

CITY OF TUCUMCARI
CITY COMMISSION
Work Session Notes
October 14, 2010

The Tukumcari City Commission met in a work session on Thursday, October 14, 2010, at 5:00 p.m. in the City Commission Chambers. Members present were Antonio Apodaca, Amiel Curnutt, Robert Lumpkin, and Jim Witcher.

City staff members present were Bobbye Rose, City Manager; Christine Dougherty, City Clerk; Dennis Dysart, Finance Manager; Jason Brazil, Chief of Police; and Clara Rey, Human Resources Director.

Mr. Witcher explained that Ms. Watson from the Small Business Development Center was not ready to give her presentation and asked to be taken off the agenda.

Personnel Policy

Mr. Lumpkin began by stating that there are dress codes of all kinds available for review. Mr. Lumpkin went on to say that he does not find all tattoos offensive. He stated that he believes it may draw more attention to the tattoo when employees are required to cover them with some sort of bandage. Ms. Rose stated that there are makeup products that will cover tattoos available on the market.

Mr. Lumpkin stated that tattoos depicting profane language or nudity should not be allowed to be shown. Mr. Lumpkin stated that it is different in an office setting and perhaps tattoos should be covered. Men working in the field should not have to cover their tattoos, Mr. Lumpkin stated. He also stated that piercings should be limited to the ears and perhaps a limit should be set on the number allowed in each ear. Mr. Lumpkin stated that these people have chosen to put a picture on their skin and the City cannot tell them they cannot do that. Mr. Lumpkin added that dress code is always a challenge.

Mr. Lumpkin asked if the Commission is charged with writing the personnel policy. Ms. Rose responded that the Commission should assist in the development of the policy. Mr. Lumpkin stated that he does not want to overstep the bounds. Mr. Lumpkin added that he understands the Commission's role is oversight and appeal. Ms. Rey inquired what appeal process Mr. Lumpkin was referring to. Mr. Lumpkin explained that he understood it to be the employee grievance appeal process. Ms. Rey stated that is not the case in our form of government which is Commission-Manager form of government.

Mr. Apodaca asked if the City of Tukumcari has a charter. Ms. Rey responded in the negative explaining that our form of government does not have a charter.

Mr. Witcher explained that he knows lots of people that have tattoos that wish they had not gotten them. He explained that he has no problem with tattoos except when they contain nudity, profanity, or politically incorrect images. Mr. Witcher went on to say that the City can't really legally limit tattoos unless they are offensive or endanger the employee at the workplace. Mr. Witcher explained that requiring tattoos to be covered

could be a problem because some employees can't wear long sleeves around certain types of equipment because it poses a safety hazard.

Mr. Witcher and Mr. Lumpkin agreed that they don't care if employees have tattoos.

Ms. Rey explained that the issue arose when the City Manager heard that an employee who represents the City at the Legislature was considering dying her hair green or blue. Ms. Rose was concerned about how the City is represented in professional settings. Mr. Lumpkin and Mr. Witcher agreed that hair color should be limited to naturally occurring hair colors.

Mr. Curnutt disagreed stating that he feels the size of tattoos should be regulated. He went on to say that in all the sample policies he had read the size of the tattoos were regulated and had to be covered during working hours.

Mr. Witcher stated that he did not feel the policy could be retroactive. Mr. Apodaca stated that potential employees should know how to present themselves at a job interview and have their tattoos covered.

Ms. Rose asked for clarification that the Commission consensus is that tattoos and piercings should be allowed except when they pose a safety issue. And that the only tattoos that will not be allowed to show are those that depict nudity, profanity, extremist views, indecent images, or racist words or images. Commissioners Lumpkin, Witcher and Apodaca agreed with this.

Mr. Apodaca stated that he feels the City Code regarding allowable forms of dress at the City Parks and Pool should be reviewed. Mr. Apodaca also stated that he feels the language giving the City Commission the authority to hire or rehire an employee should be included in a revised version of the personnel policy. Mr. Apodaca read the language he was speaking of:

A majority of the City Commission upon finding that it is the best interest of the City of Tucumcari to hire or rehire any individual, may do so upon a majority vote of the Commission, when such rehiring is deemed necessary to comply with any rule, statute, contract, or court order. If applicable, the Commission shall consider whether the provisions of the Criminal Offenders Employment Act, §28-2-1, NMSA 2000 (Repl. Pamp.) should apply.

Ms. Rey stated that she sent this language to the New Mexico Municipal League attorney for his review. Mr. Van Vleck stated that the wording should not be included in our personnel policy due to our Commission-Manager form of government. Mr. Van Vleck stated that if the Commission wanted to have authority over personnel issues, the form of government would have to be changed.

Mr. Apodaca stated that he would like that in a letter from the attorney. Ms. Rey said she would obtain that for the Commission. Mr. Apodaca went on to say that the City Manager might do something that is not good for the community. Mr. Apodaca said that lots of people want change. Mr. Apodaca said that he is still researching the issue, and

will bring it up again. He stated that the issue can be brought up by the citizens and he would like it to be on the agenda.

Mr. Witcher stated that he recalled that in 2008 the City checked with the New Mexico Municipal League and they suggested that the wording should be left out of our policy. Mr. Lumpkin stated that with the passing of ordinance 1062, all previous personnel policy ordinances were repealed.

Ms. Rey stated that the personnel policy needs to be revised as many items need to be changed or updated. Ms. Rey explained that some of the things included in ordinance 1062 have not been implemented and those need to be cleaned up. Ms. Rey stated that the City needs a policy that can be lived with and enforced. Ms. Rey inquired how involved in the process of policy revision the Commission would like to be.

Mr. Witcher stated that he would like to see a draft of the policy so that he can read it and then ask questions. Mr. Witcher stated he would like to see what is proposed to be changed and why. Mr. Lumpkin and Mr. Curnutt suggested that they would like to see the policy section by section so they do not have too much to cover at a time. Mr. Apodaca stated that it did not matter to him how the policy modification was handled.

Mr. Apodaca stated that he feels it is time for the citizens to elect the Mayor at large.

Credit Cards

Mr. Dysart explained that accepting credit card payments is a convenience to customers however; it costs the City around \$12,000 per year. Mr. Dysart stated that a significant amount of the money accepted via credit card is in the form of lodgers' tax payments.

Mr. Witcher asked that the issue be put on the next agenda for discussion and vote.

Topics for Next Month

Mr. Witcher stated that if anyone has topics for the next meeting, they should get them to Ms. Rose as soon as possible.

The work session ended at 5:52 p.m.

Respectfully Submitted:

Christine Dougherty, City Clerk