

**MINUTES
OF
MEETING
NOVEMBER 16,
2022**

City of Lordsburg
409 W. Wabash
Lordsburg, New Mexico 88045
Minutes of Regular Meeting
November 16, 2022

Meeting was called to order at 12:00 p.m.

Welcome

Pledge of Allegiance

Present: Mayor Glenda F. Greene; Martha Salas, Finance Director; Linda S. Farnsworth, City Clerk; Councilor Rodney Plowman; Councilor Roxann Randall; Councilor Julie Montenegro; Councilor Martin Neave and Mayor Pro-Tem Morelos, Jr.

Absent: Councilor Manuel D.V. Saucedo

Attendance: Beth Cox, Kristina Ortiz and all who viewed on ZOOM

Approval of Agenda: Councilor Montenegro moved to approve the Agenda as written, 2nd by Mayor Pro-Tem Morelos. Council present was polled. Motion carried.

1. Minutes – Zoning Commission Meeting October 19, 2022

Mayor Pro-Tem Morelos moved to approve the Minutes of the Zoning Commission Meeting of November 16, 2022, 2nd by Councilor Randall. Council present was polled. Motion carried.

2. Minutes – Regular Meeting October 19, 2022

Mayor Pro-Tem Morelos moved to approve the Minutes of the Regular Meeting of November 16, 2022, 2nd by Councilor Randall. Council present was polled. Motion carried.

3. Minutes – Special Meeting October 26, 2022

Mayor Pro-Tem Morelos moved to approve the Minutes of the Special Meeting of November 16, 2022, 2nd by Councilor Randall. Council present was polled. Motion carried.

Finance Statement for October 2022 and Bank Statement

Martha Salas, Finance Director addressed the Council regarding the Financial reports for the Month of October 2022. With there being no questions or comments for the Finance Director, Mayor Pro-Tem Morelos made a motion to accept the report, 2nd by Councilor Neave. Council present was polled. Motion carried.

New Business:

a). Hiring of new patrolman for Police Department – Jonathan Saucedo was hired as a new patrolman for the Lordsburg Police Department. He will receive a sign-on bonus of \$3,000.00. Motion was made by Councilor Montenegro to approve Officer Saucedo’s hiring with the Lordsburg Police Department, 2nd by Mayor Pro-Tem Morelos. Council present was polled. Motion carried.

b). Update on Sale of Vehicles at Auction - All five (5) vehicles that were auctioned at the auction held November 5, 2022 at the Hidalgo County Maintenance Yard sold for a total of \$19,200.00. Commission on these sales came to \$3,840.00 and various auto parts and miscellaneous charges came to \$794.18. The City of Lordsburg to receive the amount of \$14,565.82 which will be added to Capital Outlay to aid in the purchase of new Police vehicles.

c). Payment of insurance premiums in lieu of raises – The Mayor addressed the Council about this issue and stated that “we need to take care of our employees” as the Mayor feels that it would increase morale and employee retention. Mayor Pro-Tem Morelos asked if we could live with this and if there was enough money in our funds to carry this expense, whereas, the Mayor and Finance Officer Martha Salas stated that they had looked at the numbers and they both agreed that it could be done. Mayor Pro-Tem Morelos made a motion to accept the City paying insurance premiums in lieu of raises, 2nd by Councilor Montenegro. Council present was polled. Motion carried.

d). Resignation of part-time Animal Control Officer, Police Sergeant and Officer – Motion was made by Mayor Pro-tem Morelos to accept the resignation of Alexis Walker, part-time Animal Control Officer; Mitchel Meyers, Police Sergeant and Walker Eby, Police Officer. Mayor Pro-Tem Morelos made a motion to accept the resignation of all three (3) employees, 2nd by Councilor Plowman. Council present was polled. Motion carried.

e). Homeless Issue – The Mayor was advised by our Attorney that we could use Crimestoppers monies to bus the homeless home or to the next biggest city where there are more services available for them. Our Attorney also stated that this does not go against any Anti-donation laws as this would be a tangible service. At the present, the only services that Lordsburg can provide is Mental Health counseling, as there is no shelter or rooms available to house them. Councilor Montenegro voiced her concern and stated that she would like to see some guidelines put into place before we take on this issue. Councilor Montenegro made a motion to table this discussion until the next meeting in order to get some type of guidelines in place, 2nd by Mayor Pro-tem Morelos. Council present was polled. Motion carried.

Resolutions:

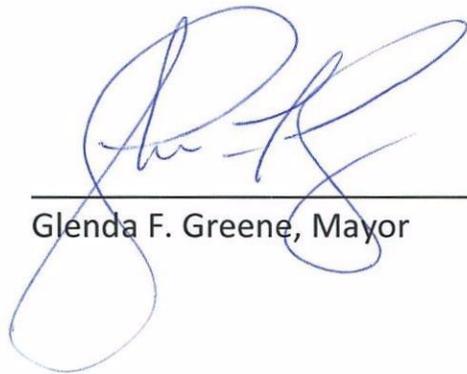
Resolution No. 2022-38 Premium Pay for Essential Workers – CARES Act monies to be distributed to Full-time and Part-time employees hired prior to December 1, 2022. Part-time employees must work 40 hours and Full-time employees must work 80 hours from November 26, 2022 – December 9, 2022 in order to be eligible. Councilor Neave made a motion to approve this Resolution, 2nd by Councilor Montenegro. Council present was polled. Motion carried.

Councilor Plowman AYE
Councilor Randall AYE
Councilor Montenegro AYE
Councilor Neave AYE
Mayor Pro-Tem Morelos AYE
Councilor Saucedo Absent

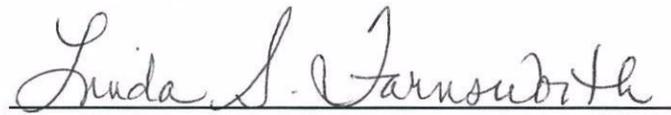
Adjourn

With nothing further to be discussed, a motion was made by Mayor Pro-Tem Morelos to Adjourn, 2nd by Councilor Montenegro. Council present was polled. Motion carried and meeting was adjourned at 12:18 p.m.

Approved this 21st day of December, 2022



Glenda F. Greene, Mayor



Linda S. Farnsworth, City Clerk

**PREMIUM PAY
FOR
ESSENTIAL
WORKERS
RESOLUTION
NO. 2022-38**

CITY OF LORDSBURG

RESOLUTION № 2022-38

**DISTRIBUTING CORONAVIRUS STATE & LOCAL AMERICAN RESCUE PLAN RECOVERY FUNDS
TO PAY PREMIUM PAY FOR ESSENTIAL WORKERS**

WHEREAS, the City of Lordsburg Mayor and Councilors (“Governing Body”) met in a regular meeting on November 16, 2022 at 12:00 p.m. noon in the City of Lordsburg Council Chambers, 409 W. Wabash Street, Lordsburg NM 88045; and,

WHEREAS, NMSA 1978, Section 3-18-1 (1972) provides that municipalities have the power to “protect generally the property of its municipality and its inhabitants” and to “preserve peace and order”; and,

WHEREAS, NMSA 1978, Section 3-17-1 *et seq.* (1990) provides that municipalities may adopt laws not inconsistent with the laws of New Mexico for the purpose of providing for the safety, preserving the health, promoting the prosperity and improving the morals, order, comfort and convenience of the municipality and its inhabitants; and,

WHEREAS, the 10th Amendment to the Constitution for the United States is clear when stating, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the States respectively, or to the people []”; and,

WHEREAS, the states and their political subdivisions, the municipalities, have derived specific and reserved powers from the 10th Amendment of the Constitution for the United States, referred to as police powers of the State; and,

WHEREAS, under the 10th Amendment and subsequent state authorization, the municipalities have the duty to pass laws and regulations to protect the safety, health, welfare and morals for the benefit of their communities; and,

WHEREAS, the Governing Body, has a fiduciary responsibility under its statutory police powers to protect the health, safety and welfare of its residents, and the City reserves the right to take whatever actions necessary to do so; and,

WHEREAS, The American Rescue Plan has made available \$350 billion for eligible state, local, territorial and tribal governments to respond to the COVID-19 emergency and bring back jobs; and,

WHEREAS, the Coronavirus State and Local Fiscal Recovery Funds (“Fiscal Recovery Funds”) provide a substantial infusion of resources to help turn the tide on the pandemic, address its economic fallout, and lay the foundation for a strong and equitable recovery; and,

WHEREAS, Article IV, Section 27; [n]o law shall be enacted giving any extra compensation to any public officer, servant, agent or contractor after services are rendered or contract made; nor shall the compensation of any officer be increased or diminished during his term of office, except otherwise provided in this constitution; and,

WHEREAS, the Governing Body affirms that all eligible persons employed by City of Lordsburg (“City employees”), due to the small size of labor force, regularly engage in a wide variety of job duties, cross training and back-up other City employees, so the end result is all eligible City employees are deemed essential workers; and,

WHEREAS, the Governing Body desires to utilize the Fiscal Recovery Funds to distribute premium pay to all eligible City employees to pay these essential workers for the elevated health risks they face and continue to face during the public health emergency; and,

WHEREAS, all eligible City employees work in person, engaging in daily interactions with the public involving public utilities, maintenance or repair of public works, police and fire protection, and therefore each are deemed critical to protect the health and well-being of residents of the City of Lordsburg; and,

WHEREAS, the interim Final rule states: “(c) *Providing Premium Pay to Eligible Workers*. A recipient may use funds to provide premium pay to eligible workers of the recipient who perform essential work or to provide grants to eligible employers, provided that any premium pay or grants provided under this paragraph (c) must respond to eligible workers performing essential work during the COVID-19 public health emergency. A recipient uses premium pay or grants provided under this paragraph (c) to respond to eligible workers performing essential work during the COVID-19 public health emergency if it prioritizes low-and moderate-income persons. The recipient must provide, whether for themselves or on behalf of a grantee, a written justification to the Secretary of how the premium pay or grant provided under this paragraph (c) responds to eligible workers performing essential work if the premium pay or grant would increase an eligible worker’s total wages and remuneration above 150 percent of such eligible worker’s residing State’s average annual wage for all occupations or their residing county’s average annual wage, **whichever is higher**; and,

WHEREAS, the Governing Body has approved a fixed budget amount of \$ 35,500.00 from ARP funds for premium pay; and,

NOW THEREFORE, be it resolved by the Governing Body of the City of Lordsburg that the following program rules shall apply:

1. Ineligible Employees – Elected officials are exempt for premium pay. Volunteer Fire Fighters and any City employee hired after December 1, 2022 is exempt from this premium pay distribution.

2. Defining of Essential Worker - That all full-time and part-time City of Lordsburg employees are defined as essential workers for the purpose of distributing Fiscal Recovery Funds as set forth below.

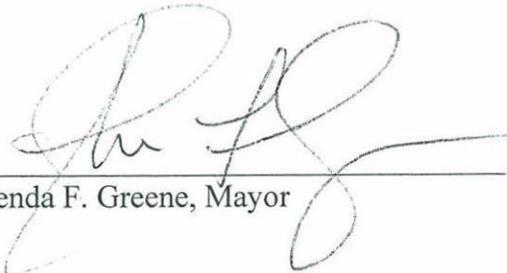
3. Award of Premium Pay – Subject to availability of Fiscal Recovery Funds in the budgeted amount of \$35,500.00 each full-time and employee shall receive a One-Time, Non-Recurring lump sum payment that is based on anticipated direct and indirect exposure to COVID-19, as well as their existing base pay. To be eligible employees must work over 80 hours (full-time employees, non-probationary), over 40 hours (part-time employees and probationary status), from November 26, 2022 through December 9, 2022. No payments distributed pursuant to this resolution shall be for services already provided to a City employee nor shall anything contained herein be construed as giving retroactive effect to the distribution of Fiscal Recovery Funds, as it is the express intent of this resolution to issue premium pay for services to be provided to City of Lordsburg in the future. There shall be no deduction of employment benefits, from any award of premium pay, but applicable taxes will be withheld.

4. Any employee who is separated from employment prior to his/her completion of the designated hours shall be ineligible for premium pay.

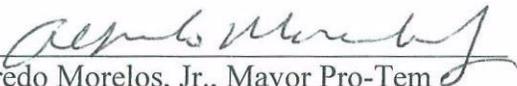
5. Premium Pay Shall be Distributed as Follows on the December 14, 2022 payroll distribution.

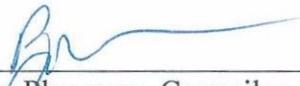
| Position | Premium Pay Hourly Rate | Lump Sum Amount (Maximum) |
|------------------------------|-------------------------|---------------------------|
| Full Time / Non-Probationary | \$13.50 Per Hour | \$1,000.00 |
| Part-Time / Probationary | \$13.50 Per Hour | \$500.00 |
| | | |

PASSED, AND APPROVED AND ADOPTED THIS 16th DAY OF NOVEMBER, 2022



 Glenda F. Greene, Mayor

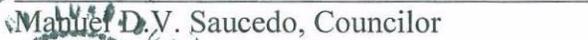

Alfredo Morelos, Jr., Mayor Pro-Tem

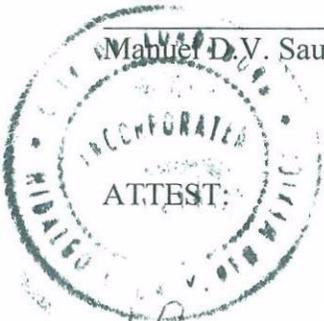

Rodney Plowman, Councilor


Martin L. Neave, Councilor


Julie V. Montenegro, Councilor


Roxann Randall, Councilor


Manuel D.V. Saucedo, Councilor




Linda S. Farnsworth, City Clerk