

**STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF MCALLEN**

The McAllen Board of Commissioners convened in a workshop on **Monday, June 26, 2023**, at 4:00 p.m., at McAllen City Hall Third Floor (3rd) Commission Chambers.

Mayor Javier Villalobos, Commissioner Antonio "Tony" Aguirre, Jr., Mayor Pro Tem Omar Quintanilla, Commissioner Rodolfo "Rudy" Castillo, Commissioner Victor "Seby" Haddad and Commissioner Jose R. "Pepe" Cabeza de Vaca were present.

Absent: Commissioner Joaquin Zamora

Also, present City Manager Roy Rodriguez, City Attorney Isaac Tawil, Assistant City Manager Michelle Rivera, Assistant City Manager Joe Vera, Assistant City Manager Jeff Johnston, and City Secretary Perla Lara.

CALL TO ORDER

Mayor Javier Villalobos called the meeting to order at 4:00 pm.

- 1. PRESENT QUESTIONS TO STAFF RELATING TO THE JUNE 26th REGULAR MEETING AGENDA, TO BE DISCUSSED AT SUCH MEETING.**

There were no questions relating to the regular meeting agenda.

- 2. REVIEW OF LAYOUT AND COST FOR CONVENTION CENTER PERIMETER FENCING.**

Said item was tabled.

- 3. REVIEW OF LAYOUT AND COST FOR THE CONVENTION CENTER STORAGE FACILITY.**

Said item was tabled.

- 4. DISCUSSION OF DRUG AND ALCOHOL POLICY.**

Staff presented on drug and alcohol policy and reviewed THC and the City of McAllen Drug and Alcohol Policy. Staff mentioned that City of McAllen mirrors the Department of Transportation's (DOT) policies as part of the execution of the Drug and Alcohol Program. The prohibited conduct was discussed as follows:

- Prohibits the unauthorized use, possession, manufacture, distribution, or sales of any illegal and controlled substance as defined by the Federal and Texas Controlled Substances Act.
- The presence of any detectable level of any illegal drug or unauthorized controlled substance or metabolite in the body at any time while at work, while on City premise or while on City business.
- Failure to pass any drug or alcohol test administered by city policy.

Staff also reviewed the prohibited conduct, State / Federal Law and Policy, Texas Compassionate Use Act 2015, and Department of Transportation Medical review Office Drug Test Result.

Staff indicated that the legal landscape involving THC/Marijuana in the workplace is dynamic rapidly changing. The following objectives were discussed:

Federal Controlled Substance Act

- Marijuana/THC remains illegal under federal law.
- Classified as a Schedule 1 substance.
- Schedule 1 substances are drugs considered to not have any accepted medical use.

The Department of Transportation (DOT)

- Under 49 CFR Part 40 Marijuana / THC use is illegal under the Federal Controlled Substances Act.

- It remains unacceptable for any safety sensitive employee subject to drug testing under the DOT to use Marijuana/THC.

The Texas Controlled Substance Act

- Use, possession, or sale of marijuana is illegal.

Texas Compassionate Use Act 2015

- The City of McAllen's Drug & Alcohol Policy does not allow low-THC consumption thru the Texas Compassionate Use Act as THC remains a prohibited Schedule 1 Drug as part of the Federal and Texas Controlled Substances Act

Discussion ensued. Council shared comments and concerns. Questions were asked relating to criteria, discipline, level of discretion, safety sensitive positions, illnesses and prescription use and policy criteria. Staff answered questions posed by council.

Mayor Javier Villalobos thanked staff for their presentation.

5. EXECUTIVE SESSION, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 (CONSULTATION WITH ATTORNEY), SECTION 551.072 (DELIBERATION REGARDING REAL PROPERTY), SECTION 551.074 (PERSONNEL MATTERS) AND SECTION 551.087 (ECONOMIC DEVELOPMENT)

- A) DISCUSSION AND POSSIBLE LEASE, SALE OR PURCHASE OF REAL PROPERTY, TRACT 1. (SECTION 551.072, T.G.C.)
- B) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO COLLECTIVE BARGAINING. (SECTION 551.071, T.G.C.),
- C) CONSULTATION WITH CITY ATTORNEY REGARDING LEGAL ISSUES RELATED TO OPEN MEETINGS. (SECTION 551.071, T.G.C.)
- D) CONSULTATION OF ECONOMIC DEVELOPMENT MATTERS. (SECTION 551.087, T.G.C.)

PUBLIC COMMENT: The following citizens signed up for public comment: Ms. Eva Paschal and Ms. Gloria Alvarado

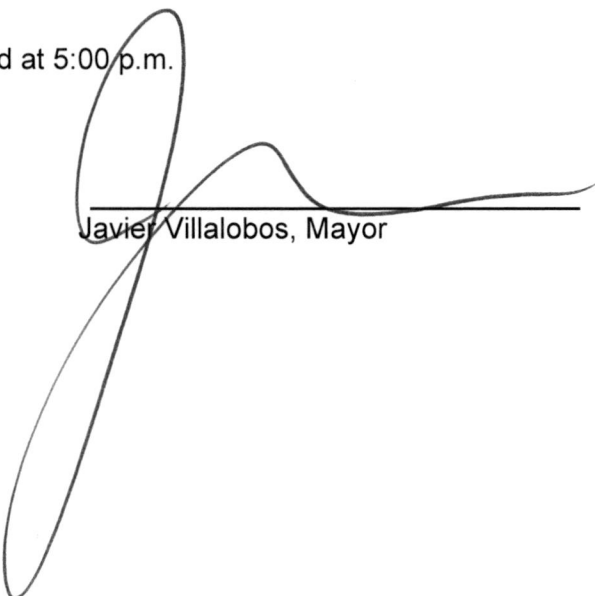
ADJOURN

Without objection, the meeting was adjourned at 5:00 p.m.

Attest:



Perla Lara, TRMC/CMC, CPM
City Secretary



Javier Villalobos, Mayor