



CITY HALL
P.O. BOX 20000
LAS CRUCES, NM 88004

700 N. Main St.
PHONE (575) 541-2067

**Board of Directors Meeting
Thursday, July 24, 2025 at 9:00 AM**

**Meetings can be viewed live at
lascruces.civicweb.net**

	Page
1. <u>CALL TO ORDER AND PLEDGE OF ALLEGIANCE</u>	
2. <u>DETERMINATION OF QUORUM</u>	
3. <u>ACCEPTANCE OF AGENDA</u>	
4. <u>MINUTES FOR APPROVAL</u>	
4.1. Approval of the Minutes from the ASCMV Board of Directors Quarterly Meeting held on 04-25-25 ASCMV Minutes	3 - 10
5. <u>REPORTS/PRESENTATIONS</u>	
5.1. Sarah C. Kurtz -Executive Director-Doña Ana County Humane Society	
5.2. City and County ACO Reports - City Animal Control and County Animal Control	
5.3. Shelter Statistics/Activities - Liz Seely	
5.4. Committee Reports	11 - 20
a. Finance - Barbara Bencomo, Committee Chair	
b. Executive - Becki Graham, Committee Chair	
c. Facilities - Mary Lou Ward, Committee Chair	
ASCMV FIN STMTS June 2025	
5.5. Scott Reilly of Affion Public Provide update on ASCMV Executive Director search.	
6. <u>ACTION ITEMS</u>	
6.1. A RESOLUTION TO ADOPT CITY MANAGER POLICIES (CMPS) CAES #25-145 - Pdf	21 - 159
6.2. A RESOLUTION ALLOWING FOR A CARRY OVER OF REMAINING GRANT FUNDS FROM FY2025 IN THE AMOUNT OF \$27,442.44 FROM VARIOUS GRANTS FOR REVENUES AND EXPENDITURES IN	160 - 164

FUND 7440 AND TO ADJUST THE ADOPTED FY2026 BUDGET.

[CAES #25-146 - Pdf](#)

7. **PUBLIC INPUT**
8. **CHAIR AND BOARD COMMENTS**
9. **ADJOURNMENT**

ANIMAL SERVICE CENTER OF MESILLA VALLEY
April 24, 2025 at 9:00 a.m.

BOARD MEMBERS PRESENT:

- Becki Graham - Chair
- Joan Campbell - Board Member
- Becky Corran – Board Member
- Angelica Buehling Gardner- Board Member
- Gennifer Gates - Board Member
- Patrick Peck - Board Member
- Barbara Bencomo - Ex-Officio Member
- Mary Lou Ward - Ex-Officio Member

BOARD MEMBERS ABSENT:

- Manuel Sanchez - Board Member
- Christopher Schaljo-Hernandez – Vice-Chairman

- 1. Call to Order & Pledge of Allegiance (9:00 a.m.):** Chair Graham called the meeting to order. All stand for the Pledge of Allegiance.
- 2. Determination of Quorum:** A quorum was determined to be present.
- 3. Acceptance of the Agenda:** Motion by Board Member Corran, second by Board Member Campbell. Motion passed unanimously.
- 4. Minutes for Approval**
 - 4.1 Approval of the Minutes from the ASCMV Board of Directors Quarterly Meeting held on January 16, 2025:**
 - 4.2 Approval of the Minutes from the ASCMV Board of Directors Special Meeting March 19, 2025:**

Motion by Board Member Corran to approve both minutes, second by Board Member Campbell. Motion passed unanimously.
- 5. Reports/Presentations**
 - 5.1 Action Programs for Animals (APA) - Michel Meunier:** They are a nonprofit animal welfare in Las Cruces. They primarily run an adoption center housing and caring for up to 100 animals at a time. In 2020 they opened Second Chance Thrift store to help with funding. Since 2012 they have rescued more than 6,500 animals in Las Cruces and Doña Ana county. They are invested in their partnership with ASCMV. Their other partner is PAWS, prisoner and animals working towards success. Last year

1 they rescued 299 animals, 81 dogs for which 64% was from ASCMV, 218
2 cats for which 58% was from the ASCMV. Another partnership is with
3 Cruces Cool Cats. They help with kittens and some very shy adult cats not
4 really suited for adoption. The first quarter of 2025 taken 22 dogs for which
5 14 were form ASCMV, 43 cats for which 35 were from the ASCMV and
6 Cruces Cool Cats They have been sending kittens and cats to Animal
7 Humane and Bernalillo Animal Care in Albuquerque. The other program
8 they have is the pet foodbank. They help approximately 500 families a year.
9 It is run twice a month. Give out about 50,000 lbs. of cat and dog food
10 supplies. This program is also an education program. We have more
11 demand for spay and neuter here than resources. They drive their kittens
12 to T or C for spay and neuter at a decent rate. They purchased their
13 adoption center building in 2020 with a large request, 537 N. Solano. She
14 is the executive director and runs the adoption center. They have eight part-
15 time staff and many volunteers. The staff are mainly caregivers, but they
16 do have in-house trainer. PAWS also does outreach in the community.
17 They are struggling to survive right now. In Las Cruces and Doña Ana
18 County there is a belief that all animal welfare groups are supposed to be
19 all volunteer and that is impossible. In some cases they provide medical
20 care for the lifetime of the animal due to the difficulty to get some animals
21 with preexisting conditions adopted.

22
23 Board Member Corran stated she started fostering through APA. She feels
24 Michele's philosophy has shaped how the Animal Service Center works in
25 terms of how dogs are looked at, playgroups. She thanked Michele. Board
26 Member Gates thanked the organization for all their work. Board Member
27 Peck asked for further information concerning the PAWS program. Michele
28 stated the dogs are assessed first for temperament. The dogs are at PAWS
29 for two months, eight dogs at a time. The animals are taught crate training,
30 house training, manners, socialization. Michele stated they also take
31 ringworm kittens as the shelter cannot help them.

32
33 **5.2 City and County ACO Reports - City and County Animal Control:** Bryan
34 Husley stated for January through March they had 910 reported strays, they
35 picked up 526, 78 cats, 448 dogs. Picked up 29 sick/injured animals, 13
36 cats, 16 dogs. There were 61 owner surrenders that were all dogs. Showed
37 a graph for reported stray animal calls that shows, January was the most,
38 dipped in February. Four year field return to owner; January had 22,
39 February 19, and March 16. They had 30 welfare hold animals. There were
40 no cruelty cases. There were 12 shelter quarantines and seven home
41 quarantines. There are four animals at their live evidence facility. There
42 were 63 diverted intakes. They had 945 education. Total calls for the three
43 months was 2,071. Animals by district was shown, District 1 32 dogs,
44 District 2 17 cats and 56 dogs, District 3 21 cats and 90 dogs, District 4 20
45 cats and 92 dogs, District 5 12 cats and 75 dogs, District 6 one cat and 15
46 dogs, District 7 seven cats and 88 dogs. Owner surrenders, 11 were vicious

1 and/or dangerous, 11 aggressive, five owner unable to keep on their
2 property, nine not able to afford, six that were injured or sick, one having
3 behavior issues, 12 unable to care for, two ASCMV turned away the owner
4 so County ACO owner surrendered it for them, one landlord would not allow,
5 one moving and could not take the dog, one unable to control, animal had
6 too much energy, and one the owner passed away. Board Member Peck
7 asked if there was a massive amount of animals coming from Border Patrol.
8 Bryan Husley stated they also get from state police, or NMSU. Chair
9 Graham stated she saw an animal control vehicle in Mesilla and asked if it
10 was into County or what. County does have an MOU with the Town of
11 Mesilla. Board Member Ward mentioned that the County has MOUs with
12 Mesilla, Sunland Park, Hatch, White Sands, and NMSU.

13
14 Gino Jimenez stated January responded to 458 stray calls, February to 437,
15 and March 440. Three year comparison, January field RTO 39 animals,
16 February 57, and March 48. PEAK performance measures, one goal is 10%
17 reduction in stray animal bites; 53 total for 2025, 20 for 2024, which is an
18 increase of 62%. Measure four is 10% reduction in owner victim bites 2025
19 there were 37, and 2024 25, with 32% increase. The community cat
20 program, January responded to 72 cats in traps, February 89, and March
21 78. Release rate, January 15, February 21, March 17 animals that did not
22 go to the Animal Service Center. Reasons unable to field RTO, 32 dogs
23 with no contact by phone/residence, seven dogs the chip was not
24 registered, seven dogs chip not updated, two dogs the owners were out of
25 town, one dog the 24-hour pet watch could not give the ACO the information
26 of the owner, one cat the chip not registered, one cat no contact by phone
27 or residence, one dog the owner was in the hospital and family member
28 refused to pick up the animal. Reasons for owner releasing, 16 dogs owner
29 unable to care for, 15 dogs behavioral issues, four dogs for lifestyle
30 changes, four dogs the landlord did not allow, three dogs keep escaping,
31 three dogs people moving, two dogs could no longer afford, two dogs for
32 aggression, two dogs owners leaving the country, two cats landlord did not
33 allow, one cat not compatible with other pets, one dog old age euthanasia
34 request, one cat old age euthanasia request, one cat for behavioral issues,
35 one cat owner could not afford vet care, one dog resource guarding, one
36 dog health issues, one dog owner had high risk pregnancy. January
37 responded to 1,125 calls, February 1,157 calls, March 1,155. Board
38 Member Bencomo asked if they could explain the trend of owner victim bites
39 going in the wrong direction from what we like to see. Gino Jimenez stated
40 it is hard to explain as there is no ACO control on that situation.

41
42 **5.2 Shelter Statistics/Activities - Liz Seely:** Current animal count as of
43 yesterday 277 dogs, and 24 cats. The first quarter intake total 2,150
44 animals, 1,598 dogs, 538 cats. Intake methods, strays by ACO is the
45 number one way animals come to the shelter at 53.9%, owner surrender is
46 second highest reason 18.6%. Then strays brought in by the public at 395.

The remaining ways animals arrive at the shelter are low. Year to date total is 2,150. Returns were 18 dogs and one cat. The main reason for dogs is behavior problems; including jumping, escaping, destructive behavior, or did not like a family member. Outcomes, adoptions were 418, reclaims 308, rescued 527, community cats 282 released back into the community, euthanasia 653 this also includes owner requested euthanasias which were 158. The live release rate is 75.7% Transfers, which is all of the rescues, Rebel Angel All Breed Animal Rescue has the most and are local. Cruz's Crusaders and HALO Animal Rescue are the Arizona partners. Knick O' Time and Front Range Freedom are some Colorado rescues. Many local rescues help out. Euthanasia were 495, not counting owner requested euthanasia. The number one reason is space/behavior for dogs, and the second reason is behavior aggressive towards other dogs. Surgeries the first quarter did 1,069, 170 shelter/foster, 250 adoptions, 442 were TNR cats. The 207 other are the low income public spay and neuters and some rescue spay and neuters. Volunteers continue to do well particularly the playgroups in the shelter. They are in the process of hiring a new volunteer coordinator. January had 22 new volunteers, February 18, March 16. And over 2,300 hours put in for volunteer work. Foster program, January 105 animals, February 112, March 96. Kitten season is now and will probably seeing a lot more people signing up to be fosters. Year to date visitors, 5,810 which is up from last year by 1,400. Marketing, Facebook ads, an impression is when it shows up on somebody's screen if scrolling, and a reach is anytime a unique user viewed the ad at least once. Clicks to the website, this is from the Facebook ads. Social media reach, Facebook is overall reach not just the Facebook ads, so there were 375,000, over 22,000 Instagram. Total website views were 93,000 with 17,000 new users. April events, this Saturday at Sisbarro at Spring Fest, and on Sunday an adoption event at the shelter call Bark and Bloom which will be a food vender, door prizes, and animals for adoption from 11:00 - 1:00. May events, PetSmart, Petco, Round House Reserve, and Farmers Market. Every Friday in May at PetSmart. Dog of the week Erin was already adopted and she was renamed Shadow. Cat of the week Goblin was already adopted as well.

Board Member Campbell asked of the 401 people who returned animals, how many gave it a second try with another animal. Liz Seely stated there were only 19 returns. But unsure right now of how many did adopt another animal. Board Member Gates asked the outcomes for returned animals. Liz Seely stated it depends, but not held against the animal. Chair Graham asked what the source of guest volunteers was. Guests are if a volunteer brings someone with them. Chair Graham also asked about parvo and the fosters. Right now parvo is at the center, but not in the fosters. Board Member Ward stated their vet has started the parvo and distemper vaccines to dogs in the community and cat vaccines. Board Member Gates stated they need to breakdown the parvo cases at the shelter by the County vs. the City to see whether the County program is contributing.

1
2 **6.3 Committee Reports**
3

4 **Finance - Barbara Bencomo, Committee Chair:** She was unable to
5 attend the meeting, however the assistant director of finance, Laura Hickey
6 attended and provided notes. This included an overview of the financial
7 statements which will be shown shortly, a review of the budget resolution,
8 and a discussion regarding the recruitment for the executive director, just
9 the purchasing process. Amy Chant will come up and share an overview of
10 the quarterly financials for the ASCMV.
11

12 Amy Trant, management analyst for the animal shelter. Total assets are
13 \$1,392,260. Total liabilities \$204,114. Fund balance of \$1,188,146. Total
14 revenues actual of \$3,752,448 which is 76.1%. Total expenditures
15 \$3,407,047 total expenditures of 69.1%. Well above the budget parameter
16 of 75% for total revenues and below for expenditures. Net change position
17 \$345,401. Starting fund balance of \$551,735. Net position of \$897,137.
18 Executive director fund, two are high which are services at 90.8% which is
19 because the exiting director had done a lot of the membership renewals to
20 not have to worry about that for the rest of the year. National Animal Control
21 Board, and Society for Animal Welfare. The other is travel, it is close but
22 no additional travel expected for this fund for the rest of year. Actuals for
23 total expenditures at 60.1%, well below the 75%. The \$105,000 for
24 community cats has now been assigned project codes and split up, for
25 classified, services, and supplies. This fund is in the process of hopefully
26 an approval of \$50,000 grant to help medical facility change from cat room
27 to surgical facility. Kennel director is at 74.8% that is close but still below
28 the budget parameter. This fund will see a \$25,000 grant increase for
29 transportation. Administrative operations, total expenditures 71.9%, again
30 below the budget parameter of 75%. Total expenses year to date
31 \$3,407,047, shows percentages of what was spent. Most on salary and
32 benefits. Services 12%, supplies 8%, and other which covers transport,
33 travel, insurance, and maintenance and repairs.
34

35 **Executive – Becki Graham, Committee Chair:** Primarily discussed was
36 the hiring process for the soon to be new executive director. Board Member
37 Gates states they selected a search firm and are awaiting City approval.
38

39 **Facilities - Liz Seely, Interim Director:** They met on April 3rd and in
40 attendance were Board Member Ward, Board Member Campbell, and Liz
41 Seely. Ongoing projects/issues were cracks in the cement in the social
42 areas that are covered under warranty and repairs should be starting soon.
43 Other issues reported to Facilities are awaiting repair, which is the main
44 flagpole is broken, and two doors on the adoption building are not working
45 properly. In the process of re-keying a lot of doors in the adoption building
46 for getting all the locks to be the same. Also demolishing two sheds behind

the medical facility to replace those with a shipping container for storage. Discussed the renovations for the medical building. There was a feasibility study done in 2022 to convert the medical building to be more functioning medical center. Back then the plans were to use the fund balance for that but she let the committee know the fund balance is now being used towards the budget so the new director might have to come up with new ideas for funding. Their next meeting is scheduled for May 1st.

6. Discussion Items:

6.1 Discussion on updated ASCMV Board bylaws and formation of a bylaw update subcommittee: Board Member Gates the bylaws have not been updated since 2013, mostly the changes have happened in the most recent years, which is having community members on the board and quarterly meetings. Board Member Campbell would be interested to serve on the subcommittee.

6.2 Discussion of current ASCMV emergency plan for continuity of operations: Liz Seely stated they are in the process of completing this plan. This is part of a bigger plan with the Office of Emergency Management which really deals with county-wide emergency responses, natural disasters, etc. Their vet did have to be out for a while and they got coverage with other vets and really only one surgery day was cancelled, all others were moved around. Board Member Bencomo is appreciative of OEM for help drafting the plan. They are also looking at the emergency generator situation. Look into coverage for vet surgical for the future. Board Member Ward stating having an MOU in place would be something they would have to look to be sure not violating licenses and requirements of the veterinarians.

7. Action Items:

7.1 A Resolution allowing for a carryover of remaining grant funds from FY2024 in the amount of \$2,400 from the HSUS grant, and to adjust the adopted FY2025 budget: Motion by Board Member Corran, second by Board Member Peck. This resolution is just to correct a clerical error. ASCMV was awarded a grant in 2023 and due to the clerical error the funds were not expensed in FY23 or FY24, so this resolution moves the funds to FY25. The funds were to attend a conference that employees went to.

Motion passed unanimously.

7.2 A Resolution to amend the recommended FY2026 annual budget for the Animal Services Center of the Mesilla Valley per "Exhibit A.": Motion by Board Member Campbell, second by Board Member Corran. This resolution adjusts the FY26 budget in order to use the fund balance to

cover the gap from the City and County contributions in the amount of \$405,675.

Motion passed unanimously.

7.3 A Resolution to accept the \$25,000 PetSmart charities transport grant and adjust the adopted FY2025 budget allowing the grant: Motion by Board Member Corran, second by Board Member Peck. This grant would be put towards the transport efforts and the transport program to transport more animals further to partner with more rescues, possibly on the east coast. Colorado rescues are governed by an agency called PACFA which oversees all the rescues and animal organizations. This year will be passing a new law starting in July to all animals entering Colorado need to have rabies vaccine, that would exclude any animals under 3 months. Motion passed unanimously.

7.4 A Resolution to accept the \$50,000 Petco medical facility grant and adjust the adopted FY2025 budget allowing the grant: Motion by Board Member Peck, second by Board Member Corran. This grant would be used to start step one in the medical renovation. A lot will be used for equipment, etc., for the surgical area to move to old cat room in the front of the medical building. The feasibility calculated in 2022 \$7.6 million for the complete renovations of the medical building. This is the first step. The feasibility study will be shared with the board. Motion passed unanimously.

8. Public Input: There was none.

9. Chair and Board Comments: Board Member Corran welcomed the new board member. Board Member Gates she is glad for the new animal ordinance. Chair Graham stated this is Bernice's last board meeting. Board Member Corran was very appreciative of all Bernice has done for years. Board Member Peck offered congratulations. Chair Graham stated that people who work for animal welfare or any job that takes so much heart should do it for free, and she thinks Bernice might have. Bernice's heart and her line level professionalism is special and tremendously missed. Michelle Williams, the front office supervisor at ASCMV. She has been there almost 10 years and Bernice has been nothing but kind, very knowledgeable, and she would not be where she is today without her. Bernice Navarro thanked everyone for the kind words. She has been with the shelter since 2008 and has watched the growth, various directors, buildings. She asked the board members to please stop by the shelter to really see it.

10. Adjournment (10:29 p.m.): Motion by Board Member Campbell, second by Board Member Corran. Meeting adjourned.

1 BOARD OF DIRECTORS

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4 Becki Graham, Chairperson

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8 Christopher Schaljo-Hernandez, Vice-Chair

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12 Joan Campbell, Board Member

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16 Gennifer Gates, Board Member

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20 Manuel Sanchez, Board Member

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24 Patrick Peck, Board Member

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28 Angelica Buehling Gardner, Board Member

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32 Barbara Bencomo, Ex Officio Member

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36 Mary Lou Ward, Ex Officio Member

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38 ATTEST:

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42 Amanda Lopez Askin, County Clerk
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MEMORANDUM

To: Animal Services Center of Mesilla Valley Board of Supervisors

From: Joshua Saffell, Accounting Supervisor

Initials:

Date: July 17, 2025

Subject: Animal Services Center of the Mesilla Valley (ASCMV)
Preliminary Financial Report for June 30, 2025 – Unaudited

Attached are the preliminary unaudited financial results of the Animal Services Center operations for the period ended June 30, 2025. Key observations include:

Statement of Net Position (Page 1):

- Cash in the General Fund stands at \$1,271,782 contributing to total assets of \$1,274,632.
- Revenue collected in advance from grants was reported at \$105,126, resulting in total liabilities of \$376,536.
- The unassigned fund balance ended at \$898,096.

Statement of Revenues, Expenditures, and Changes in Fund Balances – Budget and Actual (Page 2):

- Budget Parameter for the period was 100.0%.
- Year-to-date (YTD) operating revenues in the General Fund were \$4,973,275 which was 99.3% of budget.
- YTD operating expenditures ended at \$4,626,915 or 92.4% of the budget.
- The net change in fund balance for the period was \$346,360.



Revenues

- Operating revenues were at 99.3% primarily due to the contribution from Dona Ana County and the City of Las Cruces, as outlined in the Joint Powers Agreement (JPA).
- Revenues that did not meet the 100.0% budget target included the following:
 - Vaccinations
 - Pet micro-chipping
 - Return-to-owner fees
 - City of Anthony
 - Donations & Memorials
 - Grant revenue
 - Village of Hatch
 - Animal Shelter Services

Expenditures

- All expenditures were below the 100.0% parameter.

Grants

- The Grants and Donations Schedule, page 8, provides a summary of grants and donations received.

Thank you for your continued support and dedication to the ASCMV.

Cc Josie Trevino, Comptroller
Cc Lesley Doyle, Director of Finance

Initials:
Initials:

Animal Services Center of the Mesilla Valley
Statement of Net Position
June 30, 2025 - Preliminary (Unaudited)

	<u>Fund 7440</u> <u>General Fund</u>	<u>Fund 7441</u> <u>Capital Projects</u>	<u>Fund 9440</u> <u>Capital Assets</u>	<u>Statement</u> <u>of</u> <u>Net Position</u>
Assets				
Current assets				
Pooled cash & investments	\$ 1,271,782	\$ 28,012	\$ -	\$ 1,299,794
Accounts receivable	2,850	-	-	2,850
Total current assets	<u>1,274,632</u>	<u>28,012</u>	<u>-</u>	<u>1,302,644</u>
Capital assets				
Equipment, net	-	-	248,560	248,560
Total assets	<u>1,274,632</u>	<u>28,012</u>	<u>248,560</u>	<u>1,551,204</u>
Liabilities				
Current liabilities				
Accounts payable	178,384	-	-	178,384
Accrued payroll and other	93,026	-	-	93,026
Revenue collected in advance	105,126	-	-	105,126
Total current liabilities	<u>376,536</u>	<u>-</u>	<u>-</u>	<u>376,536</u>
Fund balance/Net position				
Restricted	-	28,012	-	28,012
Unassigned	898,096	-	248,560	1,146,656
Total Fund balance/Net position	<u>898,096</u>	<u>28,012</u>	<u>248,560</u>	<u>1,174,668</u>
Total Liabilities and Fund Balance	<u><u>\$ 1,274,632</u></u>	<u><u>\$ 28,012</u></u>	<u><u>\$ 248,560</u></u>	<u><u>\$ 1,551,204</u></u>

**Animal Services Center of the Mesilla Valley
General Fund Statement of Revenues, Expenditures,
and Changes in Fund Balance - Budget and Actual
For the Period Ended June 30, 2025 - Preliminary (Unaudited)**

	<u>Budget</u>	<u>Actual</u>	<u>Actual/Bgt %</u>
Revenues:			
Vaccinations	\$ 40,000	\$ 38,326	95.8%
Pet micro-chip	20,000	14,096	70.5%
Onsite adoptions	110,000	129,122	117.4%
Return to owner-DAC	15,800	9,756	61.7%
Return to owner-CLC	25,800	22,593	87.6%
Spay/neuter	65,000	65,609	100.9%
Dona Ana County	2,220,136	2,220,136	100.0%
City of Las Cruces	2,220,136	2,220,136	100.0%
City of Anthony	8,000	7,650	95.6%
Donations & memorials	40,000	33,524	83.8%
Grant revenue	213,554	108,428	50.8%
City of Sunland Park	2,658	5,850	220.1%
Village of Hatch	300	-	0.0%
Animal Shelter Services	12,000	10,085	84.0%
Investment income	-	51,645	100.0%
Other revenue	15,909	36,319	228.3%
Total revenues	5,009,293	4,973,275	99.3%
Expenditures:			
Salary	2,611,015	2,550,350	97.7%
Benefits	974,570	922,669	94.7%
Temp agency services	2,000	1,320	66.0%
Repairs and maintenance	47,216	34,589	73.3%
Services	646,616	554,204	85.7%
Supplies	506,386	387,363	76.5%
Insurance	48,800	48,162	98.7%
Travel	13,008	6,775	52.1%
Transportation	39,000	11,058	28.4%
Capital	116,154	108,428	93.3%
Other	4,530	1,997	44.1%
Total expenditures	5,009,295	4,626,915	92.4%
Net change in fund balance	(2)	346,360	
Fund balance- beginning of the year		551,736	
Fund balance- end of current period		\$ 898,096	

BUDGET PARAMETER	100.0%
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**Animal Services Center of the Mesilla Valley
Statement of Revenues, Expenditures,
and Changes in Fund Balance - Budget and Actual - Executive Director
For the Period Ended June 30, 2025 - Preliminary (Unaudited)**

	<u>Budget</u>	<u>Actual</u>	<u>Actual/Bgt %</u>
Expenditures			
Salary	\$ 133,707	122,694	91.8%
Benefits	63,213	55,154	87.3%
Services	500	454	90.8%
Supplies	3,425	3,068	89.6%
Travel	1,408	1,308	92.9%
Capital	116,154	108,428	93.3%
Other	230	24	10.5%
Total expenditures	\$ 318,637	291,130	91.4%

**Animal Services Center of the Mesilla Valley
Statement of Revenues, Expenditures,
and Changes in Fund Balance - Budget and Actual - Medical Director
For the Period Ended June 30, 2025 - Preliminary (Unaudited)**

	<u>Budget</u>	<u>Actual</u>	<u>Actual/Bgt %</u>
Expenditures			
Salary	\$ 670,918	627,063	93.5%
Benefits	214,453	188,188	87.8%
Services	112,500	84,227	74.9%
Supplies	279,542	192,250	68.8%
Travel	5,200	3,103	59.7%
Other	2,200	625	28.4%
Total expenditures	<u>\$ 1,284,813</u>	<u>\$ 1,095,456</u>	<u>85.3%</u>

**Animal Services Center of the Mesilla Valley
Statement of Revenues, Expenditures,
and Changes in Fund Balance - Budget and Actual - Kennel Director
For the Period Ended June 30, 2025 - Preliminary (Unaudited)**

	<u>Budget</u>	<u>Actual</u>	<u>Actual/Bgt %</u>
Expenditures			
Salary	\$ 1,148,077	1,145,808	99.8%
Benefits	421,745	412,009	97.7%
Temp agency services	2,000	1,320	66.0%
Repairs and maintenance	47,216	34,589	73.3%
Services	5,650	4,642	82.2%
Supplies	173,136	151,341	87.4%
Travel	2,500	2,365	94.6%
Transportation	14,000	11,058	79.0%
Other	700	500	71.4%
Total expenditures	<u>\$ 1,815,024</u>	<u>1,763,631</u>	<u>97.2%</u>

**Animal Services Center of the Mesilla Valley
Statement of Revenues, Expenditures,
and Changes in Fund Balance - Budget and Actual - Administrative Operations
For the Period Ended June 30, 2025 - Preliminary (Unaudited)**

	<u>Budget</u>	<u>Actual</u>	<u>Actual/Bgt %</u>
Expenditures			
Salary	\$ 658,313	654,786	99.5%
Benefits	275,159	267,318	97.2%
Services	527,966	464,880	88.1%
Supplies	50,283	40,704	81.0%
Travel	1,500	-	0.0%
Other	1,400	847	60.5%
Total expenditures	<u>\$ 1,563,420</u>	<u>\$ 1,476,698</u>	<u>94.5%</u>

Animal Services Center of the Mesilla Valley
Statement of Revenues, Expenditures,
For the Period Ended June 30, 2025 - Preliminary (Unaudited)

General Fund															
7440															
Budget		July 2024	August 2024	September 2024	October 2024	November 2024	December 2024	January 2025	February 2025	March 2025	April 2025	May 2025	June 2025	Total	Actual/Bgt %
Revenues															
Vaccinations	\$ 40,000	\$ 755	\$ 916	\$ 480	\$ 7,374	\$ 990	\$ 896	\$ 713	\$ 13,042	\$ 832	\$ 600	\$ 708	\$ 11,020	\$ 38,326	95.8%
Pet micro-chip	20,000	830	1,020	336	2,270	990	850	1,600	2,350	310	70	1,000	2,470	14,096	70.5%
Onsite adoptions	110,000	6,305	14,148	14,220	15,990	11,629	4,775	9,225	13,820	11,675	3,825	11,850	11,660	129,122	117.4%
Return to owner-DAC	15,800	965	1,190	699	940	950	820	471	625	1,055	781	620	640	9,756	61.7%
Return to owner-CLC	25,800	1,905	1,480	899	1,263	1,164	2,022	1,395	2,352	2,863	2,470	2,375	2,405	22,593	87.6%
Spay/neuter	65,000	4,597	7,955	3,196	6,729	8,815	3,875	3,589	4,121	3,577	3,506	11,020	4,629	65,609	100.9%
Dona Ana County	2,220,136	488,430	157,428	157,428	157,427	157,428	157,428	157,428	157,428	157,428	157,428	157,428	157,427	2,220,136	100.0%
City of Las Cruces	2,220,136	450,600	450,601	450,600	(465,496)	145,235	145,235	145,235	145,235	145,234	145,234	304,993	157,430	2,220,136	100.0%
City of Anthony	8,000	-	-	1,500	-	1,400	-	-	-	2,800	700	250	1,000	7,650	95.6%
Donations & memorials	40,000	3,607	729	1,238	4,072	4,101	7,242	2,669	2,815	1,638	1,079	1,726	2,608	33,524	83.8%
Grant revenue	213,554	-	-	-	-	-	-	72,207	-	-	-	-	36,221	108,428	50.8%
City of Sunland Park	2,658	-	-	500	-	650	300	-	-	2,250	250	300	1,600	5,850	220.1%
Village of Hatch	300	-	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
Animal Shelter Services	12,000	1,085	950	775	800	725	875	775	795	650	780	1,000	875	10,085	84.0%
Investment income	-	2,751	-	12,190	-	9,727	3,689	3,255	3,407	4,032	3,879	4,640	4,075	51,645	100.0%
Other revenue	15,909	3,758	4,188	3,222	3,069	2,569	2,056	2,341	3,503	3,358	2,156	2,793	3,306	36,319	228.3%
Total revenues	5,009,293	965,588	640,605	647,283	(265,562)	343,804	328,007	398,562	345,990	334,344	320,602	497,910	394,060	4,973,275	99.3%
Expenditures															
Salary	2,611,015	\$ 100,129	\$ 294,306	\$ 196,208	\$ 194,804	\$ 202,594	\$ 206,332	\$ 295,703	\$ 195,543	\$ 189,573	\$ 189,660	\$ 193,126	\$ 292,372	\$ 2,550,350	97.7%
Benefits	974,570	35,599	107,473	72,005	71,514	73,874	74,911	105,955	70,638	69,381	68,860	69,012	103,448	922,669	94.7%
Temp agency services	2,000	-	-	-	-	-	-	-	-	-	-	-	1,320	1,320	66.0%
Repairs and maintenance	47,216	-	935	3,999	609	2,969	2,541	378	21,281	1,028	-	308	-	34,589	73.3%
Services	646,616	29,638	37,234	44,975	56,077	58,345	42,882	51,871	36,659	49,786	22,024	53,667	71,046	554,204	85.7%
Supplies	506,386	-	13,273	62,118	32,000	38,614	15,371	17,263	40,021	57,469	(1,978)	48,452	64,760	387,363	76.5%
Insurance	48,800	1,696	8,001	3,000	4,724	69,824	(43,756)	912	-	-	3,761	-	-	48,162	98.7%
Travel	13,008	247	1,796	3,265	721	373	196	83	-	-	-	-	94	6,775	52.1%
Transportation	39,000	-	568	1,627	933	933	1,362	707	1,001	1,581	913	670	763	11,058	28.4%
Capital	116,154	-	-	-	-	-	-	72,207	-	-	-	-	36,221	108,428	93.3%
Other	4,530	-	-	349	150	360	-	100	210	-	167	2	659	1,997	44.1%
Total expenditures	5,009,295	167,309	463,586	387,546	361,532	447,886	299,839	545,179	365,353	368,818	283,948	365,237	570,683	4,626,915	92.4%
Change in fund balance	\$ (2)	\$ 798,279	\$ 177,019	\$ 259,737	\$ (627,094)	\$ (104,082)	\$ 28,168	\$ (146,617)	\$ (19,363)	\$ (34,474)	\$ 36,654	\$ 132,673	\$ (176,623)	\$ 346,360	

**Animal Services Center of the Mesilla Valley
Grants and Donations Schedule
as of June 30, 2025 - Preliminary**

Fund	Project	Project Name	Award Amount	Life-to-Date Expenditures	Remaining Balance	Type	End Date	Purpose
7440	74223	Humane Society	\$ 2,400	-	\$ 2,400	Local Grant	Until Spent	Awarded to sponsor ASCMV employees to attend the HSUS Animal Care Expo in New Orleans, LA in April 2023.
7440	74230	PETCO LOVE AWO 2022	\$ 75,000	73,254	\$ 1,746	Local Grant	Until Spent	Petco Love 2022 Animal Welfare Organization (AWO) grant cycle award to be used for any lifesaving purpose.
7440	74240	PETCO LOVE 2023 AWO	\$ 110,000	84,020	\$ 25,980	Local Grant	4/30/2025	AWO Grant award to be used for lifesaving purposes. Focus is to be able to purchase an adoption trailer for off-site adoption events.
7440	74241	PETCO MEDICAL FACILITY GRANT	\$ 50,000	-	\$ 50,000	Local Grant	Until Spent	Petco \$50,000 grant funds to be used to purchase equipment and services to onvert Cat Room into a Medical Surgical Suite
7440	74242	PetSmart Transport Grant	\$ 25,000	-	\$ 25,000	Local Grant	Until Spent	PetSmart \$25,000 grant funds to be used to enhance ASCMV's Transport and Rescue program

Total \$ 105,126



2025-10

ASCMV Action and Executive Summary

Type of Action:
☒ Resolution
☐ Ordinance
☐ TIDD Resolution

District:	☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ N/A		
1st Reading:		Adopted:	July 24, 2025
Drafter:	Michelle Williams	Department:	ASCMV
Program:	ASCMV	Line of Business:	
Title: A RESOLUTION TO ADOPT CITY MANAGER POLICIES (CMPS)			

TYPE OF ACTION: ☒ Administrative ☐ Legislative ☐ Quasi-Judicial

PURPOSE(S) OF ACTION:

This adoption supports the Center’s mission by aligning internal practices with the standards followed by the City of Las Cruces, ensuring consistency across intergovernmental operations and fostering public trust through established and transparent policy frameworks.

SUPPORT INFORMATION:

[Resolution 2025-10 Exhibit A](#)

DOES THIS AMEND THE BUDGET?:

- ☐ Yes
- ☒ No

Does this action amend the Capital Improvement Plan (CIP)?

- ☐ Yes
- ☒ No

Does this action align with Elevate Las Cruces?

- ☐ Yes
- ☒ No

OPTIONS / ALTERNATIVES:

- 1. Vote "Yes"; this will approve the acceptance of the policies
- 2. Vote "No"; this will reject the acceptance of the policies
- 3. Vote to "Amend"; this will require direction from the board
- 4. Vote to "Table"; this will delay the decision for additional review or discussion

RESOLUTION 2025-10

A RESOLUTION TO ADOPT CITY MANAGER POLICIES (CMPS)

The Animal Service Center of Mesilla Valley (ASCMV) Board of Directors is hereby informed that:

WHEREAS, the Animal Service Center of the Mesilla Valley (ASCMV) is committed to adopting policies and procedures that promote sound governance, operational consistency, and legal compliance; and

WHEREAS, the City Manager Policies (CMPs) established by the City of Las Cruces offer comprehensive guidelines in areas including general administration, financial operations, risk management, and information technology; and

WHEREAS, specific policies from Section 1 (General) of the CMPs address core administrative and financial procedures, including travel, payroll distribution, and training requirements; and

WHEREAS, to ensure consistency with best practices and to facilitate internal accountability and auditability, the ASCMV Board of Directors desires to formally adopt selected CMPs as listed in **Exhibit A** attached hereto and made a part of this resolution;

NOW THEREFORE, be it resolved by the Board of Directors for the Animal Service Center of the Mesilla Valley:

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE ANIMAL SERVICES CENTER OF THE MESILLA VALLEY (ASCMV):

(I)

THAT the following City Manager Policies (CMPs) from Section 1 (General) are adopted as policy by the ASCMV governing board: CMP 1.1 Travel, CMP 1.6 Payroll Distribution, and CMP 1.33 Training Requirements.

THAT all City Manager Policies (CMPs) from Section 2 (Financial) are adopted as policy by the ASCMV governing board.

THAT the following City Manager Policies (CMPs) from Section 8 (Risk Management) are adopted as policy by the ASCMV governing board: CMP 8.1 Substance Abuse Prevention Detection Policy.

THAT the following City Manager Policies (CMPs) from Section 9 (Information Technology) are adopted as policy by the ASCMV governing board: CMP 9.1 Information Technology Acceptable Use Policy.

DONE AND APPROVED this day of

Agenda Item #6.1.

APPROVED

ATTEST:

Moved by:

Seconded by:

AYES

NAYS



City of Las Cruces

		CMP # 1.1
		Effective Date: 06/01/12
		Revised: 03/24/17
		Revised: 06/23/17
		Revised: 05/30/2023
Title: TRAVEL POLICY		

I. PURPOSE

The purpose of this policy is to comply with Municipal Code Part I, Chapter 2, Article III, and Division III and establish the rules and procedures governing travel expenditures and reimbursements for City Employees and Fiscal Agency employees on official travel. This policy is established to provide the authority for reimbursement of travel and incidental costs to City Employees.

II. POLICY

- A. It is incumbent on every employee, as custodians of public funds, to exercise due diligence in the expenditure of public funds. These regulations will serve to safeguard public funds and require complete fiscal responsibility and accountability by all those who travel and book travel for City business.
- B. An individual on official travel is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business and travel in the most economical manner possible. Excess costs, indirect routes, delays, or luxury accommodations and services unnecessary or unjustified in the performance of official business are not acceptable under this standard. Individuals will be personally responsible for excess costs and any additional expenses incurred for personal preference or convenience. Travelers must familiarize themselves with these travel regulations. Travel expenses that will be reimbursed are confined to those expenses essential to the transaction of official business as identified in these regulations. Alcohol will not be reimbursed as part of this policy.

III. DEFINITIONS

- A. **Actual Expense:** Expenses supported by actual receipts, detailing items purchased.
- B. **Authorized Travel Methods:** Methods of transportation authorized for official travel include railroads, buses, City-furnished or rental automobiles and airplanes, and any other necessary means of conveyance.
- C. **Advance:** Funds allotted to an employee prior to travel. This is a payment for anticipated travel expenses which includes per diem, taxi/shuttle, parking, etc.

- D. **City Vehicle:** Any vehicle owned or leased by the City, whether marked or unmarked, which is used for any municipal purpose.
- E. **Day Trip:** Any travel that allows the employee to depart and return on the same day.
- F. **Emergency Travel:** Travel authorized by the City Manager for conducting business in the event of an emergency.
- G. **IRS-GSA:** Internal Revenue Service's General Services Administration (IRS-GSA) per diem rate.
- H. **Incidental Expenses:** Are based on the IRS-GSA per diem rate, which includes room service, laundry, dry cleaning, pressing of clothing, and fees and tips for persons who provide services such as food servers and luggage handlers.
- I. **In-State Travel:** Any travel within the State of New Mexico that requires overnight accommodations.
- J. **International Travel:** Any travel outside of the United States.
- K. **Office of the City Manager:** Includes the City Manager (CM), Assistant City Managers, and Chief Administrative Officer.
- L. **Official Travel:** Travel that includes working meetings outside City limits, training, and professional development. This does not include travel for normal job duties.
- M. **Out-of-State Travel:** Any travel outside the State of New Mexico (does not include El Paso County) that requires overnight accommodations.
- N. **P-Card/D-Card:** Purchasing Card or Department Card.
- O. **Per Diem Rate (IRS-GSA calls M&IE):** An allowance for meals and incidental expenses as set forth by IRS-GSA per diem rate. The per diem rate removes the tax liability issues that would be created without an established allowance for required travel expenses. The allowance is for meals and miscellaneous travel expenses for which itemized receipts are not required to be submitted.
- P. **Privately Owned Vehicle (POV):** Any vehicle such as an automobile operated by an individual that is not owned or leased by a government agency and is not commercially leased or rented by an employee under a government rental agreement for use in connection with official business (IRS-GSA, Chapter 300).
- Q. **Receipt:** Physical or electronic document from vendor showing actual detailed expenses and proof of payment.
- R. **Reimbursement:** Funds paid to an employee upon returning from travel when actual expenses exceed the amount advanced.
- S. **Rideshare:** An arrangement in which a passenger travels in a private vehicle driven by its owner for a fee.
- T. **Travel Expense Form (TEF):** Form used to finalize, or "close out" travel that was previously approved and has now been completed.
- U. **Travel Request Form (TRF):** Form that is to be filled out anytime an employee is traveling outside the City limits for business related purposes.
- V. **Travel Time:** The actual dates of a function plus reasonable travel time.
- W. **Traveler:** Any employee on authorized official travel.

IV. GENERAL GUIDELINES

A. Approved Travel Requirements:

1. Official business that cannot be handled by any other means. The purpose of the trip is to transact official business, attend necessary official or professional meetings, participate in conferences, or attend training. If official business is offered by webinars or on-line, these should be considered first when there are cost savings.

B. Travel Request Form (TRF) and Approvals:

1. A complete TRF includes documents detailing the purpose of the travel (agenda, meeting announcements, etc.), travel time, and any other related expenses. These documents must be attached to the TRF supporting the travel and the TRF must be approved before booking travel and before traveling. Travel expenses will only be reimbursed with an approved TRF. It is the responsibility of the approving authority to make sure travel is completed and follows the travel policy.
 2. A Traveler can request a travel advance if the total estimated out-of-pocket cost exceeds \$100. Travel advances need to be requested through the TRF. Please follow the outlined dates mentioned in the TRF Submission Requirements section below to receive your advance. Traveler may pick up their advance two working days prior to departure.
 3. All signatures must be obtained before the Traveler can make any reservations for their trip.
 4. TRF Signature Requirements:
 - i. Day Trips - Supervisor.
 - ii. In-State Travel - Supervisor and Department Director.
 - iii. Out-of-State and International Travel - Supervisor, Department Director, and City Manager, or designee.
 5. TRF Submission Requirements:
 - i. Day Trips - If Traveler is receiving any type of reimbursable expense for their trip, the approved TRF must be received by Disbursements **no later than 1 day before** travel takes place.
 - ii. In-State Travel - When the Traveler is requesting an advance, the approved TRF must be received by Disbursements **no later than 15 days before** travel takes place.
 - iii. Out-of-State and International Travel - When the Traveler is requesting an advance, the TRF must be received by Disbursements for review **no later than 45 days before** travel takes place. Once the review has been completed, **Disbursements** will submit to the Office of the City Manager for final approval.
- C. A Traveler shall give a detailed description of the travel on the TRF. This includes purpose of travel, who they are traveling with, dates, and destination.
- D. Annual/personal leave may be taken in conjunction with travel on official business if pre-approved by the Traveler's Supervisor. The TRF must indicate the Traveler's planned use of annual/personal leave time, along with approved leave documentation. A cost analysis must be performed by the Traveler showing the true cost without annual/personal leave.
- E. If accommodations are needed for travel, please coordinate with the City's Americans with Disabilities Act Coordinator for documentation prior to travel.
- F. A P-Card/D-Card should be used when traveling. For group travel, please make sure that there is enough credit on the card to cover everyone traveling. If additional credit is

needed, please refer to the P-Card manual for information on what is needed to increase your P-Card/D-Card credit.

- G. Travel approvers must evaluate all TRF's to ensure that Authorized Travel Methods result in the lowest cost to the City.
- H. Official travel should be scheduled within the employee's regular work week whenever possible, unless:
 - 1. Factors beyond the City's control would preclude or cause unreasonable delays in the completion of the travel assignment if all travel were performed within the work week.
 - 2. Scheduling of travel by authorized travel method during normal duty hours causes an unreasonable delay in the commencement, or completion, of the assignment. A Traveler who is scheduled to be at a location early in the morning may schedule their travel for a late departure the evening before and will be eligible for per diem for hotel and meals from one hour prior to the time of their scheduled departure. If traveling by plane, the Traveler should leave on the next available flight after their official city business concludes, resulting in the lowest cost to the city.
 - 3. City will not pay additional expenses related to international travel. This includes passport cost, and other related costs not listed.
 - 4. If a Traveler has a two-week travel and would like to come home between training, a cost analysis must be completed by the Traveler to show the two scenario expenses for staying at the location or coming home. The lowest cost will be used to reimburse the Traveler. Cost analysis should be attached to the TRF.
- I. Receipts are required for all reimbursable expenses. In the event of a lost or stolen receipt, Traveler can submit a Missing Receipt Form, along with a copy of the transaction from the Traveler's bank. Missing receipts for cash transactions will not be reimbursed.
- J. If additional services are needed for the travel (i.e. rental expense or other additional cost), the Traveler should be proactive and use a Purchase Order (PO) for these types of expenses.
- K. Allowable costs for hotel will be based on a single person room. If a Traveler takes their family and requires a larger room, the Traveler will pay any increased cost. A Traveler shall not make extra lodging days in anticipation of a plane lay over, or other travel issues. The Traveler can make additional emergency travel plans due to unforeseen events. Short-term rentals can be used for lodging. Reimbursement will be based on the equivalent to a one-bedroom rental. Example: Short-term rental is \$300/day for three (3) bedrooms. The City will reimburse \$100 daily ($\$300/3 \text{ bedrooms} = \100 per bedroom).
- L. Meals provided by hotels or event organizers need to be outlined in the TRF and subtracted from the per diem using the IRS-GSA rate for the type of meal provided (breakfast, lunch, dinner). If the event agenda discloses meals provided, they must be highlighted before attaching to the TRF. If the meal(s) provided is small, or light in nature (hors d'oeuvre, starters, etc.), or the conference runs out of food, Traveler must note this on their Travel Expense Form (TEF), and they will be given the full per diem for that meal.
- M. Transportation:
 - 1. Rental vehicles are required when traveling beyond five (5) hours round trip in any direction. Rental vehicles must be chosen based on the number of Travelers traveling

and the purpose of the trip. If only one Traveler is traveling the rental vehicle should be a compact size. If a rental vehicle is not available and the Traveler takes their personally owned vehicle (POV) they will need to state this in their TRF that a rental was not available. If a rental is not available and the Traveler uses their POV, City will pay per mileage per the GSA/IRS rate. Traveler will need to show proof that a rental vehicle was not available from the rental agency. POV usage must follow CMP 1.8. All documentation requested in the CMP should be attached to the TRF.

- i. If the Traveler is approved to use their POV in lieu of a rental vehicle for personal convenience, fuel will be reimbursed based on actual fuel expenses incurred, not to exceed \$75 per trip. Use of a City vehicle is required for Day Trips.
 - ii. Passengers, either other City employees or non-City employees, are allowed to travel with, but not drive, and are not entitled to mileage reimbursement.
 - iii. Traveler must sign up for insurance coverage offered by the rental car agency and must be accounted for in the TRF.
2. Airfare will be reimbursed at the coach rate. First and/or business class is allowed if there is no extra cost, or if coach seats are not available and no other flight can be substituted. Every effort should be made to book flights as far in advance as possible to obtain the lowest airfare available, but not in advance of approval of the travel. Unless preapproved on the TRF, additional costs such as early boarding or additional luggage, will not be reimbursed. Travel to and from airport to final travel destination via rideshare or taxi/shuttle will be reimbursed, not to include tipping. A receipt must be submitted.
3. Airport parking shall be reimbursed based on rates of the public airport long term parking lot. A receipt must be submitted.
4. A City vehicle must be used for Day Trips within Dona Ana, Otero, Luna, Sierra Counties, NM or El Paso County, TX. City vehicle usage must follow CMP 3.2. Vehicles are available in the City Hall Motor Pool for City Staff.
- N. Travel Agencies: Traveler may use any travel agency that provides documentation of the travel destination, dates of departure and return. The Traveler is responsible for obtaining their tickets from the travel agency. Traveler using a travel agency must still follow the guidelines listed in M.2.
- O. Canceled or unused Reservations: When a Traveler knows that reservations for transportation and/or accommodations will not be used, they must cancel the reservations within 48 hours¹. Traveler should retain a copy of the unused canceled ticket or other documents (cancellation emails, credit and/or refund emails) and submit them with the Travel Expense Form (TEF). All documentation regarding adjustments for canceled or unused reservations must be promptly reported to prevent losses to the City. If a Traveler cancels a reservation due to unforeseen circumstances and has a credit in their name, they will reimburse the City for the expense incurred. The Traveler will use the TEF to reimburse the City for the credit. Failure of a Traveler to follow these procedures may

¹ City is aware that unforeseen emergencies can take place. However, the Traveler should make every effort to cancel travel at the earliest time possible.

subject them to liability for any resulting expense to the City (see P. Travel Closeout and Travel Expense Form).

P. Travel Closeout and Travel Expense Form (TEF):

1. After completion of travel, the Travel Expense Form (TEF) will be submitted to Disbursements in the Financial Services Department for reimbursement. Detailed receipts for lodging, registration, transportation cost (airline, parking, etc.), and other incidental expenses related to City business shall be submitted with the TEF. The signed TRF and agenda must be provided, even if already done so on the original TRF.
 2. TEF Signature Requirements:
 - i. Day Trips – Traveler and Supervisor.
 - ii. In-State Travel – Traveler and Supervisor.
 - iii. Out-of-State – Traveler and Department Director.
 3. If advanced monies are not shown on the TEF, which results in overpayment, monies due to the City will be paid by the Traveler within thirty (30) days. If monies due to the City have not been paid within the thirty (30) days, the City will garnish the amount due through an employee pay deduction for the next pay period.
 4. If advanced monies shown on the TEF exceed reimbursable expenses, monies due to the City will be paid by the Traveler within thirty (30) days. If monies due to the City have not been paid within the thirty (30) days, the City will garnish the amount due through an employee pay deduction for the next pay period.
 5. In the event of a travel cancellation or postponement for more than two (2) months, monies due the City must be paid by the Traveler or will be garnished through an employee pay deduction for the next pay period.
 6. Travel will be closed out within five (5) working days after completion of travel and the Traveler's return to work. Any delays in submission of the TEF beyond the five (5) working days could result in non-reimbursement.
- Q. For any questions on how to pay hourly employees while on travel, please contact your HR Analyst for guidance.
- R. Any Traveler requests for exceptions to the policy will require City Manager approval. Please contact Financial Services for clarification and direction.
- S. Prior to submitting a TRF, the traveler must have completed travel policy training within that calendar year. Travel policy training is required each calendar year for staff who are traveling on City business.
- T. After an investigation by City Manager or designee, any verified violation of this policy by a Traveler could result in discipline up to and including termination.

V. GENERAL GUIDELINES BY TYPES OF TRAVEL

The following guidelines by types of travel shall be used as supplemental information that a Traveler can use for quick reference. All prior guidelines listed in this policy must be followed.

A. Day Trips

1. A Day Trip is any travel that allows the employee to depart and return on the same day. A Traveler who travels within Dona Ana County, NM and/or El Paso County, TX, and are within their normal working hours, will not need an approved TRF. Approval from their Supervisor is needed for documentation (e-mail or memo). A Traveler that travels repeatedly within Dona Ana County, NM and/or El Paso County, TX within normal working hours, only needs one approval document for the fiscal year that can be used showing travel approval.
2. Any Day Trips that will receive reimbursement and that exceeds normal working hours will need a signed and approved TRF. Travel which does not require overnight lodging, but extends beyond a regular working day, will be reimbursed as follows:

i. Per Diem

- a. For more than two (2) hours but less than four (4) hours of travel beyond the normal workday - \$15.00
- b. For more than four (4) hours - \$25.00.

ii. Registration Fees

- a. Fees charged for registration (conference, training session, convention, or meetings) are allowable expenses. All registration fees should be charged to a City P-Card/D-Card.

iii. Transportation

- a. For Day Trips within Dona Ana, Otero, Luna, Sierra Counties, NM or El Paso County, TX travel must be by City Vehicle. Vehicles are available in the City Hall Motor Pool for City Staff. For other means of transportation please see General Guidelines (Transportation) above.

3. TRF Signature Requirements:

i. Supervisor.

4. Submission to Disbursements:

- i. If Traveler is receiving any type of reimbursable expense for their trip, the approved TRF must be received by Disbursements **no later than 1 day before** travel takes place.

B. In-State Travel

1. In-State Travel is any travel within the State of New Mexico that requires overnight accommodations. In-State Travel that will receive any reimbursement will require a signed and approved TRF. A complete TRF and documents detailing the purpose of

the travel (agenda, meeting announcements, etc.) and any other related expenses must be attached to the TRF supporting travel. **Once required signatures are obtained, the Traveler may make necessary reservations for the In-State trip.** Reimbursement will be as follows:

i. Per Diem

- a. Traveler has a choice of accepting lodging and meal per-diem. If Traveler accepts this choice no receipts are needed, and they will request the IRS-GSA per diem rate for the location of travel. This should be documented on the TRF.
- b. Traveler can use food per-diem and actuals for lodging. Lodging quotes will need to be used for the TRF and actual expense receipts will need to be attached to the travel close out (see instructions on the travel close out form).

ii. Registration Fees

- a. Fees charged for registration (conference, training session, convention, or meetings) are allowable expenses. All registration fees are to be charged to a City P-Card/D-Card.

iii. Transportation

- a. City Vehicles will not be used for In-State travel if usage is more than five (5) hours round trip. Please refer to IV. General Guidelines section M for the best possible mode of transportation.

2. TRF Signature Requirements:

- i. Traveler, Supervisor and Department Director, or designee.
- ii. For Agencies: Agency Director, or designee. If a Director is traveling, signature/authorization by their Board Chair, or designee.

3. Submission to Disbursements:

- i. When the Traveler is requesting an advance, the approved TRF must be received by Disbursements **no later than 15 days before** travel takes place.

C. Out-of-State Travel

1. Out-of-State Travel is any travel outside the State of New Mexico (does not include El Paso County) that requires overnight accommodations. Out-of-State Travel will require a signed and approved TRF. A complete TRF and documents detailing the purpose of the travel (agenda, meeting announcements, etc.) and any other related expenses must be attached to the TRF supporting travel. **Once required signatures are**

obtained, the Traveler may make necessary reservations for the Out-of-State trip. Reimbursement will be as follows:

i. Per Diem

- a. Traveler has a choice of accepting lodging and meal per-diem. If Traveler accepts this choice no receipts are needed, and they will request the IRS-GSA per diem rate for the location of travel. This should be documented on the TRF.
- b. Traveler can use food per-diem and actuals for lodging. Lodging quotes will need to be used for the TRF and actual expense receipts will need to be attached to the travel close out (see IV. General Guidelines: P Travel Closeout and Travel Expense Form).

ii. Registration Fees

- a. Fees charged for registration (conference, training session, convention, or meetings) are allowable expenses. All registration fees are to be charged to a City P-Card/D-Card.

iii. Transportation

- a. City Vehicles will not be used for Out-of-State Travel. Please refer to IV. General Guidelines: M for the best possible mode of transportation. Cost analysis forms should be completed by the Traveler with documentation identifying the mode of transportation. All costs should be included in the cost analysis (including airport parking, rental vehicle at destination if needed, and other expenses).

2. TRF Signature Requirements:

- i. Traveler, Supervisor, Department Director, or designee, and City Manager, or designee
- ii. For Agencies: Traveler, Supervisor, Agency Director and Board Chair, or designee.

3. Submission to Disbursements:

- i. When the Traveler is requesting an advance, the approved TRF must be received by Disbursements for review **no later than 45 days** before travel takes place. **Disbursements** will submit the TRF to the Office of the City Manager for final approval.

D. International Travel

1. International Travel is any travel outside the United States. International Travel will require a signed and approved TRF. A complete TRF and documents detailing the purpose of the travel (agenda, meeting announcements, etc.) and any other related

expenses must be attached to the TRF supporting travel. Traveler will need to research documents needed to enter the country they are wishing to enter (i.e., visa, passport, etc.). **Once all signatures are documented approving the travel, the Traveler may make necessary reservations for international trip.** If a Traveler is taking a City P-Card/D-Card they will need to contact the Purchase Card Administrator so that the bank can be notified and the card can be used outside the United States. Reimbursement will be as follows:

i. Per Diem

- a. Traveler will need to check the Per Diem rates. These rates are through the U.S. Department of State and can change monthly due to the exchange rates (<https://aoprals.state.gov>). Refer to the IRS-GSA per diem rate for the location of travel. This should be documented on the TRF.
- b. Traveler can use food per-diem and actuals for lodging. Lodging quotes will need to be used for the TRF and actual expense receipts will need to be attached to the travel close out (see IV. General Guidelines: P Travel Closeout and Travel Expense Form).

ii. Registration Fees

- a. Fees charged for registration (conference, training session, convention, or meetings) are allowable expenses. All registration fees are to be charged to a City P-Card/D-Card.

iii. Transportation

- a. City Vehicles will not be used for international travel. Please refer to IV. General Guidelines: M. for the best possible mode of transportation. Cost analysis forms should be completed by the Traveler with documentation identifying the mode of transportation. All costs should be included in the cost analysis (including airport parking, rental vehicle at destination if needed, and other expenses).

2. TRF Signature Requirements:

- i. Traveler, Supervisor, Department Director, or designee and City Manager, or designee.
- ii. For Agencies: Traveler, Supervisor, Agency Director, or designee and Board Chair, or designee.

3. Submission to Disbursements:

- i. When the Traveler is requesting an advance, the approved TRF must be received by Disbursements for review no later than 45 days before travel takes place. Disbursements will submit the TRF to the Office of the City Manager for final approval.



Ifo Pili, City Manager

9/30/15

Date



City of Las Cruces

CMP # 1.6 Effective Date: 12/1/96 Revised: 06/01/2012 1/18/2013 12/19/22
Title: PAYROLL DISTRIBUTION

I. PURPOSE

The purpose of this policy is to establish clear guidelines for the distribution of payroll to all City of Las Cruces (City) employees, Joint Power Agreement (JPA) employees, and/or employees of grant-funded programs.

II. POLICY

Employees are paid bi-weekly via an electronic fund transfer to their bank account. Employees shall provide accurate bank information for the fund transfer to Human Resources (HR). Paper checks are not issued. An electronic payroll advice (notification) will be distributed to employees via email. Employees that are not issued a City email address shall provide a valid email address to the Human Resources (HR) department to be used for this notification. Generally, these advices are distributed on alternating Tuesdays for deposits on Thursdays as followed on the biweekly payroll calendar.

III. DEFINITIONS

- A. Grant-Funded Programs: City programs that receive Federal, State, or other external funding awards which hire employees with these funds to perform the functions of the program.
- B. Joint Power Agreement (JPA) employees: Employees of agencies for whom the City serves as fiscal agent. Examples include Animal Service Center of the Mesilla Valley (ASCMV) and Mesilla Valley Regional Dispatch Authority (MVRDA).

IV. GENERAL GUIDELINES

- A. Exceptions to this policy may be made at the discretion of the Financial Services (Finance) Director, the HR Director, or their designees.
- B. Payroll will notify employees of any payroll paper checks that have been issued due to information errors provided.
- C. Advances, or early, payroll distributions are not allowed.
- D. Official payroll distribution will be every other Thursday no later than 5:00PM according to the fiscal year biweekly payroll calendar provided annually by HR and Finance. This calendar will be available once scheduled Holidays are approved by Council.
- E. It is the responsibility of the employee to check their pay advice for accuracy. As soon as it is determined that there is a discrepancy in the employee's pay for the pay period, the employee shall notify HR immediately. If time entry or other information related to pay, is incorrect, the following procedures will be followed:
 - 1. Overpayment - If an employee is overpaid, they shall pay back the City in full by the next pay period. Exceptions may be granted on a case-by-case basis at the discretion of the Finance and/or HR Director, or their designees. Exceptions granted require the employee to sign an agreement authorizing the deduction of funds from future pay, and agreeing to a repayment plan, until repayment is made in full. Repayment should be made by the end of a calendar year.
 - 2. Underpayment - If an employee is underpaid for regular scheduled work hours, the Payroll office will process corrected payroll. If an employee is underpaid other types of pay, such as overtime worked, the underpayment will be issued the following pay period. These other adjustments will be reflected on the payroll advice as pay code 500, or 502 for "additional pay". Other than scheduled work hours, all underpayments will be processed during the next pay period. Exceptions can be granted on a case-by-case basis at the discretion of the Finance and/or HR Director, or their designees.
- F. After an investigation by City Manager or designee, any verified violation of this policy by an employee could result in discipline up to and including termination.



Ifo Pili, City Manager



Date



City of Las Cruces

CMP #1.33
Effective: 5/17/2022

Subject: TRAINING REQUIREMENTS

I. PURPOSE:

City of Las Cruces employees must demonstrate a common set of professional competencies to achieve organizational success and meet strategic initiatives. The City of Las Cruces strives to develop a skilled and valued workforce with qualified, professional staff with the ability to manage all aspects of their roles and responsibilities with success and a high standard of knowledge, skill, and ability.

II. OBJECTIVE

This policy is to establish standardized compliance training requirements for all employees. It is the goal of this policy that every employee attend compliance training as required. The City offers a variety of training strategies to include instructor-led classes which provide a training method for knowledge transfer, policy, and process clarifications, and provide the benefit of interactive, facilitated discussions. Online courses and various learning tools are also available to employees using a Learning Management System (LMS). Online courses provide a viable method to meet recurrence requirements, equivalent, and/or as a supplement, to attending instructor-led classes. Supervisors of employees subject to meeting compliance training requirements who cannot attend instructor-led classes and do not have access to the online LMS must consult with Human Resources (HR), the department responsible for the training, and/or Learning and Development staff to explore viable training options.

III. DEFINITIONS

- A. **Compliance** – refers to training requirements for staff based on City policy and/or requirements from entities with guidelines governing legal or safety training.
- B. **Instructor-led Training** – Training that takes place with an instructor and an audience either in a classroom environment or using a computer-based platform.
- C. **Learning Management System (LMS)** – a software platform that provides self-paced learning courses, enrollment functions, training assignments, learning files and links, and training reporting functionality.
- D. **Online Training** – courses that are purchased from a vendor or recorded from a live or virtual environment and included in a computer-based course library that can be viewed and completed in a self-paced manner.
- E. **Recurrence** – refers to time frames when training must be repeated.
- F. **Supervisors** - includes employees with titles such as but not limited to director, deputy director, administrator, manager, or supervisor. In addition, includes

individuals in interim or acting supervisory positions. Supervisors are those who are responsible for the daily management of staff.

- G. **Virtual Training** – Training that takes place using a computer-based platform in which audience members can join and participate in a learning event provided by an instructor.

IV. POLICY

A. Non-Supervisory Training

All employees, including supervisory, non-supervisory, temporary staff, students, interns, and contract employees are required to attend instructor-led training in each of subject areas below within the first month of employment. Requirements are met by attending the New Employee Welcome (NEW) program. The NEW program includes the following series of training topics targeting City policy and applicable legal compliance requirements:

1. Americans with Disabilities Act (ADA)
2. Alcohol and Drug Policy Responsibilities
3. Customer Service
4. Cyber Security
5. Defensive Driving
6. Ethics and Conflict of Interest
7. Family and Medical Leave Act (FMLA)
8. Harassment Prevention
9. Safety

B. Supervisory Training

Supervisors are required to attend the following instructor-led classes as made available, or the online equivalent, as soon as practical and within twelve (12) months of obtaining a supervisory position.

1. Americans with Disabilities Act (ADA) for Supervisors
2. Alcohol and Drug Policy Responsibilities
3. Customer Service
4. Cyber Security
5. Ethics and Conflict of Interest
6. Fair Labor Standards Act (FLSA) for Supervisors
7. Family and Medical Leave Act (FMLA) for Supervisors
8. Harassment Prevention for Supervisors
9. Hiring Process
10. Managing Employee Performance
11. Performance Appraisals

New supervisors and employees in acting supervisory roles in safety sensitive positions may have additional requirements for training topics outlined in the addendum to this policy.

C. Recurrence

Compliance training is required to be refreshed on a regular basis. Employees are required to repeat instructor-led, or online equivalent training as often as needed, or directed, and shall meet, at a minimum, the recurrence compliance for training topics as outlined in the addendum to this policy.

D. Technology Training

All employees are required to attend training as identified or directed, that is based on criteria identified in their job description that includes specific job skills using Microsoft office tools:

1. Computer basics
2. Microsoft office tools including but not limited to:
 - a. Excel, Outlook, PowerPoint, and Word
 - b. OneDrive, OneNote, Teams, and SharePoint collaborative tools

E. Enrolling in and Completing Training

1. Employees must enroll prior to the established enrollment deadlines to attend instructor-led classes and to ensure a training attendance record.
2. Employees must only enroll in one session at a time when multiple sessions of the same training are offered.
3. Punctuality and attendance for the duration of the training shall be a factor for recording training attendance as complete.
4. Once a live class is completed, training records will be validated in the LMS based on the actual sign in sheet. Once live courses are submitted for completion in the LMS, reports are made available to view and distribute.

F. ADDITIONAL TRAINING

Employees may be required to attend and complete other training when directed based on organizational or operational need, when updates are made to existing training content, or when new training is made available. **Training required for licenses and certification is in addition to the compliance training requirements outlined in this policy.**

- G. After an investigation by City Manager or designee any verified violation of this policy by an employee could result in discipline up to and including termination.**


Ifo Pili, City Manager


Date

TRAINING REQUIREMENTS - ADDENDUM

- I. Recurrence requirements for course topics for non-supervisory staff:**
 - A. Americans with Disabilities Act (ADA) – every two (2) years
 - B. *Alcohol and Drug Policy Responsibilities – every two (2) years
 - C. Customer Service – every year
 - D. Cyber Security – every year
 - E. Defensive Driving – every four (4) years
 - F. Ethics and Conflict of Interest – every year
 - G. Family and Medical Leave Act (FMLA) – every two (2) years
 - H. *Harassment Prevention – every year

- II. Recurrence requirements for course topics for supervisory staff:**
 - A. ADA for Supervisors – every two (2) years
 - B. *Alcohol and Drug Policy Responsibilities – every two (2) years
 - C. Customer Service – every year
 - D. Cyber Security – every year
 - E. Defensive Driving – every four (4) years
 - F. Ethics and Conflict of Interest – every year
 - G. Fair Labor Standards Act (FLSA) for Supervisors – every two (2) years
 - H. Family and Medical Leave Act (FMLA) for Supervisors – every two (2) years
 - I. *Harassment Prevention for Supervisors – every year
 - J. Hiring Process – every two (2) years
 - K. Managing Employee Performance – every two (2) years
 - L. Performance Appraisals – every two (2) years

- III. Safety Sensitive Positions**
 - A. New supervisors and employees, and those in interim or acting supervisory roles in safety sensitive positions (as defined by City policy or DOT standards), subject to United States Department of Transportation (USDOT) guidelines, City policies, or other applicable legal and safety compliance guidelines may have additional requirements for training topics such as:
 - 1. Alcohol and Drug Policy Responsibilities - 60 minutes of Drug policy training and 60 minutes of Alcohol policy training
 - 2. Reasonable Suspicion training
 - 3. Harassment Prevention training must include Titles II, VI, and VII of the Civil Rights Act
 - B. Supervisors must have completed the Alcohol and Drug Responsibilities and Reasonable Suspicion training prior to taking any staff members to a facility for alcohol or drug testing.



City of Las Cruces

CMP #2.6

Effective Date: 06/01/12

Revised Date: 01/24/18

Revised Date: 10/3/2022

Subject: Appropriate Purchase of Food and Other Related Items

I. PURPOSE

To establish clear policy regarding the purchase of food and sundries consistent with the Las Cruces Municipal Code (LCMC), the Las Cruces Purchase Card Program Procedure Manual, and State Law.

II. POLICY

- A. The process of purchasing any item or service is regulated by the City's Procurement Code as set forth in LCMC Chapter 24. The determination of whether the item or service is an appropriate purchase is guided by the LCMC and Article IX, Section 14 of the Constitution of New Mexico, "the Anti-donation Clause".
- B. Past City policy has relied on legal opinions from the New Mexico Attorney General, New Mexico Department of Finance, and the City Attorney. The opinions may be reviewed in the City Attorney's office. Circumstances exist when the use of City funds in connection with the conducting of official business of the City is justified. It is recognized that clear guidelines need to be established defining the types of purchases that are allowed.
- C. Purchases made by City employees must be consistent with State Law, LCMC Chapter 24, and the Purchase Card Program Procedure Manual. All departments of the City are subject to this policy, as well as other quasi-public organizations/entities for which the City serves as fiscal agent, but only regarding those specific operations that spend money derived from City, State, and/or Federal funds.
- D. Allowable Expenditures
 1. Expenditures for coffee, tea, creamers, sweeteners, stir sticks, and paper goods for the use of visitors, elected officials, committee, and board members, and provided for in the central employee break room at City Hall, and in other central employee break rooms.
 2. Expenditures for safety and first-aid items (e.g. facial tissue, adhesive bandages, cotton swabs, cleaning wipes, hand sanitizer, etc.).

3. Expenditures for group meals and refreshments eaten during meetings at which City business is conducted and, in those cases, where recessing the meeting for a meal will adversely affect the flow, or timing, of the meeting. Purchase of group meals must be approved by the City Manager, or designee, prior to the date of the event (for non-emergency situations) and must provide the best possible value for the City. Prior approval must include the purpose of the meeting or event, a formal written agenda including session times, a list of attendees with their associated departments/entities, and the expected cost of the meal per person.

4. Expenditures for meals and refreshments as allowed by a contract, or grant, that is providing the funding for a meeting or program.

5. Expenditures in connection with recognition activities such as awards for retirement, service, meritorious performance by employees and in accordance with CMP 1.4 Departmental Annual Service Award Ceremonies. Awards should not consist of cash or other valuable property, which would constitute subsidies.

6. Expenditures for holiday decorations in public entry not to exceed fifty (50) dollars.

7. Expenditures to recognize the service of those that serve on City Boards and Commissions in the form of a plaque with a total cost not to exceed one hundred (100) dollars or less.

8. Expenditures for meals and refreshments, not to exceed IRS GSA per diem rate for Las Cruces, required during emergency operations where response personnel are dedicated to the incident for an extended period of time.

9. Expenditures to provide ice to crews in the field.

10. Expenditures for light refreshments for promotional events such as Groundbreakings, Ribbon Cuttings, Gallery Openings, Dedications, and Open Houses or other meetings as approved in advance by the City Manager or designee.

E. Prohibited Expenditures

1. Meals and refreshments for birthdays or other personal celebrations.

2. Decorations for non-public or individual workspaces.

3. Any item that provides a specific material benefit to an individual or relieves a responsibility to pay of an individual.

4. Any purchase not included in the foregoing "allowable expenditures" section.

III. DEFINITIONS

A. **Emergency:** Involves a threat to public health or public safety. It does not mean part of the daily activities of an employee's job functions to include work being performed by on-call or stand-by employees.

B. **Light Refreshments:** Edible items commonly served between meals but not intended to substitute for meals, e.g., coffee, tea, cookies.

C. **Public Entry:** An entrance to a building or office suite which is open or accessible to the general public.

IV. GENERAL GUIDELINES

A. After an investigation by City Manager or designee, any verified violation of this policy by an employee could result in discipline up to and including termination.



Ifo Pili, City Manager

Date 10/4/22



City of Las Cruces

		CMP 2.14
		Effective Date: 04/11/2022
		Revised:
Subject: Cash Handling Policy		

I. PURPOSE

To ensure the safeguarding of Cash with respect to handling, accepting, storing, depositing, documenting, and transporting Cash as defined below. City Departments and fiscal agencies are expected to provide secure surroundings for employees who handle Cash transactions and keep them informed of, and ensure compliance with, all policies and procedures.

II. SCOPE

All operations within the City of Las Cruces, and entities for whom the City is fiscal agent, which accept Cash are subject to the Cash Handling Policy. This policy applies to employees, temporary workers, and volunteers, including all personnel affiliated with third parties, who are Cash Handlers per the definition below.

III. DEFINITIONS

Capitalized words in the policy refer to the definitions listed here.

Bank – the bank the City of Las Cruces is contracted to use.

Cash – coin, currency, checks, money orders, charge card transactions, negotiable instruments, electronic funds transfers (ACH/Wires) in U.S. Dollars only.

Cash Handling – receiving Cash, counting Cash, verifying Cash, or physically transporting Cash.

Cash Handling Location – an identifiable part of the City such as a department, fiscal agency, line of business, program, specific physical location, event, site, or other specific place which collects Cash whether on a permanent or temporary basis.

Cash Handler(s) – any person who has one of the following tasks: handles Cash, verifies Cash, directly supervises other Cash Handlers, creates deposits, transports deposits or Cash from one Cash Handling Location to another Cash Handling Location or the Bank, or records Cash in the books of account of the City.

Cash Handling Training – training required as per this policy that occurs upon hire and once per year as a refresher for Cash Handlers.

City – the City of Las Cruces or entities for whom the City of Las Cruces is fiscal agent.

CMP – City Manager Policy

Cryptocurrency – any form of currency that only exists digitally, that has no central issuing or regulating authority but instead uses a decentralized system to record transactions and manage the issuance of new units, that relies on cryptography to prevent counterfeiting and fraudulent transactions.

Daily Cash Report – end-of-day/shift report including information from receipting software, cash register receipts (if available), daily paper receipts, and other supporting documentation.

Legal U.S. Tender – coin and bills that are official United States currency. Specifically excluded are cryptocurrency and counterfeit currency.

NSF – Non-Sufficient Funds

PCI-DSS – Payment Card Industry-Data Security Standards

POS – point of sale system

RMLOB – Revenue Management Line of Business

Reconciliation of the Deposit – verifying the deposit slip matches the Cash to be deposited and Daily Cash Report.

Refund – repayment of Cash

Settle – to verify the Cash taken in agrees to system totals.

SOP – Standard Operating Procedures document

Temporary checks – checks issued by banks before official printed checks are available. Temporary checks do not have preprinted name and address of the payer and are therefore susceptible to misuse.

Unidentified Deposits account – Suspense account to record deposits that do not have an identifiable account on the day of receipt. Currently it is Munis account 1000-1000-120997. Accounting and Cashiering programs inside the Financial Services Department have co-responsibility for clearing this account.

IV. POLICY

A. Revenue Management Line of Business Responsibilities (RMLOB)

The RMLOB

- (1) has overall responsibility for the Cash Handling processes and activities for the City;
- (2) must provide best practices that must be followed;
- (3) must determine the Bank location for deposit for each Cash Handling Location or if armored car service is required;
- (4) must conduct periodic reviews of Cash Handling Locations as described in the Remote Site Review SOP;
- (5) must conduct Cash Handling training annually and as needed;
- (6) must review and approve requests for new and changes to change funds;
- (7) must process NSF checks and notify appropriate department;
- (8) must address issues with credit card terminals and credit card transactions.

The Treasurer has responsibility for maintaining the banking relationship such that Cash Handling Locations can make deposits in compliance with policy.

B. Accounting Program Responsibilities

The Accounting Program has the responsibility of reconciling the bank statements.

C. Department Directors' Responsibilities

Department Directors and other senior staff must;

- (1) comply with this policy;
- (2) identify and provide to the RMLOB / Human Resources Department a list of all Cash Handlers in their Department on an annual basis and upon hire;
- (3) ensure all Cash Handlers in their department complete annual Cash Handling Training;
- (4) define positions that are authorized to accept Cash payments;
- (5) maintain responsibility for any change fund(s) and ensure change funds are reconciled regularly, daily if used daily but in no case less frequently than weekly and monitored for overages or shortages (see section I);
- (6) process NSF checks per section M below.

D. Cash Handler Responsibilities

All Cash Handlers must be accurate and efficient when processing customer payments, making change, or accepting Cash, and be trained in all Cash handling policies and procedures. Cash Handlers are expected to safeguard City funds against loss.

1. Accepting Payments

- a. All types of payments must be input into a POS or tracked manually with pre-numbered receipts to ensure all payments are documented. Payments are accepted in all forms of Cash as defined above.
- b. When coin and currency is accepted, payment must be counted in front of the customer to ensure accuracy.

- c. Cash Handlers are to inspect coin and currency before final acceptance to ensure Legal U.S. Tender.
- d. Checks must be made payable to the "City of Las Cruces".
- e. Check must be endorsed immediately with stamp or write "for deposit only" by hand or by computer generated endorser. Stamps are provided by RMLOB and must be locked in safe when not in use.
- f. Request a picture ID and verify the payer name and address for in-person transactions.
- g. Verify that the check includes payee name and address, bank name and address, bank routing number, payers bank account number, check number, date, amount being paid written and in numbers, and payer's signature.
- h. Do not accept temporary checks except for City Utility bill payments.
- i. Do not accept checks from customers with a "Cash Only" special condition in Munis utility billing or general billing.
- j. Cash Handlers will comply with CMP 2.10 Citizen Credit Card Security Policy regarding credit card handling.
- k. Credit card machines and receipts must be kept in a secured and locked safe/drawer within an area inaccessible to unauthorized staff and the public when not in use or in a secure and locked credit card device stand.
- l. Cash handlers do not touch credit cards or write down or record credit card numbers.
- m. Cash handlers do not accept payments directly over email or phone.

2. Applying Payments to Accounts

- a. Payments with associated remittance slips must be applied only to the invoice on the remittance slip.
- b. Payments without associated remittance slips must be applied as follows:
 - i. Commercial and grant accounts will be applied to invoices as can be reasonably determined.
 - ii. Residential accounts will be applied to the oldest invoices outstanding first.
 - iii. Other receipts will be applied per Financial Services or other departmental direction.
 - iv. Any payments that do not have a specified account by the end of the day will be recorded in the Unidentified Deposits account.

3. Safeguarding of Funds

- a. All forms of Cash as defined above must be physically protected through the use of safes or vaults, locked cash drawers, locked boxes/bags or cash registers stored behind locked doors with limited access to Cash Handlers only. It is the responsibility of each department and fiscal agency to ensure that all necessary physical safeguards are in place to properly safeguard the Cash within their area.
- b. The safe's access must be limited to supervisory and authorized personnel only. The safe must be fire resistant, out of public sight and bolted down.

The safe must be locked except when being accessed. The combination of the safe must be changed on a regular basis (at least annually) and when an employee who knows the combination to the safe is separated from employment, or transfers to another position. When cash boxes or money bags are used, departments or fiscal agencies must ensure that the boxes or money bags can be locked, are not easily movable or concealable to the best extent possible and access is limited to the person collecting the Cash. Cash boxes or money bags must be turned in to a supervisor or designated locked area during breaks and at the end of a shift.

- c. Access to the physical cashiering area is restricted to Cash Handlers and authorized personnel only.
- d. Each Cash Handler is assigned his or her own register and cash box/drawer and must settle their own box before changing Cashiers or leaving their shift.
- e. Each Cash Handlers is responsible for securing his or her register, cash box, money bag or drawer at all times. Money should be secured in his or her assigned locked moneybag, cash box/drawer or safe.
- f. Large Cash amounts must be transferred to a locked safe periodically during the work shift.
- g. Under no circumstances should Coin and Currency be disbursed by any Cash Handling Location. An exception would be Petty Cash needed for park fees. This Petty Cash must be kept separate from the Coin and Currency at all times and disbursed only upon proper approval by someone other than a Cash Handler.
- h. Under no circumstances should a Cash Handler keep City Cash with their own personal monies, deposit City funds in a personal bank account or take City funds to one's home for safekeeping.

E. Counterfeit Currency

All Cash Handlers are responsible for exercising reasonable care in screening Cash transactions for counterfeit currency. This must include any of the following: the use of counterfeit detector pens or UV counterfeit light, and a visual check for security indicators such as watermarks, security ribbons, etc. Guidance on specific indicators will be provided in the annual training. If a questionable bill is received, the Cash Handler must not process the transaction, must retain possession of the questionable bill and immediately contact the supervisor who will then contact the Las Cruces Police Department. Ask the customer to wait for the Police. Cash Handlers must follow Police guidance upon their arrival.

F. Fraud

Refer to City Manager Policy 2.3 - Fraud Policy.

G. Segregation of Duties

1. There must be a segregation of duties in order to safeguard the City's assets. The responsibilities of receiving Cash, recording Cash, depositing Cash and

the Reconciliation of the Deposit must be separated and performed by different individuals as defined by the RMLOB. In no instance should the individual accepting the Cash be the same individual responsible for making the deposit and/or performing the reconciliation. Responsibility for transaction proceeds must be clearly delineated and assigned to specific individual(s) to ensure accountability.

2. The following responsibilities should be distributed among personnel so that one individual is not responsible for all aspects of the Cash collection cycle:
 - Opening mail
 - Endorsing checks
 - Preparing deposits
 - Reconciliation of Deposits
 - Billing and collections
 - Posting and recording payment in the system(s) of record.

H. Timing of Deposits

1. All Cash Handling locations must make deposits to the bank account designated by the City of Las Cruces Treasurer before the close of the next succeeding business day after the receipt of the money in compliance with NMSA 1978, Section 6-10-3.
2. RMLOB determines the Bank location for deposit for each Cash Handling Location or if the use of armored car service is required.
3. The following safety precautions are required when transporting Cash or valuables.
 - a. Two people should be used for transferring deposits whenever possible.
 - b. Vary the time-of-day deposits are transported as much as possible.
 - c. Vary the route taken to transport deposits.
 - d. When transporting cash, keep marked bags concealed.
 - e. Make deposits during daylight hours.
 - f. Be aware of your surroundings at all times, specifically of any suspicious behavior.
 - g. If anyone attempts to rob you, turn over the money. Do not resist and call 911.
 - h. Deposit slips must be filled out. Extra copies of the deposit slips will be kept with the supporting paperwork for the deposit.
 - i. Cash must be placed in a tamper-proof deposit bag with the remote site location number on all deposit slips and tamper-proof bag.

I. Over and Shorts

1. When an overage or shortage is identified, a supervisor should recount the deposit. Identify the tender type of the over/shortage. Track overages/shortages by cashier to identify patterns.
2. An overage or shortage of \$10.00 or more must be reported with an explanation to the RMLOB on the same days Daily Cash report. The overage or shortage must be reported via the Daily Cash Report and/or email to treasury@las-cruces.org.

3. All overages and shortages must be recorded on Daily Cash Reports regardless of amount.

J. Receipts

1. Receipts must be issued to the customer for all Cash transactions.
2. Computer generated receipts must be provided if available.
 - a. Receipts must be sequentially numbered.
 - b. Shred all customer receipts left behind by customer immediately.
3. Handwritten receipts must be provided when the computer system is down, and computer-generated receipts are unavailable. RMLOB will issue pre-printed sequentially numbered standardized receipt books to all remote sites upon request. Remote sites that print their own receipt books must contact the MLOB for receipt number ranges.

Use pre-numbered, pre-printed receipt books.

- Receipt books should be three-part receipts.
 - White copy- goes to customer.
 - Yellow copy- goes with paperwork.
 - Pink copy- stays in receipt book.
4. Void all receipts not used.
 - Voided written or printed/computer generated receipts must be scanned and submitted with all other documentation to the RMLOB.
 - If a receipt is missing (skipped), a written explanation must be submitted with the Daily Cash Report. The explanation takes place of the missing receipt and therefore must be included with the receipts being submitted that day.
 - Receipt books must be kept in a secure place.
 - A sign should be displayed, which is easily seen by the customer, stating that a receipt must be given for all Cash transactions.
 5. All receipts must contain the following information:
 - Date
 - Amount
 - Account number, if applicable, if more than one account is used, a breakdown of the amount paid for each account must be listed.
 - Customer name and address
 - Purpose of payment
 - Tender type, if payment is made by check, note the check number on the receipt. If payment is made in currency, note it on the receipt.
 - Initials of the person accepting the money.
 - Receipts, including copies, must be legible.

K. Refunds

Refunds will not be issued to customers by Cash Handlers. Refunds will be issued only through Disbursements following City procedures. Directors will be responsible for submitting the request for check.

L. Voiding and Reversing Transactions

Transactions can only be voided with supervisor approval on the day of the occurrence, prior to closing register/batch. The voided receipt and/or Reversed Receipt Report must be included with the documentation submitted to Finance. Voids and Reversals should only be used when there is a mistake or computer malfunction.

M. Returned Checks, Credit Card Chargebacks and Returned Auto Bank Drafts

1. The RMLQB section will notify each site and request account to be reduced when a payment is returned unpaid.
2. The RMLQB will record the returned payment when the remote site does not have their own Cashiering software.
3. Each site is responsible for collection of funds from the customer and discontinuing service until the funds are paid in full.
4. There will be a returned item fee to each returned check/auto bank draft or credit card chargeback as authorized.

N. Discipline

After an investigation by City Manager or designee any verified violation of this policy by an employee could result in discipline up to and including termination.

O. References

1. CMP 2.10 Citizen Credit Card Security Policy

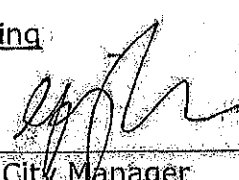
[Credit Card Security.pdf](#)

2. CMP 2.3 Fraud Policy

[Fraud Policy.pdf](#)

3. LMS Cash Handling Training

<https://citylc.sharepoint.com/sites/training>



Ifo Pili, City Manager

4/11/22

Date



City of Las Cruces

		CMP #2.7
		Effective Date: 07/21/2008
Subject: COMPUTER LAB POLICY		

I. APPLICABILITY:

This policy applies to all computer laboratories operated by City of Las Cruces Departments and other organizations for which the City Information Technology Department provides support.

II. DEFINITIONS:

Computer Lab: Any area which has computer equipment designated for use by the general public, or segments of the general public, and which is not directly in support of City-related daily business operations. Specific uses which are not covered by this policy include the kiosks operated by the Human Resources Department for job applicants, and kiosks deployed by the Museum

III. POLICY:

It is the policy of the City that any computer laboratories that are intended for access by the general public shall: (1) protect the security and integrity of City information technology infrastructure and laboratory infrastructure; (2) not impact the existing City information infrastructure; (3) be compliant with all applicable Federal and State statutes; (4) not expose the City to potential legal liability; (5) provide for funds for procurement, maintenance/repair, software/hardware, and equipment refresh on a 4 year cycle; (6) have defined usage policies; and (7) have a plan for managing anticipated future growth.

IV. PROCEDURE:

A. Department Requesting Establishment of Computer Laboratory:

1. Provide funds for purchase of workstations, along with any required infrastructure equipment. Examples would include payment for Internet access, internal cabling, printers, and non-City Internet connectivity.
2. Provide funds for the purchase of all software and licenses required for the laboratory. This includes annual maintenance and support costs, content filtering, anti-virus software, anti-spam software, firewalls, etc.
3. Budget funds to the Information Technology Department for support
4. Budget funds for a 4-year refresh cycle for all hardware.
5. Coordinate with the Information Technology Department.
6. Provide a locked, secure area for network equipment accessible only to IT Department staff

7. Develop User Policies, including defined Acceptable Use and Content Access Policies.
8. Develop a plan to manage future growth in demand

B. Information Technology Department:

1. Develop necessary policies and forms to implement this City Manager Policy.
2. Provide site inspection and develop specifications for hardware/software to meet the Requesting Department's requirements.
3. Ensure compliance with all applicable local, state, and Federal statutes pertain to computer usage, applications, and Internet usage.
4. Order all equipment and software required as determined in (2) above using funds provided by the requesting department. Ordering shall be in accordance with specifications for equipment and software established by the Information Technology Department.
5. Configure, administer, maintain and repair equipment



Stuart C. Ed, City Manager

8/23/18

Date



City of Las Cruces

CMP 2.10 Effective Date: 03/03/16	
Subject: Citizen Credit Card Security Policy	

PURPOSE:

All operations within the City of Las Cruces (CLC) which accept credit card payments are subject to the Payment Card Industry Data Security Standard (PCI-DSS) provisions. The PCI DSS applies to all entities that store, process, and/or transmit cardholder data. The PCI standards apply to all technical and operational system processes included in or connected to the processing of cardholder data. Payment Card Data is regulated by the PCI standards and requires the highest level of security and protection to prevent inadvertent exposure of the data. The loss of this information may result in financial harm to the payment card holder(s) and result in significant legal and financial liabilities to the City.

SCOPE:

This policy and protection program applies to employees, contractors, consultants, temporary workers, and other workers at the City, including all personnel affiliated with third parties, who access payment cards for processing payments to the City.

POLICY:

All procedures and process related to City payment services must be reviewed and approved by the City Treasurer's office. The Treasurer's office shall provide an annual report of City payment services to the Protected Information Management Committee.

The Payment Card Program warrants the highest level of attention and shall be the responsibility of the Office of the City Manager. The Chief Administrative Officer's Protected Information Management Committee shall administer the program. All payment card procedures must be appropriately documented and maintained.

Operational compliance for the program is the responsibility of the Departments who receive and process credit card payments. The department will conduct a yearly review of their processes, procedures and training program and submit a compliance report to the Treasurer's Office by the end of the calendar year.

Each department accepting credit card payments shall maintain operational procedures as developed by the Treasurer's Office. The department director will assign the designated authority for oversight of the Credit Card Security Program.

All City of Las Cruces credit card transactions are to be restricted to PCI-DSS SAQ B or SAQ B-IP compliant solutions exclusively.

A certified third-party quality security assessor with oversight from internal audit shall conduct regular reviews of the annual self-assessment questionnaires completed by each covered department.

ENFORCEMENT:

Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment. Deliberate malicious activity involving theft or damage of intellectual property may be subject to criminal prosecution.

DEFINITIONS:

PCI-DSS	PCI Data Security Standards are technical and operational requirements set by the PCI Security Standards Council (PCI SSC) to protect cardholder data
PCI PA-DSS	PCI Payment Application Vendors Data Security Standards are for software developers and integrators of payment applications that store, process or transmit cardholder data as part of authorization or settlement when these applications are sold, distributed or licensed to third parties.
SAQ	The Self-Assessment Questionnaire (SAQ) is a validation tool for eligible organizations who self-assess their PCI DSS compliance and who are not required to submit a Report on Compliance (ROC). Different SAQs are available for various business environments determined by the type of credit card processing hardware implemented.



Stuart C. Ed, City Manager

8/23/18
Date



City of Las Cruces

CMP # 2.9

Effective Date: 02/25/13

Revised Date: 07/27/18

Subject: **DELEGATION OF AUTHORITY TO MAKE BUDGET ADJUSTMENTS**

I. POLICY

As a matter of fiscal management it is necessary to make adjustments to the adopted budget of the City of Las Cruces as the fiscal year unfolds. To facilitate and enhance the fiscal management of City functions, this policy delegates the authority to make selected budget transfers at an operational level to promote efficiency and effectiveness. This policy also enumerates the roles and responsibilities regarding budget adjustments which increase the spending authority for any individual fund.

II. CITY CHARTER AUTHORITY

Article V, Section 5.08 (b)

Transfer of appropriations. At any time during the fiscal year the City Manager may transfer part or all of any unencumbered appropriated balance within a fund among programs within an organizational unit of the city. Upon written request by the City Manager, the council may transfer part or all of any unencumbered appropriated balance from one organizational unit to another.

III. DESIGNATION OF ORGANIZATIONAL UNITS

Each fiscal year a resolution is adopted containing the operating budget for the City of Las Cruces. As part of the adopted budget and in accordance with City Charter Article IV Section 4.01(a) & (b) the designation of organizational units is established.

IV. CITY MANAGER DELEGATION

- A. Transfers: The City Manager delegates to the Office of Management and Budget (OMB) in the Administration Department the authority to allow transfers of the fiscal year adopted budget on a selected basis. In general, the authority is granted under the following criteria, which may be modified as conditions and technology warrant.

General conditions:

1. Budget transfers are temporary in scope, i.e. they do not remain in effect from one fiscal year to the next.
2. Budget transfers are composed of offsetting increases and decreases that do not increase overall spending in any fund.

3. With Department Director request and the approval of the Budget Office:
 - a) Budget transfers are within a department and are not between funds.
 - b) Budget transfers are within a department and within but not between the major categories constituted by personnel, operating and capital.
 - c) A Department Director may appeal Budget Office denials to the City Manager.
 4. With Office of the City Manager Approval:
 - a) Budget transfers are within a department and cross major categories constituted by personnel, operating and capital.
 - b) Budget transfers from personnel may be moved with express written approval from the City Manager to operating and or capital based on actual fiscal year to date savings, (i.e. only the portion of salary savings from vacant positions may be used up to the date of the budget transfer for other uses.), excluding operating funds for new capital or other new projects. This is to ensure that sufficient salary exists after the transfer to fund an approved position for the remainder of the fiscal year.
 5. All other budget transfers including transfers to create new capital projects and transfers moving projected personnel savings, will require prior approval from the City Council.
- B. Budget Amendments: All adjustments to the adopted budget that increase overall spending authority in a fund must be approved by City Council. To ensure maintenance of fund health and integrity including compliance with the required 2/12ths reserve fund balance in the General Fund, all amendments and proposed increases in spending authority must be verified and approved by OMB prior to submittal to City Council.
1. New initiatives and programs must be properly authorized and budgeted through OMB prior to committing any City resources.
 2. Additional staff shall be added only after proper planning and authority is completed by OMB as to the funding for the staff positions.
- C. Budget Overrides (overrides): Temporary actions to permit payments or other actions within an object class until budget adjustments and transfers are appropriately processed.
1. Overrides may only be authorized by the City Manager.
 2. Overrides are not authorized for any budget adjustment requiring City Council approval pursuant to the City Charter.

V. DURATION OF POLICY

This policy shall remain in effect until the City Council modifies the designation of organizational units through the budgetary process, or by separate resolution.



Stuart C. Ed, City Manager

7/27/18

Date



City of Las Cruces

		CMP #2.3
		Effective Date: 6/1/12
		Revised: 05/08/18
Subject: Fraud Policy		

PURPOSE:

This policy is established to facilitate the development of controls that will aid in the detection and prevention of fraud against the City of Las Cruces (City). It is the intent of the City to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and conduct of investigations.

POLICY:

This policy applies to any irregularity, or suspected irregularity, involving employees and employees with relationships with consultants, vendors, contractors, and/or any other parties in a business relationship with the City.

Any investigative activity required will be conducted without regard to the suspected wrongdoer's length of service, position/title, or relationship with the City.

This is a zero tolerance policy.

PROCEDURE:

All City employees are responsible for the detection, prevention, and reporting of fraud, misappropriation of resources, and other irregularities. Fraud is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to his or her detriment. Occupational fraud is defined as the use of one's occupation for personal enrichment through the deliberate misuse of misapplication of the employing organization's resources or assets. Division Directors will be familiar with the types of improprieties that might occur within his or her area of responsibility, and be alert for any indication of irregularity.

EXAMPLES OF FRAUD & OCCUPATIONAL FRAUD:

The terms embezzlement, misappropriation, and other fiscal irregularities refer to, but are not limited to:

- Any fraudulent act

- Misappropriation of funds, securities, supplies, or other assets.
- Forgery or alteration of any document or account belonging to the City.
- Impropriety in the handling or reporting of money or financial transactions.
- Obtaining a financial or personal benefit as a result of knowledge of City activities.
- Disclosing confidential information to outside parties.
- Disclosing to other person's securities activities engaged in or contemplated by the City.
- Embezzlement
- Accepting or seeking either monetary value or a personal benefit (including benefit to a household or immediate family member) from contractors, vendors, or persons providing services/materials to the City where the intent or perception is to influence either party.
- Destruction, removal or inappropriate use of records, furniture, fixtures, and equipment; and or
- Any similar or related irregularity.

If there is any question as to whether an action constitutes fraud, contact the Internal Audit Office or the Legal Department for guidance.

Suspected improprieties concerning an employee's moral, ethical or behavioral conduct should be resolved by departmental management and the Human Resources Department.

REPORTING PROCEDURES:

An employee who discovers or suspects fraudulent activity must report it immediately to their supervisor. The supervisor will be responsible for providing a written report to the Department Director for further action. If an employee is unable to report suspected fraud to their supervisor, he/she may by-pass their supervisor and report directly to the Division Director, Assistant City Managers, or Internal Audit Office. If an employee feels that they are unable to report to any of the mentioned individuals then they shall have unrestricted, confidential access to the City's Hotline Service (see CMP 2.4)

Individuals bringing complaints forward will be notified when the matter is complete.

Any fraud that is detected or suspected must be reported immediately to any Supervisor, Office of City Manager, Internal Audit Office, or the Hotline, who coordinates all investigations with Internal Audit Office and other affected areas, both internal and external. The Internal Audit Office will then consult with the Office of City Manager and/or Legal Department.

INVESTIGATION RESPONSIBILITIES:

Great care must be taken in the investigation of suspected improprieties or irregularities so as to avoid mistaken accusations or alerting suspected individuals that an investigation is under way.

All inquiries concerning the activity under investigation from the suspected individual or any other inquirer should be directed to the Legal Department. No information concerning the status of an investigation will be given out.

The Internal Audit Office has the primary responsibility for the investigation of all suspected fraudulent acts as defined in this policy. Should the Internal Audit Staff not have the expertise to investigate the fraudulent activity; the investigation will be turned over to an outside fraud investigator. If the investigation substantiates that fraudulent activities have occurred, the Internal Audit Office will issue reports to the Office of City Manager and the State Auditor as required by NMAC 2.2.2.

Decisions to prosecute or refer the examination results to the appropriate law enforcement and/or regulatory agencies for independent investigation will be made in conjunction with the Office of City Manager and the Legal Department.

CONFIDENTIALITY:

The Internal Audit Office treats all information received confidentially. Any employee who suspects dishonest or fraudulent activity will notify any of the proper parties as identified in this policy. Employees should not attempt to personally conduct investigations or interview/interrogations related to any suspected fraudulent act.

Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate or legal need to know. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect the City from potential civil liability.

To the extent possible, the confidentiality of the person making the complaint and that of the respondent will be maintained. However the following may apply:

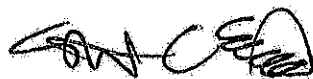
- Information contained in the report of inquiry may be used in disciplinary actions resulting from the investigation.
- Investigative reports are deemed confidential unless otherwise directed by a competent court of jurisdiction or by order of the City Manager.
- If a fraud investigation is the basis of disciplinary action, the employee will be provided a summary of the investigation.

AUTHORIZATION FOR INVESTIGATING SUSPECTED FRAUD:

The Internal City Auditor and his/her designee will have:

- Except as protected by law, free and unrestricted access to all City records and premises, whether owned or rented; and
- Upon written authority from the Office of City Manager to examine, copy, and/or remove all or any portion of the contents of files, desks, cabinets, and other storage facilities on the premises without prior knowledge or consent of any individual who might use or have custody of any such items or facilities when it is within the scope of their investigation.

City employees shall cooperate with an investigation and be truthful with the investigator. Failure to cooperate and to be truthful may result in disciplinary action.



Stuart Ed, City Manager

5/8/18

Date



City of Las Cruces

		CMP #2.4
		Effective Date: 06/01/12
		Revised: 02/23/15
		Revised: 03/03/16
Subject: Hotline Service		

PURPOSE:

This policy is to provide all City employees a confidential method to have an objective third-party reporting option available. The reporting mechanism is a hotline service designed to collect information from employees on issues regarding fraud, waste, abuse, and compliance with laws, regulations, and City policy.

POLICY:

This policy applies to fraud, waste, abuse and any violations of laws, regulations, and/or City policies, involving employees as well as City Council, consultants, vendors, contractors, and/or any other parties with a business relationship with the City.

REPORTABLE CONDUCT:

Suspected fraud, waste, abuse and violations of laws, regulations and City policies included, but are not limited to:

- Accounting/Audit Irregularities
- Conflicts of Interest
- Conducting personal business on City time
- Discrimination
- Falsification, destruction, or altering of City documents
- Fraud
- Improper use or spending of City tax dollars
- Personal use of City-owned vehicles, equipment or supplies
- Perceived violations of City internal policies and procedures
- Safety hazards
- Substance or alcohol consumption while at work
- Theft of cash, inventory, supplies, services, and or time
- Vandalism, sabotage
- Workplace violence or threats
- Vendor/Contractor kickbacks and inappropriate activity/relationships with City staff

REPORTING VIOLATIONS:

The hotline service is available to City employees 24 hours a day, 7 days a week, 1-800-780-9554 or www.reportlineweb.com/CLCEmployee. The service is provided by an independent company who specializes in providing hotline services throughout the United States. For each call received an interview will be conducted in order to identify the issues involved. The hotline personnel will complete an Incident Report that, if desired, protects the caller's identity. Callers are provided with a report number associated with the Incident Report and asked to call back within 2 weeks. At that time the caller will be given the following information:

- the outcome of the investigation or;
- additional request for information or;
- be informed of additional time needed to complete the investigation and a new date to call back to receive the outcome of the investigation

The report number for an anonymous caller is the only way to obtain information from the hotline service regarding the results of the investigation.

INVESTIGATION OF REPORTED VIOLATIONS:

All Incident Reports prepared by the hotline service will be forwarded to the Hotline Review Committee. The committee consists of the, Assistant City Managers, City Attorney, and the City Auditor. The City Auditor will monitor the Hotline. When a report is received, the City Auditor will set a meeting with the City Attorney and Assistant City Managers to determine the investigative steps to be taken. If the report is related to a person(s) or operations(s) reporting directly or indirectly to a committee member, that committee member will not be included in the review or investigation of the report. Investigations are kept confidential to protect against any false allegations. Once the investigation is complete, the Committee reports their findings to the City Manager and to the Hotline service. The Hotline service will read the report to the caller when they identify themselves by the Incident number.



Stuart C. Ed, City Manager

8/23/18
Date



City of Las Cruces

		CMP #2.5
		Effective Date: 6/1/12
Subject: Internal Audit Office Charter		

PURPOSE:

The purpose of this Charter is to ensure the Internal Audit Office is compliant with the Institute of Internal Auditors *International Standards for the Professional Practice of Internal Auditing* by stating their purpose, authority, and responsibility as an internal audit function for the City of Las Cruces.

The purpose of the Internal Audit Office is to provide independent, objective assurance and consulting services designed to add value and improve the City of Las Cruces's operations. The Internal Audit Office helps the management team of the City of Las Cruces accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.

The scope of work of the internal audit activity is to determine whether the organization's network of risk management, control, and governance processes, as designed and represented by management, is adequate and functioning in a manner to ensure:

POLICY:

- Risks are appropriately identified and managed.
- Interaction with the various governance groups occurs as needed.
- Significant financial, managerial, and operating information is accurate, reliable, and timely.
- Employee's actions are in compliance with policies, standards, procedures, and applicable laws and regulations.
- Resources are acquired economically, used efficiently, and adequately protected.
- Programs, plans, and objectives are achieved.
- Quality and continuous improvement are fostered in the organization's control process.

- Significant legislative or regulatory issues impacting the organization are recognized and addressed properly.
- Opportunities for improving management control, accountability, and the organization's image may be identified during audits. These opportunities will be communicated to the appropriate level of management.

The scope of Internal Audit shall be sufficiently comprehensive to enable the effective and regular review of all operation, financial, and related activities. The internal audit coverage may extend to all areas of the City of Las Cruces and its controlled entities. The internal audit activity's plan will be based on a risk assessment, undertaken annually, as required in the Standards for the Professional Practice of Internal Auditing.

ACCOUNTABILITY:

The City Auditor in the discharge of his/her duties shall be accountable to the Office of the City Manager.

INDEPENDENCE:

Internal auditing is an advisory function having independent status within the City of Las Cruces. To provide for the independence and effectiveness of the Internal Audit Office, its personnel report to the Office of the City Manager, who is directly responsible for City operations and has the authority to require audit recommendations are implemented.

The City Auditor shall:

- be directly responsible to the Office of the City Manager
- directly inform any regulatory agency to which the City is held accountable as required with notification of such contact to the Office of the City Manager and/or City Attorney as appropriate.
- have no executive or managerial powers, functions or duties except those related to the management of the Internal Audit Office and Risk Management.
- not be involved in the day-to-day operation of the City of Las Cruces.
- not be responsible for the detailed development and or implementation of new systems but should be consulted during the system development process on the control measures to be incorporated.
- not develop or write policies and procedures that they may later be called upon to evaluate. However, a review of draft materials developed by Management for propriety and completeness is permissible.

AUTHORITY:

The City Auditor and staff (as designated by the City Auditor) of the Internal Audit Office are authorized to:

- Obtain the necessary assistance of personnel in units of the organization where they perform audits, as well as other specialized services from within or outside the organization.

- Except as protected by law, have unrestricted access to all functions, records (in both paper and electronic format), property, and personnel. Access by Internal Audit personnel for approved audits as scheduled in the Annual Audit Plan or investigations/special projects approved by the Office of the City Manager will be allowed.
- Have full and free access to any regulatory agency to which the City is held accountable.
- Allocate resources, set frequencies, select subject, determine scopes of work, and apply the techniques required to accomplish audit objectives.
- Require personnel to respond promptly to audit inquiries.

Internal Audit Staff are not authorized to:

- Perform any operational duties, initiate, or approve accounting transactions outside the Internal Audit.
- Direct the activities of any organization employee not employed by the Internal Audit Office except to the extent such employees have been appropriately assigned to auditing teams or to otherwise assist the internal auditors.
- Release any audit report, special investigation report, special project report or any workpapers to any outside entity with the exception of the State Auditor, when required by NMAC 2.2.2, without prior approval by the City Auditor and the Office of the City Manager.

MANAGEMENT RESPONSIBILITIES:

City Management will:

- Be primary responsible for establishing and maintaining an effective system of internal controls.
- Provide the Internal Audit Office with full support and cooperation at all levels of operations.
- Promptly inform the Internal Audit Office of known or suspected fraud, waste, and abuse (see City Manager Policy 2.3) involving City funds, property, and employees.

INTERNAL AUDIT RESPONSIBILITIES:

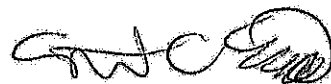
The Internal Audit Office will:

- Develop a flexible annual audit plan using an appropriate risk-based methodology, including any risks or control concerns identified by management, and submit that plan to the City Manager for review and approval.
- Implement the annual audit plan, as approved, including as appropriate any special tasks or projects requested by Management.
- Provide the City Manager reports summarizing results of audit findings, special projects, and investigations at the conclusion of each project.
- Provide quarterly progress reports of the planned activities.
- Request approval from the City Manager any significant departures from the approved audit plan.
- Perform consulting services, beyond internal audit assurance services, to assist management in meeting its objectives. Examples may include facilitation, reviewing process design, training, and advisory services.

- City Auditor will only assign projects to audit staff with sufficient knowledge, skills, experience, and professional certifications to meet the requirements of the International Standards for the Professional Practice of Internal Auditing.
- Establish a quality assurance program by which the City Auditor assures the quality of operations of the Internal Audit Office activities.
- Keep the Office of the City Manager informed of emerging trends and successful practices in internal auditing.
- Evaluate the adequacy of the internal control environment, the operating environment, related accounting, financial, and operational policies that are established by Management and report the results accordingly.
- Consider the scope of the external auditors and regulators, as appropriate, for the purposes of providing optimal audit coverage to the City of Las Cruces at a reasonable overall cost.
- Establish a system to follow-up on reported audit findings. The intent of this responsibility is to ensure that past audit findings are satisfactorily resolved.
- Assist in the investigation of significant suspected fraudulent activities within the City of Las Cruces with consultation of the City Attorney's Office, then report the results directly to the Office of the City Manager and the State Auditor as required by NMAC 2.2.2.
- Conduct audits in accordance the Institute of Internal Auditors *International Standards for the Professional Practice of Internal Auditing* and Code of Ethics.

For all audit projects, the person responsible for the activity under review shall be advised and given the opportunity to discuss:

- The objectives and scope of the audit to be conducted prior to the commencement of such audit; and
- Findings and proposed recommendations on the completion of an audit, and provide comments for inclusion in the audit report.



Stuart C. Ed, City Manager

10/17/17

Date



		CMP 2.13
		Effective Date: 6/11/2018
		Revised: 01/09/2024
Title: PROCUREMENT REVIEW COMMITTEE		

I. PURPOSE

To ensure the procurement of goods and services are made in accordance with the Las Cruces Municipal Code Chapter 24, Procurement Code (P-Code) and/or Purchase Card Procedure Manual, and to identify and report potential violations to ensure compliance with the P-Code.

II. POLICY

- A. City of Las Cruces (City) employees are expected to fully comply with the P-Code. Determination of procurement violations and recommended corrective actions will be made by the Procurement Policy Committee which will meet quarterly or as needed basis.
- B. Any suspicion or potential for fraudulent activity will be referred to the Internal Auditor's office for further review. If fraudulent activity is confirmed, the audit will be passed on to the City Attorney for possible referral to the Las Cruces Police Department white collar criminal division for investigation.

III. DEFINITIONS

- A. City Hotline reporting system
 - a. Public Hotline: [EthicsPoint - City of Las Cruces, NM \(Public\)](#)
 - b. Employee Hotline: [EthicsPoint - City of Las Cruces, NM](#)
- B. End-user: City staff responsible for purchasing.
- C. Potential Procurement Violation (PPV): A purchase transaction that may be in violation of the P-Code as determined by the Purchasing Manager.
- D. Procurement Policy Committee (Committee)
 - 1. Assistant City Managers (ACM)
 - 2. Chief Administrative Officer (CAO)
 - 3. City Attorney
 - 4. Director of Human Resources
- E. Procurement Violation (PV): A purchase transaction found in violation of the P-Code.

IV. GENERAL GUIDELINES

When a purchase reflects a PPV of the City's Procurement Code and/or Purchase-Card Procedure Manual, the following actions must be taken:

- A. Documentation regarding PPV shall be submitted/compiled by the Purchasing Manager for review. The Purchasing Manager will request written clarification from the end-user via memorandum or email which must be returned through the end-user's chain-of-command including Department Director.
- B. If a resolution is confirmed, the Purchasing Manager will ensure proper file documentation.
- C. If not resolved, the Purchasing Manager will report that a PPV has occurred to the Financial Services Director.
- D. The Financial Services Director will review the report and will contact the Department Director for information and resolution.
- E. If a resolution is confirmed, the Financial Services Director will ensure proper file documentation.
- F. If not resolved, the Financial Services Director will review the entirety of the procurement and will notify the CAO serving on the Committee that the potential of a procurement violation is unresolved.
- G. CAO shall convene the Committee and discuss the suspected procurement violation(s) based on a review of the documents submitted by the Purchasing Manager and the Financial Services Director. The end-user and subject Department Director will have the opportunity to provide clarification in writing either to the CAO, during a committee meeting or in response to requests from the Committee.
- H. Upon reviewing the facts, the Committee will then determine if the procurement was a violation, and identify specific section/s of the P-Code, and/or Purchase -Card Procedure Manual.
- I. The Committee shall recommend corrective and/or disciplinary actions to the City Manager as needed. Consideration will be given to magnitude, past occurrences, and fiscal impact to City operations. Actions may include additional training, revocation of authority to make purchases and/or other disciplinary actions as outlined in the Personnel Manual. Majority vote shall rule. Dissenting members shall have their concerns documented in the committee minutes.
- J. If there is no consensus by the Committee, the City Manager will be notified and provided with all pertinent information for review and determination of any necessary further action.
- K. The determination and courses of action recommended by the Committee may be appealed to the City Manager, whose decision is final.
- L. In all cases proper procurement file documentation shall be maintained.
- M. If goods and services have been received, Purchasing and Accounts Payable staff may process payment to compensate the supplier or have materials returned to the vendor.

Agenda Item #6.1.

Payments may be documented in the vendor file.

- N. Notification of all PVs and PPVs will be sent at least quarterly to the Committee.
- O. Any ongoing PPV procurements shall be stopped until a determination is made.
- P. A report of a PPV may bypass any member of the Committee or City employee and may be filed directly through the City's hotline reporting system (CMP 2.4 Hotline Service).
- Q. After an investigation by City Manager or designee, any verified violation of this policy by an employee could result in discipline up to and including termination.

Ifo Pili
Ifo Pili (Jan 9, 2024 11:28 MST)
Ifo Pili, City Manager
Jan 9, 2024
Date

2.13 Procurement Review Committee

Final Audit Report2024-01-09

Created:	2024-01-09
By:	Annette Granado (agranado@las-cruces.org)
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City of Las Cruces

		CMP 2.8
		Effective Date: 12/31/10
		Revised: 03/03/16
Subject: RED FLAGS IDENTITY THEFT PREVENTION PROGRAM		

POLICY:

The City will adopt and maintain a Red Flags Identity Theft Program to protect employees, customers, contractors and the City from damages related to the loss or misuse of sensitive information.

PURPOSE:

The risk to the City, its employees and customers from data loss and identity theft is of significant concern to the City and can be reduced only through the combined efforts of every employee and contractor.

The purpose of this program is to comply with 16 CFR 681.2 in order to detect, prevent, and mitigate identity theft by identifying and detecting identity theft red flags and by responding to such red flags in a proactive manner that will reduce the City's, and our customers, exposure to identity theft. The following statements apply to the City of Las Cruces in regards to compliance with 16 CFR 681.2:

- The City of Las Cruces (CLC) is a creditor pursuant to 16 CFR 681.2 due to its provision for the maintenance of covered accounts for which payment is made in arrears.
- Covered accounts offered to customers for the provision of CLC services include, but are not limited to Utilities Services, Community Development Block Grant allocations, Municipal Courts, and General Billing.
- CLC has no known prior experience with identity theft related to covered accounts.
- The processes of opening a new covered account, restoring an existing covered account, making payments on such accounts, and transferring such accounts have been identified as potential processes in which identity theft could occur.
- CLC limits access to personal identifying information to those employees in the City departments who are responsible for or otherwise involved in opening or restoring covered accounts or accepting payment for use of a covered account. All written applications associated with the covered accounts are maintained in a locked file cabinet. Information provided in the applications is entered directly into CLC's computer system and is accessible only to authorized employees.

This program will:

- Describe the physical security of data when it is printed on paper;
- Describe the electronic security of data when stored and distributed; and
- Place the City in compliance with state and federal law regarding identity theft protection.

This program enables the City to protect existing customers, reducing risk from identity fraud, and minimize potential damage to the City from fraudulent new accounts. The program will help the City:

- Identify risks that signify potentially fraudulent activity within new or existing covered accounts;
- Detect risk when they occur in covered accounts;
- Respond to risks to determine if fraudulent activity has occurred and act if fraud has been attempted or committed; and
- Update the program periodically, including reviewing the accounts that are covered and the identified risks that are part of the program.

SCOPE:

This policy and protection program applies to employees, contractors, consultants, temporary workers, and other workers at the City, including all personnel affiliated with third parties.

DEFINITIONS:

A. Covered accounts

A covered account includes any account that involves or is designed to permit multiple payments or transactions. Every new and existing customer account that meets the following criteria is covered by this program:

- Business, personal and household accounts for which there is a reasonably foreseeable risk of customer identity theft; or
- Business, personal and household accounts for which there is a reasonably foreseeable risk to the City of Las Cruces due to identity theft, including financial, operational, compliance, reputation, or litigation risks.

B. Designated authority

The individual responsible for the oversight and administration of the program within each department.

C. Protected Information Management Committee

The Chief Administrative Officer's Protected Information Management Committee shall provide for the oversight, management, and reporting of compliance with regulations and statutes for all protected information held within any City operational department.

D. Red flags

The following red flags are potential indicators of fraud. Any time a red flag, or a situation closely resembling a red flag, is apparent, it should be investigated for verification.

1. Alerts, notifications or warnings from a consumer reporting agency;

2. A fraud or active duty alert included with a consumer report;
3. A notice of credit freeze from a consumer reporting agency in response to a request for a consumer report; or
4. A notice of address discrepancy from a consumer reporting agency as defined in 334.82(b) of the Fairness and Accuracy in Credit Transactions Act.

Red flags also include consumer reports that indicate a pattern of activity inconsistent with the history and usual pattern of activity of an applicant or customer, such as:

1. A recent and significant increase in the volume of inquiries;
2. An unusual number of recently established credit relationships;
3. A material change in the use of credit, especially with respect to recently established credit relationships; or
4. An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

E. Suspicious documents

1. Documents provided for identification that appear to have been altered or forged.
2. The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.
3. Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification.
4. Other information on the identification is not consistent with readily accessible information that is on file with the City of Las Cruces, such as a signature card or a recent check.
5. An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.

F. Suspicious personal identifying information

1. Personal identifying information provided is inconsistent when compared against external information sources used by the City of Las Cruces. For example:
 - The address does not match any address in the consumer report;
 - Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer.
2. Personal identifying information is associated with known fraudulent activity as indicated by internal or third-party sources used by the City of Las Cruces. For example, the address on an application is the same as the address provided on a fraudulent application.
3. Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the City of Las Cruces. For example:
 - The address on an application is fictitious, a mail drop, or a prison, or
 - The phone number is invalid or is associated with a pager or answering service.

4. The SSN provided is the same as that submitted by other persons opening an account or other customers.
5. The address or telephone number provided is the same as or is similar to the address or telephone number submitted by an unusually large number of other customers or other persons opening accounts.
6. The customer or the person opening the covered account fails to provide all the required personal identifying information on an application or in response to notification that the application is incomplete.
7. Personal identifying information provided is not consistent with personal identifying information that is on file with the City of Las Cruces.
8. When using security questions (mother's maiden name, pet's name, etc.), the person opening the covered account or the customer cannot provide authenticating information beyond that which is generally available from a wallet or consumer report.

ADMINISTRATIVE PROCEDURES

Detecting Red Flags: Unusual use of, or suspicious activity related to, the covered account:

1. Shortly following the notice of a change of address for a covered account, the City of Las Cruces receives a request for new, additional, or replacement goods or services, or for the addition of authorized users on the account.
2. A new credit account is used in a manner commonly associated with known patterns of fraud patterns. For example, the customer fails to make the first payment or makes an initial payment but no subsequent payments.
3. A covered account is used in a manner that is not consistent with established patterns of activity on the account. There is for example:
 - Nonpayment when there is no history of late or missed payments;
 - A material change in purchasing or usage patterns
4. A covered account that has been inactive for a reasonably lengthy period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).
5. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's covered account.
6. The City of Las Cruces is notified that the customer is not receiving paper account statements.
7. The City of Las Cruces is notified of unauthorized charges or transactions in connection with a customer's covered account.

8. The City of Las Cruces received notice from customers, victims of identity theft, law enforcement authorities, or any other person that has opened a fraudulent account for a person engaged in identity theft.

Responding to Red Flags

Once potentially fraudulent activity is detected, an employee must act quickly as a rapid appropriate response can protect customers and the City of Las Cruces from damages and loss.

Employee gathers all related documentation and completes the "Report of Suspected Identity Theft" form (Exhibit A). Present this information to the section's designated authority for determination.

The designated authority will complete additional procedures to determine whether the attempted transaction was fraudulent or authentic.

If a transaction is determined to be fraudulent, appropriate actions must be taken immediately. Actions may include:

- Canceling the transaction
- Notifying and cooperating with appropriate law enforcement
- Determining the extent of liability of the City of Las Cruces
- Notifying the actual customer that fraud has been attempted

PROGRAM ADMINISTRATION

Involvement of management

The Identity Theft Prevention Program warrants the highest level of attention and shall be the responsibility of the Office of the City Manager. Approval of the initial plan must be appropriately documented and maintained. The Chief Administrative Officer's Protected Information Management Committee shall administer the program.

Operational responsibility of the program is delegated to the Departments who administer covered accounts. At a minimum, the department will conduct a yearly review of compliance and forward their report to the respective Director and the Office of City Manager. Compliance review shall include, but not be limited to:

- Annual program & procedure review
- Training compliance
- Ensure oversight of service providers
- Total number of incidents reported

Periodic updates to plan

At periodic intervals established in the program, or as required, the program will be re-evaluated to determine whether all aspects of the program are up to date and applicable in the current business environment.

Periodic reviews will include an assessment of which accounts are covered by the program.

As part of the review, red flags may be revised, replaced or eliminated. Defining new red flags may also be appropriate.

Actions to take in the event that fraudulent activity is discovered may also require revision to reduce damage to the City of Las Cruces and its customers.

Staff training:

Staff training shall be conducted for all employees, officials and contractors for whom it is reasonably foreseeable that they may come into contact with accounts or personally identifiable information that may constitute a risk to the City of Las Cruces or its customers.

Departments who administer covered accounts are responsible for ensuring identity theft training for all requisite employees and contractors.

Employees must receive annual training in all elements of this program.

To ensure maximum effectiveness, employees may continue to receive additional training as changes to the program are made.

Oversight of service provider arrangements

It is the responsibility of the City of Las Cruces to ensure that the activities of all service providers associated with covered accounts are conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft. Any specific requirement should be specifically addressed in the appropriate service provider contract.

A service provider that maintains its own identity theft prevention program, consistent with the guidance of the red flag rules and validated by appropriate due diligence, may be considered to be meeting these requirements.



Stuart C. Ed, City Manager

8/23/18
Date

EXHIBIT "A"
Report of Suspected Identity Theft

Reporting Party _____ **Date/Time of Filing:** _____

Name _____
Account _____
Address: _____
City/State/Zip: _____

Billing
Address: _____
City/State/Zip: _____

Circumstances of the Suspected Identity Theft (please provide all relevant details)

Confirmation of Customer's Identity

Presentation of approved photo identification (copy attached) _____
Completed FTC Identity Theft Affidavit (available on the intranet, copy attached) _____
Filed police report (copy attached) _____
A written police report was not taken, however a case file number was assigned _____
Case File # _____
Officer/Agent verifying the Case File # _____

I hereby acknowledge that the information I've provided is accurate and complete to the best of my knowledge.

Customer's Printed Name Signature Date

List of Acceptable Documents

LIST A	LIST B	LIST C
Documents that Establish Both Identity and Employment Eligibility	Documents that Establish Identity	Documents that Establish Employment Eligibility
OR		AND
1. U.S. Passport (unexpired or expired) 2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551) 3. An unexpired foreign passport with a temporary I-551 stamp 4. An unexpired Employment Authorization Document that contains a photograph (Form I-766, I-688, I-688A, I-688B) 5. An unexpired foreign passport with an unexpired Arrival-Departure Record, Form I-94, bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, if that status authorizes the alien to work for the employer	1. Driver's license or ID card issued by a state or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address 2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address 3. School ID card with a photograph 4. Voter's registration card 5. U.S. Military card or draft record 6. Military dependent's ID card 7. U.S. Coast Guard Merchant Mariner Card 8. Native American tribal document 9. Driver's license issued by a Canadian government authority 10. School record or report card 11. Clinic, doctor or hospital record 12. Day-care or nursery school record	1. U.S. Social Security card issued by the Social Security Administration (<i>other than a card stating it is not valid for employment</i>) 2. Certification of Birth Abroad issued by the Department of State (<i>Form FS-545 or Form DS-1350</i>) 3. Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal 4. Native American tribal document 5. U.S. Citizen ID Card (<i>Form I-197</i>) 6. ID Card for use of Resident Citizen in the United States (<i>Form I-179</i>) 7. Unexpired employment authorization document issued by DHS (<i>other than those listed under List A</i>)



City of Las Cruces

		CMP 2.12
		Effective Date: 06/21/17
		Revised: 6/13/2022
Subject:	SPONSORSHIP OF NON-CITY EVENTS	

I. PURPOSE

To provide a mechanism for funding events that are initiated and operated by organizations and groups outside of the city's organizational structure.

II. OBJECTIVE

To establish policy on how the City determines which private events to sponsor.

III. DEFINITIONS

- A. **Economic Impact event:** Eligibility determined on the measurable economic impact that can be attributed to an event. The impact could be achieved by the incremental Gross Receipts Taxes derived or real dollars (City expenditures) saved.
- B. **Quality of Life event:** Eligibility determined on the following criteria:
 - 1. Readily open and accessible to all or most Las Cruces residents.
 - 2. Provides a cultural, educational, or civic experience.
 - 3. Measures its success both qualitatively and quantitatively.
- C. **Tourism-Related event:** Eligibility determined on the potential of overnight visitors that can be expected to come to Las Cruces and stay in our hotels or RV parks.

IV. POLICY

- A. Based on the Anti-Donation Clause of New Mexico Constitution (Art. IX, Sec. 14), there must be a clear value received by the City for any sponsorship provided by the City.
- B. Groups or individuals coordinating and executing an event or activity that is open to the public may be eligible for sponsorship if the event is in one of the following categories:
 - 1. Economic Impact event
 - 2. Quality of Life event
 - 3. Tourism-Related event

C. Budget:

1. Tourism-related sponsorships are funded from Lodger's Tax revenues. Lodger's Tax expenditures must meet the requirements as defined by New Mexico State Statutes (Section 3-38-15-D NMSA 1978 of the Lodgers' Tax Act). Quality of life or economic impact sponsorships are funded from General Fund revenues.
2. Any consideration for sponsorships is predicated on budgetary limitations, as General Fund and Lodger's Tax revenues are limited. The amount set for sponsorships may vary from year-to-year.
3. City sponsorship of private events shall not be considered as a long-term commitment. Organizations are encouraged to develop the independent viability of events.
4. Event sponsorships that continue beyond one year should expect a twenty-five (25) percent decrease in funding each year. An exception may be made if the event organizer can clearly demonstrate through measurable results that the event or activity is substantially increasing its return on the City's investment.
5. Sponsorships may include cash payment or waiving City fees.

D. Eligibility:

1. If an organization is currently receiving funding support from the City, they will not be eligible to apply for a sponsorship. Some examples of funding support include, but are not limited to:
 - a. Grant funding
 - b. Current Memorandum of Understanding (MOU), agreement, or contract providing services to the City
 - c. City Councilor funding support
2. An organization can apply for funds for the same event for up to four (4) consecutive years. There is no guarantee that an event sponsorship will be awarded from one year to the next.

- E. After an investigation by City Manager or designee any verified violation of this policy by an employee could result in discipline up to and including termination.

V. PROCEDURES

A. Application for Sponsorship Requests:

1. Sponsorship applications will be posted online as funding is available.
2. Each group or organization making a request for sponsorship will be required to submit:
 - a. A complete application
 - b. Event budget
 - c. Detailed list of all revenue sources, including complete list of proposed sponsors.
 - d. Strategic plan outlining logistical, marketing, and permitting details.
 - e. Measurable objectives with clear performance standards that demonstrate event's effectiveness and its value to the City.

- f. The request for sponsorship will be ineligible for funding if any section of the application is incomplete.
3. Applicants may be called upon to make a formal presentation.
4. Applicants may apply for funds for only one category during any fiscal year. For example, if an organization receives City sponsorship funds in a funding cycle for a quality-of-life project; the same event is not eligible to apply for an economic impact or tourism sponsorship during the same period.
5. A staff review committee will be designated by the City Manager's Office. Applications for tourism-related sponsorships will be sent to Visit Las Cruces. Economic impact and quality of life sponsorship applications will be sent to the City Manager's Office. Based on the available budget, the committee will determine which proposals will be selected for sponsorships and the amount each group will receive.

B. Sponsorship Awards:

1. All applicants shall be notified within sixty (60) days of the application review.
2. All sponsorships will require a formal agreement with the City that clearly outlines value received in exchange for cash or fees waived.



Ifo Pili, City Manager

6/16/22

Date



City of Las Cruces

CMP # 2.1 Effective Date: 6/1/12
Subject: SPONSORSHIPS OF CITY PROGRAMS AND INITIATIVES

PURPOSE:

To establish policy and procedures related to sponsorships of city programs and initiatives by outside parties.

POLICY:

The City of Las Cruces develops sponsorship opportunities and enters into sponsorship agreements to generate additional revenue sources to support City programming and initiatives.

A sponsorship is a written agreement between the City and an external party whereby the external party agrees to contribute money and/or in-kind goods or services to the City in support of a City program, special event, or facility/site. In exchange, the external party receives recognition, acknowledgement, and/or other promotional considerations from the City.

VALUES:

Sponsorship opportunities and agreements must align with these values:

- Sponsorships support the City’s, Department’s, or Section’s mission, goals, objectives, and priorities. They may not drive priorities.
- Opportunities for external parties to participate in City sponsorships will be fair.
- Sponsorship agreements comply with federal, state, and local laws and ordinances.
- Sponsors will uphold community values and abide by federal, state, and local laws/ordinances.
- Sponsors may not convey or present demeaning, derogatory, or inflammatory messages or concepts which offend prevailing community values.

- Sponsors' promotional materials and/or claims may not include false, misleading, or deceptive claims.
- The City retains the right to control placement, content, appearance, and wording of sponsorship recognition messages.
- Sponsorships do not imply the City's endorsement of any product, service, company, or person.
- The City will not consider offers of cash or in-kind sponsorships that obligate the City to enter into a procurement agreement.
- Adherence to the City's Conflict of Interest policy is required.
- No employee or elected official shall directly benefit from sponsorship activities on behalf of the City.
- A City employee whose primary responsibility is the procurement of services, supplies, materials, or public works contracts will not engage in the solicitation of sponsorships.

COORDINATION OF EFFORTS:

Sponsorship planning is coordinated through the Financial Services Department. This centralized coordination will ensure a solid foundation and create efficiencies as the program starts up. The Grants Administration Office staff member(s) will:

Assist Departments in planning their sponsorship opportunities and with outlining the benefits for sponsorship levels.

- Review sponsorship levels and fees Citywide to ensure consistency of sponsorship value.
- Assist in the research and identify potential sponsors including Fortune 1000 companies.
- Work with the Legal Department to develop sponsorship agreements.
- Identify major sponsorship opportunities – such as naming of facilities – and make recommendations for hiring a consultant to negotiate large, multi-year revenue generating sponsorships.

Note: Naming of facilities and/or parks must be in accordance with City Manager Policy: Naming of City of Las Cruces Facilities.

DEVELOPING DEPARTMENTAL SPONSORSHIP PLANS:

Sponsorship opportunities may arise and be pursued throughout the year. To ensure proactive planning, the typical sponsorship development process is:

1. Between January and March of each year, a Sponsorship survey will be sent to applicable Departments to detail departmental sponsorship opportunities for the

coming fiscal year. This process includes identifying levels of sponsorships and the respective benefits.

2. The Grants Administration Office drafts a City-wide sponsorship plan.
3. The sponsorship plan is submitted to the City Manager for approval.
4. Sponsorship agreements are developed and approved by the Legal Department.
5. Sponsors are recruited by the authorized Section employees.
6. A Section Manager may negotiate changes in the outlined sponsor's benefits to secure a sponsor. The Section Manager will engage a Director, Grants Administration Office and/or the City Manager in the negotiation process as appropriate.
7. The Section Manager provides two copies of the sponsorship agreement to the potential sponsor for signature.
8. Once the sponsor has signed both copies of the sponsorship agreement, the Section Manager works with Accounting to set up the revenue and expenditure accounts.
9. The Section Manager works with OMB to prepare any applicable budgetary support documents such as a Budget Adjustment Request (BAR) and the Grants Administration Office on the CAES, and Resolution if necessary. If required, these budgetary support documents are attached to the City's copy of the Sponsorship Agreement.
10. After the City Manager signs both copies, the Section Manager gives an original of the signed sponsorship agreement to the sponsor.
11. The Section Manager distributes copies of the sponsorship agreement as follows:
 - Original, hard copy to the City Clerk's Office
 - PDF electronic copies or hard copies to OMB, Grants Administration Office and Accounting.
12. The Section Manager is responsible for ensuring City and sponsor compliance with the Sponsorship Agreement.

IN-KIND SPONSORSHIPS:

In-kind sponsorships should be appropriate to the event or initiative resulting in synergistic benefits for the sponsor and for the City.

The sponsor will provide the estimated fair-market value of the in-kind product or services provided to fulfill the sponsorship agreement. If any concerns arise about the fair-market value of the in-kind product or services – whether over or under valued – City employees will work with Accounting before the sponsorship agreement is signed.

SPONSORSHIP BENEFITS:

Sponsorship benefits allow for the recognition of the sponsor as a supporter of an event, program, or City initiative.

Recognition and promotional activity is not synonymous with advertising. Promotional benefits that the City may offer include, but are not limited to:

- Event titling rights
Example: Wells Fargo Electric Light Parade
- Product sampling
- Official supplier designation
- Exclusivity
Example: Only one bank will be accepted as a sponsor for the event
- Designation as “official sponsor”
- VIP parking
- Complimentary tickets to the sponsored event
- Display area for a sponsor’s product
Example: Display GM car at an event that GM is sponsoring
- Sponsor’s logo on City produced event banner
- Sponsor’s own banner displayed at event
- Sponsor’s logo included in event promotional materials that are produced by the City
- Sponsor’s name/logo on promotional, advertising specialty product
Example: Gift bag sponsor’s name is printed on event gift bags

Promotional benefits that are not offered by Departments include:

- Access to City mailing lists
- Including sponsor’s promotional materials in City mailings
- Link to sponsor’s web site from City’s web site
- Including the sponsor’s name/logo in general City newsletters and brochures
- Sponsor’s logo displayed on City vehicles
- Requiring City employees to wear clothing, pins, or other articles with the sponsor’s name or logos or promoting the sponsor’s products/services

- Distributing coupons to City employees

Exceptions that do not violate City policy may be approved by the City Manager.

DISSEMINATING SPONSORSHIP OPPORTUNITIES:

Multiple communication resources are employed to ensure wide dissemination of sponsorship opportunities. These resources include:

- Posting opportunities on each Section's web pages
- Distributing printed materials detailing opportunities
- Emailing perspective sponsors

Communication resources typically not used include:

- Sponsorship requests in utility bill mailings
- Paid advertisements whose only purpose is to solicit sponsors

RECRUITING SPONSORS:

Only designated employees may recruit and manage their Section's sponsorship activities.

- Managers recommend which employees may promote the Section's sponsorships, and the Department Director approves appropriate recommendations.
- The Office of the City Manager and Department Directors may recruit and manage sponsorships.

Employees approved to recruit sponsors and work with sponsorship agreements will attend a detailed sponsorship training provided by the Grant Administration Office.

Employees do not earn additional compensation, such as a percentage of sponsorship revenue, for recruiting sponsorship. Employees who excel in recruiting sponsors should be recognized through the City's established employee recognition program.

SPONSORSHIPS DECLINED:

In general, sponsorships are not accepted from companies promoting:

- Tobacco-related products
- Alcohol-related products
- Pornography, sexual products
- Gaming/gambling
- Weapons/firearms/violence

Exceptions that do not violate city policy may be approved by the City Manager.

FISCAL YEAR BUDGET PROCESS:

Only guaranteed sponsorship cash revenues – such as the revenue commitments in a multi-year sponsorship agreement – should be included in the fiscal year budget.

Sponsorship revenues are additional revenues for a Section. A Section's approved budget is not decreased by amount of sponsorship cash revenues or by the value of the in-kind product or services generated through sponsorship agreements.

BUDGET ADJUSTMENT REQUESTS (BAR) – IN-KIND REVENUES:

If the fair market value of an in-kind sponsorship exceeds the de minimus amount of \$1,000, a BAR is required.

BUDGET ADJUSTMENT REQUESTS (BAR) – CASH REVENUES:

A BAR is required to accept cash revenues.

- Budget adjustments for cash sponsorship revenues of \$10,000 or less may be submitted as part of the mid-year or end of year adjusted as applicable.
- Budget adjustments for cash sponsorship revenues of \$10,001 or more will be submitted at the next scheduled Council meeting.

The Department should prepare a BAR as soon as the Sponsorship Agreement is signed. Accounting, Grants Administration Office and Budget will work together to ensure that, if applicable, a new account is created.

DEPOSITING SPONSORSHIP CASH REVENUES:

Sponsorship checks should be made payable to the City of Las Cruces.

The Department accepting the sponsorship check provides the City Cashiers with the account number into which the sponsorship cash contribution should be deposited.

Typically, the cashed check serves as the sponsor's receipt. If the sponsor requests a separate receipt, the Department may issue a letter printed on City letterhead acknowledging the City's receipt of the check.

PURCHASING DECISIONS:

Purchasing decisions will be made in adherence with the City's procurement code.

ACCOUNTING/AUDIT DOCUMENTATION:

To ensure an audit trail that demonstrates City compliance with State and/or Federal regulations, Section Managers are responsible for:

- Providing Accounting, Grants Administration Office and Budgeting with a copy of the Sponsorship Agreement.

- Depositing sponsors' checks in the appropriate City account.
- Providing documentation detailing the sponsor's fulfillment of the in-kind sponsorship agreement.

Example: A sponsor prints 10,000 brochures as an in-kind contribution. The Department sends the invoice showing the fair market value and zero amount due to Accounting.

TAX IMPLICATION FOR SPONSORS:

The City does not intend nor should sponsors consider policy and procedure content to be a legal opinion. City employees will suggest that sponsors consult with their respective professional advisors for all matters associated with their sponsorship contributions.

The U.S. Internal Revenue Code identifies municipal governments as qualified charitable beneficiaries [U.S. Internal Revenue Code Section 170 (c) and its subsections (1), (2) and (3)]. However, the City will not guarantee the tax deductibility of a sponsorship or in-kind contribution.



Stuart C. Ed, City Manager

7/6/18
Date



SUBSTANCE ABUSE PREVENTION/DETECTION POLICY

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1. INTRODUCTION:

The City of Las Cruces (City) has a long-standing commitment to maintain the highest standards for employee environmental, safety, and occupational health. This Policy shall be entitled Substance Abuse Prevention/ Detection Policy.

2. PURPOSE:

The purpose of this policy is to assure employee fitness for duty and protect City employees, customers and the public from risk posed by workers misuse of alcohol and use of prohibited drugs. This policy is also intended to comply with applicable Federal, State and City regulations governing workplace drug and alcohol use.

It is the goal of this policy to prevent substance abuse and rehabilitate rather than terminate the employment of workers as detailed herein. However, all persons covered by this Policy should be aware that violations of the Policy may result in discipline, up to and including termination.

Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, 41 USC 701, and is subject to drug and alcohol testing of a number of its employees In-Accordance-With (IAW) the regulations of the U.S. Department of Transportation (DOT) set forth in 49 CFR.

The drug and alcohol testing procedures contained herein and in Appendix A and B shall be complied with IAW the DOT 49 CFR and State Laws.

3. ADMINISTRATION:

This Policy shall be administered by the Risk Manager or designee who prepares operating procedures for carrying out the drug and alcohol tests set forth herein. These procedures shall be in conformity with requirements of the DOT, State and City policies.

4. APPLICABILITY:

This Policy sets forth terms and conditions upon which the City will detect and prevent substance abuse in the workplace and administer drug and alcohol tests for all City employees. Additional guidelines apply to pipeline safety, transit, commercial driver's license holders, safety sensitive, Special Weapons and Tactics Team and public safety positions will be covered by this Policy and the provisions set forth in DOT 49 CFR and State Laws.

5. POLICY:

- A. Employees will not use, possess, manufacture, sell or otherwise distribute any prohibited drug or any unauthorized prescription medication while on City premises, during work hours, while performing assigned duties (whether on or off City premises) or while operating any City vehicle or equipment. Employees shall not report for work while under the influence of a prohibited drug or unauthorized prescription medication.

- B. Employees will not consume alcohol (including medication which contains alcohol) during working hours, within eight hours prior to reporting for work, during meals if the employee is to return to work afterwards, or while on standby status.
- C. Employees subject to DOT testing requirements and Public Safety employees shall adhere to all provisions set forth in DOT 49 CFR and State Laws.
- D. Employees other than those in a Department of Transportation (DOT) or Public Safety Testing Pool, under this policy, will not consume cannabis products or products containing Tetrahydrocannabinol (THC) during working hours, within eight hours prior to reporting for work, during meals if the employee is to return to work afterwards, or while on standby status.
- E. In compliance with the New Mexico, Cannabis Regulation Act, employees other than those in a DOT or Public Safety Testing pool under this policy, who have a positive drug test result for cannabis, will not be subject to discipline, or follow-up testing unless it can be determined that the employee was impaired while working or in violation of 5D of this section.
- F. As a condition of employment all City employees are required to adhere to this policy and drug and alcohol testing provisions contained herein. To be in compliance with this policy with regard to drug or alcohol testing, an employee is expected to pass a drug or alcohol test as per guidelines from Part 40 when called upon to do so.
- G. No person shall be placed, hired or transferred to a pipeline safety, transit, commercial driver's license holder, safety sensitive position or public safety position unless that person has taken and not failed a pre-employment drug test, within two weeks prior to placement, hire or transfer.
- H. Law Enforcement may be tested for additional prohibited drugs in accordance with the New Mexico Department of Public Safety. These may include barbiturates, methadone, methaqualone, propoxyphene, benzodiazepines, and anabolic steroids. In addition to the aforementioned drugs, it is the City's policy to prohibit any illegal controlled substance, as well as any drug not approved by the USDA or the USFDA. Illegal use includes use of, or impairment by, any illegal drug, misuse of legally prescribed drugs, misuse of over-the-counter drugs, shall include legal substances, which when ingested are metabolized into a prohibited substance, or illegally obtained prescription drugs.
- I. Public Safety Officers (Police and Fire Officers that are authorized to carry firearms by the City of Las Cruces) will be subject to a drug and alcohol test following any discharge of a weapon whether by accident or in the line of duty except during firearms training.
- J. It is the policy of the City of Las Cruces that all employees must report the use of medically authorized drugs that may impair job performance or mental function to the Risk Manager or the EAP. The Risk Manager

will notify the employee's supervisor of any limitations concerning the employee's ability to work.

- K. Any employee who is convicted of violating any criminal drug statute shall notify his/her supervisor of such conviction within five City business days. The City shall notify the appropriate Federal agency of such conviction as required by the Drug Free Workplace Act of 1988.
- L. The City may not require an employee to sign a consent, release, or waiver of liability with respect to the drug or alcohol testing process.

6. DISCIPLINARY ACTION:

Disciplinary action for violations of this Policy shall be as follows:

- A. Failing a Pre-employment Drug Test: Applicants shall not be hired for that position and shall be disqualified from applying for employment by the City for a period of two years. If the applicant is a City employee, failure of a pre-employment drug test shall be subject to the same disciplinary action as failure of a random drug test in this policy.
- B. Failing a Random, Reasonable Cause Drug or Alcohol Test, or Post Accident Drug Test for the first time shall result in the following:
 - (1) A twenty-workday suspension without pay.
 - (2) Mandatory referral to the SAP for assessment, formulation of a treatment plan, and execution of a return-to-work agreement.
 - (3) Failure to execute or remain compliant with the return-to-work agreement shall result in termination.
 - (4) Compliance with the return-to-work agreement means that the employee has submitted to a drug or alcohol test immediately prior to returning to work; the result of that test is negative; in the judgment of the SAP the employee is cooperating with a recommended treatment program and the employee has agreed to periodic unannounced follow-up testing as defined in this Policy.
 - (5) Refusal to submit to a periodic unannounced follow-up drug or alcohol test shall be considered as a positive test result, and the employee shall be terminated.
 - (6) Submitting to a periodic unannounced follow-up drug or alcohol test the result of which is a verified positive shall result in termination.
 - (7) The cost of any treatment or rehabilitation services will be paid directly by the employee's insurance provider. If the SAP has not released the employee to return-to-duty at the completion of the twenty-day suspension, the employee will be permitted to take accrued leave to participate in the prescribed treatment program. If the employee has insufficient leave balance, they shall be placed

on leave without pay in accordance with the personnel rules and regulations. Any leave taken, either paid or unpaid, shall be considered leave taken under the Family and Medical Leave Act.

- (8) A voluntary referral or participation in the City Employee Assistance Program does not shield an employee from disciplinary action or guarantee employment or reinstatement with the city; and
- (9) Failure of an employee to report within five City business days a criminal drug statute conviction for a violation occurring in the workplace shall result in termination.

C. Immediate termination of employment for any of the following violations:

- (1) Refusal to submit to a drug or alcohol test. Refusal, as per Part 49 is recognized as either
 - (a.) Unwilling to submit for a required drug or alcohol test,
 - (b.) Unwilling to follow explicit instructions of the Collection site staff with regard to an observed test,
 - (c.) Unable to provide an adequate sample within three hours of having arrived for a urine test, and unable to provide medical evidence that explains the difficulty (City will refer the employee to an appropriate medical specialist for examination in this instance) for lack of urine sample.
 - (d.) Unable to provide an adequate breath sample (City will refer the employee to an appropriate medical specialist for examination in this instance) for Evidential Breath Test.
- (2) Diluting, degrading, altering, tampering, substituting or adulterating a drug specimen or alcohol test.
- (3) Failure or refusal to contact the Employee Assistance Program Coordinator SAP after referral or to follow recommended treatment after a positive drug or alcohol test.
- (4) Possession, sale, distribution and/ or use of a prohibited drug or alcohol while either on City premises or during working hours, or while performing assigned duties (whether on or off City premises), or while operating any City vehicle or equipment.
- (5) Failing a return-to-work drug or alcohol test.
- (6) Failing any type of drug or alcohol test while on probation.
- (7) The second instance of a verified positive result from a sample submitted under the random, reasonable suspicion, return-to- duty, post-accident or follow-up drug and/ or alcohol tests.

- (8) A verified positive post-accident (vehicle, property damage or personal injury) alcohol test shall result in termination.
 - (9) Certified Police and Fire Fighters shall be immediately terminated for failing any drug test.
 - (10) Leaving the assigned drug and alcohol test site without being instructed to do so by the collector, MRO or DER.
- D. In the instance of a dilute sample, and if levels meet requirements outlined in Part 40, the employee may be retested under observation when ordered by the MRO. If the dilute sample is "dilute negative" and the second collection is also "dilute negative" the test will be ruled complete, and the result will be recognized as a passed drug test. If the initial test is a "dilute positive" and the retest under observation is also a "dilute positive" the test will be ruled as complete, and the result will be recognized as a failed drug test.
- E. Imposition of disciplinary action under this policy shall not prevent the imposition of disciplinary action for conduct, which violates any other City policy or work rules.

7. SUPERVISOR RESPONSIBILITIES:

- A. When a Probationary Employee or Public Safety Employee (Certified Police Officer or Fire Fighter) fails any drug test, or the Probationary Employee fails an alcohol test of .04 BAC or higher, the Supervisor notifies the employee that he/she is terminated from employment with CLC.
- (1) Supervisor notifies Human Resource Representative of the termination.
 - (2) Supervisor is to complete the PAN Form necessary and forward it to appropriate individuals for processing.
 - (3) If the Probationary Employee or Public Safety Employee results in an Alcohol Test that demonstrates positive for alcohol at a level of .039 BAC or less, the employee is to be dismissed for the day on LWOP and must be able to return to work the following day demonstrating a negative BAC. However, each case is on an individual basis and an Employee may be terminated for a BAC content of .039 or less based on extenuating factors that are pertinent to the Employee conduct, productivity and history.
- B. Non-Probationary Employee: If the employee is a Regular Part-time or Full-time employee, the supervisor will notify the employee of the disciplinary action and immediately place the employee on Paid Administrative Leave.
- (1) Supervisor notifies the Employee of a Pre-determination Hearing at which time the employee

shall have the right to defend his/her reason for a positive drug or alcohol test.

- (2) If a drug test was conducted under U.S. DOT Guidelines because the employee is in one of the FTA, FMCSA, or PHMSA drug test pools, the Supervisor will notify the Employee that they have the right to request a split-sample verification of the positive test.
 - a. The Employee is advised that they have the right to request the Split Sample and that they must make that request to the MRO, who will then have the Split-sample portion that is saved to be sent to a lab of the Employee choice for testing.
 - b. The Employee bears the cost of the test. If the Sample that is tested is negative, the Employee will be reimbursed and the Employee will be then allowed to return to safety their duties.

C. Pre-Determination Hearing: Employee is advised of the date of the Pre-Determination Hearing and is advised that the hearing can be waived upon decision of the Employee.

- (1) Upon completion of the Pre-determination Hearing, and if the Positive drug or alcohol test result is upheld as a violation of this Policy, the Employee is advised that they are placed on twenty work-day suspension without pay and is reminded to contact the EAP/ SAP the soonest possible time for Return-to-Work processes.
- (2) Upon notification of LWOP the Employee is also notified that he/she must contact the Human Resource Department Benefits Coordinator and must make arrangements for payment of the Insurance Premiums that are normally paid by the City but which become the Employee responsibility during any period of time the Employee is on LWOP.

D. Referral to SAP: Supervisor advises the Employee that they must contact the EAP/SAP at the soonest possible time in order to set appointments for Assessment and Recommendation for any possible assistance that may be necessary.

E. Supervisor advises Employee that a Return to Work process will be facilitated through the EAP/SAP.

F. Training: Supervisors must attend the Recognition of Signs and Symptoms of Possible on-the-job Impairment offered by the EAP/ SAP.

- G. Identification: upon suspicion of an employee related problem of impairment in the workplace and upon the Employee engaging in job-related duties, the Supervisor will utilize the Problem Identification Guide developed by U.S. DOT and printed in the final three pages of the booklet provided to Supervisors who attend the Recognition of Signs and Symptoms of Possible Impairment class.
- H. Intervention: Actions of the supervisor begin with consultation that is available from Risk Manager DER, EAP/SAP, and from the CLC Legal Department. Consultation begins with the objective and measurable concerns that are noted in the Employee related

Productivity and performance. The concerns shall include but are not limited to the following items.

- (1) Time and attendance problems
- (2) Completion of assignments.
- (3) Problems getting along with coworkers, peers or the public.
- (4) Negative changes in behavior compared to average related work behavior.
- (5) Noticeable changes in attire, hygiene or appearance.
- (6) Neurological signs that are noticeable such as unresponsive pupils during changes in room lighting, glassy eyes that remain longer than momentary natural changes, change in skin tone/color that last longer than momentary changes and that indicate possible changes in blood flow.
- (7) General performance concerns that have showed any pattern of decline over a period of time.
- (8) For Reasonable Suspicion of Alcohol, the odor of apparent alcohol as perceived by the Supervisor constitutes Reasonable Suspicion and must be verified by another supervisor or the Risk Manager or appointed Safety personnel.
- (9) Upon the decision to have a Reasonable Suspicion Drug or Alcohol Test, the Risk Manager will notify the Collection Site that the supervisor will be arriving within a reasonable time to have the Employee tested. Notify the Collection Site of the type of Test(s) to be performed.

- A. All testing will be conducted in a manner which assures a high degree of accuracy and reliability consistent with DOT safeguards set forth in 49 CFR Part 40, as amended. Drug testing will be conducted in laboratories certified by the National Laboratory Certification Program as listed on the Substance Abuse and Mental Health Services Administration (SAMHSA), Department of Health and Human Services (HHS). Collection may be observed if there is a reason to believe that a particular individual may alter or substitute the specimen to be provided. Collection shall be observed in Return- To-Work and all Follow-up drug tests. The processes for DOT and Non-DOT testing for both drug and alcohol are completely separate in all respects
- B. Evidential Breath Testing (EBT) devices will meet Model Specifications for Devices to Measure Breath Alcohol provided by the National Highway Traffic Safety Administration (NHTSA). Under direction of the Risk Management Section of City of Las Cruces, the Safety Staff shall be trained and shall continue all training necessary to maintain BAT Certification. Said staff of City of Las Cruces shall administer Evidential Breath Testing (EBT) on any employee when testing is required from a Random Test as it occurs with either FTA of FMCSA employees, or in the situation resultant from a Post-Accident, or Reasonable Suspicion for any City of Las Cruces employee.
 - (1) In the case of Post-Accident, Evidential Breath Testing (EBT) shall be administered at the site of the accident, and in the soonest possible time after an accident.
 - (2) The EBT Device shall be transported by the Safety Staff in the City of Las Cruces vehicle designated for this purpose.
 - (3) The vehicle for the purpose of EBT shall have the device and place for both staff and the employee to be tested in a confidential setting with windows shaded (law enforcement standard tinting), doors closed at the time of test and out of view of any other persons.
 - (4) In any case of Random for FTA of FMCSA, and Reasonable Suspicion, the EBT may occur on site or in the most reasonable location away from view of any other persons.
 - (5) In the case of after regular hours need for testing, the on-call technician shall perform the EBT at the work site of the employee to be tested.

9. REQUIRED REFERRALS AND EVALUATIONS FOR SAP EVALUATION:

City of Las Cruces offers the EAP/ SAP (Employee Assistance Program/ Substance Abuse Professional) for all employees wherein an employee can seek assistance for any substance use problems or other behavioral health related difficulties. The EAP/ SAP is free and easily accessible to employees for confidential assistance. No covered

safety-sensitive or non-safety-sensitive employee who has violated the rules on drug and/or alcohol misuse can perform any covered function unless and until that employee has:

- A. Been evaluated by the SAP to determine whether the employee is in need of assistance in resolving problems related to drugs or alcohol.
- B. Completed all treatments recommended by the SAP or has progressed sufficiently in the recommended treatment and is able to return to work while continuing the treatment that is in progress.
- C. Been evaluated by the SAP to ensure the employee has properly followed the treatment program; and
- D. Undergone a return-to-duty drug or alcohol test and passed (no concentrations of prohibited drugs and a concentration of less than 0.02 for alcohol).

10. EDUCATION AND TRAINING:

- A. The EAP/ SAP shall establish an employee education and training program for all covered City employees. The education process will comply with DOT regulations and policies. Supervisory personnel shall be trained on specific required indicators of probable use of drug (one hour minimum) and alcohol use (one hour minimum) at least once every five years.
- B. The EAP/SAP shall also provide training to employees regarding substance use problems that shall include information about signs and symptoms of problems and information regarding confidential community resources for assistance. Posters shall be placed in employee work areas regarding basic information regarding access to EAP but is not exclusive to EAP should the employee wish to seek outside help. Employees are encouraged to self-refer for problems before problems become problematic and compromising of safety.

11. RECORD RETENTION:

The Risk Manager shall maintain records on the anti-drug and alcohol misuse program in a secured location with controlled access and establish a record retention program in compliance with DOT regulations.

Period of retention:

- A. Five years retention for records of covered employees verified positive drug or alcohol tests results, documentation of refusals to take required tests, and covered employee referrals to substance abuse professional and copies of Management Information Systems' reports.
- B. Three years retention for records related to the collection process and employee training.

- (1) One year retention for records of negative drug and alcohol test results.
- (2) Three years retention of records that demonstrate supervisors and employees have been trained as required in Part 199.
 - a. Information regarding an individual's drug testing results or rehabilitation must be released upon the written consent of the individual and as provided by DOT Procedures.
 - b. Statistical data related to drug testing and rehabilitation (not personal information specific) shall be made available to the Administrator or the representative of the New Mexico Public Regulation Commission Pipeline Safety Bureau upon request.
 - c. Training records shall be made available to the Administrator or the representative of the New Mexico Public Regulation Commission Pipeline Safety Bureau upon request.
 - d. The Laboratory must retain all records pertaining to each employee specimen for a minimum of two years and keeps employee specific data for two years.

12. MONITORING PROCEDURES TO DETERMINE COMPLIANCE OF ANY CONTRACTOR:

- A. The Risk Manager/DER will request of the potential contractor covered by DOT regulations, as it pertains to drug and alcohol testing policies/procedures, to submit a copy of its anti-drug and alcohol plan for review and compliance with DOT regulations. After review is completed, written correspondence to the contractor will advise whether or not the plan is acceptable.
- B. Contractor monitoring is required to provide information on personnel who will perform the analysis on covered functions for the City. They shall conform to DOT regulations as described in 49 CFR Parts 40, 199, 382, and 655.
- C. All contractors will be required to submit drug and alcohol testing statistical information on a periodic basis for the duration of the contract. Typically, this will be on a monthly or quarterly basis. The City may require a more frequent reporting schedule determined by the Risk Manager.
- D. The Risk Manager shall maintain a complete file on each contractor's statistical drug and alcohol testing reports.

13. THE CITY MUST CHECK ON THE DRUG AND ALCOHOL TESTING RECORDS:

- A. This requirement applies only to employees seeking to begin performing safety-sensitive duties for the City for the first time (i.e., a new hire, an employee transfers into a safety-sensitive position).
- B. The City must obtain written consent from the employee prior to requesting information about the employee listed in this section.
- C. If the employee refuses to provide written consent, the City must not permit the employee to perform safety-sensitive functions.
- D. The City must request the information listed below from DOT regulated employers who have employed the employee during any period during the two years before the date of the employee's application of transfer:
 - (1) Alcohol tests with a result of 0.04 or higher alcohol concentration.
 - (2) Verified positive drug test.
 - (3) City must make a good faith effort to obtain information regarding past tests of a safety sensitive employee and will not allow the employee to perform any safety sensitive work after 30 days of beginning if the documentation is not available. Documentation regarding a good faith effort to obtain the information is retained by City.
- E. Refusals to be tested (including verified adulterated or substituted drug test results). Other violations of DOT agency drug and alcohol test regulations.
- F. Other violations of DOT agency drug and alcohol testing regulations.
- G. The City will request information from the employee whether he or she has tested positive or refused to test, on any drug or alcohol test administered by an employer within the past two years. If the employee admits that he or she had a positive test or a refusal to test, the City must not use the employee to perform safety-sensitive functions, unless or until the employee documents successful completion of the return-to-duty process.

14. DRUG TESTING LABORATORY:

- A. The City shall use only use drug-testing laboratories certified by the Department of Health and Human Services under the DOT Procedures. The names and addresses of the laboratories that shall analyze specimens collected for drug testing for all, but PHMSA employee related drug or alcohol test are: SEE ADDENDA 1, pg. 19

15. COLLECTION OF AND MRO REVIEW OF DRUG TESTING RESULTS:

- A. **MRO Appointment:** The City shall designate or appoint a medical review officer (MRO). If an operator does not have a qualified Individual on staff to serve as MRO, the operator may contract for the provision of MRO services as part of its anti-drug program.
- B. **Principles that govern the interactions between the MRO and the City of Las Cruces Pipeline Safety Program DER.**
 - (1) MRO performs all duties independently and confidentially.
 - (2) MRO is contracted by the City of Las Cruces and is not a City of Las Cruces employee.
 - (3) MRO makes all decisions regarding drug test concerns as an independent provider with no other ties to City of Las Cruces Administration.
- C. **MRO Qualifications:** The name and address of the contracted operator charged with both collection and preparation (beginning the chain of custody) of a drug test sample and for delivery to the laboratory, as well as the Medical Review Officer is: SEE ADDENDA 1, pg. 19
- D. **MRO Duties:** The MRO shall perform the following functions for the operator:
 - (1) Review the results of drug testing before they are reported to the operator.
 - (2) Review and interpret each confirmed positive test result as follows to determine if there is an alternative medical explanation for the confirmed positive test result:
 - a. Conduct a medical interview with the individual tested.
 - b. Review the individual's medical history and any relevant biomedical factors.
 - c. Review all medical records made available by the individual tested to determine if a confirmed positive test resulted from legally prescribed medication.
 - d. If necessary, require that the original specimen be reanalyzed to determine the accuracy of the reported test result.
 - e. Verify that the laboratory report and assessment are correct.
- E. **MRO Determination:** The following rules govern MRO determinations:
 - (1) If the MRO determines, after appropriate review, that there is a legitimate medical explanation for the confirmed positive test result other than the unauthorized use of a prohibited drug, the MRO is not required to take further action.
 - (2) If the MRO determines, after appropriate review, that there is no legitimate medical explanation for the confirmed positive test result other than the unauthorized use of a prohibited drug, the MRO shall refer:

- a. The individual tested to a personnel or administrative office for further proceedings in accordance with the operator's anti-drug plan; and
 - b. For evaluation by a SAP who shall determine what assistance, if any, the employee needs in resolving problems associated with drug misuse.
- F. The MRO must provide quality assurance, including insurance review of the CCF on all specimen collections. MRO must also perform review function by Sec. 40.127 for negative drug tests received from a Laboratory prior to verifying the result and releasing it to the DER. Reports are given in a c o n f i d e n t i a l manner to the DER.
- G. For positive results, information is transmitted by the MRO to the DER on the same day that the test has been verified.
- H. MRO and Operator will ensure confidential transmittal of reports of any information and limit access to any storage or retrieval systems.

16. MIS REPORTS

- A. City of Las Cruces must submit an annual MIS Report for PHMSA in accordance with 40.26 no later than March 15th of each year for the prior calendar year.
- B. Beginning in March 15, 2010, the City of Las Cruces must verify that all contractors performing covered tasks have also submitted annual reports in the same timeframe. If there are less than 50 employees, statistical data will suffice.

ADDENDA 1 TESTING
PROGRAMS

DRUG TEST LABORATORIES:

Medtox
402 W. Country Rd.
D St. Paul, MN 55112
800-832-3244
858-635-5843 fax

Alere
1111 Newton Street
Gretna, LA 70053
800-433-3823
504-361-8298 fax

Lab Corp
1904 Alexander Dr.
RTP, NC 27709 for PHMSA Employees

DRUG TEST COLLECTION SITES:

Work Med
2525 S. Telshor #16-108
Las Cruces, NM 88011

Central Medical Services of Southern New Mexico
141 Roadrunner Parkway, Ste 224
Las Cruces, NM 88011

MRO:

Dr. Benito Gallardo, M.D. CIME
(Certification - AAMRO is in good
standing) Work Med
2525 S. Telshor #16-108 575-521-1919
Las Cruces, NM 88011

Brian Heinen, Sr., M.D.
151 Leon Street
Eunice, LA 70535
800-457-0493
800-526-9341
Fax 800-547-2966

RESPONSIBLE INDIVIDUALS

THE ADMINISTRATOR OF THE NEW MEXICO PUBLIC REGULATION COMMISSION:

Jason M. Montoya
New Mexico Public Regulation Commission
Transportation Division Director, Acting
Pipeline Safety Bureau
P. O. Box 1269
1120 Paseo de Peralta# 416
Santa Fe, NM 87504 - 1269
Tel. 505 476 0298

Mr. Montoya, or any of his designees or representatives of the Pipeline Safety Bureau shall have full authority to have the City of Las Cruces amend its plans, policy and procedures as necessary to provide a reasonable level of safety.

CITY OF LAS CRUCES DER:

Carl Conley, CIC, CRM, DER, CLC Risk
Manager City of Las Cruces Risk Management
Office
Las Cruces, NM
575 528 3665

CITY OF LAS CRUCES SAP:

Joe Provencio, M.S., CEAP, LADC,
SAP City of Las Cruces EAP
Coordinator
Wells Fargo Bank Tower, Office 930, 9th Floor
Las Cruces, NM
575 642 3378

APPENDIX A
PIPELINE SAFETY

The provisions of this Appendix shall apply to all City pipeline safety positions that are subject to the drug and alcohol provisions of the United States Department of Transportation (DOT) 49 CFR Parts 199 and 40 (Attachment 2).

1. DEFINITIONS RELATED TO THE PIPELINE SAFETY DRUG AND ALCOHOL PROGRAM:

- A. Accident is defined as an incident reportable under 49 CFR Part 191 involving gas pipeline facilities or LNG facilities, or an accident reportable under 49 CFR Part 195 involving hazardous liquid or carbon dioxide pipeline facilities.
 - 1. An event that involves release of gas from a pipeline of liquefied natural gas or gas from an LNG facility; and a death, or personal injury necessitating in-patient hospitalization; or estimated property damage, including cost of gas lost, or the operator or others, or both of \$50,000 or more.
 - 2. An event that results in an emergency shutdown of an LNG facility.
 - 3. An event that is significant, in the judgment of the operator, even though it did not meet the criteria of paragraphs (1) or (2).
- B. Administrator is defined as the Administrator of the Research and Special Programs Administration (RSPA), or any person to whom authority in the matter concerned has been delegated by the U.S. Secretary of Transportation.
- C. Alcohol is defined as the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol's including methyl or isopropyl alcohol.
- D. Alcohol Concentration (or content) is defined as the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this section.
- E. Alcohol Use is defined as the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.
- F. Confirmation Test is defined as a second test, following a screening test with a result 0.02 or greater that provides quantitative data of alcohol concentration.

- G. Consortium is defined as an entity, including a group or association of employers, recipients, or contractors, that provides alcohol testing as required by this section or other DOT alcohol testing rules and that acts on behalf of the operators.
- H. Covered Employee is defined as a person who performs, on a pipeline or LNG facility, an operations, maintenance, or emergency-response function regulated by 49 CFR Parts 192, 193, or 195. This does not include clerical, truck driving, accounting, or other functions not subject to 49 CFR Parts 192, 193, or 195. The person may be employed by the operator, be a contractor engaged by the operator, or be employed by such a contractor.
- I. Covered Function (safety-sensitive function) is defined as an operation, maintenance, or emergency-response function that is performed on a pipeline or LNG facility and the functions are regulated by 49 CFR Parts 192, 193, or 195.
- J. DOT Agency is defined as an agency (or operating administration) of the United States Department of Transportation administering regulations requiring alcohol testing (49 CFR Parts 61, 63, 65, 121, 135; 49 CFR Parts 199, 219, 382, and 654) in accordance with 49 CFR Part 40.
- K. DOT Procedures are defined as the "Procedures for Transportation Workplace Drug Testing Programs" published by the Office of the Secretary of Transportation in 49 CFR Part 40.
- L. Employer or Operator is defined as a person who owns or operates a pipeline or LNG facility subject to 49 CFR Parts 192, 193, or 195.
- M. Failing a Drug Test is defined as the confirmation of results showing positive evidence or the presence under DOT Procedures of a prohibited drug in an employee's system.
- N. Operator is defined as a person who owns or operates pipeline facilities subject to 49 CFR Parts 192, 193, or 195.
- O. Passing a Drug Test is defined as the initial testing or confirmation testing under DOT procedures that do not show evidence of the presence of a prohibited drug in a person's system.
- P. Performing (a covered function) is defined as an employee is considered to be performing a covered function (safety-sensitive function) during any period in which he or she is actually performing, ready to perform, or immediately available to perform such covered functions.

- Q. Positive Rate is defined as the number of positive results for random drug tests conducted under this section plus the number of refusals of random, tests required by this section, divided by the total number of random drug tests conducted under this section plus the number of refusals of random test required by this section.
- R. Prohibited Drug is defined as any of the following substances: marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP). In addition, for the purposes of reasonable cause testing, "prohibited drug" includes any substance in Schedule I or II. If an operator has obtained prior approval from RSPA, pursuant to the DOT Procedures in 49 CFR Part 40, to test for such substance, and if the Department of Health and Human Services has established an approved testing protocol and positive threshold for such substance.
- S. Refuse to submit to an alcohol test is defined as a covered employee who fails to provide adequate breath for testing as required by 49 CFR Part 40, without a valid medical explanation after he or she has received notice of the requirement to be tested in accordance with the provisions of this section or engages in conduct that clearly obstructs the testing process.
- T. Refuse to Submit to a drug test is defined as a covered employee fails to provide a urine sample as required by 49 CFR Part 40, without a genuine inability to provide a specimen (as determined by a medical evaluation), after he or she has received notice of the requirement to be tested in accordance with the provisions of this section, or engages in conduct that clearly obstructs the testing process.
- U. Screening Test is defined as an analytical procedure to determine whether a covered employee may have a prohibited concentration of alcohol in his or her system.
- V. State Agency is defined as an agency of any of the several states, the District of Columbia, or Puerto Rico that participates under the pipeline safety laws (49 U.S.C. 60101 et seq.).

2. DRUG TESTING:

- A. This section requires operators of pipeline facilities subject to DOT 49 CFR Part 199 to test employees for the presence of prohibited drugs and provide an employee assistance program.
- B. Operators with more than fifty (50) employees subject to drug testing under this section need not comply with this section until April 20, 1990. Operators with fifty (50) or fewer employees subject to drug

testing under this section need not comply with this section until August 21, 1990.

3. **DRUG TEST REQUIRED:** The City shall conduct the following drug tests for the presence of a prohibited drug as per 49 CFR Part 199.5:
 - A. **Pre-Employment Testing:** No operator may hire or contract for the use of any person as an employee unless that person passes a drug test or is covered by an anti-drug program that conforms to the requirements of this part. No person shall be placed, hired or transferred to a FPHMSA Safety Sensitive Covered position unless that person has taken and not failed a pre-employment drug test within two weeks prior to placement, hire or transfer.
 - B. **Post-Accident Testing:** As defined in 49 CFR Parts 191 and 195 shall occur as soon as possible but no later than thirty-two (32) hours after an accident, the City shall drug test each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident. An operator may decide not to test under this paragraph but such a decision must be based on the best information available immediately after the accident that the employee's performance could not have contributed to the accident or that, because of the time between that performance and the accident, it is not likely that a drug test would reveal whether the performance was affected by drug use. Accident is defined as an incident reportable under Part 191 involving gas pipeline facilities or LNG facilities, or an accident reportable Under Part 195 involving hazardous liquid pipeline facilities.
 - (1.) An event that involves release of gas from a pipeline of liquefied natural gas or gas from an LNG facility; and a death, or personal injury necessitating in-patient hospitalization; or estimated property damage, including cost of gas lost, or the operator or others, or both of \$50,000 or more.
 - (2.) An event that results in an emergency shutdown of an LNG facility.
 - (3.) An event that is significant, in the judgment of the operator, even though it did not meet the criteria of paragraphs (1) or (2).
 - C. **Random testing:** The selection of employees for random drug testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with employee's Social Security numbers, payroll

identification numbers, or other comparable identifying numbers. Under the selection process used, each covered employee shall have an equal chance of being tested each time selections are made.

- (1) Percentages for Random Testing will comply with DOT 49 CFR Part 199 and shall be at a minimum of 25% (unless otherwise specified by the New Mexico Public Regulation Commission) of the number of employees subject to testing within the Pipeline Safety Regulations.
 - (2) The City shall randomly select a sufficient number of covered employees for testing during each calendar year to equal an annual rate not less than the minimum annual percentage rate for random drug testing determined by the Administrator rule.
 - (3) The City shall ensure that random drug tests conducted under this section are unannounced and that the dates for administering random test are spread reasonably throughout the calendar year.
- C. Testing based on reasonable cause/ reasonable suspicion: The City shall drug test an employee when there is reasonable cause to believe the employee is using a prohibited drug. The decision to test must be based on a reasonable and articulable belief that the employee is using a prohibited drug on the basis of specific, contemporaneous physical, behavioral, or performance indicators of probable drug use. Supervisor must go through training provided by the City of Las Cruces EAP/ SAP that includes -See APPENDIX E regarding the steps necessary for a supervisor to initiate and follow through with a Reasonable Cause/ Suspicion Drug or Alcohol Test.
- (1) One hour related to signs and symptoms of specific, contemporaneous physical, behavioral, and performance indicators of probable drug use;
 - (2) One hour related to signs and symptoms of specific, contemporaneous physical, behavioral, and performance indicators of probable alcohol use.
- E. Return to Duty Testing: A covered employee who refuses to take or has a positive drug test may not return to duty in the covered function until the covered employee has been evaluated face-to-face by a the SAP, has properly followed any prescribed assistance, has passed a return-to-duty drug test administered under this part, and the SAP has determined that the employee may return to duty. As of August 31, 2009, all Return to Duty Testing must be performed under direct observation.

- F. Follow-up Testing: A covered employee who refuses to take a drug test or has a positive drug test shall be subject to unannounced follow-up drug tests administered by the City following the covered employee's return to duty. The number and frequency of such follow-up testing shall be determined by the SAP for a period of sixty (60) months following the covered employee's return to duty.

5. DRUG TESTING COLLECTION AND LABORATORY SERVICES:

- A. Collection for Drug and Alcohol Testing for PHMSA employees shall be performed in accordance with U.S. DOT procedures. Collection and Chain of Custody is with: SEE ADDENDA 1, pg. 19
- B. The City shall use only use drug-testing laboratories certified by the Department of Health and Human Services under the DOT Procedures. The name and address of the laboratory that shall analyze specimens collected for drug testing is:
SEE ADDENDA 1, pg. 19
 - (1) The drug-testing laboratory must permit inspections by the operator including examination of records, at any time, by the operator, the Administrator, and if the operator is subject to state agency jurisdiction, a representative of that state agency.
 - (2) Laboratory results are reported directly and only to the MRO at his or her place of business. Results are not reported to the DER by the Laboratory.
 - (3) The Laboratory must transmit an aggregate statistical summary to the employer on a semi-annual basis.
- C. The Administrator of the New Mexico Public Regulation Commission, responsible for current certification under pipeline safety laws (49 U.S.C. 60101 et. seq.) is recognized in this plan as having full authority to require any operator within this jurisdiction to amend plans and procedures such that reasonable level of safety is in place. The responsible party is: SEE ADDENDA 2, PG.20

6. MRO REVIEW OF DRUG TESTING RESULTS:

- A. Principles that govern the interactions between the MRO and the City of Las Cruces Pipeline Safety Program are:

- (1) MRO performs all duties independently and confidentially.
 - (2) MRO has no financial or any other business arrangement with the Laboratory or with the City that would construe any possible actual or appearance of conflict of interest.
 - (3) MRO makes all decisions regarding drug test concerns as an independent provider with no ties to City of Las Cruces Administration.
- B. MRO Qualifications: The name and address of the contracted operator charged with Medical Review of a drug test sample for PHMSA employees is: SEE ADDENDA 1, pg. 19
- C. MRO Duties shall be as outlined in the general provisions of the SUBSTANCE ABUSE PREVENTION/DETECTION POLICY 15.D - H of the City of Las Cruces Policy.
- D. MRO Determination: The following rules govern MRO determinations:
- (1) If the MRO determines, after appropriate review, that there is a legitimate medical explanation for the confirmed positive test result other than the unauthorized use of a prohibited drug, the MRO is not required to take further action.
 - (2) If the MRO determines, after appropriate review, that there is no legitimate medical explanation for the confirmed positive test result other than the unauthorized use of a prohibited drug, the MRO shall refer:
 - a. The individual tested to a personnel or administrative office for further proceedings in accordance with the operator's anti-drug plan; and
 - b. For evaluation by a SAP who shall determine what assistance, if any, the employee needs in resolving problems associated with drug misuse.
- C. The MRO must provide quality assurance, including insurance review of the CCF on all specimen collections. MRO must also perform review function by Sec. 40.127 for negative drug tests received from a Laboratory prior to verifying the result and releasing it to the DER. Reports are given in a confidential manner to the DER.
- D. For positive results, information is transmitted by the MRO to the DER on the same day that the test has been verified.

E. MRO and Operator will ensure confidential transmittal of reports of any information and limit access to any storage or retrieval systems.

7. CONTRACTOR EMPLOYEES:

With respect to those employees who are contractors or employed by a contractor, an operator may provide by contract that the drug testing, education, and training required by this part be carried out by the contractor provided:

- A. The City remains responsible for ensuring that the requirements of this part are complied with; and
- B. The contractor allows access to property and records by the operator, the Administrator, and if the operator is subject to the jurisdiction of a state agency, a representative of the state agency for the purpose of monitoring the operator's compliance with the requirements of this part.

8. ALCOHOL TESTING PROCEDURES:

The City shall ensure that all alcohol testing conducted under this section complies with the procedures set forth in 49 CFR Part 40 that address alcohol testing. Alcohol testing equipment must conform to 40.229 and 40.231 and 40.233. Evidential Breath Testing (EBT) devices will meet Model Specifications for Devices to Measure Breath Alcohol provided by the National Highway Traffic Safety Administration (NHTSA). Under direction of the Risk Management Section of City of Las Cruces, the Safety Staff shall be trained and shall continue all training necessary to maintain BAT Certification. Said staff of City of Las Cruces shall administer Evidential Breath Testing (EBT) on any employee when testing is required from a Random Test as it occurs with either FTA or FMCSA employees, or in the situation resultant from a Post-Accident, or Reasonable Suspicion for any City of Las Cruces employee.

- A. In the case of Post-Accident, Evidential Breath Testing (EBT) shall be administered at the site of the accident, and in the soonest possible time after an accident.
- B. The EBT Device shall be transported by the Safety Staff in the City of Las Cruces vehicle designated for this purpose.
- C. The vehicle for the purpose of EBT shall have the device and place for both staff and the employee to be tested in a confidential setting with windows shaded (law enforcement standard tinting), doors closed at the time of test and out of view of any other persons.

D. In any case of Random for FTA of FMCSA, and Reasonable Suspicion, the EBT may occur on site or in the most reasonable location away from view of any other persons.

E. In the case of after regular hours need for testing, the on-call technician shall perform the EBT at the work site of the employee to be tested.

9. REQUIREMENT FOR NOTICE:

Before performing an alcohol test under this section, the City shall notify a covered employee that the alcohol test is required by this section. No operator shall falsely represent that a test is administered under this section.

10. ALCOHOL CONCENTRATION:

The City shall prohibit a covered employee from reporting for duty or remaining on duty requiring the performance of covered functions while having an alcohol concentration of 0.04 or greater. No City supervisor having actual knowledge that a covered employee has an alcohol concentration of 0.04 or greater shall permit the employee to perform or continue to perform covered functions.

11. ON-DUTY USE:

The City shall prohibit a covered employee from using alcohol while performing covered functions. No City supervisor having actual knowledge that a covered employee is using alcohol while performing covered functions shall permit the employee to perform or continue to perform covered functions.

12. PRE-DUTY USE.

The City shall prohibit a covered employee from using alcohol within eight (8) hours prior to performing covered functions, or, if an employee is called to duty to respond to an emergency, within the time period after the employee has been notified to report for duty. No supervisor having actual knowledge that a covered employee has used alcohol within eight (8) hours prior to performing covered functions or within the time period after the employee has been notified to report for duty shall permit that covered employee to perform or continue to perform covered functions.

13. USE FOLLOWING AN ACCIDENT:

The City shall prohibit a covered employee who has actual knowledge of an accident in which his or her performance of covered functions has not been discounted by the operator as a contributing factor to the accident from using alcohol for eight (8) hours following the accident, unless he or she has been given a post-accident test or the City has determined that the employee's performance could not have contributed to the accident.

14. REFUSAL TO SUBMIT TO A REQUIRED ALCOHOL TEST:

No City supervisor shall permit an employee who refuses to submit to a reasonable suspicion alcohol test or a follow-up alcohol test to perform or continue to perform covered functions.

15. ALCOHOL TESTS REQUIRED:

The City shall conduct the following types of alcohol tests for the presence of alcohol:

- A. **Post-accident.** (Accident is defined as an incident as described above in Section 3.B of this policy and has the same meaning for a drug or alcohol test of this nature).
 - (4) As soon as practicable following an accident, the City shall test each surviving covered employee for alcohol if that employee's performance of a covered function either contributed to the accident or cannot be completely discounted as a contributing factor to the accident. The decision not to administer a test under this section shall be based on the operator's determination, using the best available information at the time of the determination that the covered employee's performance could not have contributed to the accident.
 - (2) If a test required by this section is not administered within two (2) hours following the accident, the City shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a required test is not administered within eight hours following the accident, the City shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.
 - (3) A covered employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying the operator or operator representative of his/her location if he/she leaves the scene of the accident prior to

submission to such test may be deemed by the operator to have refused to submit to testing.

- (4) Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

B. Reasonable Suspicion Testing.

- (1) The City shall require a covered employee to submit to an alcohol test when the operator has reasonable suspicion to believe that the employee has violated the prohibitions in this policy.
- (2) The City's determination that reasonable suspicion exists to require the covered employee to undergo an alcohol test shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. A supervisor who is trained in detecting the symptoms of alcohol misuse shall make the required observations. The supervisor who makes the determination that reasonable suspicion exists shall not conduct the breath alcohol test on that employee.
- (3) This section authorizes alcohol testing only if the observations required of this section are made during, just proceeding, or just after the period of the workday that the employee is required to be in compliance with this section. A covered employee may be directed by the operator to undergo reasonable suspicion testing for alcohol only while the employee is performing covered functions; just before the employee is to perform covered functions; or just after the employee has ceased performing covered functions.
- (4) If a test not administered within two (2) hours following the determination of this section, the City shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by this section is not administered within eight (8) hours following the determination of this section, the City shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

Notwithstanding the absence of a reasonable suspicion alcohol test under this section, the City will not permit a covered

employee to report for duty or remain on duty requiring the performance of covered functions while the employee is suspected to be under the influence of or impaired by alcohol, as shown by the behavioral, speech or performance indicators of alcohol. The covered employee shall not perform or continue to perform covered functions, until:

- a. An alcohol test is administered and the employee's alcohol concentration measures less than 0.02; or
 - b. The start of the employee's next regularly scheduled duty period, but not less than eight (8) hours following the determination under this section that there is reasonable suspicion to believe that the employee has violated the prohibitions in this section.
 - c. The City shall not take any action under this section against an employee based solely on the employee's behavior and appearance in the absence of an alcohol test. This does not prohibit an operator with the authority independent of this section from taking any action otherwise covered consistent with law.
- C. Return-to-duty testing. Each operator shall ensure that before a covered employee returns to duty requiring the performance of a covered function after engaging in conduct prohibited by 49 CFR Parts 199.215 through 199.223, the employee shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02.
- D. Follow-up testing: a determination that a covered employee is in need of assistance in resolving problems associated with alcohol misuse, the City shall ensure that the employee is subject to unannounced follow-up alcohol testing for the next twelve (12) months.
- G. Re-testing of covered employees with an alcohol concentration of 0.02 or greater but less than 0.04. Each operator shall retest a covered employee to ensure compliance, if an operator chooses to permit the employee to perform a covered function within 8 hours following the administration of an alcohol test indicating an alcohol concentration of 0.02 or greater but less than 0.04.

16. OTHER ALCOHOL-RELATED CONDUCT:

The City shall not permit a covered employee tested under the provisions of this Policy, who is found to have an alcohol concentration of 0.02 or greater but less than 0.04, to perform or continue to perform covered functions, until:

- A. The employee's alcohol concentration measures less than 0.02. The start of the employee's next regularly scheduled duty period, but not less than eight (8) hours following administration of the test.
 - C. Except as provided in this section, no operator shall take any action under this section against an employee based solely on test results showing an alcohol concentration less than 0.04. This does not prohibit an operator with authority independent of this section from taking any action otherwise consistent with law.
17. Immediate termination of employment for any of the following violations:
- A. Refusal to submit to a drug or alcohol test. Refusal, as per Part 49 is recognized as either
 - (1.) Unwilling to submit for a required drug or alcohol test,
 - (2.) Unwilling to follow explicit instructions of the Collection site staff with regard to an observed test,
 - (3.) Unable to provide an adequate sample within three (3) hours of having arrived for a urine test, and unable to provide medical evidence that explains the difficulty (City will refer the employee to an appropriate medical specialist for examination in this instance) for lack of urine sample.
 - (4.) Unable to provide an adequate breath sample (City will refer the employee to an appropriate medical specialist for examination in this instance) for Evidential Breath Test.
 - B. Diluting, degrading, altering, tampering, substituting or adulterating a drug specimen or alcohol test.
 - C. Failure or refusal to contact the Employee Assistance Program Coordinator SAP after referral or to follow recommended treatment after a positive drug or alcohol test.
 - D. Possession, sale, distribution and/or use of a prohibited drug or alcohol while either on City premises or during working hours, or while performing assigned duties (whether on or off City premises), or while operating any City vehicle or equipment.
 - E. Failing a return-to-work drug or alcohol test.
 - F. Failing any type of drug or alcohol test while on probation.

- G. The second instance of a verified positive result from a sample submitted under the random, reasonable suspicion, return-to-duty, post-accident or follow-up drug and/or alcohol tests.
 - H. A verified positive post-accident (vehicle, property damage or personal injury) alcohol test shall result in termination.
 - I. Leaving the assigned drug and alcohol test site without being instructed to do so by the collector, MRO or DER.
18. In the instance of a dilute sample, and if levels meet requirements outlined in Part 40, the employee may be retested under observation when ordered by the MRO.
- A. If the dilute sample is "dilute negative" and the second collection is also "dilute negative" the test will be ruled complete, and the result will be recognized passed drug test.
 - B. If the initial test is a "dilute positive" and the retest under observation is also a "dilute positive" the test will be ruled as complete, and the result will be recognized as a failed drug test.
19. Imposition of disciplinary action under this policy shall not prevent the imposition of disciplinary action for conduct, which violates any other City policy or work rules.
20. EAP/SAP SERVICES FOR CITY OF LAS CRUCES EMPLOYEES:
- A. City of Las Cruces of Las Cruces conducts Random Drug, Post-Accident and Reasonable Suspicion Drug and Alcohol Tests in accordance with the 49 CFR Part 199.5. Upon official notice of a positive drug or alcohol test in violation of the U.S. DOT regulations as stated, the employee will be referred to the City of Las Cruces EAP/ SAP (Substance Abuse Professional as Qualified by the DOT) for evaluation, development of a treatment plan and will be expected to follow through with all recommendations of the SAP that are as a result of the evaluation. The SAP will follow and monitor the employee in the process of recommended treatment that may include any of the following levels of treatment (or combination thereof)
 - (1) Education and support

(2) Outpatient Individual Counseling

(3) Intensive Outpatient Program Counseling

(4) Inpatient or Full-day Treatment Program

(5) Medical Assisted Detox and Inpatient Treatment Program

- B. Because the EAP/ SAP is a full-time employee of the City of Las Cruces and not a private contractor nor works for any private treatment program or private practice, nor has any financial interest in any treatment programs, the possibility exists that Level 1 or 2 assistance may be provided by the EAP/SAP. All assistance beyond Level 1 or 2 will be referred to community resources for treatment. Decisions related to level of Treatment are based on the Assessment Process that includes at a minimum:

(1) Clinical Interview

(1.) Mental Status

(2.) History of use

(3.) Present symptoms

(4.) Family Support

(5.) Appearance and possible health indicators

(6.) Level and frequency of use

(2) SASSI

(3) SOCRATES (A or D)

(4) AUDIT

(5) PHQ 9

(6) Length of service with City of Las Cruces in a Safety Sensitive Position

(7) Willingness or resistance to enter into appropriate level of treatment

- C. The Return-to-Work Process includes final Assessment of Compliance with treatment recommendations and willingness to return to work under the Follow-Up testing plan (specifics of testing dates or frequency are never given to the employee), successful completion of the Return-To-Work Drug or Alcohol Test, and Continued follow-up with the EAP/ SAP over a protracted period of time.
- D. The EAP is available to all City of Las Cruces employees and can be reached at the following: SEE ADDENDA 2, pg. 20

APPENDIX B TRANSIT

The provisions of this Appendix shall apply to all City of Las Cruces transit positions that are subject to the drug and alcohol testing provisions of the Federal Transit Administration of the Department of Transportation Regulations, 49 CFR Part 655.

GENERAL

1. PURPOSE:

The goal of the City of Las Cruces substance abuse policy is to (1) assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner; (2) create a workplace environment free from the adverse effects of drug and alcohol substance abuse or misuse; (3) prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances; and (4) encourage employees to seek professional assistance any time personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.

2. DEFINITIONS RELATED TO THE FEDERAL TRANSIT
ADMINISTRATION DRUG AND ALCOHOL PROGRAM:

- A. Accident is defined as one of the following: (a) An individual dies; or (b) An individual suffers bodily injury and immediately receives medical treatment away from the scene or the accident; or (c) With respect to an occurrence in which the mass transit vehicle involved is a bus, electric bus, van or automobile, one or more vehicles (including non-FTA funded vehicles) incurs disabling damage as the result of the occurrence and such vehicle or vehicles are transported away from the scene by a tow truck or other vehicle.
- B. Covered Employee is defined as a person, including an applicant or transferee, which performs or will perform a safety-sensitive function for an entity subject to this Policy.
- C. DOT or The Department is defined as the United States Department of Transportation.
- D. DOT Agency is defined as an agency (or "operating administration") of the United States Department of Transportation administering regulations requiring drug and alcohol testing. See 14 CFR Part 121, Appendixes I and J; 33 CFR Part 95; 46 CFR Parts 4, 5, and 16; and 49 CFR Parts 199, 219, 382, and 655.

- E. The City is defined as a recipient or other entity that provides mass transportation service for which performs a safety-sensitive function for such recipient or other entity. This term includes sub-recipients, operators, and contractors.
- F. FTA is defined as the Federal Transit Administration, an agency of the DOT.
- G. Performing (a safety-sensitive function) is defined as a covered employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.
- H. Positive rate means the sum of the annual number of positive results for random drug tests conducted under this section plus the annual number of refusals to submit to a random drug test authorized under this section divided by the sum of the annual number of random drug tests conducted under this section plus the annual number of refusals to submit to a random drug test authorized under this Policy.
- I. Test Refusal:
As employee, you have refused to take a drug test if you:
 - (1) Fails to appear for a test within reasonable time, as determined by the DER.
 - (2) Fails to remain at the testing site until the testing process is complete.
 - (3) Fails to provide urine or breathe specimen for any alcohol test required by 49 CFR Part 40 or DOT regulations.
 - (4) In the case of direct observation or monitoring collection in a drug test, fails to permit the observation or monitoring of your provision of a specimen, or fails to follow the instructions given by the observer.
 - (5) Fails to provide sufficient amount of urine or breathe when directed and it has been determined, through a required medical evaluation, that there is no adequate medical explanation for the failure.
 - (6) Fails or declines to take a second test the City or collector has directed.

- (7) Fails to undergo a medical examination or evaluation, as directed by the MRO as part of a verification process or as directed by the DER as part of a "shy bladder" or "shy lung" procedure.
- (8) Fails to cooperate with any part of the testing process. If the MRO reports that there is verified adulteration or substituted test result.
- (9) Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
- (10) Admit to the collector or MRO that you adulterated or substituted the specimen.
- (11) Failure to sign Part 2 of the alcohol testing form.

J. Safety-sensitive function is defined as any of the following duties, when performed by employees of recipients, sub-recipients, operators, or contractors:

- (1) Operating a revenue service vehicle, including when not in revenue service;
 - (2) Operating a non-revenue service vehicle when required to be operated by a holder of a Commercial Driver's License.
 - (3) Controlling dispatch or movement of a revenue service vehicle.
 - (4) Maintaining a (includes repairs, overhaul and rebuilding) revenue service vehicle or equipment used in revenue service.
- (See Addendum A)

K. Violation rate means the sum of the annual number of results from random alcohol tests conducted under this section that have alcohol concentrations of .04 or greater plus the annual number of refusals to submit to alcohol tests authorized under this section, divided by the sum of the annual number of random alcohol tests conducted under this section plus the annual number of refusals to submit to a drug test authorized under this Policy.

3. STAND-DOWN FOR DRUG TESTING:
The City has no policy in place.

4. EDUCATION AND TRAINING PROGRAMS:

The City of Las Cruces shall establish an employee education and training program for all covered employees, including:

- A. Education. The education component shall include display and distribution to every covered employee of informational material and a community service hot-line telephone number for employee assistance, if available. The point of contact is the City's SAP.
- B. Training.
 - (1) Covered employees. Covered employees must receive at least sixty (60) minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.
 - (2) Supervisors. Supervisors and/ or other company officers authorized by the City to make reasonable suspicion determinations shall receive at least sixty (60) minutes of training on the physical, behavioral, and performance indicators of probable drug use and at least sixty (60) minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

5. NOTICE REQUIREMENT.

Before performing a drug or alcohol test under this Policy, the City shall notify a covered employee that the test is required under 49 CFR Parts 40 and 655. The City shall notify each covered employee when it is implementing elements of this Policy not required under 49 CFR Part 655. A city form explaining the type of testing to be done will be handed to the covered employee prior to being tested.

6. DRUG TESTING: No person shall be placed, hired or transferred to an FTA Safety Sensitive Covered position unless that person has taken and not failed a pre-employment drug test within two weeks prior to placement, hire or transfer.

- A. The City shall establish a program that provides testing for prohibited drugs and drug metabolites in the following circumstances: pre-

employment, post-accident, reasonable suspicion, random, and return to duty/follow-up.

- B. The drugs the City of Las Cruces is testing for include marijuana, cocaine, opiates, amphetamines, and phencyclidine. Employees should know that the assertion of consumption or other use of a hemp or other non-prescription marijuana related product as a defense of a positive marijuana test will not be accepted by the Medical review Officer in accordance with Part 40-151(f).

An initial drug screen will be conducted on each specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR Part 40. Consumption of these products is prohibited at all times.

- C. In the instance of a dilute sample, and if levels meet requirements outlined in Part 40, the employee may be retested under observation when ordered by the MRO.
- a. If the dilute sample is "dilute negative" and the second collection is also "dilute negative" the test will be ruled complete, and the result will be recognized as a passed drug test.
 - b. If the initial test is a "dilute positive" and the retest under observation is also a "dilute positive" the test will be ruled as complete, and the result will be recognized as a failed drug test.

PROHIBITED ALCOHOL USE

1. ALCOHOL TESTING:

- A. The City shall establish a program that provides for testing for alcohol in the following circumstances: post-accident, reasonable suspicion, random, and return to duty/follow-up. Evidential Breath Testing (EBT) devices will meet Model Specifications for Devices to Measure Breath Alcohol provided by the National Highway Traffic Safety Administration (NHTSA). Under direction of the Risk Management Section of City of Las Cruces, the Safety Staff shall be trained and shall continue all training necessary to maintain BAT Certification. Said staff of City of Las Cruces shall administer Evidential Breath Testing (EBT) on any employee when testing is required from a Random Test as it occurs with either FTA or FMCSA employees, or in the situation resultant from a Post-Accident, or Reasonable Suspicion for any City of Las Cruces employee.

- (1.) In the case of Post-Accident, Evidential Breath Testing (EBT) shall be administered at the site of the accident, and in the soonest possible time after an accident.
 - (2.) The EBT Device shall be transported by the Safety Staff in the City of Las Cruces vehicle designated for this purpose.
 - (3.) The vehicle for the purpose of EBT shall have the device and place for both staff and the employee to be tested in a confidential setting with windows shaded (law enforcement standard tinting), doors closed at the time of test and out of view of any other persons.
 - (4.) In any case of Random for FTA of FMCSA, and Reasonable Suspicion, the EBT may occur on site or in the most reasonable location away from view of any other persons.
 - (5.) In the case of after regular hours need for testing, the on-call technician shall perform the EBT at the work site of the employee to be tested.
- B. The City shall prohibit a covered employee, while having an alcohol concentration of 0.04 or greater from performing or continuing to perform a safety-sensitive function.

2. ON DUTY USE:

The City shall prohibit a covered employee from using alcohol while performing safety-sensitive functions. No City supervisor having actual knowledge that a covered employee is using alcohol while performing safety-sensitive functions shall permit the employee to perform or continue to perform safety-sensitive functions.

3. PRE-DUTY USE:

- A. The City shall prohibit a covered employee from using alcohol within four (4) hours prior to performing safety-sensitive functions. No City supervisor having actual knowledge that a covered employee has used alcohol within four hours of performing a safety-sensitive function shall permit the employee to perform or continue to perform safety-sensitive functions.
- B. On-call employees. The City shall prohibit the consumption of alcohol for the specified on-call hours of each covered employee who is on-call. The procedure shall include:

- (1) The opportunity for the covered employee to acknowledge the use of alcohol at the time he or she is called to report to duty and the inability to perform his or her safety-sensitive function.
- (2) The requirement that the covered employee take an alcohol test, if the covered employee has acknowledged the use of alcohol but claims ability to perform his or her safety-sensitive function.

4. USE FOLLOWING AN ACCIDENT:

The City shall prohibit alcohol use by any covered employee required to take a post-accident alcohol test for eight (8) hours following the accident or until he or she undergoes a post-accident alcohol test, whichever occurs first.

5. OTHER ALCOHOL-RELATED CONDUCT:

- A. The City shall not permit a covered employee tested under this Policy who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 to perform or continue to perform safety-sensitive functions, until:
 - (1) The employee's alcohol concentration measures less than 0.02; or
 - (2) The start of the employee's next regularly scheduled duty period, but not less than eight (8) hours following administration of the test.
- B. The City will not take any action under this section against an employee based solely on test results showing an alcohol concentration less than 0.04. This does not prohibit the City with authority independent of this section from taking any action otherwise consistent with law.

6. TYPES OF TESTING:

A. Direct Observation Collection

A direct observed collection procedure is the same as a routine collection with the additional requirement that an observer physically watches the employee urinate into the collection

container. The observer must be the same gender as the employee; there are no exceptions to this requirement.

B. The employer is required to conduct a directly observed when:

1. The laboratory reports an invalid specimen and the MRO reports that there was not adequate medical explanation for the result.
2. Because the split specimen test could not be performed (e.g. split lost, inadequate volume.)
3. The MRO reports a positive or negative-dilute result with a creatinine concentration greater than or equal to 2mg/dL but less than or equal to 5mg/dL.
4. The test is a return-to-duty or follow-up test.
5. If the collector observed materials brought to the collection site or an employee's conduct clearly indicated an attempt to tamper with a specimen.
6. The temperature on the original specimen was out of range or the specimen appeared to have been tampered with.
7. Laboratory tests must retain the sample, which was identified as positive, adulterated or invalid for a minimum of one year. The specimen must be kept in a secure, long term frozen storage in accordance with HHS requirements.

C. Pre-employment drug testing

- (1) Before allowing a covered employee or applicant to perform a safety-sensitive function for the first time, the City must ensure that the employee takes a pre-employment drug test administered under this section with a verified negative result. The City may not allow a covered employee, including an applicant, to perform a safety-sensitive function unless the employee takes a drug test administered under this section with a verified negative result.
- (2) When a covered employee or applicant has previously failed or refused a pre-employment drug test administered under this section, the employee must provide the employer proof of having successfully completed a referral, evaluation and treatment plan.
- (3) The City may not transfer an employee from a non-safety-sensitive function to a safety-sensitive function until the

employee takes a pre-employment drug test administered under this section with a verified negative result.

- (4) If a pre-employment drug test is canceled, the City shall require the covered employee or applicant to take another pre-employment drug test administered under this section with a verified negative result.
- (5) When a covered employee or applicant has not performed a safety-sensitive function for ninety (90) consecutive calendar days regardless of the reason, and the employee has not been in the employer's random selection pool during that time, the employer shall ensure that the employee takes a pre-employment drug test with a verified negative result.

D. Pre-employment alcohol testing.

The City may, but is not required to, conduct pre-employment alcohol testing under this section. If an employer chooses to conduct pre-employment alcohol testing, the employer must comply with the following requirements:

- (1) The City must conduct a pre-employment alcohol test before the first performance of safety-sensitive functions by every covered employee whether a new employee or someone who has transferred to a position involving the performance of safety-sensitive functions.
- (2) The City must treat all covered employees performing safety-sensitive functions the same for the purpose of pre-employment alcohol testing (i.e., it must not test some covered employees and not others).
- (3) The City must conduct the pre-employment tests after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test.
- (4) The City must conduct all pre-employment alcohol tests using the alcohol testing procedures set forth in 49 CFR Part 40.
- (5) The City must not allow a covered employee to begin performing safety sensitive functions unless the result of the employee's test indicates an alcohol concentration of less than 0.02.

E. Reasonable suspicion testing.

- (1) The City shall conduct a drug and/or alcohol test when the employer has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse.
- (2) The City's determination that reasonable suspicion exists shall be based on behavior, speech, or body odors of the covered employee. A supervisor(s) or other City official(s) who is trained in detecting the signs and symptoms of drug use and alcohol misuse must make the required observations.

11.

Alcohol testing is authorized under this section only if the observations required by paragraph (2) of this section are made during, just preceding, or just after the period of the workday that the covered employee is required to be in compliance with this section. An employer may direct a covered employee to undergo reasonable suspicion testing for alcohol only while the employee is performing safety-sensitive functions; just before the employee is to perform safety-sensitive functions; or just after the employee has ceased performing such functions.

111. If an alcohol test required by this section is not administered within two (2) hours following the determination under paragraph (2) of this section, the City shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test required by this section is not administered within eight (8) hours following the determination under paragraph (2) of this section, the City shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

F. Post-Accident Testing.

All surviving safety sensitive employees will be required to undergo urine and breath testing if they are involved in an accident that results in a fatality. In addition, safety-sensitive employees will be required to undergo urine and breath testing if they are involved in an accident while on duty for city unless the city official in charge at the time determines, using the best information available at the time of the decision, that the covered employee's performance can be completely discounted as a contributing factor to the accident.

This includes all employees that are on-duty in vehicles and any other, whose performance could have contributed to the accident. The FTA defines an accident as an occurrence associated with the

operation of a vehicle, if as a result:

- (a) An individual dies; or
 - (b) An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or
 - (c) With respect to an occurrence in which the mass transit involved is a bus, electric bus, van or automobile, one or more vehicles (including non-FTA funded vehicles) incurs disabling damage as the result of the occurrence and such vehicle or vehicles are transported away from the scene by a tow truck or other vehicle.
- (1) Following an accident, the employee will be tested as soon as possible, but not to exceed eight hours for alcohol testing and 32 hours for drug testing. Any employee involved in an accident must refrain from alcohol use for eight hours following the accident and be readily available for testing until he/she undergoes a post-accident alcohol test. Post-accident alcohol testing is stayed while an employee assists in the resolution of the accident or receives medical attention following the accident.

In reference to an alcohol test, if the employee is not tested within two (2) hours, documentation must be submitted as to why the test was delayed, including documentation continuing attempts to obtain specimen. Attempts to obtain specimen must cease after eight hours.

Any employee who leaves the scene of the accident without appropriate authorization prior to submission to drug and alcohol testing will be considered to have refused the test and their employment will be terminated. Employees tested under this provision will include not only the operations personnel, but any other covered employees whose performance could have contributed to the accident. When a drug test result comes back as a negative dilute, it will result in retesting.

- (2) The decision not to administer a drug and/ or alcohol test under this section shall be based on the employer's determination, using the best available information at the time of the determination that the employee's performance could not have contributed to the accident. Such a decision must be documented in detail, including the decision-making process used to reach the decision not to test.
- (3) Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the

scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

G. Random testing.

The minimum annual percentage rate for random drug testing shall be 49 CFR 49 Part 655. The random alcohol testing rate shall be ten (10) percent. As provided paragraph (b) of this section, this rate is subject to annual review by the FTA Administrator.

- (1) The selection of employees for random drug and alcohol testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with employees' Social Security numbers, payroll identification numbers, or other comparable identifying numbers. Under the selection process used, each covered employee shall have an equal chance of being tested each time selections are made.
- (2) The City shall randomly select a sufficient number of covered employees for testing during each calendar year to equal an annual rate not less than the minimum annual percentage rates for random drug and alcohol testing determined by the FTA Administrator.
- (3) The City shall ensure that random drug and alcohol tests conducted under this section are unannounced and unpredictable, and that the dates for administering random tests are spread reasonably throughout the calendar year. Random testing must be conducted at all times of day when safety-sensitive functions are performed.
- (4) The City shall require that each covered employee who is notified of selection for random drug or random alcohol testing proceed to the test site immediately. If the employee is performing a safety-sensitive function at the time of the notification, the employer shall instead ensure that the employee ceases to perform the safety-sensitive function and proceeds to the testing site immediately.
- (5) A covered employee shall only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions; just before the employee is to perform safety-sensitive functions; or just after the employee has ceased

performing such functions. A covered employee may be randomly tested for prohibited drug use anytime while on duty.

(6) Refusal to submit to a drug or alcohol test.

The City shall require a covered employee to submit to a post-accident drug and alcohol test, a random drug and alcohol test, a reasonable suspicion drug and alcohol test, or a follow-up drug and alcohol test. When an employee refuses to submit to a drug or alcohol test, the employer shall follow the procedures outlined in the City's Substance Abuse Policy.

H. Substance abuse professional (SAP).

The SAP must perform the functions in 49 CFR Part 40 and City policies.

7. CONSEQUENCES:

Action when an employee has a verified positive drug test result or has a confirmed alcohol test result of 0.04 or greater or refuses to submit to a test.

- A. Immediately after receiving notice from a medical review officer (MRO) that a covered employee has a verified positive drug test result, the employer shall require that the covered employee cease performing a safety-sensitive function and follow City Policies.
- B. Immediately after receiving notice from a Breath Alcohol Technician (BAT) that a covered employee has a confirmed alcohol test result of 0.04 or greater, the employer shall require that the covered employee cease performing a safety-sensitive function.
- C. Before allowing the covered employee to resume performing a safety-sensitive function, the employer shall ensure the employee meets the requirements of 49 CFR Part 40 and City Policy for returning to duty, including taking a return to duty drug and/or alcohol test.
- D. An employee who has a confirmed alcohol concentration of greater than 0.02 but less than 0.04 will be removed from his/her position for eight hours unless a retest results in a concentration measure of less than 0.02 and may be subject to disciplinary action under city policies.

H. Prior to an employee returning to a safety-sensitive position, they must take a return-to-duty test. This test cannot occur until after the SAP has determined that the employee has successfully complied with prescribed

education and/ or treatment. The employer must have a negative drug test result and/ or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety-sensitive duties.

8. Contact person responsible for the Drug and Alcohol Testing Program is the DER (Designated Employer Representative) who shall be responsible for the drug and alcohol testing program for employees, and who shall manage all proceedings and information that come from or is directed to the MRO (Medical Review Officer). SEE ADDENDA 2, pg. 20

APPENDIX C

GENERAL POLICY DEFINITIONS FOR ALL EMPLOYEES

As used in this Policy, the following words shall have the following meanings. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, words in the singular shall include the plural, and the use of any gender shall be applicable to all genders whenever the sense requires. The words "shall" and "will" are mandatory, and the word "may" is permissive. Words not defined shall be given their common and ordinary meaning.

- A. Accident is defined as any unexpected and/or unintended event involving a motor vehicle and/or motorized City equipment, which comes in contact with something or someone, without regard to the amount of damage involved or the location of the incident.
- B. Adulterated Specimen is defined as the primary specimen characteristics that are outside the normal expected range of human urine.
- C. Alcohol is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.
- D. Alcohol Concentration is defined as a covered employee having an alcohol concentration of .04 or greater.
- E. Alcohol Screening Test is defined as an analytical procedure, performed in accordance with 49 C.F.R. Part 40, to determine whether an employee may have a prohibited alcohol concentration in his or her system.
- F. Alcohol Use is defined as the drinking or swallowing of any beverage, mixture, or preparation, including any medication containing alcohol.
- G. City of Las Cruces' Designated Employer Representative (DER) is defined as the person designated by the City Manager to oversee the implementation of this Policy, to prepare procedures for carrying out this Policy, to receive test results from the Medical Review Officer (MRO) and to carry out provisions of the Policy. The DER for the City is the Risk Manager. (See Addendum B)
- H. Collector is defined as a person who instructs and assists employees at the collection site, who receives and makes initial inspection of the specimen, provided by those employees, and who initiates and completes the Chain of Custody Form.

- I. **Collection Site** is defined as a place selected by the employer where employees present themselves for the purpose of providing a urine or breathalyzer test.
- J. **Confirmation Test** is defined as a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the initial test, and which uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy.
- K. **Covered Function** is defined as an operation, maintenance, or emergency-response function in the pipeline safety, transit, commercial driver's license holders, safety sensitive positions or any function designated by the City Manager to fall within this Policy.
- L. **Covered Employee** is defined as a person mentioned herein by DOT or this Policy that is subject to Drug and Alcohol testing.
- M. **Diluted or Substituted Specimen** is defined as the primary specimen to be diluted if the creatinine concentration is greater than or equal to 2mg/ dL but less than 20 mg/dL, and the specific gravity is greater than 1.0010 but less than 1.0030 on a single aliquot.
- N. **DOT Procedures** are defined as the procedures for drug testing and Alcohol testing set forth by the Secretary of Transportation in 49 C.F.R.
- O. **Drug Test** is defined as an analysis of urine of an employee or applicant, pursuant to DOT procedures, to determine the presence or absence of a prohibited drug.
- P. **Employee** is defined as any person who receives wages from the City for performance of services, whether full-time or part-time, regular, or temporary contract and includes seasonal and provisional employees.
- Q. **Employee Assistance Program** is defined as the program provided by the City to provide assistance and counseling to Employees and their families with regard to chemical dependency and other personal and family problems.
- R. **Failing a Drug Test** is defined as the confirmation test result shows positive evidence of the presence, under any of the inclusive regulations in this Policy, of a prohibited drug in the employee/applicant's urine.

- S. Failing an Alcohol Test is defined as the results of an Alcohol Test show the presence of alcohol in the breath or blood of the employee at a level determined by the appropriate regulation.
- T. Initial Test is defined as an immunoassay screened to eliminate "negative" urine specimens from further consideration.
- U. Medical Review Officer is defined as a licensed physician with knowledge of drug and alcohol abuse disorders and will interpret each confirmed positive test result as follows to determine if there is an alternative medical explanation for the confirmed positive test results.
- V. Prohibited Drugs are defined as any of the following substances or their metabolites: marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP) or any substance within the regulations. In addition to the aforementioned drugs, it is the City's policy to prohibit any illegal controlled substance, as well as any drug not approved by the USDA or the USFDA. Illegal use includes use of, or impairment by, any illegal drug, misuse of legally prescribed drugs, misuse of over-the-counter drugs, shall include legal substances, which when ingested are metabolized into a prohibited substance, or illegally obtained prescription drugs. In compliance with the NM Cannabis Regulation Act, for employees other than those in a DOT or Public Safety Testing Pool, Marijuana/Cannabis will not be included as a Prohibited Drug, unless in violation of Policy 5 C & D above.
- W. Refusal to Submit to a Drug and Alcohol Test is defined as a refusal to take the test, inability to provide sufficient quantities of breath or urine to be tested without a valid medical explanation from a doctor acceptable to the City, tampering with or attempting to adulterate the specimen or collection procedure, not reporting to the collection site in the time allotted, refusal to sign the testing form, or leaving the leaving the collection site without permission from the collector, MRO or DER.
- X. Safety Sensitive Position is defined as a position with job functions, which have been determined that impairment by drug or alcohol abuse of an incumbent in that position would constitute a substantial, immediate and direct threat to the health, safety and welfare of the public, the employee or a fellow employee. The Risk Manager or designee shall determine which positions are safety sensitive and shall maintain a list of all such positions.
- Y. Screening Test is defined as an individual who has successfully completed an approved DOT non-evidential training course and who will conduct drug or alcohol screening tests. Screening test technicians and breath alcohol technicians must meet the requirements of Section 40.213

- Z. Substance Abuse Professional (SAP) is defined as a licensed physician, licensed or certified psychologist, social worker, employee assistance professional or addictions counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of Alcohol and controlled substances-related disorders.

APPENDIX D TESTING

PROCESSES

1. DRUG AND ALCOHOL TESTS

Employees sent for drug and alcohol testing must be accompanied by a supervisor in their chain of command and remain at the collection site until given permission to leave by the collector, MRO or DER.

- A. The following drug tests shall be conducted pursuant to this Policy:

Pre-Employment Drug Test: All safety-sensitive and non-safety-sensitive position applicants shall undergo drug testing following the offer of employment or transfer into a safety-sensitive position. Receipt by the City of Las Cruces of a negative drug test result is required prior to employment or transfer into a safety-sensitive position.

Post-Accident Drug Test: for any employee who has been involved in an accident and whose conduct cannot be discounted as a contributing factor to the accident. An employee's conduct will be a contributing factor to the accident if, under all the circumstances, the accident would not have occurred without such conduct. When an employee is involved in an accident, he/she shall immediately notify his supervisor. The supervisor or employee shall then immediately notify the Joint Utilities Dispatch. The Risk Manager or Designee shall confer with the City Attorney's Office if there are any questions or concerns when determining if the employee's conduct was a contributing factor to the accident. If it is determined that the conduct was a contributing factor, the employee shall be required to take a post-accident drug test. Such test shall be taken as soon as possible, but not later than thirty-two (32) hours after the accident.

Reasonable Cause Drug Test: It is the City of Las Cruces' policy that all employees are subject to fitness-for-duty evaluations consisting of drug and alcohol test when there is a reason to suspect the employee is under the influence of drugs on duty. A referral for testing will be made when a trained supervisor can articulate and substantiate physical, behavioral and performance indicators of probable drug use or alcohol misuse by observing the appearance, behavior, speech, or body odors of the employee. The supervisor shall notify the Risk Manager, SAP or designee of the facts and circumstances giving rise to that belief and the Risk Manager, SAP or designee shall determine if facts and circumstances support a reasonable belief. If it is determined that they do, the employee shall be required to take a Reasonable Cause Drug Test. Two supervisors, one who is trained in

the detection of drug use, must substantiate and concur the decision to test an employee who is reasonably suspected of drug use.

Random Drug Test: All employees in pipeline safety, transit, commercial driver's license holders, public safety and safety sensitive employees of the City will be subject to random drug tests. Employees will be selected for testing by a computer-based random selection generator based upon employees' specified information. Random drug tests will be conducted periodically throughout the year in sufficient numbers established by CFR 49 part 40.

The DER may lower the rate to twenty-five (25%) percent IAW the DOT for all covered employees if the DER determines that the data received under the reporting requirements for two (2) consecutive calendar years indicate that the violation's rate is less than 1.0 percent but equal to or greater than 0.5 percent.

Return to Duty Drug Test: employees who fail a drug test must take and pass a return-to-work drug test not later than four (4) weeks (unless under a treatment provider or SAP) after receiving the failure notice on the first drug test before that employee can return to his position.

Any employee who returns to duty after passing a return to duty drug test shall be subject to reasonable drug testing, without prior notice, for up to sixty (60) months after his/her return to duty.

B. The following alcohol tests shall be conducted pursuant to this Policy:

Post Accident Alcohol Test: Whenever an employee has been involved in an accident and the employee's conduct cannot be discounted as a contributing factor to the accident and there are specific and contemporaneous physical, behavioral or performance indicators of probable alcohol use. The employee shall be required to take a post-accident alcohol test. Employees whose behavior cannot be completely discounted as a contributing factor to an accident must remain available for alcohol testing and may not consume alcohol for up to eight (8) hours following an accident or until the alcohol test has been conducted. Every attempt will be made by the City to have this test performed within a two (2) hour period.

Reasonable Cause Alcohol Test: It is the City of Las Cruces' policy that all employees are subject to fitness-for-duty evaluations consisting of an alcohol test when there is a reason to suspect the employee is under the influence of alcohol on duty. A referral for testing will be made when a trained supervisor can articulate and substantiate physical, behavioral and performance indicators of probable alcohol

misuse by observing the appearance, behavior, speech, or body odors of the employee. The supervisor shall notify the DER, SAP or designee of the facts and circumstances giving rise to that belief, and the DER, SAP or designee shall confer with the Employee Assistance Coordinator or City Attorney's Office to determine if facts and circumstances support a reasonable belief. If it is determined that they do, the employee shall be required to take a Reasonable Cause Alcohol Test.

Random Alcohol Test: IAW FTA policies, only FTA and FMCSA employees are subject to random alcohol testing.

Return to Duty Alcohol Test: employees who fail an alcohol test must take and pass a return to duty alcohol test (must have .02 concentration or less) not later than three (3) days after receiving the failure notice unless the first alcohol test is extended due to medical treatment as determined by the Employee Assistance Program Coordinator.

Follow-up Alcohol Test: An employee who has passed a return-to-work alcohol test and returned to his position and who has been evaluated by a substance abuse professional as being in need of assistance in resolving problems associated with alcohol abuse will also be subject to follow-up alcohol testing. Such testing will be conducted on an unannounced basis and will consist of at least six (6) tests in the twelve (12) months following the employee's return to work. The substance abuse professional may elect to terminate follow-up testing after six (6) tests.

2. COLLECTION PROCESS:

The individual reporting to the test site must have some form of photographic identification to show to the collection site personnel. The individual will be asked to remove unnecessary outer garments, such as coats and jackets and to empty his or her pockets and display the items in them. Purses and briefcases remain with the outer garments, though wallets may be retained.

3. DIRECTLY OBSERVED COLLECTIONS

A directly observed procedure is the same as a routine collection with the additional requirement that an observer physically watches the employee urinate into the collection container. The observer must be the same gender as the employee; there are no exceptions to this requirement.

- A. An observation is required when: The employer or DER directs the collector to conduct a collection under direct

observation.

- B. The employer is required to conduct a directly observed when:

The laboratory reports an invalid specimen and the MRO reports that there was not adequate medical explanation for the result.

- (1) Because the split specimen test could not be performed (e.g. split lost, inadequate volume.)
- (2) The MRO reports a negative-dilute result with a creatinine concentration greater than or equal to 2mg/dL but less than or equal to 5mg/dL.
- (3) The test is a return-to-duty test or follow-up test.
- (4) If the collector observed materials brought to the collection site or an employee's conduct clearly indicated an attempt to tamper with a specimen.
- (5) The temperature on the original specimen was out of range or the specimen appeared to have been tampered with.

4. SPLIT SAMPLE:

- A. The collector will have only one urine specimen collection under his/her supervision at one time. The collector then divides the specimen into a 30ml primary and a 15ml split specimen (split sample). "Specimen A" bottle seal is placed over the 30ml bottle, and the "Specimen B" seal is placed over the split sample bottle. The collection procedure is completed when the urine bottle has been sealed and initialed and the individual has departed the collection area. The individual initials both seals.
- B. If the sample tests positive or is determined by the laboratory to be adulterated or substituted and the MRO verifies the laboratory findings after review with employee, the employee may request a test of the split-specimen. Such a request must be made in writing or verbally to the MRO within seventy-two (72) hours of the time MRO provides the notification to the employee that the test is verified positive, adulterated, or substituted.
- C. The secondary laboratory is only required to run a confirmatory test for the specific substance, which appears in the primary sample. The MRO will notify the DER and employee of the result. If the split sample reveals no measurable presence of the drug in question, the former positive test will be canceled.

APPENDIX E
COLLECTOR GUIDELINES

1. **RESPONSIBILITIES:** To be permitted to act as a collector in the DOT Drug testing program, you must meet each of the requirements of this section:
 - A. **Basic information.** You must be knowledgeable about this part, the current "DOT Urine Specimen Collection Procedures Guidelines," and DOT agency regulations applicable to the employers for whom you perform collections, and you must keep current on any changes to these materials. The DOT Urine Specimen Collection Procedures Guidelines document is available from ODAPC (Department of Transportation, 1200 New Jersey Avenue, SE, Washington DC, 20590, 202- 366-3784, or on the ODAPC web site (<http://www.dot.gov/ost/dapc>)).
 - B. **Qualification training.** You must receive qualification training meeting the requirements of this paragraph. Qualification training must provide instruction on the following subjects:
 - (1) All steps necessary to complete a collection correctly and the proper completion and transmission of the CCF;
 - (2) "Problem" collections (e.g., situations like "shy bladder" and attempts to tamper with a specimen).
 - (3) Fatal flaws, correctable flaws, and how to correct problems in collections; and
 - (4) The collector's responsibility for maintaining the integrity of the collection process, ensuring the privacy of employees being tested, ensuring the security of the specimen, and avoiding conduct or statements that could be viewed as offensive or inappropriate.
 - C. **Initial Proficiency Demonstration.** Following your completion of training under paragraph (b) of this section, you must demonstrate proficiency in collections under this part by completing five consecutive error-free mock collections.

- (1) The five mock collections must include two uneventful collection scenarios, one insufficient quantity of urine scenario, one temperature out of range scenario, and one scenario in which the employee refuses to sign the CCF and initial the specimen bottle tamper-evident seal.
 - (2) Another person must monitor and evaluate your performance, by a means that provides real-time observation and interaction between the instructor and trainee, and attest in writing that the mock collections are "error-free." This person must be a qualified collector who has demonstrated necessary knowledge, skills, and abilities by-
 - a. Regularly conducting DOT drug test collections for a period of at least a year;
 - b. Conducting collector training under this part for a year; or
 - c. Successfully completing a "train the trainer" course.
2. SCHEDULE for qualification training and initial proficiency demonstration. The following is the schedule for qualification training and the initial proficiency demonstration you must meet:
 - A. If you became a collector before August 1, 2001, and you have already met the requirements of paragraphs (b) and (c) of this section, you do not have to meet them again.
 - B. If you became a collector before August 1, 2001, and have yet to meet the requirements of paragraphs (b) and (c) of this section, you must do so no later than January 31, 2003.
 - C. If you become a collector on or after August 1, 2001, you must meet the requirements of paragraphs (b) and (c) of this section before you begin to perform collector functions.
 - (1) Refresher training. No less frequently than every five years from the date on which you satisfactorily complete the requirements of paragraphs (b) and (c) of this section, you must complete refresher training that meets all the requirements of paragraphs (b) and (c) of this section.

- (2) Error Correction Training. If you make a mistake in the collection process that causes a test to be cancelled (i.e., a fatal or uncorrected flaw), you must undergo error correction training. This training must occur within 30 days of the date you are notified of the error that led to the need for retraining.
 - a. Error correction training must be provided and your proficiency documented in writing by a person who meets the requirements of paragraph (c)(2) of this section.
 - b. Error correction training is required to cover only the subject matter area(s) in which the error that caused the test to be cancelled occurred.
 - c. As part of the error correction training, you must demonstrate your proficiency in the collection procedures of this part by completing three consecutive error-free mock collections. The mock collections must include one uneventful scenario, and two scenarios related to the area(s) in which your error(s) occurred. The person providing the training must monitor and evaluate your performance and attest in writing that the mock collections were "error-free."
- (3) Documentation. You must maintain documentation showing that you currently meet all requirements of this section. You must provide this documentation on request to DOT agency representatives and to employers and C/TPAs who are using or negotiating to use your services. Immediate supervisors must not serve as a collection site person unless there is no other person available.

3. WHAT STEPS MUST OPERATORS OF COLLECTION SITES TAKE to protect the security and integrity of urine collections?

- A. Collectors and operators of collection sites must take the steps listed in this section to prevent unauthorized access that could compromise the integrity of collections.
- B. As a collector, you must do the following before each collection to deter tampering with specimens:

- (1) Secure any water sources or otherwise make them unavailable to employees (e.g., turn off water inlet, tape handles to prevent opening faucets).
 - (2) Ensure that the water in the toilet is blue.
 - (3) Ensure that no soap, disinfectants, cleaning agents, or other possible adulterants are present.
 - (4) Inspect the site to ensure that no foreign or unauthorized substances are present.
 - (5) Tape or otherwise secure shut any movable toilet tank or put bluing in the tank.
 - (6) Ensure that undetected access (e.g., through a door not in your view) is not possible.
 - (7) Secure areas and items (e.g., ledges, trash receptacles, paper towel holders, under-sink areas) that appear suitable for concealing contaminants; and
 - (8) Recheck items in paragraphs (b)(1) through (7) of this section following each collection to ensure the site's continued integrity.
- C. If the collection site uses a facility normally used for other purposes,
Like a public rest room or hospital examining room, you must, as
a
collector, also ensure before the collection that:
- (1) Access to collection materials and specimens is effectively restricted; and
 - (2) The facility is secured against access during the procedure to ensure privacy to the employee and prevent distraction of the collector. Limited-access signs must be posted.
- D. As a collector, you must take the following additional steps to ensure security during the collection process:
- (1) To avoid distraction that could compromise security, you are limited to conducting a collection for only one employee at a time. However, during the time one employee is in the period for drinking fluids in a "shy

bladder" situation (see §40.193(b)), you may conduct a collection for another employee.

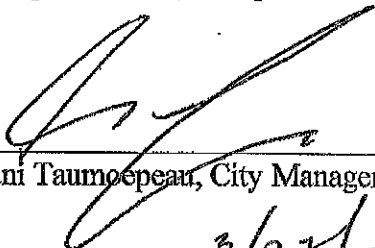
- (2) To the greatest extent you can, keep an employee's collection container within view of both you and the employee between the time the employee has urinated, and the specimen is sealed.
- (3) Ensure you are the only person in addition to the employee who handles the specimen before it is poured into the bottles and sealed with tamper-evident seals.
- (4) In the time between when the employee gives you the specimen and when you seal the specimen, remain within the collection site.
- (5) Maintain personal control over each specimen and CCF throughout the collection process.

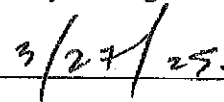
E. If you are operating a collection site, you must implement a policy and procedures to prevent unauthorized personnel from entering any part of the site in which urine specimens are collected or stored.

- (1) Only employees being tested, collectors and other collection site workers, DERs, employee and employer representatives authorized by the employer (e.g., employer policy, collective bargaining agreement), and DOT agency representatives are authorized persons for purposes of this paragraph (e).
- (2) Except for the observer in a directly observed collection or the monitor in the case of a monitored collection, you must not permit anyone to enter the urination facility in which employees provide specimens.
- (3) You must ensure that all authorized persons are under the supervision of a collector at all times when permitted into the site.
- (4) You or the collector may remove any person who obstructs, interferes with, or causes a delay in the collection process.

- F. If you are operating a collection site, you must minimize the number of persons handling specimens.
4. COLLECTION SITES, FORMS, EQUIPMENT AND SUPPLIES Used in DOT Urine Collections
- A. The Federal Drug Testing Custody and Control Form (CCF) must be used to document every urine collection required by the DOT drug testing program. The CCF must be a five-part carbonless manifold form. You may view this form on the Department's web site (<http://www.dot.gov/ost/dapc>) or the HHS web site (<http://www.workplace.samhsa.gov>).
 - B. You must not use a non-Federal form or an expired CCF to conduct a DOT urine collection. As a laboratory, C/TPA or other party that provides CCFs to employers, collection sites, or other customers, you must not provide copies of an expired CCF to these participants. You must also affirmatively notify these participants that they must not use an expired CCF (e.g., that after September 30, 2011, they may not use an expired CCF for DOT urine collections).
 - C. As a participant in the DOT drug testing program, you are not permitted to modify or revise the CCF except as follows:
 - (1) You may include, in the area outside the border of the form, other information needed for billing or other purposes necessary to the collection process.
 - (2) The CCF must include the names, addresses, telephone numbers and fax numbers of the employer and the MRO, which may be preprinted, typed, or handwritten. The MRO information must include the specific physician's name and address, as opposed to only a generic clinic, health care organization, or company name. This information is required, and it is prohibited for an employer, collector, service agent or any other party to omit it. In addition, a C/TPA's name, address, fax number, and telephone number may be included, but is not required. The employer may use a C/TPA's address in place of its own, but must continue to include its name, telephone number, and fax number.
 - (3) As an employer, in Step 1-D of the CCF you may preprint the box for the DOT Agency under whose authority the test will occur.

- (4) As a collector, you may use a CCF with your name, address, telephone number, and fax number preprinted, but under no circumstances may you sign the form before the collection event.
- D. Under no circumstances may the CCF transmit personal identifying information about an employee (other than a social security number (SSN) or other employee identification (ID) number) to a laboratory.
- E. As an employer, you may use an equivalent foreign-language version of the CCF approved by ODAPC. You may use such a non- English language form only in a situation where both the employee and collector understand and can use the form in that language.
[65 FR 79526, Dec. 19, 2000, as amended at 66 FR 41950, Aug. 9, 2001; 75 FR 59107, September 27, 2010]



Ikani Taumoepeau, City Manager


Date



City of Las Cruces

CMP # 9.1

Effective Date: 03/26/2015

Revised Date: 07/06/2016

Subject: Information Technology (IT) Acceptable Use Policy

I. OVERVIEW

City Management is committed to protecting the City of Las Cruces (City or CLC) citizens, employees, partners and the City itself from illegal or damaging actions caused by individuals, either knowingly or unknowingly, while utilizing City provided technology services and infrastructure.

Internet/Intranet/Extranet-related systems, including, but not limited to, computer equipment, software, operating systems, storage media, network accounts providing electronic mail, Web browsing, and secure file copy services, are the property of the City. These systems are to be used for business purposes in serving the interests of the City and of its citizens in the course of normal operations.

Effective security is a team effort involving the participation and support of every City employee and affiliate who deals with information and/or information systems. It is the responsibility of every network user to know these guidelines, and to conduct their activities in accordance with them.

II. PURPOSE

The purpose of this policy is to outline the acceptable use of computer equipment and information services within the City or when utilizing Internet services. These rules are in place to protect the employee and the City. Inappropriate use can potentially expose the City to risks including virus attacks, compromise of network systems and services, or legal liability.

III. SCOPE

This policy applies to employees, contractors, consultants, temporaries, and other workers at the City, including all personnel affiliated with third parties. This policy applies to all equipment that is owned, leased by, or connected to the network of the City. The City

B. Security and Protected Information

Information contained on Internet/Intranet/Extranet-related systems should be classified as either City of Las Cruces Public or City of Las Cruces Protected, as defined by City confidentiality guidelines, details of which can be found in the CMP 9.6 Sensitive Information Policy. Examples of protected information include, but are not limited to: citizens' personally identifiable information (PII), criminal justice information (CJI), children's online personal information (COPPA), employee health related data (HIPAA), Payment Card Industry credit card data (PCI), or City of Las Cruces juvenile citation records. Employees should take all necessary steps to prevent unauthorized access to, or the disclosure of, this information.

1. Users who have access to confidential or sensitive information and work in areas which are publicly accessible must take all necessary measures to prevent the inadvertent exposure of the protected data, e.g. request the procurement and installation of a privacy filter for the monitor of their assigned computer workstation, enable the session screen saver immediately when stepping away from the workstation, destroy any printed copies of protected information when finished reviewing them, etc.
2. Employees shall not share or give their passwords to other employees or anyone else. Keep passwords secure and do not share accounts. Authorized users are responsible for the security of their passwords and accounts. At a minimum, account passwords should be changed every 90 days.
3. All laptops and workstation computers should be secured with a password-protected screensaver with the automatic activation feature set at 10 minutes or less, or by logging-off when the computer will be unattended.
4. Use encryption of information in compliance with CLC-IT Acceptable Encryption Standard.
5. Because information contained on portable devices is especially vulnerable, special care should be exercised. Protect laptops in accordance with the CMP 9.3 Mobile Computing Policy.
6. All computing devices used by the employee that are connected to the City's Internet/Intranet/ Extranet, whether owned by the employee or the City, shall be continually executing approved virus-scanning software with a current virus database, unless overridden by a written exception approved by the IT Director and the requesting Department Director.

5. Install or connect non-CLC owned or leased (including privately owned) software, hardware, mobile device, or removable media (e.g. floppy disk, thumb drives, external hard disk, etc.) to the CLC IT/IS network unless authorized in accordance with the CMP 9.3 Mobile Computing Policy.
6. Introduce wireless devices into CLC-IT/IS networks without authorization from the Director of Information Technology via a submitted work order.
7. Download, view, or send pornography, obscene or sexually graphic material.
8. Download, view, or send matter that involves racist, discriminatory, supremacist or "hate" type causes.
9. Access, retrieve, create, communicate or print text or graphics that are generally inappropriate or unprofessional.
10. Creation or introduction of malicious programs or executable code into the network or servers (e.g., viruses, worms, Trojan horses, e-mail bombs, .exe, .com, .vbs, .bat, .dll, file types, etc.).
11. Revealing your account password to others or allowing use of your account by others. This includes family and other household members when work is being done at home.
12. Using a City's computing asset to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws in the user's local jurisdiction.
13. Making fraudulent offers of products, items, or services originating from any the City of Las Cruces account.
14. Use CLC IT/IS or CLC non-public information for personal benefit, profit, to benefit other persons, non-profit business dealings, any political (e.g., lobbying or campaigning) party candidate or issue or for any illegal activity.
15. Use internet "chat" or video conferencing services for non-City business related purposes (e.g., AOL, Instant Messenger, Skype, Yahoo IM...etc.).
16. Download Peer-to-Peer file sharing software or applets, or to use any other means to download music, video or game files.

28. Remove sensitive/protected media (paper or electronic) from controlled areas/facilities (i.e. taking home media that contains protected information) without Department Director authorization.

29. Wireless access to CLC internal production networks utilizing non-city owned or managed equipment is expressly prohibited without prior written approval as defined in the CLC-IT Wireless Communication Standard.

D. Internet Acceptable Use

Exchanges that occur in the course of conducting City business on the Internet will be considered a communication of the City and held to the same standards as formal letters.

The Internal Audit Office has the authority to monitor all Internet activity in accordance with CMP 9.4 Audit Vulnerability Scan Policy.

The use of any City-provided publicly accessible computer network such as the Internet is a privilege. Unauthorized use of the Internet will result in the loss of access for the user and may result in disciplinary action, up to and including termination.

City employees have an obligation to use their Internet access in a responsible and informed way, conforming to network etiquette, customs and courtesies, and representing the City in a positive and professional manner.

1. Performance of job responsibilities:

During working hours, employees shall use the Internet for business and work-related communication only. Users may use internet access for incidental personal use, with the approval of their immediate supervisor, providing such use does not violate the Prohibited Use portion of this policy.

Examples of job related responsibilities include:

Accessing external databases, searching online public access information, disseminating non-restricted documents to individuals or groups, participating in electronic mail discussion groups on job related topics, and gaining access to software user support information utilized in City jobs.

2. Professional Development:

The Internet may be used to maintain professional and career development activities. Examples of appropriate use include: communicating with members of work-related professional organizations, collaborating on articles and other writing, reviewing information on professional or career development topics. Messages transferred via the Internet are public information.

It is, however, permitted to use these services for official use such as training, conferencing, and City Council meetings as approved by management.

Prohibited use of the Internet and Intranet includes, but is not limited to, the following:

- Use of the Internet for profit-making activities is strictly prohibited;
- Employees shall not use these services or resources to slander, defame, harass, discriminate or sexually offend others;
- Employees shall not use Internet nor e-mail services to conduct non-city commercial activity;
- Employees shall not use the Internet nor e-mail service to conduct other inappropriate activities, including but not limited to:
 - Unlawful or malicious activities; or abusive or objectionable language;
 - Misrepresentation of the City;
 - Activities such as sending frivolous or non-city work related group messages, chain e-mails, jokes;
 - Use of the Internet to access obscene, pornographic or sexually graphic materials, or using such access for gambling or entering contests;
 - Use of the Internet or e-mail for communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on race, national origin, sex, sexual orientation, age, disability or religious beliefs;
 - Attempting to monitor or tamper with another user's electronic communications, or reading, copying, changing, or deleting another user's files or software without the explicit agreement of the owner.
 - Activities will not be considered misuse when authorized in writing by the City Manager for administrative purposes;
 - Programs and files are considered confidential unless they have explicitly been made available to other individuals. Information Technology Department and Internal Audit personnel may access files when necessary through the approval of Human Resources Department or the Department Director. While in accordance with the requirements of performing their assigned duties, if violations are discovered they will be reported immediately to the director of that department and the Internal Audit Office;
 - Downloading of software products from Internet sites is not permitted without the prior written approval of the Department Director and the Director of Information Technology. IT Director approval shall be requested via an IT work order which includes the Department Director's approval;

7. Creating or forwarding "chain letters", "Ponzi" or other "pyramid" schemes of any type.
8. Posting the same or similar non-business-related messages to large numbers of Usenet newsgroups (newsgroup spam), Internet web blog sites, or social media accounts.
9. Downloading email attachments via the City's hosted email services to a non-City owned or leased computing device.

G. Acceptable Use of Internet Hosted Services

1. Only formally approved providers may be utilized for the creation, receipt, transmission, or maintenance of electronic sensitive or protected information on Internet hosted (aka. "Cloud Services") services. Authorized services will be maintained in the Information Technology Approved Hosted Service Providers standard.
2. Only an authorized enterprise account issued by the City may be used for these applications when managing City information. Use of personal accounts for City business using any Internet hosted service is strictly prohibited under any circumstance. This standard applies to both Users who are working within City facilities using the provided Information Technology network or working remotely, including when working from home.

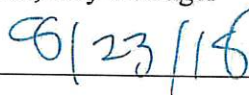
H. Prohibited Use of Internet Hosted Services

1. Users may not create, receive, transmit, or maintain electronic sensitive or protected information on any non-approved Internet hosted applications.
2. City provided Internet hosted applications are only to be used for City business. Personal information or data is not to be stored on City provided file hosting services.
3. Non-Exempt staff can only access City provided Internet hosted services during regular working hours or with approved overtime per the Personnel manual.
4. City staff may not transfer City data to personally owned computing devices without prior written approval of the Director of Information Technology and their supervisor. Director of Information Technology approval will require a submitted IT work order with the supervisor's approval attached.

- H. Pinged Floods**
A simple denial-of-service attack where the attacker overwhelms the targeted victim with overwhelming network traffic.
- I. Ponzi Scheme**
A fraudulent investment operation that pays returns to its investors from their own money or the money paid by subsequent investors.
- J. Port Scanning**
A software application designed to probe a server or host for open network connections.
- K. Pyramid Scheme**
A business model that involves promising participants payment or services, primarily for enrolling other people into the scheme, rather than supplying any real investment or sale of products or services to the public.
- L. Spam**
Unauthorized and/or unsolicited electronic mass mailings.



Stuart Ed, City Manager



Date



2025-09

ASCMV Action and Executive Summary

Type of Action:
☒ Resolution
☐ Ordinance
☐ TIDD Resolution

District:	☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ N/A		
1st Reading:	Adopted: July 24, 2025		
Drafter:	Michelle Williams	Department:	ASCMV
Program:	ASCMV	Line of Business:	
Title:	A RESOLUTION ALLOWING FOR A CARRY OVER OF REMAINING GRANT FUNDS FROM FY2025 IN THE AMOUNT OF \$27,442.44 FROM VARIOUS GRANTS FOR REVENUES AND EXPENDITURES IN FUND 7440 AND TO ADJUST THE ADOPTED FY2026 BUDGET.		

TYPE OF ACTION: ☒ Administrative ☐ Legislative ☐ Quasi-Judicial

PURPOSE(S) OF ACTION:

A resolution to allow for the carry over of remaining grant funds from FY2025 and to adjust the adopted FY2026 budget.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

ASCMV received two Petco Love AWO grants, one to be used for general life saving purposes, and the other with the primary purpose of purchasing an adoption trailer for ASCMV offsite adoption events. A small amount remained from the first grant that will be utilized in FY2026. The remaining funds from the second one are being used for wraps for the adoption trailer and the large transport vehicle. The work was not completed in FY2025 and need to be carried over to FY2026.

SUPPORT INFORMATION:

[Resolution 2025-09 Exhibit A](#)

DOES THIS AMEND THE BUDGET?:

☒ Yes
☐ No

BUDGET / FISCAL IMPACT:

BUDGETED AMOUNT: 0 AVAILABLE AMOUNT: 0 EXPENDITURE AMOUNT: 0

Funding Source(s):
Petco Love AWO Grants

Overall Budget Impact:
This will increase revenues and expenditures in FY26 by \$27,442.44. Please refer to Exhibit “A

Does this action amend the Capital Improvement Plan (CIP)?

Agenda Item #6.2.

☐ Yes

☒ No

Does this action align with Elevate Las Cruces?

☐ Yes

☒ No

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the resolution and allow the carry over of grant funds and a budget adjustment
2. Vote "No"; this will reject the resolution and not allow the carry over of grant funds
3. Vote to "Amend"; this will require direction from the board
4. Vote to "Table"; this will delay the decision for additional review and discussion, and could possibly delay the completion of ongoing projects started in FY2025

RESOLUTION 2025-09

A RESOLUTION ALLOWING FOR A CARRY OVER OF REMAINING GRANT FUNDS FROM FY2025 IN THE AMOUNT OF \$27,442.44 FROM VARIOUS GRANTS FOR REVENUES AND EXPENDITURES IN FUND 7440 AND TO ADJUST THE ADOPTED FY2026 BUDGET.

The Animal Service Center of Mesilla Valley (ASCMV) Board of Directors is hereby informed that:

WHEREAS in FY23 the ASCMV applied for and received a Petco Love Animal Welfare Organization (AWO) grant to be used for general lifesaving purposes; and

WHEREAS in FY24 the ASCMV applied for and received a Petco Love AWO grant for the primary purpose of purchasing an adoption trailer to transport animals to off-site adoption events, plus any additional lifesaving purposes; and

WHEREAS the ASCMV seeks to carry forward the remaining unspent grant funding to be used for general lifesaving purposes.

NOW THEREFORE, be it resolved by the Board of Directors for the Animal Service Center of the Mesilla Valley:

(I)

THAT the FY26 adopted budget will be hereby amended as shown in Exhibit "A" attached hereto and made part of this resolution, and is hereby adopted.

(II)

THAT, once approved, a copy of the signed, recorded resolution and any supporting documentation will be submitted to the City of Las Cruces, as fiscal agent for submission to the Department of Finance and Administration (DFA) for approval and incorporation into its (City of Las Cruces) respective budget for inclusion in the FY2026 budget for the ASCMV.

(III)

THAT, ASCMV staff be and hereby are authorized to take any action necessary to implement and comply with the budget submitted and approved as part of this resolution.

DONE AND APPROVED this day of

APPROVED

ATTEST:

Moved by:

Seconded by:

AYES

NAYS

CITY OF LAS CRUCES
BUDGET ADJUSTMENT REQUEST
BUDGET FISCAL YEAR 2025-26

Exhibit "A"

	7440 ANIMAL SERVICES CENTER 2025-26			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 599,638	0	0	599,638
Revenues				
Municipal Gross Receipts Tax	0	0	0	0
Public Safety Gross Receipts Tax	0	0	0	0
Hold Harmless Replacement GRT	0	0	0	0
State-Shared Gross Receipts Tax	0	0	0	0
Environmental Gross Receipts Tax	0	0	0	0
County Environmental Gross Receipts Tax	0	0	0	0
Internet Sales Gross Receipts Tax	0	0	0	0
Gasoline Tax	0	0	0	0
Cannabis Excise Tax	0	0	0	0
Lodgers Tax	0	0	0	0
Property Taxes	0	0	0	0
Payment In Lieu of Property Tax	0	0	0	0
Franchise Fees	0	0	0	0
Payment In Lieu of Franchise Fees	0	0	0	0
Licenses, Fees & Permits	0	0	0	0
Convention Center Fee	0	0	0	0
Auto License - State Shared	0	0	0	0
Fines & Forfeitures	0	0	0	0
Charges For Services	4,993,830	4,993,830	0	4,993,830
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	0	0	0	0
Miscellaneous Revenues	40,000	40,000	0	40,000
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	75,000	75,000	27,442	102,442
Debt Service	0	0	0	0
Total Revenues	5,108,830	5,108,830	27,442	5,136,272
TOTAL RESOURCES	\$ 5,708,468	5,108,830	27,442	5,735,910
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	0	0	0	0
Utilities	0	0	0	0
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manager-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
ASCMV	5,514,505	5,514,505	27,442	5,541,947
Total Expenditures	\$ 5,514,505	5,514,505	27,442	5,541,947
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 0	0	0	0
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 193,963	(405,675)	0	193,963