

**CITY OF RIO COMMUNITIES**  
**ORDINANCE 2023 – (86)**

**AN ORDINANCE IMPLEMENTING AN PERSONNEL ORDINANCE FOR THE CITY OF RIO COMMUNITIES; ENACTING RULES FOR HIRING, PROMOTION DISCHARGE AND GENERAL REGULATION OF CITY EMPLOYEES, ELECTED AND APPOINTED OFFICIALS, VOLUNTEERS AND REPEALING AND REPLACING ORDINANCE 2022-82, PERSONNEL ORDINANCE AND ALL AMENDMENTS**

**WHEREAS**, the City Council and Mayor of the City of Rio Communities (City), constitute the duly authorized Governing Body (Governing Body) of the City of Rio Communities, a New Mexico Political Subdivision; and

**WHEREAS**, the Governing Body has the duty and responsibility to adopt ordinances for the City pursuant to §3-17-1, NMSA 1978 and the duty and responsibility for the management of the government of the City pursuant to §3-12-3 NMSA 1978, *et. seq.*; and,

**WHEREAS**, the Governing Body is authorized by §3-13-4 NMSA 1978 to adopt an Ordinance governing the relations between the City and its employees; and,

**NOW THEREFORE**, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF RIO COMMUNITIES AS FOLLOWS:

- I. TITLE AND AUTHORITY.** This ordinance may be cited as the “City of Rio Communities Personnel Ordinance.”
- II. PURPOSE AND POLICY.** The purpose of this Ordinance is to establish a system for hiring, promotion, discharge and general regulation of City employees based on merit and not political patronage. All Personnel Policies and employment rules promulgated pursuant to this Ordinance shall be adopted by resolution of the Governing Body except as otherwise provided.

The Personnel Ordinance of the City shall be implemented as follows:

1. Decisions affecting the employment relationship will be based on merit principles designed to recruit, hire and advance employees on the basis of ability, knowledge and skill;
2. To provide equitable and adequate compensation to promote efficiency and economy in the operation of City government;
3. To retain employees on the basis of performance and separate employees whose inadequate performance cannot be corrected;
4. To ensure that employees are not coerced to support or oppose particular candidates or electoral issues;
5. Strive to maintain a system wherein the rights and interests of employees, are consistent with the best interest of the public, the City and consistent with all state and federal laws relating to the employment relationship.

### III. APPLICABILITY.

1. The Regular employees of the City shall be covered by all provisions of this Ordinance. Appointed Executive employees and other employees specifically classified as "At Will" employees are not covered by the merit provisions of this Ordinance, are terminable at will, and may not avail themselves of the disciplinary or dispute procedures as set forth in the City Personnel Policy.
  - A. **Regular Employees:** Regular Employees are made up of all full time and part-time regular employees. All individuals regularly employed in the City service on the effective date of the Ordinance who hold positions that are either regular full-time or regular part-time, shall retain their status until they resign, voluntarily accept an Appointed Executive or other At Will position, or until they are terminated in accordance with the procedure established in the City Personnel Policy Manual. All appointments to Regular Employment on and after the effective date hereof shall be made in accordance with this Ordinance, the City Personnel Policy Manual, and any other policies or work rules for employment relations promulgated under this Ordinance.
  - B. **Appointed Executive Employees:** Appointed Executive employees include Elected Officials, Members of City Boards and Commissions, the City Manager, Municipal Clerk, Police Chief, Probationary Employees, Casual, Temporary, Grant-funded positions, and any other employees specifically classified as "At Will". An Appointed Executive employee does not have a probationary period, is in an "at-will" status and serves at the pleasure of the City Council. The Appointed Executive position does not have access to the disciplinary or dispute procedures outlined in the City Personnel Policy. Elected Officials hold office pursuant to state statute.
  - C. **Volunteers.** Volunteers are not employees of the City and maintain no rights, privileges or duties under this Ordinance.
  - D. **Independent Contractors.** Independent Contractors are not employees of the City and have no rights, privileges or duties under this Ordinance.
2. Continued employment of employees covered by this Ordinance shall be subject to the satisfactory performance of their duties and the availability of funds.
3. City Personnel Policy Ordinance 2022-082 and all amendments thereto are hereby repealed and replaced. It is the express intent of the Governing body that the provisions of this Ordinance, the Personnel Policies, and rules and regulations for employment relations adopted pursuant to this Ordinance, while not a contract of employment or offer to enter into a contract of employment, shall establish the standards to be followed for employer-employee relations.

4. Any employee of the City who violates this Ordinance or any policy, rule or regulation adopted pursuant hereto shall be subject to disciplinary action, up to and including termination.

**IV. EQUAL OPPORTUNITY EMPLOYER; DISCRIMINATION AND HARASSMENT PROHIBITED.**

The City is an equal opportunity employer. Discrimination by any employee is expressly prohibited. If such discriminatory acts occur, the person committing these acts is subject to discipline up to and including dismissal from City employment.

- V. EFFECTIVE DATE.** The provisions of the City Personnel Ordinance shall take effect five (5) days after its proper recordation by the City Clerk.

**PASSED, APPROVED AND ADOPTED THIS XX DAY OF XX 2023 BY THE GOVERNING BODY OF THE CITY OF RIO COMMUNITIES, NEW MEXICO.**

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Joshua Ramsell, Mayor

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Margaret R. Gutjahr,  
Councilor, Mayor Pro-tem

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Arthur Apodaca,  
Councilor

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Lawrence Gordon,  
Councilor

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Jimmie Winters,  
Councilor

ATTEST:

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Elizabeth F Adair, Municipal Clerk