers me is that it still was not done. We should have done this in March.
- **Trustee Gameros:** It would take us probably into July; Worst-case scenario, employees won't have insurance until probably August?
- **City Clerk:** The only problem is brokers will not give you insurance starting from August. So, if you miss July, you don't have insurance until January.
- **Payroll/Procurement Clerk:** So, I took initiative back in late March, but, like I mentioned before, rates weren't available till May 3rd. So, that's where I got stuck because from May 3rd to May 28th gives me no time.
- **Mayor Trujillo:** Have you called any other municipalities and asked, what procurement process they have for the insurance?
- **Payroll/Procurement Clerk:** I tried Sunland but they really don't help me out, Silver City or Roswell had posted a one-month RFP. I haven't actually talked to any other municipalities.
- **Mayor Trujillo:** We have open enrollment in June at the county. It was not brought to county board as an RFP. I was just asking if you can call them to see how they're running their process.
- **Trustee Gameros:** Post RFP, but then just in case it doesn't come through, staff should bring us complete information from the RMD because, right now, we are just being advised verbally. If the RFP falls through, then staff would have that RMD and all that information for us to look at and then for us to approve. But I want staff to go through that RFP first, that's my suggestion.
- **Trustee Silva:** I understand that, you know, the window of opportunity is minimum. We got to get better at that. I understand from time to time these things happen, but we went through the same situation last year. I'm okay with going forward with that RFP, but it honestly kind of scares me a little bit, to wait until the last minute. The last thing we want to do is have a lapse in insurance. I ask that everybody that is involved in doing this, be on top of everything to make sure it does happen. At the end of the day, the last thing you want is to have our employees without coverage.

Motion to post pone item.

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

MPT Fernie Herrera YES NO

Trustee Gloria Gameros YES NO 4 to 0 vote, motion pass.

Trustee Elva Flores YES NO

Trustee Javier Silva YES NO

Mayor Diana M. Trujillo YES NO

9. ITEMS FROM THE CITY CLERK- None

10. ITEMS FROM THE CITY MANAGER

- **City Manager:** Recommended that in the future, special meetings that have 1 or 2 items be online (only) mostly for expediency and efficiency.
- Staff did reach out to the governing body around a potential redesign of the baseball field at Adams Park. Requested a special meeting next Tuesday, rather than try to make these decisions in between meetings, which is never ideal/could be a rolling quorum.
- Staff, e-mailed the mayor and trustees regarding the potential for a temporary appointment of a municipal judge.

11. ITEMS FROM THE MAYOR AND TRUSTEES

- **Trustee Gameros:** I would like to suggest that we have the city manager trained to become a certified procurement officer as well. We can't depend on one person and since it is in his department, I think we need to have him certified, as well, so he knows what's going on, since he will be signing off on things, and looking at this.
 - As for special meetings online, I'd be OK with that. Do we need to amend resolution of the open minutes act?
 - **City Clerk:** No trustee, I had placed online meeting as an option.
- **Trustee Flores:** None
- **Trustee Silva:** Can soccer field be used to play? Can residents just come to the front office and request forms?
 - **City Manager:** I don't see why not, Trustee. I think we would just need to update the facility forms. Yes: Residents can come request a form at the front office or contact me directly.
 - **Trustee Silva:** There was a request put in by the contractor for Adam Ballpark to work on Saturdays. I was up there on Saturdays and there was no work being done. Can we get an explanation as to what happened there?
 - **City Manager:** Wilson is the construction management company and they did not budget for extra hours to work on Saturdays. So, because it would have an impact on the budget, we did not approve the Saturday work.
 - **Trustee Silva:** Where were the Adams Park lights moved to?
 - **City Manager:** I believe they are at Lil' Adams Park.
 - **Trustee Silva:** Requested those lights be installed at Soccer field.
 - **Trustee Silva:** Dos Lagos was boarded up; Was there vandalism going on?
 - **City Manager:** Yes unfortunately. With the City being the owner of Dos Lagos, if anything should go wrong even when no trespassing, the City could be liable. Police Department will also do frequent patrols.

- **Trustee Silva:** Adams Park might be a quick fix to accommodate softball. It's not going to require major paperwork; My suggestion would be that we just pull up the infield to behind the bases to accommodate everybody at the pitchers mound. Mobile mound can cost from \$300 - \$2000. We can accommodate the \$300 but I don't think it's a major deal to rectify that issue.
- **Trustee Flores:** Where are we going to keep the movable mound?
- **Trustee Silva:** At the end of the game, they lift those up, and they'll take them, say to the wherever we decide either at the inside of the concession stand, or we build on the site to lock it up. We can have public works, pick those up, and take them to City Hall after games.
- **Trustee Flores:** That's what I thought that we would have to be doing. We don't want to lose it, you know, to replace it again or something. So, yeah, I'm glad that we can remove it.

MPT Herrera: (From the city manager's email): "The cost of the professional services to redesign the infield to accommodate softball, would be more than offset by the savings of installing grass and irrigation." Are we not going to have grass on the infield? Is it just going to be dirt? People are expecting what we presented to them from the plans and that the residents and the board had approved. Just to remind the board and the staff that we are going to be building softball field at Dos Lagos, exclusively for that.

- Staff took appropriate procedures by boarding up Dos Lagos. Suggested demolishing old building at Dos Lagos. If there's anything of value in there, we can take it down or take it out of there.

- **Mayor Trujillo: No items.**

12. ADJOURNMENT

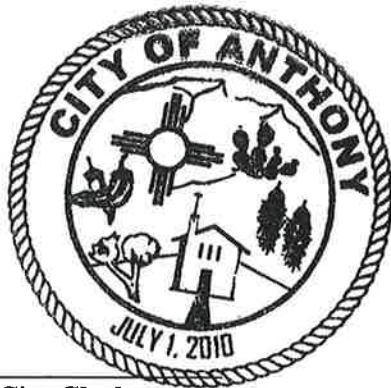
1st Motion: Trustee Gameros 2nd Motion: Trustee Silva

MPT Fernie Herrera	YES	NO
Trustee Gloria Gameros	YES	NO 4 to 0 vote, motion pass at 7:15PM
Trustee Elva Flores	YES	NO
Trustee Javier Silva	YES	NO
Mayor Diana M. Trujillo	YES	NO

ATTEST:



Esther Motongo, CMC- City Clerk




Diana Murillo-Trujillo, Mayor