

Elia Garcia
Mayor

Rene Rodriguez
At-Large

Cesar Nevarez
District 1



Ralph Duran
District 2

Victor Perez
District 3/ Mayor ProTem

Yvonne Colon-Villalobos
District 4

Adriana Rodarte
City Manager

**REGULAR COUNCIL MEETING MINUTES
MARCH 15, 2018 @ 6:00 P.M.**

MEMBERS PRESENT:

Mayor Elia Garcia
Rene Rodriguez
Cesar Nevarez
Ralph Duran
Yvonne Colon-Villalobos

MEMBERS ABSENT:

Victor Perez (*Arrived at the meeting at 6:02pm*)

STAFF PRESENT:

Adriana Rodarte, City Manager
Charles Casiano, Finance Director
David Mirazo, City Attorney
Adriana Rodriguez, Executive Assistant

Adam Ochoa, Planning & Zoning Director
Rosio Marin, HR Director
Estevan Gonzalez, IT
Victor Reta, Recreations Director
Miguel Rosas, Parks & Public Works Director
Alejandra Valadez, Interim Grants Coordinator
Norma Olague, Receptionist
Martina Rodas, Payroll Clerk
Jasiel Munoz, Chief Administrator
Officer, Elena Keene

1. CALL TO ORDER

The meeting was called to order at: 6:00 p.m.

2. PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE

Pledge of Allegiance was led by Jesse Montelongo.

3. ESTABLISHMENT OF QUORUM

A quorum was established with five members present.

PUBLIC COMMENT

Victor Perez arrived at the meeting at 6:02pm.

4. PUBLIC COMMENT

Maria Martinez declined to speak during public comment.

Elizandro Martinez, Roberto Pasillas, Antonio Teran, Jesse Montelongo, Daniel Hernandez, Sergio Jaime, Omar Roman, Lorenza Fraire, Rudy Cruz Jr., Sandy Saucedo, Patty Gardea, Jesus Cabrera, Fernie Salcido spoke during Public Comment.

Jesus Cabrera and Sergio Cox declined to speak during public comment.

A motion was made by Victor Perez seconded by Ralph Duran *to move items twenty-three (23), seventeen (17), eighteen (18), twenty (20), twenty-one (21), twenty-five (25), twenty-six (26), nineteen (19), thirty (31), and thirty-two (32).*

An amended motion was made by Victor Perez seconded by Ralph Duran *to move items twenty-three (23), seventeen (17), eighteen (18), twenty (20), twenty-one (21), twenty-five (25), twenty-six (26), nineteen (19), to include thirty (30), thirty-one (31), and thirty-two (32).*

Mr. Victor Perez rescinded his motion.

A motion was made by Victor Perez seconded by Ralph Duran *to move into executive session to consult with City attorney items thirty (30), thirty-one (31), and thirty-two (32).*

An amended motion was made by Victor Perez seconded by Ralph Duran *to extract item number thirty-two (32) from executive session and to move into executive session.* Motion passed.

Ayes: Rene Rodriguez, Cesar Nevarez, Ralph Duran, Victor Perez and Yvonne Colon-Villalobos

Nays:

Absent:

**THE CITY COUNCIL CONVENED INTO EXECUTIVE SESSION AT 6:31
PM**

EXECUTIVE SESSION

**THE CITY COUNCIL RECONVENED BACK IN OPEN SESSION AT
6:47 PM**

**30. APPLICATION OF EL PASO ELECTRIC COMPANY TO IMPLEMENT
REFUND TARIFF FOR FEDERAL INCOME TAX DECREASE IN
COMPLIANCE WITH DOCKET NO. 46831 [551.071]. JAMES MARTINEZ**

A motion was made by Victor Perez seconded by Rene Rodriguez to *dispend El Paso Electric proposed April 5, 2018 effective date with final rate by PURA sub section 36.108 and approve El Paso Electric request for interim rates effective with buildings issued on or after April 1, 2018 subject to annual reconciliation after final rates are approved.* Motion Passed.

Ayes: Rene Rodriguez, Cesar Nevarez, Ralph Duran, Victor Perez and Yvonne Colon-Villalobos

Nays:

Absent:

**31. DISCUSSION AND ACTION TO CONSULT WITH ATTORNEYS AND
DELIBERATION REGARDING CERTAIN REAL PROPERTY LOCATED
ON OR NEAR COKER ROAD [551.071 AND 551.072]. JAMES MARTINEZ**

A motion was made by Victor Perez seconded by Rene Rodriguez to *delete this item until such time updates are available.* Motion passed.

Ayes: Rene Rodriguez, Cesar Nevarez, Ralph Duran, Victor Perez and Yvonne Colon-Villalobos

Nays:

Absent:

MAYOR AND COUNCIL

**23. DISCUSSION AND ACTION TO APPOINT CYNTHIA GUTIERREZ TO
ADHOC CHARTER COMMITTEE. RALPH DURAN**

A motion was made by Rene Rodriguez seconded by Cesar Nevarez to *approve item twenty-three (23).* Motion passed.

Ayes: Rene Rodriguez, Cesar Nevarez, Ralph Duran, Victor Perez and Yvonne Colon-Villalobos

Nays:

Absent:

32. DISCUSSION AND ACTION REGARDING THE CITY MANAGER'S COMPLAINT INVOLVING DISTRICT 4 REPRESENTATIVE YVONNE COLON-VILLALOBOS AND THE FINDINGS FROM INDEPENDENT INVESTIGATOR. ROSIO MARIN

A motion was made by Victor Perez seconded by Rene Rodriguez *to allow the items on the report to be presented and not subject to attorney-client privilege provisions and available to public item thirty-two (32)*. Motion passed.

Ayes: Rene Rodriguez, Cesar Nevarez, Ralph Duran, Victor Perez and Yvonne Colon-Villalobos

Nays:

Absent:

Jesse Montelongo, Daniel Hernandez, Sergio Jaime, and Lorenza Fraire spoke on this item.

Presentation made by Rosio Marin, HR Director see Exhibit "A"

A motion was made by Victor Perez seconded by Rene Rodriguez *to have this report archive appropriately and move on*. Motion passed.

Ayes: Rene Rodriguez, Cesar Nevarez, Ralph Duran, Victor Perez and Yvonne Colon-Villalobos

Nays:

Absent:

17. DISCUSSION AND ACTION ON THE FINAL PLAT APPROVAL FOR VISTA BONITA ESTATES SUBDIVISION UNIT 1, BEING A PORTION OF TRACT 5 BLOCK 24, SAN ELIZARIO GRANT. ADAM OCHOA

A motion was made by Victor Perez seconded by Rene Rodriguez *to approve for discussion*.

Yvonne Colon Villalobos excused herself for this item and stepped out at 7:49pm.

An amended motion by Victor Perez seconded by Rene Rodriguez *to approve final plat with a conditional statement as to what was agreed upon with residents of Rancho Miraval*.

Fernie Salcido and Jesus Cabrera spoke on this item.

An amended motion by Victor Perez seconded by Rene Rodriguez *to approve the final plat with the condition it cannot be submitted for recording until the agreement has been submitted to the City from developer*. Motion passed.

Ayes: Rene Rodriguez, Cesar Nevarez, Ralph Duran, and Victor Perez

Nays:

Absent: Yvonne Colon-Villalobos

Rene Rodriguez stepped out 8:16pm.

A motion was made by Victor Perez seconded by Cesar Nevarez to *recess for ten (10) minutes*. Motion passed.

Ayes: Cesar Nevarez, Ralph Duran, and Victor Perez

Nays:

Absent: Rene Rodriguez and Yvonne Colon-Villalobos

THE CITY COUNCIL CONVENED INTO RECESS AT 8:17 PM

RECESS

THE CITY COUNCIL RECONVENED BACK IN OPEN SESSION AT 8:38PM

A motion was made by Yvonne Colon-Villalobos seconded by Rene Rodriguez to *move items twenty-five (25) and twenty-six (26)*. Motion passed.

Ayes: Rene Rodriguez, Cesar Nevarez, Ralph Duran, Victor Perez and Yvonne Colon-Villalobos

Nays:

Absent:

25. DISCUSSION AND ACTION TO APPROVE PAVING OF ERNEST RD. THAT INTERSECTS WITH KELPPING IN THE AMOUNT OF 30,000.00.

YVONNE COLON-VILLALOBOS

A motion was made by Victor Perez seconded by Rene Rodriguez to *approve items for discussion item*. Motion passed.

Ayes: Rene Rodriguez, Cesar Nevarez, Ralph Duran, Victor Perez and Yvonne Colon-Villalobos

Nays:

Absent:

An amended motion was made by Victor Perez seconded by Rene Rodriguez to *suspend the rules to allow speakers that did not sign up to for public comment speak on this item*. Motion passed.

Ayes: Rene Rodriguez, Cesar Nevarez, Ralph Duran, Victor Perez and Yvonne Colon-Villalobos

Nays:

Absent:

Antonio Teran, Maria Martinez, Elizandro Martinez, Roberto Pasillas, Ruben Montero, and Daniel Hernandez spoke on this item.

Sergio Jaime was signed up to speak but declined.

Lorenza Fraire, Sergio Cox, Ruben Montero, and Ramon Pedroza spoke on this item.

A motion was made by Victor Perez *to approve item*. No second, Motion dies.

Ayes: Rene Rodriguez, Cesar Nevarez, Ralph Duran, Victor Perez and Yvonne Colon-Villalobos

Nays:

Absent:

26. DISCUSSION AND ACTION TO APPROVE ADDING STREET LIGHTS ON ERNEST ROAD AND KLEPPIN COURT. YVONNE COLON-VILLALOBOS

A motion was made by Rene Rodriguez seconded by Victor Perez *to approve item twenty-six (26)*. Motion passed.

Antonio Teran and Maria Martinez spoke on this item.

Elizandro Martinez and Roberto Pasillas were signed up to speak but declined.

Ruben Montero spoke on this item.

Daniel Hernandez and Sergio Jaime were signed up to speak but declined.

Lorenza Fraire spoke on this item.

Ayes: Rene Rodriguez, Cesar Nevarez, Ralph Duran, Victor Perez and Yvonne Colon-Villalobos

Nays:

Absent:

5. PRESENTATION BY MIGUEL HERNANDEZ EXECUTIVE DIRECTOR FROM EL PASO COUNTY HOUSING AUTHORITY.

MAYOR ELIA GARCIA

A motion was made by Rene Rodriguez seconded by Victor Perez *to postpone item for next council meeting*. Motion passed.

Ayes: Rene Rodriguez, Cesar Nevarez, Ralph Duran, Victor Perez and Yvonne Colon-Villalobos

Nays:

Absent:

6. PRESENTATION BY CITY MANAGER, REGARDING FEBRUARY'S 2018 MONTHLY REPORT. ADRIANA RODARTE

No action on this item.

CONSENT AGENDA

7. EXCUSE ABSENT COUNCIL MEMBERS. OLIVIA NAVARRO

8. APPROVAL OF REGULAR COUNCIL MINUTES OF MARCH 1, 2018. OLIVIA NAVARRO

9. APPROVAL OF THE CASH RECEIPTS TRANSACTION REPORT FOR JANUARY 2018. CHARLES CASIANO

10. APPROVAL OF THE ACCOUNTS PAYABLE TRANSACTION REPORT FOR JANUARY 2018. CHARLES CASIANO

A motion was made by Rene Rodriguez seconded by Ralph Duran to *approve Consent Agenda*. Motion passed.

Ayes: Rene Rodriguez, Cesar Nevarez, Ralph Duran, Victor Perez and Yvonne Colon-Villalobos

Nays:

Absent:

PUBLIC HEARING/ORDINANCES

11. INTRODUCTION, FIRST READING AND CALLING FOR PUBLIC HEARING OF AN ORDINANCE AMENDING SECTION 46-260(2) OF THE CODE OF ORDINANCES OF THE CITY OF SOCORRO, TEXAS TO CLARIFY MULTIFAMILY DWELLING USES AND DENSITIES IN THE R-2 (MEDIUM DENSITY RESIDENTIAL) ZONING DISTRICT. ADAM OCHOA

A motion was made by Victor Perez seconded by Rene Rodriguez to *approve item eleven (11)*. Motion passed.

Sergio Jaime, Daniel Hernandez and Lorenza Fraire were signed up to speak but declined.

Ayes: Rene Rodriguez, Cesar Nevarez, Ralph Duran, Victor Perez, and Yvonne Colon-Villalobos

Nays:

Abstain:

12. PUBLIC HEARING OF ORDINANCE 437 AMENDING SECTIONS 46-379(8), 46-414(2) AND 46-636 OF THE CODE OF ORDINANCES OF THE CITY OF SOCORRO, TEXAS TO CONFORM THESE SECTIONS TO THE REQUIREMENTS OF THE TEXAS ALCOHOLIC BEVERAGE CODE.

ADAM OCHOA

Public Hearing opened at 9:23pm.
No speakers during Public Hearing
Public Hearing opened at 9:23pm.

13. SECOND READING AND ADOPTION OF ORDINANCE 437 AMENDING SECTIONS 46-379(8), 46-414(2) AND 46-636 OF THE CODE OF ORDINANCES OF THE CITY OF SOCORRO, TEXAS TO CONFORM THESE SECTIONS TO THE REQUIREMENTS OF THE TEXAS ALCOHOLIC BEVERAGE CODE.

ADAM OCHOA

A motion by Victor Perez seconded by Rene Rodriguez to *approve item thirteen (13)*.
Motion passed.

Ayes: Rene Rodriguez, Cesar Nevarez, Ralph Duran, Victor Perez and Yvonne Colon-Villalobos

Nays:

Absent:

FINANCE DEPARTMENT

14. DISCUSSION AND ACTION ON APPROVING THE UNAUDITED FINANCIAL REPORT FOR JANUARY 2018.

CHARLES CASIANO

A motion was made by Rene Rodriguez seconded by Cesar Nevarez to *approve the Unaudited Financial Report for January 2018*. Motion passed.

Ayes: Rene Rodriguez, Cesar Nevarez, Ralph Duran, Victor Perez and Yvonne Colon-Villalobos

Nays:

Absent:

PLANNING AND ZONING DEPARTMENT

15. DISCUSSION AND ACTION ON A REQUEST TO WAIVE THE EVENT PERMIT FEE FOR THE SAINT PETER AND PAUL CHURCH SPECIAL EVENT ON TRACT 12-B, BLOCK 5, SOCORRO GRANT AT 673 OLD HUECO TANKS ROAD.

ADAM OCHOA

A motion was made by Victor Perez seconded by Rene Rodriguez to *approve to waive event fee. This is not for a religious event it is for a tax-exempt purpose item fifteen (15)*. Motion passed.

Yolanda Garcia and Joe Gandara spoke on this item.

Ayes: Rene Rodriguez, Cesar Nevarez, Ralph Duran, Victor Perez and Yvonne Colon-Villalobos

Nays:

Absent:

16. *DISCUSSION AND ACTION ON THE PROPOSED CONDITIONAL USE PERMIT TO ALLOW A HOME DAYCARE ON LOT 26, BLOCK 4, VALLE DEL SOL, 10513 VALLE DEL MAR DRIVE.* ADAM OCHOA

A motion was made Victor Perez seconded by Rene Rodriguez to *approve for discussion item sixteen (16)*. Motion passed.

Ayes: Rene Rodriguez, Cesar Nevarez, Ralph Duran, Victor Perez, and Yvonne Colon-Villalobos

Nays:

Abstain:

CITY MANAGER

18. *DISCUSSION AND ACTION ON THE RECRUITMENT OF CHIEF OF POLICE IN-HOUSE VS EXECUTIVE RECRUITMENT SERVICES.* ADRIANA RODARTE

A motion was made Victor Perez seconded by Rene Rodriguez to *approve the recruitment of chief of police through in-house service item eighteen (18)*.

Victor Perez rescinded his motion.

A motion was made by Victor Perez seconded by Ralph Duran to *approve the staff to do in-house recruitment service*. Motion passed.

Omar Roman was signed up to speak but declined.

Daniel Hernandez, Sergio Jaime, and Lorenza Fraire spoke on this item.

Ayes: Rene Rodriguez, Cesar Nevarez, Ralph Duran, Victor Perez, and Yvonne Colon-Villalobos

Nays:

Abstain:

MAYOR AND COUNCIL

19. *DISCUSSION AND ACTION TO CONDUCT A FORMAL INVESTIGATION ON THE CITY OF SOCORRO POLICE DEPARTMENT REGARDING RECENT EVENTS.* MAYOR ELIA GARCIA

A motion was made Victor Perez seconded by Ralph Duran to *initiate and direct appropriate staff to begin an internal investigation of the Socorro Police Department with the parameters to include a timeline from the beginning of when incident occurred, all communication that took place prior to city staff being called, when City Manager was called, also to include analysis of established policies and procedures and any contraventions. Also, potential abuse of power for item nineteen (19).* Motion passed.

Daniel Hernandez and Sergio Jaime, spoke on this item.

Chief Administrator Jasiel Munoz spoke on this item.

Lorenza Fraire was signed up to speak but was not present.

A motion was made by Victor Perez seconded by Ralph Duran to *suspend the rules to allow Sergio Cox to speak for three minutes.* Motion passed.

Sergio Cox spoke on this item.

Ayes: Rene Rodriguez, Cesar Nevarez, Ralph Duran, Victor Perez, and Yvonne Colon-Villalobos

Nays:

Abstain:

An amended motion was made by Victor Perez seconded by Rene Rodriguez to *have Human Resources Director handle the internal investigation, consult with city attorneys and staff as appropriate and also to engage if necessary and to include parameters included in the first motion.*

Ayes: Rene Rodriguez, Cesar Nevarez, Ralph Duran, Victor Perez, and Yvonne Colon-Villalobos

Nays:

Abstain:

20. DISCUSSION AND ACTION TO REVIEW POSSIBLE VIOLATION OF POLICY NO. 37 AMENDMENT NO. 6 SECTION VII., TRAVEL CANCELLATION.
MAYOR ELIA GARCIA

A motion was made by Victor Perez seconded by Ralph Duran to *direct staff to research other media policies/public relations (PR) policies from similarly sized organizations and bring back a proposal to council for potential adoption item twenty (20)* Motion passed.

Sergio Cox spoke on this item.

A motion was made by Cesar Nevarez seconded by Ralph Duran to suspend the rules to allow Sergio Cox finish his comments. Motion passed.

Ayes: Rene Rodriguez, Cesar Nevarez, Ralph Duran, Victor Perez, and Yvonne Colon-Villalobos
Nays:
Abstain:

Cesar Nevarez walked out 10:39pm.

Daniel Hernandez, Sergio Jaime, and Lorenza Fraire were signed up to speak but were not present.

An amended motion by Victor Perez seconded by Ralph Duran to *include draft policy be presented to council April 5, 2018 council meeting*. Motion passed.

Cesar Nevarez walked in at 10:42pm.

Ayes: Rene Rodriguez, Cesar Nevarez, Ralph Duran, Victor Perez, and Yvonne Colon-Villalobos
Nays:
Abstain:

21. DISCUSSION AND ACTION TO REVIEW POSSIBLE VIOLATION OF POLICY NO. 37 AMENDMENT NO. 6 SECTION VII. TRAVEL CANCELLATION. MAYOR ELIA GARCIA

A motion was made Ralph Duran seconded by Victor Perez *to review paragraph seven on travel policy and have Mr. Casiano present his findings to Council on the next meeting for item twenty-one (21)*. Motion passed.

Daniel Hernandez, Sergio Jaime, and Lorenza Fraire were signed up to speak but were not present.

Sergio Cox spoke on this item.

An amended motion was made by Victor Perez seconded by Cesar Nevarez to *delete item twenty-one (21)*. Motion passed.

Sonia Teran was signed up to speak but was not present.

Ayes: Rene Rodriguez, Cesar Nevarez, Ralph Duran, Victor Perez, and Yvonne Colon-Villalobos
Nays:
Abstain:

22. DISCUSSION AND ACTION THE CITY OF SOCORRO NEEDS TO REASSESS AND MAKE CHANGES TO THE 380 ECONOMIC DEVELOPMENT PLAN. THIS WILL HELP SUPPORT AND MAINTAIN A STRONG, VIBRANT LOCAL ECONOMY FOR YEARS TO COME.

REQUESTING A PRIVATE COMPANY AND OR SPECIALIST IN THIS FIELD WHO CAN HELP DISCOVER, PLAN, AND ORGANIZE WAYS TO STIMULATE ECONOMIC GROWTH IN THE CITY. RECENT ATTEMPTS HAVE NOT PRODUCED SIGNIFICANT ECONOMIC DEVELOPMENT.

RENE RODRIGUEZ

A motion was made by Victor Perez seconded by Rene Rodriguez to *approve item twenty (20)*.

Daniel Hernandez, Sergio Jaime, and Lorenza Fraire were signed up to speak but were not present.

Victor Perez rescinded his motion.

A motion was made by Victor Perez seconded by Rene Rodriguez to *delete item twenty-two (22)*. Motion passed.

Ayes: Rene Rodriguez, Cesar Nevarez, Ralph Duran, Victor Perez, and Yvonne Colon-Villalobos

Nays:

Abstain:

24. DISCUSSION AND ACTION TO ALLOW AT-LARGE REPRESENTATIVE RENE RODRIGUEZ AND DISTRICT 4 REPRESENTATIVE YVONNE COLON-VILLALOBOS TO ATTEND AN EXCLUSIVE WORKSHOP MEETING WITH THE MAYOR AND COUNCIL OF TERRELL TX ON APRIL 8TH & 9TH, 2018 TO DISCUSS ECONOMIC DEVELOPMENT.

YVONNE COLON-VILLALOBOS

A motion was made by Victor Perez seconded by Rene Rodriguez to *approve item twenty-one (21)*. Motion passed.

Ayes: Rene Rodriguez, Cesar Nevarez, Ralph Duran, Victor Perez, and Yvonne Colon-Villalobos

Nays:

Abstain:

27. DISCUSSION AND ACTION ON ADVICE RECEIVED FROM CITY ATTORNEY IN CLOSED SESSION, AND ACTION TO APPROVE REAL ESTATE TRANSACTION; AUTHORIZE EMPLOYMENT OF EXPERT WITNESSES AND CONSULTANTS, AND EMPLOYMENT OF SPEACIAL COUNSEL WITH RESPECT TO PENDING LEGAL MATTERS.

ADRIANA RODARTE

28. DISCUSSION AND ACTION ON QUALIFICATIONS OF INDIVIDUALS FOR EMPLOYMENT AND FOR APPOINTMENT TO BOARDS & COMMISSIONS, JOB PERFORMANCE OF EMPLOYEES, REAL ESTATE ACQUISITION AND RECEIVE LEGAL ADVICE FROM CITY ATTORNEY REGARDING LEGAL ISSUES AFFECTING THESE MATTERS.

ADRIANA RODARTE

29. DISCUSSION AND ACTION REGARDING PENDING LITIGATION AND RECEIVE STATUS REPORT REGARDING PENDING LITIGATION.

ADRIANA RODARTE

A motion was made by Victor Perez seconded by Rene Rodriguez to *delete items twenty-seven (27), twenty-eight (28) and twenty-nine (29)*. Motion passed.

Ayes: Rene Rodriguez, Cesar Nevarez, Ralph Duran, Victor Perez, and Yvonne Colon-Villalobos

Nays:

Abstain:


30. ADJOURN

A motion was made by Ralph Duran seconded by Victor Perez to *adjourn at 11:38 pm*. Motion passed.

Ayes: Rene Rodriguez, Cesar Nevarez, Ralph Duran, Victor Perez and Yvonne Colon-Villalobos


Nays:

Abstain:

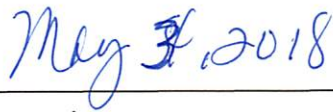


Elia Garcia, Mayor





Adriana Rodriguez, Executive Assistant for
Olivia Navarro, City Clerk



Date minutes were approved

Exhibit "A"

LER & Associates, Inc.

January 12, 2018

Bruce Koehler
Mounce, Green, Myers, Safi, Paxson & Galatzan, P.C.
P.O. Box 1977
El Paso, Texas 79999-1977

Dear Mr. Koehler:

As requested, the following is an investigative summary completed after careful review and consideration of interviews, documentation and information regarding the memorandum/complaint received from Adriana Rodarte, City Manager, to the Mayor and City Council members on September 1, 2017, subject reading as follows: *Discussion and action to file a formal complaint regarding district 4 representative's allegations against city manager and to discuss several concerns city manager has regarding district 4 representative's behavior and actions that raise potential liabilities.*

The purpose of the process was to investigate the following 4 issues:

1. An allegation of retaliation submitted by the city manager;
2. Whether Yvonne Colon-Villalobos improperly attempted to use her office to influence the conduct or outcome of an election;
3. Whether Yvonne Colon-Villalobos has improperly communicated with city staff in an effort to undermine or prevent the execution of a decision made by city council;
4. Whether Yvonne Colon-Villalobos attempted to intimidate or harass the city manager by claiming she (the city manager) did not obtain her employment position based on her qualifications and skill.

In investigating the above issues, I interviewed persons involved. They were advised of my role, which includes notification of my independent contractual relationship with your client, my fact-finding purpose, the confidential nature of the process, and that I would be reporting factual results and would not be involved in the outcome. Further, participants were advised to refer future questions, additional information, or concerns regarding the matter directly to me while the investigation remained open.

Summary of Documentation and Interviews

The following persons were interviewed: Adriana Rodarte, City Manager; Miguel Rosas, Public Parks and Works Director; Lisa Wise, El Paso County Elections Administrator; and Yvonne Colon-Villalobos, District 4 Representative.

Numerous documents were provided including a 2-hour recorded meeting held between Ms. Colon-Villalobos, Adriana Rodarte, and Jim Martinez, City Attorney. The meeting was recorded by Ms. Colon-Villalobos.

Section 3.10 of the City Charter, entitled "Interference with Administration," states as follows:

Neither the City Council nor any of its members shall instruct or request the City Manager or any of the City Manager's subordinates to appoint or remove from office or employment any person, except with respect to those offices which are to be filled by appointment by the City Council under the provision of this Charter. Except for the purpose of inquiry and investigation, or as otherwise expressly provided by this Charter, the City Council shall interact with the administrative services of the City solely through the City Manager, and shall not give orders to any of the City Manager's subordinates, either publicly or privately, except with the City Manager's specific approval.

Additionally, the City has adopted an ordinance entitled "City Council Conduct with City Staff." This policy provides, in part, as follows:

Governance of the City of Socorro relies upon cooperation between Mayor and City Council Members, on the one hand, and City Manager and City Staff, on the other hand. . . . In order to facilitate this cooperation, each City Council Member should follow this code of conduct.

1. **Treat All Staff with Respect.** City Council Members shall communicate in a respectful manner with the City Manager and City Staff. Poor behavior towards City Staff is inappropriate.

2. **Positive Workplace Environment.** City Council Members shall help maintain a positive workplace environment for all City employees.

3. **Limit Contact to City Manager, City Attorney and City Department Heads.** City Council Member shall direct questions and requests for information regarding any issue relating to the operation of the City of Socorro to the City Manager, City Attorney, or Department Heads. The Office of the City Manager should be copied on any request, except those to the City Attorney. Requests for follow up or directions to staff should be made only through the City Manager. . . .

6. **No Involvement with Administrative Functions.** City Council Members shall not attempt to influence City Staff on the making of appointments, awarding of

contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

7. No Directives to City Staff. City Council Members shall not give instructions or directives to any City employee. Any directives or instructions must be made through the City Manager. . . .

Summary of Interviews

I met with Ms. Rodarte at which time she verbally expressed her concerns as detailed in her September 1, 2017 memorandum to the Mayor and City Council Members. At the core of Ms. Rodarte's concerns is that Ms. Colon Villalobos potentially creates liability, exposure, and financial costs to the City. She is also concerned with the impact Ms. Colon-Villalobos has on Ms. Rodarte's ability to effectively perform as City Manager.

During my interview with Mr. Rosas, he too was concerned with Ms. Colon-Villalobos' interaction with him as a member of City Staff. He recalled a particular telephone call he received from her. In that conversation, Mr. Rosas said Ms. Colon-Villalobos was asking what could be done to bring back the item to award the bid to a different bidder. He said that would have been a different action than the one decided on by City Council and voted on in a Board meeting. In general terms, the issue involved a bid that was awarded to a bidder that was not the lowest. Mr. Rosas reported the phone call to Ms. Rodarte because he believed the request and call by Ms. Colon-Villalobos was inappropriate and not within protocol and process. He told Ms. Colon-Villalobos she should call Ms. Rodarte with that request. Mr. Rosas recalled that was not the first time Ms. Colon-Villalobos had called him about issues on which he believed she should have called Ms. Rodarte instead of him.

I had a meeting with Lisa Wise with the El Paso Elections Department. She was responsible for receiving and investigating the complaints regarding violations and misconduct during the election. While Ms. Wise advised me she could not share her investigation details, she stressed that the matter was closed and no further action would be taken.

The following are highlights of the meeting with Ms. Colon-Villalobos.

She denies engaging in any retaliatory behavior or taking any retaliatory action against Ms. Rodarte. She said she respects the work Ms. Rodarte has done up to now as City Manager. However, while she makes that statement, she also is critical of numerous actions Ms. Rodarte has taken in her capacity as City Manager. As one example, Ms. Rodarte reporting the complaints received during election time and forwarding to the El Paso Elections Department personnel. There are numerous examples Ms. Colon-Villalobos expressed during our meeting (which have been referred to in the emails reviewed as part of this investigative process). The fact that Ms. Colon-Villalobos states that she respects Ms. Rodarte's work as City Manager, but is

critical of her actions, is misaligned. She believes she has the right to question Ms. Rodarte because asking questions is how she states she is going to best learn and represent her constituency. In listening to the recorded meeting and reviewing email correspondence, Ms. Colon-Villalobos is clearly questioning and not satisfied with Ms. Rodarte's responses. I asked Ms. Colon-Villalobos to address her derogatory statements made against Ms. Rodarte during the recorded meeting. Ms. Colon-Villalobos said she felt that was a closed matter because she was not even aware she made the comments until she listened to the recording and once she did she apologized in a public manner in front of Council. Ms. Colon-Villalobos stressed she was running late for her meeting with Ms. Rodarte and Mr. Martinez and was very emotional due to some personal matters which was likely why she had made those comments against Ms. Rodarte and why the meeting felt adversarial to Ms. Rodarte. Ms. Colon-Villalobos strongly believes she has the right to ask questions and does not view those questions as anything other than keeping herself informed in her role as District 4 Representative.

FINDINGS

In conclusion, the investigation revealed the following in response to the questions:

1. An allegation of retaliation submitted by the city manager;

Ms. Colon-Villalobos' actions are more "bullying" than retaliatory. The actions, line of questioning, tone and stance that she took towards Ms. Rodarte, most especially during the August 16, 2017 meeting, can be categorized as wanting to intimidate rather than take retribution. In fact, Ms. Colon-Villalobos alone cannot take any retaliatory action against Ms. Rodarte in her capacity as City Manager since Ms. Rodarte reports to the entire City Council and any action taken towards Ms. Rodarte must be agreed upon by the majority.

2. Whether Yvonne Colon-Villalobos improperly attempted to use her office to influence the conduct or outcome of an election;

This is a matter for the El Paso Elections Department to determine. It is my understanding from my meeting with Ms. Wise that they received the complaint and in line with the process have closed the complaint without further action necessary. For a more detailed finding, the matter must be addressed directly by the City of Socorro with the El Paso Elections Department.

3. Whether Yvonne Colon-Villalobos has improperly communicated with city staff in an effort to undermine or prevent the execution of a decision made by city council;

Ms. Colon-Villalobos denies any improper communication with City Staff; however, Mr. Rosas said he has received a call from Ms. Colon-Villalobos requesting he bring back an item which had already been voted on to City Council. While Ms.

Colon-Villalobos denies improper communication, Mr. Rosas' statement indicates that she improperly communicated with City Staff.

4. Whether Yvonne Colon-Villalobos attempted to intimidate or harass the city manager by claiming she (the city manager) did not obtain her employment position based on her qualifications and skill.

Ms. Colon-Villalobos' statements made during the recorded meeting between Ms. Rodarte and Mr. Martinez substantiate Ms. Rodarte's allegations of harassment and intimidation. Ms. Colon-Villalobos' tone is accusatory, and in fact when I met with Ms. Colon-Villalobos, she still had the same questions regarding Ms. Rodarte's behavior in spite of having received answers to her questions directly from Mr. Martinez and Ms. Rodarte during the meeting. Ms. Colon-Villalobos refuses to accept the answers or channel her questions through the Board. Her approach is bullying and not conducive to open two-way communication between her and Ms. Rodarte.

Given those findings and based on Section 3.10 of the City Charter, entitled "Interference with Administration," I further find that there are violations specifically as they regard to #1. Treat All Staff with Respect. Ms. Colon-Villalobos in her words, tone and stance demonstrated disrespect towards Ms. Rodarte at the very least on the occasion of their recorded meeting (a meeting which Ms. Colon-Villalobos herself recorded) but as reported by Ms. Rodarte in their usual interaction. While Ms. Colon-Villalobos apologized, the fact remains that the incident occurred and is in violation of the City Charter.

Ms. Colon Villalobos also violated the City Charter when she communicated with Mr. Rosas by communicating directly with staff on matters that should have been addressed by the Board or should have been taken to the City Manager. Her actions are perceived as involving herself in administrative functions, potentially directing City Staff, disrespecting the City Manager, and creating an uncomfortable work situation for City Staff which is clearly not conducive to a positive work environment and in violation of the above-mentioned City Charter.

This narrative serves as a summary of my investigation. If you would like more detailed information regarding the extensive interviews conducted and review of documents regarding the issues, please let me know and I will provide.

Thank you.

Sincerely,

Nora C. Ellis, PHR
Electronic Signature