

**ORDINANCE NO. 2021-O-069**

**AN ORDINANCE OF THE CITY OF LAREDO, TEXAS AMENDING ORDINANCE NO. 2020-O-131 REGARDING THE VOLUNTARY DRUG TESTING FOR ELECTED OFFICIALS OF THE CITY OF LAREDO TO INCLUDE CHANGES IN FREQUENCY OF TESTING; CHANGES IN TESTING PROCEDURES; APPROVING CHANGES TO THE DRUG TESTING FORM; APPROVING THE VOLUNTARY DRUG TESTING WITHDRAWAL FORM; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Laredo recognizes the adverse impact drug and alcohol abuse can have on the community; and

**WHEREAS**, it is the joint responsibility of the City of Laredo and its elected officials to ensure the public trust and safety of our citizens; and

**WHEREAS**, drug and alcohol abuse can result in a decrease in the City's efficiency, economy, and productivity; and

**WHEREAS**, in an effort to maintain a drug free workplace, the City of Laredo has implemented the Drug and Alcohol Testing Program to meet this objective; and

**WHEREAS**, on October 19, 2020, the City Council approved Ordinance No. 2020-O-131 establishing a voluntary drug testing process for elected officials to elect to voluntarily participate in the program in order to ensure the citizens of Laredo that elected officials are performing at the highest standards; and

**WHEREAS**, Ordinance No. 2020-O-131 requires members of Council to be tested for both urine and hair follicle on a monthly basis yet hair follicle testing goes back up to six months and is costlier; and

**WHEREAS**, the City Council believes the voluntary drug testing process should be amended to provide for clarification in frequency of testing and establish more streamlined testing procedures.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO, TEXAS, THAT:**

**SECTION 1. Voluntary Drug Testing for Elected Officials.**

(a) **Definitions.** For the purpose of this ordinance, the following definitions shall apply:

“Elected official” shall include those members elected at large by the qualified voters of the City of Laredo which includes members of the City Council, the Mayor, and the

Municipal Court Judge.

- (b) **Voluntary Participation.** Elected officials shall be required to fill out the “Voluntary Drug Testing” form stating whether they decide to opt in or out of voluntary testing; said form shall be made publicly available on the City of Laredo Website. If an elected official does not submit the Voluntary Drug Testing Form it shall state “Elected Official has not volunteered” on the City of Laredo Website. The names of those elected officials who elect to be tested will be entered into the software program used by the City to randomly select individuals and schedule the testing. An elected official who previously opted into the voluntary drug testing program may withdraw from the program but must submit documentation of withdrawal to the Human Resources Department. If an Elected Official submits the Voluntary Drug Testing Withdrawal Form to the Human Resources Department, it shall state “Elected Official has withdrawn from program” on the City of Laredo website.
- (c) **Frequency of Testing.** Three elected officials shall be randomly selected each month for urine sample testing beginning one month after the passage of this Ordinance. If an elected official volunteers to submit to hair follicle testing, such testing will occur once every six (6) months with the first round of testing occurring in January and the second round of testing occurring in July. Half of elected officials who submit to hair follicle testing will be required to test in the first round of testing. If an elected official is selected for hair follicle testing in the first round of testing, they may not be selected to test for the second round of testing.
- (d) **Selection of Testing.** Selection and testing shall occur only on a day which a City Council meeting is scheduled. Elected officials who are selected by the program will be notified of their selection ~~by 4:00 PM on the day they are selected~~ prior to the City Council meeting.
- (e) **Time to Report.** Elected officials selected to test will have to test the day they are 2 hours after being notified to report to testing at the City designated facility but must report to testing prior to the start of the City Council meeting. If an elected official selected for testing is unable to submit to testing after being notified, they must submit an affidavit to the Human Resources Director or their designee, within twenty-four (24) hours of their failure to test, asserting the reason they were unable to report to testing. Failure to submit for testing or provide an affidavit to the Human Resources Director shall be noted on the City of Laredo Website.
- (f) **Testing.** Testing will be conducted by licensed testing facility employees at a location designated by the City where a scheduled City Council meeting will be held, City Council Chambers, or at a City approved location of the elected official’s choice. Elected officials shall have the option to submit a urine or hair follicle sample for testing.
- (g) **Written Request for Re-testing.** An elected official who tests positive for drugs may request that the split specimen be analyzed; such request must be submitted to the Human Resources Director within twenty-four (24) hours of the notification of the original positive result.

(h) **Publication of Test Results.** Publication of results are subject to the written consent of the elected official. Voluntary drug test results will be published on the City of Laredo website. In the event written consent is not provided, results will state "Results not released" on the City of Laredo website.

**SECTION 2. Voluntary Drug Test Form.** The City Council hereby adopts the form attached to this ordinance as Exhibit "A" and incorporates same herein by reference to be the City of Laredo's Voluntary Drug Test Form for elected officials.

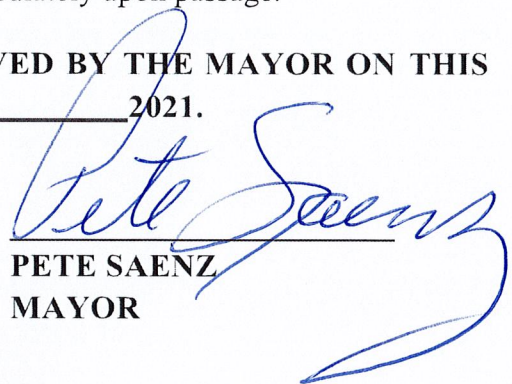
**SECTION 3. Voluntary Drug Testing Withdrawal Form.** The City Council hereby adopts the form attached to this ordinance as Exhibit "B" and incorporates same herein by reference to be the City of Laredo's Voluntary Drug Testing Withdrawal Form for elected officials.

**SECTION 4.** That if any of these sections, provisions, sentences, clauses, phrases or parts are held unconstitutional or void, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.


**SECTION 5.** That all ordinances that are in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

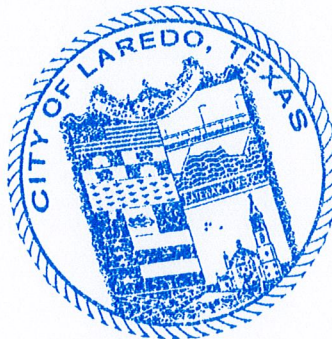
**SECTION 6.** This Ordinance shall become effective immediately upon passage.

**PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS**  
29 DAY OF March 2021.


  
PETE SAENZ  
MAYOR

**ATTESTED:**

  
JOSE A. VALDEZ, JR.  
CITY SECRETARY



**APPROVED AS TO FORM:**

  
RENE C. BENAVIDES  
CITY ATTORNEY



## City of Laredo

### Voluntary Drug Test Form

- I, \_\_\_\_\_, hereby:
  - give my permission
  - do not give my permissionto the City of Laredo and the licensed testing facility it has selected to conduct voluntary drug testing in accordance with Ordinance **No. 2020-0-131**. I understand that if I am unable to attend the licensed testing facility, the City may conduct testing at City Council Chambers or an approved location of my choice, i.e. place of employment or residence.
- I volunteer to have the licensed testing facility conduct analytical tests to determine the absence of or the presence of drugs in my body through the use of:
  - urine testing
  - hair follicle testing
  - both urine and hair follicle testing.
- I understand that if the first drug test is positive, I may make a written request within twenty-four (24) hours of obtaining the results to the Human Resources Director to direct the licensed testing facility to conduct a second analysis of the same specimen to confirm the validity of the original test results.
- I understand that if the positive results of the tests are caused by drugs that are not part of a currently prescribed medical treatment program by a physician licensed to practice medicine in the United States my test results will be deemed to be positive.
- I understand that that I must report to testing at the City designated testing facility on the day that I am notified to test and must do so prior to the start of the City Council meeting. If I am unable to submit to testing I must submit an affidavit to the Human Resources Director within twenty-four (24) hours notifying them of the reason I was unable to report to testing.
- I understand and agree that the licensed testing facility shall release the test results to the City of Laredo.
- Once test results are released to the City of Laredo, I, \_\_\_\_\_:
  - grant
  - do not grantpermission to the City of Laredo to post the results of this voluntary drug test to the City of Laredo website.
- I understand that:
  - I may refuse to volunteer in this program.
  - I can revoke my authorization electing to participate in this program at any time.
  - My signing this document is voluntary.

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Signature

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Date



## City of Laredo

### Voluntary Drug Testing Withdrawal Form

- I, \_\_\_\_\_, hereby request to withdraw from the City of Laredo Voluntary Drug Testing for Elected Officials program.
- I understand that participation in the Voluntary Drug Testing for Elected Officials program is voluntary but that my withdrawal from said program will be noted on the City of Laredo website as "Elected Official has withdrawn from program."
- My withdrawal from the Voluntary Drug Testing for Elected Officials program is effective upon receipt by the Human Resources Department.

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Signature

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Date

**AFFIDAVIT FORM**

I \_\_\_\_\_, personally appeared before the undersigned notary public and after being duly sworn made the following statements:

On \_\_\_\_\_ date I was selected for the City of Laredo Voluntary Drug Testing for Elected Officials but was unable to submit to testing due to the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In witness whereof, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Signature of Affiant

SUBSCRIBED TO AND SWORN TO BEFORE ME on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, to certify which witness my Hand and official seal.

\_\_\_\_\_ My Commission Expires: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Notary Public in and for the State of Texas:

**City Council-Regular**

**Meeting Date:** 03/29/2021

**Initiated By:** Rosario Cabello, Deputy City Manager

**Initiated By:** Rosario Cabello, Deputy City Manager

**Staff Source:** Melina Bermudez, Human Resources Director

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**SUBJECT**

**2021-O-069** An Ordinance of the City of Laredo, Texas amending Ordinance No. 2020-O-131 regarding the voluntary drug testing for elected officials of the City of Laredo to include changes in frequency of testing; changes in testing procedures; approving changes to the drug testing form; providing a severability clause and providing an effective date.

**PREVIOUS COUNCIL ACTION**

During the March 1, 2021 City Council meeting, City Council motioned to proceed as presented.

**BACKGROUND**

During the City Council meeting of October 19, 2020, City Council motioned to accept the ordinance which would allow elected City officials to opt into a voluntary drug testing process.

This proposed ordinance would include a voluntary drug testing process for all elected official of the City of Laredo. All elected officials shall be required to fill out the amended "Voluntary Drug Testing" form stating whether they decided to opt in or out of the voluntary testing.. This form and the testing results shall be made publicly available on the City of Laredo City Secretary website. Elected officials who elect to submit to the voluntary drug testing process would be randomly selected and testing wold occur on a monthly basis at any scheduled City Council meeting.

This amendment would modify the following, if an elected official does not fill out and submit the Voluntary Drug Testing form it shall state, "Elected Official has not volunteered" on the City of Laredo Website; elected officials may withdraw from drug test participation by submitting the Voluntary Withdraw Drug Testing form; frequency of testing, if an elected official volunteers to submit to hair follicle testing, such testing will be conducted once every six (6) months with the first round of testing occurring in January and the second round of testing occurring in July. If an elected official is selected for hair follicle testing in the first round of testing, they may not be selected to test for the second round of testing. Half of the volunteering elected officials will be

tested on the first round in January and the remaining second half volunteering will be tested in July; with three (3) elected officials being selected for random urine drug test once a month; testing can be at the vendors location, City Council Chamber or at the elected officials choice.

**COMMITTEE RECOMMENDATION**

N/A

**STAFF RECOMMENDATION**

Council approve amendment made to the "Voluntary Drug Test" form and Ordinance as submitted.

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**Fiscal Impact**

**Fiscal Year:** 2021  
**Budgeted Y/N?:**  
**Source of Funds:**  
**Account #:** 594-2062-513-5551  
**Change Order: Exceeds 25% Y/N:**

**FINANCIAL IMPACT:**

Funding is available in the 594-2062-513-5551 Diagnostic Services.

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**Attachments**

- Testing Form
  - Testing Withdraw Form
  - Affidavit
  - Ordinance No. 2021-O-069
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