



## CITY OF LAS CRUCES

# INTER-DEPARTMENTAL MEMORANDUM

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*Personal and Confidential Due to Personnel Matters*

To: Mayor and City Council

From: Hotline Review Committee 

Subject: Hotline Reports 113376109, 113393847, and 113374147

Date: January 8, 2010 File: HRC 10-001

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The City of Las Cruces offers City employees an anonymous avenue for reporting fraud, waste, and abuse, non-compliance with laws, regulations, and City policy. The City entered into a contract with The Network in 2005 and established City Manager Policy 2.4 which outlines the process of the hotline.

When a Hotline complaint is made, an incident report is sent to the Hotline Review Committee consisting of the Assistant City Manager, City Attorney, and the Internal Audit Manager. The Committee meets and decides how to best investigate the allegations. Once the investigation is complete, a report outlining the results of the investigation is given to the City Manager. Should disciplinary or other type of action need to be taken, the City Manager will then forward the report to the appropriate Director. In addition, the Committee contacts the Hotline and reports the outcome of the investigation to the anonymous caller.

The three attached incident reports have allegations against the City Manager. To reflect transparency and protect the integrity of the Hotline, the Committee believes Council should be informed of these incident reports.

### **ALLEGATION:**

On 12/21/2009 it appeared the administrative support staff, specifically Barbi Nivraez, was babysitting Mr. Moore's children while he attended the Council Meeting. The City Manager conference room appeared to be unavailable to high level staff that generally uses the room to monitor the Council meeting. The callers believe this is an inappropriate use of taxpayer dollars and the incident was

disruptive to the work of City employees. Caller(s) want to know if this was approved by Council and are requesting a response from Council.

#### INVESTIGATION:

Administrative support staff and most staff that used the conference room on December 21 were interviewed.

Administrative support staff did not feel they had the option to not babysit the children and assumed it was "other duties as assigned". The children were disruptive to the performance of their job duties. Administrative support staff did not feel comfortable with how other staff members may have perceived the situation. Ms. Navaez flexed the additional hours after 5:00pm to avoid additional overtime cost to the City.

High level staff members will monitor the meetings from the City Manager Conference room so they may be available for any questions that may arise during the meeting. Staff using the conference room made the following collective comments:

- Once TV was changed from cartoons to the council meeting, staff was able to monitor the meeting as needed;
- Staff was uncomfortable with the children present as they were disruptive and felt it was not appropriate for staff to babysit during work hours;
- Due to the disruptive behavior of the children, some staff was not able to use room as intended;
- Upon trying to entertain the youngest child, a staff member asked him to bring in a piece of paper to play a game. The child brought in a piece of paper, which was an official document, and then asked to return the document to his father's desk. Since staff could not see the Manager's desk from the conference room, the risk of important documents being defaced was a concern to some staff members.

Upon informing Mr. Moore of the Hotline complaints, he asked the following comments be added to the report:

- Like travel, Mayor approves leave.
- Custody agreement requires winter break schedule. He thought he would be off but on Friday December 11, changed leave with Mayor for the week of December 21.
- Would be here for Council Meeting, informed Mayor he would have boys with him and leaving for Albuquerque after meeting. The Mayor told him this was ok.

**CONCLUSION:**

It appears staff was directed to use work hours to babysit Mr. Moore's children who directly disrupted the work of other high level staff members from 1:00pm until 6:30pm.

A response to the caller(s) is requested by January 13, 2010. It is our intent to inform them that the results of our investigation have been provided to City Council for their review and possible action.

The Committee will be available should Council have any questions regarding the Hotline process of this investigation.

cc: Terrence Moore, City Manager