

MARCO ANTONIO REYES
MAYOR

TOWN OF
SAN LUIS,
ARIZONA

Resolution

RESOLUTION NO. 253

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SAN LUIS, YUMA COUNTY, ARIZONA, DECLARING AND ADOPTING THE RESULTS OF THE GENERAL ELECTION HELD MAY 19, 1992; AND ORDERING THE RECORDING OF SUCH RESOLUTION.

WHEREAS, the City Council of San Luis, Yuma County, Arizona by Resolution No. 249, adopted on the 8th day of April 1992, did cause to be submitted to the qualified electors of the City at a General election called and held in and for the City on the 19th day of May, 1992 for the election of three Councilmembers; and

WHEREAS, the City Council did cause notice of the General election to be given by the City Clerk publishing notice thereof in the Yuma Daily Sun newspaper as provided by law such newspaper published in and having general circulation within said City which said notice as so published did specify the place where such election was to be held, and the candidates to be voted upon, copy of said notice with the affidavit of publication attached thereto, being now on file and a part of the official records of the City Council of said City and

WHEREAS, the election returns have been presented to and have been canvassed by the City council.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of San Luis, Yuma County, Arizona, as follows:

SECTION 1. That the total number of ballots cast at said general election, as shown by the poll lists, was 348

SECTION 2. That the number of questioned ballots was 1, and that voters found to be ineligible were 0.

SECTION 3. That the votes cast for the candidates for councilmembers were as follows:

Juan Espinoza	246
Ermila Arnold	146
George Guerrero	142
Estella Luna	233
Carlos Robles	234
Antonio Gallego	104

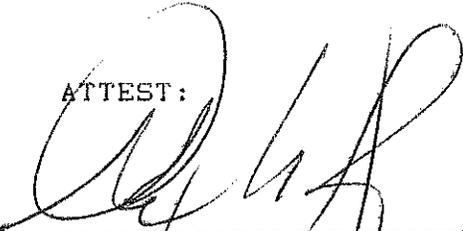
SECTION 4. That is hereby found, determined and declared of record, that the following three candidates did receive more than one-half of the total number of valid votes cast and are hereby issued certificates of election:

Carlos Robles
Estella Luna
Juan Espinoza

SECTION 5. That all orders or resolutions in conflict be and the same are, to the extent of such conflict, hereby repealed, and that this resolution be in full force and effect immediately upon its adoption.

PASSED AND ADOPTED BY the Mayor and Council of the City of San Luis, Arizona, this 27th day of May 1992.

ATTEST:

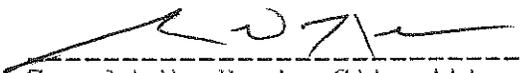


Alex U. Ruiz, City Clerk



Marco Antonio Reyes, Mayor

APPROVED AS TO FORM:



Gerald W. Hunt, City Attorney



City of San Luis

DRUG-FREE WORKPLACE POLICY

A. STATEMENT OF PURPOSE

1. In accordance with the Drug-Free Workplace Act of 1988, the City of San Luis, as a federal grant recipient, is required by federal law to certify to agencies from which it receives grants that it ensures a drug-free workplace. Failure to comply with this requirement could result in suspension or termination of the grant payments.

2. The City of San Luis recognizes drug and alcohol dependency as an illness and a major health problem. The City also recognizes that the abuse of drugs and alcohol impairs employee judgment which may result in increased safety risks, employee injuries and faulty decision-making. Drug and alcohol abusers create a potentially hazardous working environment, have more on-the-job accidents resulting in higher worker's compensation claims, disrupt employee morals and increase costs for medical benefits. The dangers of substance abuse in the workplace impact all employees, not just abusers. Substance abuse results in lost productivity and increased absenteeism placing a burden on other employees. Therefore, the City of San Luis expects all employees to be in a state of mind and physical condition fit to complete their assigned duties safely and competently during work hours.

B. COUSELING:

Employees who have a substance dependency problem are strongly encouraged to obtain counseling. Counseling resources are available in the Personnel Department. In addition, medical insurance coverage for drug and alcohol treatment may be available. While the City will be supportive of those who seek help voluntarily, the City will be equally firm in identifying and disciplining those who continue to be substance abusers and do not seek help.

C. POLICY:

1. It is the city's policy to prohibit the unlawful manufacture, distribution, dispensation, possession, use or effect of alcohol or a controlled substance while traveling on or performing city business on or off city premises and other work site where employees may be assigned. City vehicles or other motorized equipment, as well as private vehicles, parked on city premises or work sites are locations included within this prohibition. The term "controlled substance" means any drug listed in 21 U.S.C. Section 812 and other federal regulations. Generally, these are drugs which have a high potential for abuse. Such drugs include, but are not limited to, Heroin, Marijuana, Cocaine, PCP, "Crack". They also include "legal drugs" which are not prescribed by a licensed physician.

2. No employee shall be subject to discipline for the appropriate use of non-prescription or prescribed legal drugs for the treatment of illness or injury.

However, if the employee knows or should know that use of a non-prescription or prescribed drug does or could impair the employee's ability to operate a City vehicle or equipment, or otherwise perform his or her job duties, the employee shall notify, in writing, his/her immediate supervisor or department head. In the event there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medications or drugs, clearance from a qualified physician may be required.

D. EMPLOYEE RESPONSIBILITY:

Employees must report any conviction under a criminal drug statute for violations occurring on or off City premises while conducting City business. A report of a conviction must be made within (5) days after the conviction to the employee's department head or supervisor who will, in turn, immediately notify the City Manager.

E. MANAGEMENT RESPONSIBILITIES:

1. Within ten (10) days of learning of an employee's criminal conviction for illegal drug activity within the workplace, the City will notify the federal government of such conviction. Within thirty (30) days of learning of an employee's criminal conviction for illegal drug activity within the workplace, the City will take appropriate personnel action, up to and including termination.

2. Where there is reasonable suspicion that an employee is under the influence of alcohol or drugs, the department head/supervisor shall, for safety purposes, provide the employee transportation from the work site. Observations which constitute a factual basis for determining reasonable suspicion may include, but are not limited to: the odor of an alcoholic beverage; erratic behavior; violent mood swings; excessive absenteeism, including tardiness; a medical emergency which could be attributed to substance or alcohol abuse; physical on-the-job evidence of substance or alcohol abuse; documented deterioration in job performance, or an accident which is caused by the apparent action or inaction of the employee.

3. Department heads/supervisors who reasonably suspect an employee of being under the influence of alcohol or drugs shall not physically search the person of employees, nor shall they search the personal possessions of employees without the written consent of the employee. Whether or not a consent form is signed, any information obtained which may relate to violations of federal or state criminal statutes will be transmitted to the appropriate law enforcement agency. The City reserves the right to search, without employee consent, all areas and property in which the City maintains control or joint control with the employee, such as desks, file cabinets, City vehicles/equipment, etc. Department heads/supervisors shall notify the appropriate law enforcement agency when they have reasonable suspicion to believe that an employee may have illegal drugs in his or her possession, or when the department head/supervisor is unable to reasonably control a situation where the employee poses a potential liability to himself/herself, or others.

F. DRUG TESTING-APPLICANTS:

Drug testing is limited to those applicants whose regular work duties involve public safety or the use of the City vehicles or equipment (i.e., Police Department, Fire Department, certain Public Works positions). All successful applicants for these positions shall be given a drug screening test. Where an applicant is found to be a drug user the City of San Luis has the option of denying, or not offering, a job to that individual.

G. DRUG TESTING-INCUMBENTS:

1. Incumbent employees may be tested based on reasonable suspicion that the employee is an alcohol or drug user. Prior to any individual being given a drug screening test, department heads/supervisors are required to submit their evidence for review by the City Manager. Reasonable suspicion is a belief based on objective facts sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of a controlled substance and/or of an alcoholic beverage so that the employee's ability to perform the function of the job is impaired or so that the employee's ability to perform the job safely is reduced.

2. The department head or supervisor will describe the incident, in writing, documenting the circumstances leading to the conclusion that a drug/alcohol test is necessary. Such documentation will include the date, time, place, description of incident, and statements of witnesses. Any other evidence such as drugs, drug paraphernalia, containers, ect. will be collected.

3. After documenting the incident, the department head or supervisor will contact the City Manager to determine if drug/alcohol testing is appropriate and, if appropriate, to arrange for testing. If drug/alcohol testing is appropriate, the department head or supervisor will transport the employee to a drug/alcohol test collection facility. The drug/alcohol test may be a type based on urine, or other type of sample as appropriate. After testing, the employee will be transported home by his supervisor or relative and told not to report to work until the results of the test are known. If the employee's department head or supervisor reasonably determines that the employee is incapable of being managed, the Police Department may be contacted for assistance.

4. If the alcohol or drug test result is positive, a confirmatory test will be done using the gas chromatography/mass spectrometry technique. Employees who test positive both on the initial and confirmatory tests, will be given an opportunity to explain the reason why they have tested positive for drugs. The employee must, within 24 hours of request, provide to the department head/supervisor, a bona fide verification of a current valid prescription for any potentially impairing drug or medication identified when a drug screen/test is positive. The prescription must be in the employee's name. If the employee does not provide acceptable verification of a valid prescription, or if the prescription is not in the employee's name, or if the employee has not previously notified his or her supervisor/department head, the City shall conduct an investigation to gather all facts and the employee may be subject to disciplinary action up to and including termination.

H. CONFIDENTIALITY:

Laboratory reports or test results shall not appear in an employee's general personnel folder. Information of this nature will be contained in a separate confidential medical folder that will be securely kept under the control of the City Manager. The reports or test results may be disclosed to City management on a strictly need-to-know basis and to the tested employee upon request. Disclosures, without patient consent, may also occur when: 1) the information is compelled by law or by judicial or administrative process; 2) the information has been placed at issue in a formal dispute between the employer and employee; 3) the information is to be used in administering an employee benefit plan; 4) the information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure.

1. CONDITION OF EMPLOYMENT:

As a condition of employment, employees must abide by this policy. Such condition of employment does not create a contract of employment, but rather is a prerequisite to continued employment. Any employee found in violation of this policy will be subject to disciplinary action, up to and including termination. Disciplinary action may include mandatory attendance and successful completion of a drug abuse assistance or similar program as a condition of continued employment.