

ORDINANCE NO. 2023-O-065

AN ORDINANCE OF THE CITY OF LAREDO, TEXAS, AMENDING ORDINANCE 2021-O-069, VOLUNTARY DRUG TESTING FOR ELECTED OFFICIALS, BY CHANGING THE NUMBER OF ELECTED OFFICIALS DRUG TESTED EACH MONTH FROM THREE TO ONE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council approved Ordinance No. 2021-O-069, which amended Ordinance No. 2020-O-131.

WHEREAS, Ordinance No. 2021-O-069 requires three elected officials be randomly selected each month for urine samples.

WHEREAS, the City Council believes the Frequency of Testing section of the Voluntary Drug Testing policy should be amended because only four elected officials are enrolled in the voluntary drug testing.

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 the 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the Voluntary Drug Testing Withdrawal Form to the Human Resources Department, it shall state “Elected Official has withdrawn from program” on the City of Laredo website.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~~] One (1) 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 volunteer to submit 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 is scheduled. Elected Officials who are selected by the program will be notified of their selection prior to the City Council meeting.
- (e) **Time to Report.** Elected Officials selected to test will have to test the day they notified to report to testing at the City designated facility but 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 Department or their designee, within twenty-four (24) hours of 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 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. This ordinance shall be cumulative of all provisions of ordinances of the City of Laredo, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 3. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

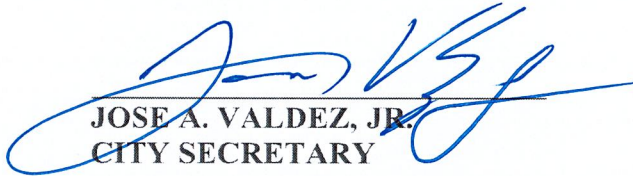
Section 4. This Ordinance shall become effective immediately upon passage.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS
3rd DAY OF April 2023.



Dr. Victor D. Trevino
MAYOR

ATTESTED:



JOSE A. VALDEZ, JR.
CITY SECRETARY



APPROVED AS TO FORM:

CITY ATTORNEY

BY: _____

ASSISTANT 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. 2023-O-065. I understand that if 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 I
- residence. 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.

Signature

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.

Signature

Date

City Council-Regular

Meeting Date: 04/03/2023

Initiated By: Rosario Cabello, Interim City Manager

Initiated By: Rosario Cabello, Deputy City Manager

Staff Source: Linda Teniente, Human Resources Director

SUBJECT

2023-O-065 An Ordinance of the City of Laredo, Texas amending Ordinance No. 2021-O-069, voluntary drug testing for elected officials, by changing the number of elected officials drug tested each month from three to one; providing that this ordinance shall be cumulative; providing a severability clause; and declaring an effective date.

VENDOR INFORMATION FOR COMMITTEE AGENDA

N/A

PREVIOUS COUNCIL ACTION

During the City Council meeting of March 20, 2023, City Council meeting, Council Motioned to accept the Introductory Ordinance as presented.

BACKGROUND

Ordinance No. 2021-O-069 amended Ordinance No. 2020-O-131, defining who participates in the elected officials drug test, and testing locations, of the City of Laredo.

COMMITTEE RECOMMENDATION

N/A

STAFF RECOMMENDATION

Approval of Amended Ordinance as presented.

Fiscal Impact

Fiscal Year:

Budgeted Y/N?: Y

Source of Funds: Diagnostic Services

Account #: 594-2062-513.55-51

Change Order: Exceeds 25% Y/N:

FINANCIAL IMPACT:

Cost is budgeted under the Human Resources Department, Employee Health & Wellness Division fund Diagnostic Services 594-2062-513.55-51

Attachments

Voluntary Drug Testing Ordinance

Voluntary Drug Test

Voluntary Drug Testing Withdrawal Form