



Town of Mesilla, New Mexico

**BOARD OF TRUSTEES
TOWN OF MESILLA
WORK SESSION
MONDAY, SEPTEMBER 28, 2015
5:00 P.M.**

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

STAFF: Cynthia Stoechner-Hernandez, Town Clerk/Treasurer
Debbie Lujan, Public Works Director
Gloria Maya, Recorder

PUBLIC:

1. Discussion of a proposed drug and alcohol policy for Town of Mesilla Employees.

Mr. Cervantes reviewed the proposed drug and alcohol policy for the Town of Mesilla employees.

Mayor Barraza clarified it is for individuals with a CDL.

Mr. Cervantes responded random testing is holders of CDL. The Fire Department employees and volunteers are required to have CDLs. He recommends adopting county language and make the randomize testing for the fire department which would address Fire Chief Hoban's concerns.

Mayor Barraza stated the Fire Chief is the only employee all others are volunteers. The county addresses employees not volunteers.

Mr. Cervantes responded the county does have many gray areas; we may want to modify the language to include volunteers.

Mayor Pro Tem Flores inaudible

Mayor Barraza stated she feels we do not have to put CDL.

Trustee Johnson-Burick stated she remembers having a conversation with Fire Chief Hoban with regards to CDLs.

Ms. Stoechner-Hernandez inaudible

Mayor Barraza stated we will need to coordinate with Fire Chief Hoban.

Inaudible

1 Mr. Cervantes stated he understands the direction of board is to adopt the changes to include employees
2 and volunteers as well as to the equipment being used in the fire department.

3
4 Mayor Barraza responded we will have to find out the license designation.

5
6 Mr. Cervantes stated we have to expand to employees and volunteers holding a CDL and other
7 classifications.

8
9 Mayor Pro Tem Flores asked if we will be testing 25% of employees.

10
11 Mayor Barraza indicated we have 18 volunteers which averages 4 on a yearly basis.

12
13 Mr. Cervantes stated the town can test at any percent it wishes. The town will need to stay lined up with
14 the city and the county.

15
16 Mayor Barraza stated Ms. Stoechner-Hernandez received correspondence from the judge and Trustee
17 Flores.

18
19 Trustee Johnson-Burick indicated the county does have volunteers cover in the policy.

20
21 Mr. Cervantes stated the county policy is not consistent. A court will look at the language and point out
22 that it was a deliberate decision to include certain positions in one and not in other sections.

23
24 Trustee Johnson-Burick asked if we need to have somethings with regards to vehicles; maybe we should
25 say under the influence.

26
27 Mayor Barraza responded town property constitutes vehicles.

28
29 Trustee Johnson-Burick recommends it be spelled out.

30
31 Mayor Barraza reiterated property constitutes any town properties.

32
33 Mayor Pro Tem Flores stated it can be under definitions.

34
35 Trustee Johnson-Burick read section that reads employees in a safety situation *may*;

36
37 Mr. Cervantes indicated *may* is the correct word; using shall will go into a due process issue.

38
39 Mayor Barraza stated since we do not have a Director of Human Resources it will need to be referred to
40 the Town Clerk/Treasurer or designee. Trustee Flores has made reference to a definition list.

41
42 Mr. Cervantes recommended that there not be a definition section and define it in to the book.

43
44 Mayor Barraza stated there are a few grammar corrections. Judge Frieze had a couple of suggestions but
45 the court has their own personnel manual.

46
47 Trustee Johnson- Burick stated ultimately they would have to follow ours.

48
49 Mayor Barraza responded it is such a gray area. They are town employees but we have no jurisdiction
50 over the court.

51
52 Mr. Cervantes stated there is a reported case address issue of how separate is the court from the town but
53 does not resolve it. There is separation of powers; the judge would argue he is elected and has the same

1 authority. This has come up many times where policies are adopted; don't get involved in the day to day
2 operations. He recommends avoiding getting into a law suit with the court.

3
4 Mayor Barraza stated the town does not approve the court personnel manual.

5
6 Mr. Cervantes responded the town's insurance would pay if there is a case.

7
8 Ms. Lujan asked if clerk staff needs to attend safety training.

9
10 Mr. Cervantes responded the town is ultimately responsible and liable but the court can say they do not
11 want it. The town needs to have a good, constructive working environment with the court. The town will
12 be involved if there is a suit.

13
14 Trustee Johnson- Burick asked if the judge wants the court to be exempt from our drug and alcohol
15 policy.

16
17 Mayor Barraza responded the court has its own policy.

18
19 Trustee Johnson-Burick stated he may not be following the law.

20
21 Mayor Pro Tem Flores indicated it could be requested.

22
23 Mayor Barraza responded the judge submitted suggestions but it will not apply to his court personnel
24 manual.

25
26 Trustee Arzabal stated they cannot pick and choose.

27
28 Mayor Pro Tem Flores responded we take it as a suggestion.

29
30 Mayor Barraza responded they are employees of the court.

31
32 MR. Cervantes stated they are Town of Mesilla employees.

33
34 Mayor Barraza responded but we have no jurisdiction over them.

35
36 Mr. Cervantes state it is usually the mayor who is in charge of all employees which would include the
37 court personnel.

38
39 Mayor Barraza stated we are going to new time clock system and he chooses not to participate.

40
41 Ms. Stoechner-Hernandez inaudible

42
43 Ms. Lujan inaudible

44
45 Mayor Barraza stated Ms. Stoechner-Hernandez will submit to him the comments received.

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47 Mr. Cervantes stated he is employed by the Ttown of Mesilla so his obligation is to everyone's interest.

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52 WORKSESSION ADJOURNED AT 5:45 P.M.

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**BOARD OF TRUSTEES
TOWN OF MESILLA
BOARD MEETING
MONDAY, SEPTEMBER 28, 2015
6:00 P.M.**

TRUSTEES: Nora L. Barraza, Mayor
Linda L. Flores, Mayor Pro Tem
Carlos Arzabal, Trustee
Sam Bernal, Trustee (ABSENT)
Stephanie Johnson-Burick, Trustee

STAFF: Cynthia Stoechner-Hernandez, Town Clerk/Treasurer
Debbie Lujan, Public Works Director
Gloria Maya, Recorder

PUBLIC:

1. PLEDGE OF ALLEGIANCE

Mayor Barraza led the Pledge of Allegiance.

Moment of Silence for Mesilla residents Ms. Jennie Clayshult and Mr. Eddie Lopez.

2. ROLL CALL & DETERMINATION OF A QUORUM

Roll Call.

Present: Mayor Barraza, Mayor Pro Tem Flores, Trustee Arzabal, Trustee Johnson-Burick.

3. CHANGES/APPROVAL OF THE AGENDA

Motion: To approve agenda, **Moved by** Trustee Johnson-Burick, **Seconded by** Trustee Arzabal.

Roll Call Vote: Motion passed, (**summary:** Yes = 3).

Mayor Pro Tem Flores Yes

Trustee Arzabal Yes

Trustee Johnson-Burick Yes

4. PROCLAMATION:

- a. A Proclamation designating October 7, 2015 as the Official International Walk to School Day in the Town of Mesilla. – **Ashleigh Curry, Safe Routes to School Champion and students.**

1 Ms. Curry read the proclamation designating October 7, 2015 as the Official International Walk to School
2 Day in the Town of Mesilla. Thanked the board for their support.

3
4 Waylan invited everyone to walk to school for international Walk to School Day on October 7th.

5
6 Mayor Barraza indicated she plans to attend and encourages all the trustees to attend.

- 7
8 **b. A Proclamation proclaiming October 4 – 10, 2015 as Fire Prevention Week in the Town of**
9 **Mesilla. – Kevin Hoban, Fire Chief.**

10
11 Mr. K.C. Alberg read a proclamation proclaiming October 4-10, 2015 as Fire Prevention Week in the
12 Town of Mesilla.

13
14 Mayor Barraza indicated the Fire Department is working with Mesilla Elementary.

- 15
16
17 **5. PUBLIC INPUT** – The public is invited to address the Board for up to 3 minutes.

18
19 No public input

- 20
21 **6. *APPROVAL OF CONSENT AGENDA – The Board will be asked to approve by one**
22 **motion the following items of recurring or routine business. The Consent Agenda is marked**
23 **with an asterisk *:**

24
25 **Motion:** To approve the consent agenda, **Moved by** Trustee Arzabal, **Seconded by** Mayor Pro Tem
26 Flores.

27
28 **Roll Call Vote:** Motion passed, (summary: Yes = 3).

29 Mayor Pro Tem Flores Yes

30 Trustee Arzabal Yes

31 Trustee Johnson-Burick Yes

- 32
33 **a. *BOT MINUTES** – Regular Meeting minutes of September 14, 2015. ***Approved by consent***
34 ***agenda***

- 35 **b. *PZHAC Case #012423** – 2410 Calle de San Albino, submitted by McBe Partners, LTD for
36 La Posta Restaurant; a request for a building permit to allow an alcove between two existing
37 joined structures owner by the applicant to be enclosed to form a 500 sq. ft. storage addition
38 to the La Posta Restaurant. Zoned: Historical Commercial (HC). (Added 9/25/15) ***Approved***
39 ***by consent agenda***

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42 **6. NEW BUSINESS:**

- 43 **a. Recommendation and approval of hire of an individual for Custodial/Maintenance I. –**
44 **Debbie Lujan, Public Works Director.**

45 Mayor Barraza asked to postpone item 6a postpone until the next Board of Trustee's meeting.

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2 **Motion:** To postpone item #6a until the next Board of Trustee's meeting, **Moved by** Trustee Arzabal,
3 **Seconded by** Mayor Pro Tem Flores.

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5 **Roll Call Vote:** Motion passed, (**summary:** Yes = 3).

6 Mayor Pro Tem Flores Yes

7 Trustee Arzabal Yes

8 Trustee Johnson-Burick Yes

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10 **7. BOARD OF TRUSTEE COMMITTEE REPORTS**

11 Trustee Arzabal stated he feels there is a lot of red tape with regards to the Ethics Ordinance and the
12 attorney needs to look at it. He will present to the board Mr. Nevarez' recommendations.

13
14 Mayor Barraza stated she worked on the Ethics Ordinance in 2006 thru 2009; attorney had concerns on
15 what was being presented. It is important that an Ethic Ordinance is in place and would like to see what
16 Trustee Arzabal has. They can meet with the attorney and to get guidance before presenting to the board.
17 The state of New Mexico does have a Government Ethics Ordinance.

18
19 Trustee Johnson-Burick stated the county has a Code of Conduct and Ethics Ordinance created by the
20 commissioners.

21
22 Mayor Barraza asked if the town has a Code of Conduct.

23
24 Ms. Stoechner-Hernandez responded she will look into it.

25
26 Mayor Barraza indicated there is something from the New Mexico Municipal League for newly elected
27 officials.

28
29 Mayor Pro Tem Flores recommends going to the New Mexico Municipal League for recommendations.

30
31 Ms. Stoechner-Hernandez stated there is a New Mexico Government Conduct Act which she will forward
32 to Trustee Arzabal.

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34 **8. BOARD OF TRUSTEE COMMENTS**

35 Mayor Pro Tem Flores stated on Tuesday there will be a mass for first responders at Immaculate Heart of
36 Mary Cathedral at 7:00 a.m.

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Trustee Arzabal asked the status on the food trucks.

Mayor Barraza responded it is still being looked at.

Trustee Johnson-Burick thanked the volunteer firefighters for their service. She was very frustrated when she was unable to call in to participate during the last board meeting. The item that was discussed was the Pre-School and Day Care. She thanked the fellow trustees to trying to help her participate. She is pleading that we invest in adequate equipment so trustees can do their jobs and honor our commitment to the community and residents of this town. She witnessed the county commissioners meeting and their equipment is adequate so commissioners are able to participate. Mayor Pro Tem Flores struggles with call-ins as well. She was contacted by Ms. Kathy Jimenez, Dona Ana County Inspection Department, who is trying to work with town staff regarding conducting building inspections. We would not have to pay for this service. There is currently a four-year MOU with Ms. Gina Gentile; we are getting the revenue but we are paying for the service. The county would get the revenue from the inspections and we would get the fees.

Mayor Barraza responded she has been trying to set up a meeting with Mr. McMann from Dona Ana County. She has concerns in giving the inspections to the county as we would be losing revenue source.

Ms. Stoechner-Hernandez indicated we have a planning and permitting fee. The county would retain the permitting fee which is higher; the planning fees are very minimal which we would retain.

Mayor Barraza stated she is very cautious in giving it up as it will never come back to us. There are very few municipalities that have a building inspector. She is doing research and is waiting to hear from a building inspector to discuss what he is proposing.

Trustee Johnson-Burick asked if the revenue exceeds what we are paying Ms. Gentile.

Mayor Barraza responded yes; as long as there is building going on we receive those monies. Ms. Maya worked very hard during the afternoon to get the conference call system working. She understands Trustee Johnson-Burick frustration. She wishes the town could afford modern technology. She thanked the firefighters for their service. Mariachi Sundays have begun on the plaza. Walk To School Day will be October 7th; town hall will be closed on Columbus Day, October 12th , Board Meeting will be held on Tuesday, October 13th.

1 Trustee Johnson-Burick asked if the Corridor Meeting on October 15th.

2

3 Mayor Barraza stated she hopes to have the Drug Policy will be in place within the next month to bring
4 forth to the Board of Trustees.

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9. ADJOURNMENT

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9 **Motion:** To adjourn, **Moved by** Trustee Arzabal, **Seconded by** Trustee Bernal.

10

11 **Roll Call Vote:** Motion passed, (**summary:** Yes = 3).

12 Mayor Pro Tem Flores Yes

13 Trustee Arzabal Yes

14 Trustee Johnson-Burick Yes

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16 **MEETING ADJOURNED AT 6:27 P.M.**

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19 **APPROVED THIS 13TH OF OCTOBER, 2015.**

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23 _____
Nora L. Barraza

24

Mayor

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26 **ATTEST:**

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29 _____
Cynthia Stoechner-Hernandez

30 Town Clerk/Treasurer

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