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BOARD OF TRUSTEES
TOWN OF MESILLA
WORKSESSION
MONDAY, MARCH 28, 2016
5:00 P.M.

TRUSTEES: Nora L. Barraza, Mayor
Linda L. Flores, Mayor Pro Tem
Carlos Arzabal, Trustee
Jesus Caro, Trustee
Stephanie Johnson-Burick, Trustee

STAFF: Cynthia Stoechner-Hernandez, Town Clerk/Treasurer
Kevin Hoban, Fire Chief
Chris Mangusing, Marshal
Irene Parra, Special Events Coordinator
Gloria Maya, Recorder

PUBLIC:

1. Discussion on a proposed drug policy for Mesilla Town Employees.

Mr. Cervantes reviewed the new proposed drug policy with the trustees comments and corrections from the September 28, 2015.

Mayor Pro Tem Flores reviewed her concerns: page 41, 42, 43 and 52 mentions Human Resource Director. She asked for clarification on who is the Human Resources Director.

Mayor Barraza requested looking at the Town Code to see how that is addressed.

Mayor Pro Tem Flores recommends adding Human Resources to the Town Clerk.

1 Trustee Johnson-Burick stated it should be whatever the code is. She stated page 43 refers to Town
2 Manager.

3

4 Mayor Pro Tem Flores asked if it should be Town Clerk/Mayor.

5

6 Mayor Barraza agrees the policy needs to be consistent and well defined.

7

8 Mayor Pro Tem Flores asked if the town is paying for family members with regards to EAP.

9

10 Ms. Stoechner-Hernandez responded the town receives EAP services through the state. If the employee
11 and their family are on the health insurance they can receive service at no cost to the town.

12

13 Trustee Johnson-Burick asked for wording to be tighten up to avoid loopholes.

14

15 Mr. Cervantes provided the current proposed drug policy. He reviewed the proposed drug policy with the
16 concerns and comments of the trustees. We are at a point to approve this drug policy.

17

18 Mayor Barraza stated she was told by either Fire Chief Hoban or Marshal Mangusing there is a new
19 policy with to taking blood.

20

21 Fire Chief Hoban responded that has nothing to do with this policy. Previously officers and EMTs on
22 scene could take blood for testing. The higher court has ruled that practice will no longer be allowed as
23 they do not fit into the definition of official license.

24

25 Mayor Barraza stated we do not have a designated person as a drug/alcohol manager as mentioned in the
26 policy. We will need to replace that with the Town Clerk/Treasurer or the mayor. An employee must
27 have individual or family health coverage to be able to participate in EAP at no cost. She asked what
28 happens if an employee does not carry insurance thorough the town.

29

30 Ms. Stoechner-Hernandez responded currently they would not be able to participate in the EAP. The town
31 has contracted with Dr. Zamora to provide that service to our employees before EAP was available. The
32 town may choose to continue with Dr. Zamora to provide the service for employees with or without
33 insurance coverage.

34

35 Mayor Barraza stated she feels the town should be able to provide the service for all employees.

36

1 Trustee Johnson-Burick stated she believes the town must provide, by law, EAP to all employees.

2

3 Mayor Barraza responded she hopes all the trustees agree that we should provide that service; they should
4 not be penalized.

5

6 Trustee Caro stated there could be a lot of liability issues.

7

8 Mayor Barraza responded the contract with Dr. Zamora was \$250 a month. He is available for
9 consultation at no additional cost.

10

11 Trustee Caro recommends making Dr. Zamora aware of the Drug Policy.

12

13 Mayor Barraza responded Dr. Zamora understands that the contract is for one or twenty employees.

14

15 Trustee Johnson-Burick stated she remembers going back and forth on volunteers. She asked if we opted
16 to leave them off.

17

18 Mr. Cervantes responded the county policy was inconsistent on the treatment of volunteers. He referred
19 to page 1 paragraph 2B.

20

21 Trustee Johnson-Burick referred to page 6; work related accidents and injuries and being drug tested.

22

23 Mr. Cervantes responded page 8 addresses the issue.

24

25 Mayor Pro Tem Flores stated the definition states it is a urinalyses test. Sometimes if the accident victim
26 is passed out a blood draw is done. She believes language should be added that the town will receive the
27 results of the test done.

28

29 Mr. Cervantes stated he agrees the definition should be changed; it is two different things. He
30 recommends adding a comma and changing and/or; he will review the statement to make it clearer.

31

32 Trustee Johnson-Burick stated she saw a testing timeframe for alcohol but did not see a testing timeframe
33 for controlled substances.

34

35 Mr. Cervantes responded he is not familiar if that is the standard recognized with the timeframes but he
36 will research it. He asked where she is recalling it from.

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Trustee Johnson-Burick she responded; Dona Ana County.

Mr. Cervantes stated he has spoken to Mr. Nelson Goodman, Dona Ana County attorney, regarding the policy.

Mayor Barraza asked for clarification regarding the timeframe.

Trustee Johnson-Burick responded once the time limit is gone it is too late.

Fire Chief Hoban stated blood can be done more than 2 hours after the accident; there is a scale in blood alcohol testing. Not limited by the policy regarding criminal offense.

Mr. Cervantes stated he recommends being cautions in putting those standards. These need to be looked at case by case basis.

Trustee Johnson-Burick stated we definitely have to have something in place in order to hold someone accountable and prevent a liability to the town.

Mayor Barraza stated we should not send an employee for testing if there is a fender bender.

Mr. Cervantes responded we are talking about different things. He reviewed the list on page 8 and reasonable suspicion. He asked the board to keep an open mind; circumstances come up to avoid prosecution.

Trustee Johnson-Burick reviewed page 6 #2 and asked where that came from.

Mayor Pro Tem Flores responded it was it the prior policy. She is concerned where earlier it reads may terminate and now it reads shall. She asked what language needs to be used.

Mr. Cervantes responded that would be up to the board and reiterated the language needs to be consistent.

Mayor Barraza stated the language could be they could be suspended for two weeks or they could be terminated.

1 Mayor Pro Tem Flores responded this could be a way to say there have been other issues and now we are
2 done.

3
4 Fire Chief Hoban stated the language more commonly used in his experience is “may be subject to
5 disciplinary action up to and/or including termination.”

6
7 Mr. Cervantes responded more limitations you place on yourself, the more you do not leave yourself the
8 opportunity to deal with unique circumstances.

9
10 Trustee Caro stated he would not feel comfortable making exceptions; it should apply across the board for
11 all employees hired. Especially where there is impaired judgement; we have had deputies driving around
12 recklessly and he thought that would have been a good time for testing.

13
14 Mr. Cervantes reviewed page 8 paragraph 6. He asked Trustee Caro if he feels all new hires should be
15 tested.

16
17 Trustee Caro responded he is concerned with employees who are involved in an accident. He reiterated
18 he wants it applied to everyone; no exceptions.

19
20 Trustee Johnson-Burick indicated that is what we have been trying to do so that it applies to everyone and
21 equally. This is taking it a step forward to allow the volunteers to be included.

22
23 Trustee Caro indicated he would like to have the opportunity to review the policy before making a
24 decision.

25
26 Mr. Cervantes asked Trustee Caro to focus on the language on page 8 paragraph 8 which refers to his
27 question. He asked if the employee be tested for any type of accident.

28
29 Trustee Caro responded if they go to the doctor they might as well be tested.

30
31 Mayor Barraza responded she does not think so, there are always accidents; do we want to send our
32 employees for every single accident.

33
34 Trustee Johnson-Burick responded that will get very expensive.

35
36 Mayor Pro Tem Flores responded that is why she likes the extra reasonable suspicion.

1
2 Fire Chief Hoban recommends adding language referring to lost time or property damage (set amount)
3 testing would be done.

4
5 Mayor Pro Tem Flores asked who will determine the amount.

6
7 Fire Chief Hoban recommending setting thresholds.

8
9 Mayor Barraza recommends leaving the language in #4 and #6 “upon reasonable suspicion would cover
10 those little accidents” will cover the small accidents.

11
12 Mr. Cervantes stated he will do the research the other issues brought forth. Most common accidents are
13 falls or tripping, will they have to go for drug testing.

14
15 Mayor Barraza stated #4 covers Mayor Pro Tem Flores concerns.

16
17 Trustee Caro stated his concerns have been addressed and just wants time to review the policy before
18 making a decision.

19
20 Mayor Pro Tem Flores reviewed her concerns with language and typos; page 6, page 10. She will review
21 the current policy.

22
23 Trustee Arzabal no comment.

24
25 Mr. Cervantes stated he encourages the trustees to bring the policy forward for final action. It will always
26 be a work in progress.

27
28 Mayor Barraza agrees we need to adopt a policy. It will not be perfect but it is not to say we cannot
29 change it along the way. She is hoping it will come to the board for approval at our next meeting.

30
31 Mayor Barraza closed worksession at 6:02 p.m.

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34

35 **BOARD OF TRUSTEES**
36 **TOWN OF MESILLA**

1 **REGULAR MEETING**
2 **MONDAY, MARCH 28, 2016**
3 **6:00 P.M.**
4

5 **TRUSTEES:** Nora L. Barraza, Mayor
6 Linda L. Flores, Mayor Pro Tem
7 Carlos Arzabal, Trustee
8 Jesus Caro, Trustee
9 Stephanie Johnson-Burick, Trustee
10

11 **STAFF:** Cynthia Stoechner-Hernandez, Town Clerk/Treasurer
12 Kevin Hoban, Fire Chief
13 Chris Mangusing, Marshal
14 Irene Parra, Special Events Coordinator
15 Gloria Maya, Recorder
16

17 **PUBLIC:**
18

19 **1. PLEDGE OF ALLEGIANCE**

20 Mayor Barraza led the Pledge of Allegiance.
21

22 **2. ROLL CALL & DETERMINATION OF A QUORUM**

23 **Roll Call.**

24 **Present:** Mayor Barraza, Mayor Pro Tem Flores, Trustee Arzabal, Trustee Johnson-Burick, Trustee Caro,
25

26 **3. CHANGES/APPROVAL OF THE AGENDA**

27 **Motion:** To approve the agenda, **Moved by** Trustee Arzabal, **Seconded by** Mayor Pro Tem Flores.
28

29 **Roll Call Vote: Motion passed (summary: Yes = 4).**

30 Mayor Pro Tem Flores Yes

31 Trustee Arzabal Yes

32 Trustee Caro Yes

33 Trustee Johnson-Burick Yes
34
35

36 **4. PUBLIC INPUT** – The public is invited to address the Board for up to 3 minutes.

1 Mrs. Krueger stated several residents have noticed the town streets are deteriorating. Potholes keep
2 popping up. The maintenance not only has to have a regular schedule and log but it needs to be done
3 right and well. There is a way to patch a pothole that endures. The town can go to the county to get the
4 tar to do it. The board needs to set aside a concept of self-reference and develop the tools of doing needs
5 assessment and feasibility studies; housing, CDBG, eligibility of core area. This can be done during a
6 worksession.

7
8 Notoriously the case that the 30 day session is the governor's session. She turned down Mesilla's entire
9 request. Make sure that all the money acquired from the state has been spent and accounted for. The
10 town should prepare for the 60-day session. She indicated half of the walkway at the Community Center;
11 the plants are dead because the water does not work.

12
13 Mr. Garcia asked about the water hydrant at the Harris farm. He called Ms. Lujan all last week but
14 nobody answers the phone.

15
16 **5. *APPROVAL OF CONSENT AGENDA – The Board will be asked to approve by one**
17 **motion the following items of recurring or routine business. The Consent Agenda is marked**
18 **with an asterisk *:**

19
20 **Motion:** To approve the agenda, **Moved by** Trustee Arzabal, **Seconded by** Mayor Pro Tem Flores.

21
22 **Roll Call Vote: Motion passed (summary: Yes = 4).**

23 Mayor Pro Tem Flores Yes

24 Trustee Arzabal Yes

25 Trustee Caro Yes

26 Trustee Johnson-Burick Yes

27
28 a. ***BOT MINUTES** – Regular Meeting minutes of March 14, 2016. *Approved by consent*
29 *agenda*

30 b. ***PZHAC Case 012514** – 1740A Calle de Mercado, submitted by Richard Coltharp for the
31 Las Cruces Bulletin; a request for a permit to place a business sign and a wall sign on a
32 commercial building at this address. Zoned: General Commercial (C). *Approved by consent*
33 *agenda*

34 c. ***PZHAC Case 012524** – 1740A Calle de Mercado, submitted by Eddie Binns for Binns Ltd
35 #2; a request for a permit to place a development sign on a commercial building at this
36 address. Zoned: General Commercial (C). *Approved by consent agenda*

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6. NEW BUSINESS:

- a. Appointment of a Mayor Pro-Tem to serve for one year pursuant to MTC 2.15.060 – **Nora L. Barraza, Mayor**

Mayor Pro Tem Flores recommended Trustee Johnson-Burick for Mayor Pro Tem.

Motion: To approve the appointment of Trustee Johnson-Burick as Mayor Pro-Tem, **Moved by** Mayor Pro Tem Flores, **Seconded by** Trustee Arzabal.

Mayor Pro Tem Flores indicated the trustees decided that they would alternate to avoid problems.

Mayor Barraza stated the Mayor Pro Tem fills in when she cannot make a speaking engagement, a meeting; when she needs a representative.

Roll Call Vote: Motion passed (summary: Yes = 4).

Mayor Pro Tem Flores Yes

Trustee Arzabal Yes

Trustee Caro Yes

Trustee Johnson-Burick Yes

7. BOARD OF TRUSTEE COMMENTS

Mayor Pro Tem Johnson-Burick thanked the trustees. She is proud and pleased to serve as Mayor Pro Tem. She is pleased that our drug and alcohol policy is coming to provision.

Trustee Arzabal stated he received calls that the fire hydrant they were not red enough; Public Works immediately took care of that. He receives call regarding alcohol at the Community Center and asked for the pros and cons be looked at.

Trustee Flores responded Trustee Sam Bernal wanted to look at that. She would be willing to look at those options.

Trustee Caro stated he feels keeping a record on the potholes by the Marshal and Public Works' Departments, who are patrolling the town, would help keep track of the potholes. He asked the Mayor if Ms. Lujan spoke to her regarding the fire hydrant. He spoke to the attorney of the New Mexico Municipal League regarding the situation and he told him to take it back to the Mayor and tell her that

1 need to stop. If it continues he was to call the Attorney General; it is not something that is legal. He
2 received a call from a resident that they could use water from a hydrant. He would like a count of the
3 water usage and where the money is going. He knows they do not want to talk about the accident
4 involving a deputy. He received a police report showing no one was at fault. He feels it was a
5 preventable accident. We need to research and document it on record as there needs to be a paper trail.

6
7 Mayor Barraza stated offices will be closed on Thursday in observance of Cesar Chavez Day. The
8 Mesilla Elementary 5K run will be held on Saturday, registration starts 7:30 a.m. with the race starting at
9 8:00 a.m.; she asked for the trustees to try to be present. She asked the trustees to refer complaints and
10 calls to the appropriate department head or herself. She asked that the trustees contact her as well with
11 their concerns or complaints. She will set up a meeting so that complaints, concerns or questions can be
12 addressed. She will not sit here in front of an audience to discuss personnel matters; personnel matters
13 will be discussed behind closed doors. During a meeting, we are here to take care of agenda items and to
14 hear public comments. A meeting is not to be for grandstanding. If you have a concern bring it to her or
15 the appropriate department so that it can be dealt with.

16
17 **8. ADJOURNMENT**

18 **The Town of Mesilla Trustees unanimously agreed to adjourn the meeting. (Summary: Yes-4)**

19
20 **MEETING ADJOURNED AT 7:20 P.M.**

21
22
23 **APPROVED THIS 11th DAY OF APRIL, 2016.**

24
25 _____
26 Nora L. Barraza

27 Mayor
28

29
30 **ATTEST:**

31
32
33 _____
34 Cynthia Stoechner-Hernandez
35 Town Clerk/Treasurer