

REGULAR MEETING
City of Anthony Board of Trustees
Conference Call
Wednesday, August 5th, 2020
6:00 P.M.
MINUTES

You can join meeting using your phone by dialing.

United States: +1 (786) 535-3211

Access Code: 486-721-853

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 MPT Herrera

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 Trujillo: *If anybody has conflict of interest in any of the agendas item that will be approved, please refrain from voting.*

5. APPROVAL OF AGENDA ORDER

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

Roll Call vote:

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 Tie Breaker	YES	NO

6. APPROVAL OF MINUTES

a) Regular Meeting – 07/01/2020

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

Motion to approve with following correction: Item 9F under City Manager comments change the word “extent” to “extend”.

Roll Call vote:

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 Tie Breaker	YES	NO

7. ITEMS FROM THE FLOOR

a. Rosalinda Aldaz:

- *I would like to let you know that I've been a lifelong resident of Anthony and an employee of the City of Anthony for almost seven years.*
- *I'm no longer an employee and I'm here today as a citizen to inform you of the way that my termination was handled.*
- *I requested a hearing with the board of trustees and was advised that I had a conflict of interest. I was terminated on the 26th of June of this year for performance standards.*
- *I do feel that Ms. Hall called Diana and myself to her office and told us that she was going to remove all the write ups and complaints in our files for 2019 and make a fresh start in 2020.*
- *I do have various messages from Diana.*
- *On June 11th, I was at the library. I was listening to a reading class that I was in charge of.*

- I noticed that Ms. Hall came in with a patron who usually rents out movies. The policy during that time was absolutely no one was to be permitted inside the building with us. Ms. Hall went over this with us because we both have underlying health issues and with COVID-19, we were more at risk.
- I looked up at her and asked her what she was doing, Ms. Hall looked at me and rolled her eyes. I then looked at Diana, and Mary was rolling her eyes. I did tell Diana that I had seen that.
- Mr. Dominguez informed us that I was going to be terminated for complaints against me.
- I also received various messages from Diana, concerning my termination, where she was very confused and didn't know exactly what was going on and why I was being terminated.
- My hearing took place on July 27. Mr. Carranco served as the hearing officer. I feel discriminated because he didn't listen or pay attention to the dates.
- My post termination hearing letter had incorrect dates and I feel that I was discriminated against as he was not paying attention to my case.
- I don't wish to make excuses for the way that I acted. I do suffer from underlying conditions, fibromyalgia, which causes me to have mood changes, which I never knew was going on.
- I was not allowed to speak to the board, but I do feel that I can share today. I do not see how a supervisor should be able to change policies to their own free will risking her employee's livelihood during a pandemic.
- The person in charge should be reprimanded so that the future employees are not intimidated or scared to come forward and complain. I believe my termination should be revoked and re-instated.

8. CONSIDERATION AND ACTION

- a) Consideration and action to approve **Resolution 2020–024** a resolution in support of the New Mexico health security act. **Presented by City Manager**
 - o **City Manager:** This is a resolution in support of a statewide coalition, Cities and Counties are supporting this effort to try to cover more people with health insurance in the State of New Mexico.

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

Roll Call vote:

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 Tie Breaker	YES	NO

- b) Consideration and Action to begin the negotiation process with SAFER NM for FY2021. **Presented by Chief of Police**
 - o **Chief of Police:** SAFER NM is highly dedicated to protecting New Mexico families and is always guided by ethical conduct, highest standard of accountability. Police department has partnered with SAFER New Mexico in the past several years and the grant, which is given by the Department of Transportation, is beginning about October 2020.
 - Our Police department enjoy working on the project, because we have law enforcement presence in our community specifically for our Buckle Up, speeding enforcement and DUI enforcement.
 - We assist our partners and stay for New Mexico and families and reducing the traffic injuries and fatalities in our community, and we want to improve the service to our community resident.
 - DWI project, it was the amount of \$3,883; total funding award of \$12,901.
 - Request for the board to give me permission to start the negotiation process for Safer New Mexico for next year.

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

Roll Call vote:

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 Tie Breaker	YES	NO

- c) Consideration and action to approve **Resolution 2020–025** a resolution acceptance and approval of the FY 2019 audit. **Presented by City Manager**

- **City Manager:** *This is a step in the process that the board has to take every year to accept and approve the audit for the previous fiscal year. We do expect to get out ahead of this for the last fiscal year and not be submitting quite so late in the future.*
- **MPT Herrera:** *Pursuant to section 12-6-5 NMSA 1978, audit report should have been released to public 5 days after the date of this release letter. The letter is dated June 29, 2020. Why hasn't the City released the audit to public?*
- **City Manager:** *My understanding is that, yes that is the expectation. I believe the delay was just a matter of communication.*
- **City Clerk:** *We received this letter from our contracted auditors on July 28,2020 while preparing resolution 2020-025. In his email, the auditor apologized since he expected the State Auditors sent it directly to the City. Turns out it was sent to previous Finance Director's email & not to City Manager or City Clerk.*

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

Roll Call vote:

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 Tie Breaker	YES	NO

- d) Consideration and action to approve **Resolution 2020-026** a resolution approving the development of an asset management plan for the City of Anthony, NM **Presented by Projects Coordinator.**

- **Projects Coordinator:** *We got asset management planning grant for a total of \$50,000 with a match of 12,500. This resolution, if passed today, will appoint me as the authorized implementing officer for the asset management plan.*
- **Trustee Silva:** *Gloria, is this just in regard to everything overall or in regards to that grant itself and only that grant itself.*
- **Projects Coordinator:** *This is only for the grant that we applied for from NMFA and that is for \$50,000.*
- **MPT Herrera:** *Is this match coming out of the current budget or is it an addition to the budget?*
- **Projects Coordinator:** *This has already been placed into the current budget.*

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

Roll Call vote:

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 Tie Breaker	YES	NO

- e) Consideration and action to approve the amended **Resolution 2020-013** a declaration of health emergency for the City of Anthony, New Mexico. **Presented by City Manager**

- **City Manager:** *Declaration of Health Emergency for the City of Anthony is document for a fluid situation. This document has been modified a few times since it was first adopted by the board. Suggested to edit / delete items that no longer apply or are out of date. Delete No 1, 2, 11 and remove the date under retail and commercial businesses.*

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

Roll Call vote:

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 Tie Breaker	YES	NO

- f) Consideration and action to approve purchase of a John Deere 3032E compact utility tractor. **Presented by City Manager**
- o **City Manager:** This is a quote from a CES vendor for the purchase of a tractor that was in the approved budget. Since it is a CES vendor, staff does not have multiple bids. This is to get the overgrown grass and weeds under control at former Dos Lago golf course.

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

Roll Call vote:

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 Tie Breaker	YES	NO

- g) Consideration and action to approve **Resolution 2020-023** a resolution approving final Quarter financial report for the fiscal year 2019-2020 for the City of Anthony, NM. **Presented by City Manager**
- o **City Manager:** The City of Anthony has to submit a quarterly report to DFA to compare the financial performance of the City against the budget. The variance in final financial report, has to do with the original cash estimate made at the beginning of the fiscal year, which was unfortunately overstated by quite a bit.
 - Sent an e-mail to Juan Garcia, our outside auditor to see if he might be able to assist with correcting this.
 - Our contracted Finance Officer explained this is something that the auditors usually will find and correct.
 - This is really just about reconciling the estimates that were way off from the beginning of this fiscal year.
 - o **Trustee Gamos:** The auditors will probably be the ones to catch these errors or the new finance officer. Was CDBG \$5,000 account added to claim on cash?
 - o **City Manager:** I believe the \$5,000 was included. I'm trying to get our auditors to help with that. The issue is really just a matter of the City's cash position being overstated on our books.
 - o **Trustee Flores:** Request to leave the balance as zero instead of the dashes on report. Do we still have line item 296?
 - o **City Clerk:** It's not in your report for the previous year, but it shows on our budget for this year.

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

Roll Call vote:

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 Tie Breaker	YES	NO

- h) Consideration and action to approve the amended **Resolution 2019-14 (Amendment No. 6)** a resolution amending the title of finance director on the City of Anthony PayScale. **Presented by City Manager**
- o **City Manager:** We need to align the pay scales with the updated job description. If the scales and job description are not consistent, it can cause problems down the line.
 - o **Trustee Gamos:** amend "finance director" title, to "finance officer".

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

Roll Call vote:

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 Tie Breaker	YES	NO

- i) Consideration and action to approve Anthony Police Department COVID-19 pandemic response and protocols. **Presented by Chief of Police**
- o **Chief of Police:** I basically generated this document for the purpose of having a written protocol and response to the pandemic available to our police department.

- We do not know how long the pandemic is going to last and are expecting there's probably going to be either outbreaks in the fall.
- The purpose of this was to be prepared to function in a variety of rapidly evolving situations.
- These guidelines are meant to supplement the response and not replace any emergency orders from the Board or Governor.
- This protocol is to essentially help prepare the officers to safeguard themselves and their community as the police are required to report to work and carry on with our duties during this pandemic.
- **Trustee Gamos:** You have definitely created something that the city needed. Request the city manager incorporate similar protocol into City staff procedures as well. Employees need to have something written, so they may be able to refer back to it.
- **MPT Herrera:** We should have our own protocols in place and not just depend on the State or County.

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

Roll Call vote:

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 Tie Breaker	YES	NO

- j) Consideration and action to approve purchase of Protexus cordless electrostatic COVID-19 fumigator. **Presented by City Manager**
- o **City Manager:** The documents before the board include a quote for this equipment as well as an invoice for the recent disinfecting done at the municipal complex.
 - The cost of disinfecting the complex was \$2700, which is about equivalent to the purchase of this equipment. This is a much more sustainable solution than contracting out the services.
 - **MPT Herrera:** How many tablets will be needed?
 - **City Clerk:** It depends where you will be decontaminating. There is a table of ratios of tablets needed for different types of contamination.
 - **MPT Herrera:** I think that the entire building is more than 8000 square feet. How much of those tubs will we need?
 - **Trustee Silva:** Those tubs, they actually come 256 tablets per tub. On the last page, where it's actually showing the disinfection solution, for example, for food contact, surface sanitizer, what you're going to do is add one tablet per quart, and then one tablet of the 3.3 for 2.5 gallons.

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

Roll Call vote:

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 Tie Breaker	YES	NO

9. ORDINANCE FIRST READING

A. ORDINANCE 2010-015 BOARDS OF COMMISSIONS.

First reading: August 5th, 2020

Notice of publication date: August 22nd, 2020

Public Comments/Discussion: August 5th, 2020 and August 19th, 2020

Consideration and Action to pass: August 19th, 2020

- **Mayor Trujillo:** We have an ordinance here for Board of commission, the first reading us for 8/5/2020 approval on 8/19/2020.

- **Trustee Gameros:** *Second page, Section 4B says: "Members of the Planning and Zoning Commission shall be residents of the City." There are two of the current members that aren't residents of the City. We need to change the language here.*
- **Trustee Gameros:** *Suggest for it to read: "The majority of the members of the Planning and Zoning Commission shall be residents of the City".*
- **Mayor Trujillo:** *Didn't we have 1 or 2 out of the city limits before?*
- **Trustee Gameros:** *They have been, but we never changed the ordinance.*
- **Trustee Flores:** *Does that kind of hold us to the majority or can there be, like five residents if they wish to serve?*
- **Mayor Trujillo:** *It will be okay if all are residents.*
- **Trustee Silva:** *If you go by that and say the majority, or majority of 5, then you don't need to bring the item for approval if there are two who are from outside City limits.*
- **MPT Herrera:** *I believe that we had already passed a resolution. I don't know what happened to the paperwork, but I remember specifically that we voted on this a while back, but a couple of years ago.*
- **Mayor Trujillo:** *Yes, request staff to check.*
- **Trustee Gameros:** *Staff can check April 20, 2016 minutes. I think we should extend the term from two years. I know, for myself, it took a good two years to really know what's going on in the position.*
- **Trustee Flores:** *It's a good idea to extend it, but I would suggest that maybe not at the present time due to the fact that we already elected these people and we don't want anyone to say that just because we elected certain people that we're giving them more time. Maybe we can do that for the next election, but it would be a good idea to extend it.*
- **Mayor Trujillo:** *Ok, so we'll go ahead and make changes, we will bring this item back on August 19.*

10. 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 of limited personnel matters; Updates on Finance recruitment, Library post hearing, City Clerk department discipline, Public Works & City Manager staff update and Police Department staff update.

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

Roll Call vote:

MPT Fernie Herrera	YES	NO
Trustee Gloria Gameros	YES	NO 4 to 0 votes, motion passed.at 7:16pm
Trustee Elva Flores	YES	NO
Trustee Javier Silva	YES	NO
Mayor Diana M. Trujillo Tie Breaker	YES	NO

B. OPEN SESSION

Motion to return to open session.

- o **Mayor Trujillo:** *no decision was made during closed session, I entertain a motion to open session.*

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

Roll Call vote:

MPT Fernie Herrera	YES	NO
Trustee Gloria Gameros	YES	NO 4 to 0 votes, motion passed.at 9:05 pm
Trustee Elva Flores	YES	NO
Trustee Javier Silva	YES	NO
Mayor Diana M. Trujillo Tie Breaker	YES	NO

11. ITEMS FROM THE CITY CLERK

- o *Apology on the error on item 8H misspelled "pay scale", Mayor had reviewed and pointed that out, I made changes but forgot to save changes before I printed.*

12. ITEMS FROM THE CITY MANAGER

- Was contacted recently by Ms. Diane Gomez, who is with the JR Stuart Foundation. This is a foundation dedicated to a fallen officer and so one of their goals is to spread awareness about buckling up or wearing seat belts. Ms. Gomez was kind enough to drop off a number of bumper stickers. Samples were furnished to the board. Staff is requesting permission from the Board to apply these stickers to city vehicles, as long as it does not violate any rules or standards set by the State. This is a positive message that can only be a good thing for our residents.
- All Trustees and MPT are okay with this request.
- **City Manager:** Reached out to Thriving Kids again today to gauge their interest in the potential for that non-profit to rent City property. Ms. Julie Ballard-Soto, confirmed that the CEO gave her the green light to move forward. I am working on soliciting bids for another fair market rental study.

13. ITEMS FROM THE MAYOR AND TRUSTEES

- **Trustee Silva:** Request staff to change on the time on library notice board.
- **Trustee Gameros:** None
- **Trustee Flores:** Request for Solid waste rental contract update
 - **City Manager:** The appraiser sent me an e-mail about a week and a half ago saying that she is behind on the fair market rental study.
- **MPT Herrera:** Request for Street light update.
 - **Mayor Trujillo:** They are working on this; Could be up sometime this week or the next.
- **MPT. Herrera:** Is it true that Magistrate will relocate to their old building after renovation?
 - **City Manager:** There are no plans for Magistrate Court to move out and their exit strategy, from my understanding, is the multi-generational Center.
 - **MPT Herrera:** Thanks for cutting grass at Dos Lagos and for workers cleaning out the culvert on Fourth Street.
 - **City Manager:** I did pass along your kind words to our public works supervisor, as I mentioned in the e-mail. Public Works is doing tremendous work under a lot of pressure, with short staffing and the added duties around cleaning and disinfecting the facility.
- **Mayor Trujillo:** No item.

14. ADJOURNMENT

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

Roll Call vote:

MPT Fernie Herrera	YES	NO
Trustee Gloria Gameros	YES	NO 4 to 0 votes, motion passed. At 9:21 pm
Trustee Elva Flores	YES	NO
Trustee Javier Silva	YES	NO
Mayor Diana M. Trujillo Tie Breaker	YES	NO



Diana Murillo-Trujillo
 Diana Murillo-Trujillo, Mayor

ATTEST:

Esther Motongo

Esther Motongo, City Clerk