



Hobbs City Commission
Regular Meeting
City Hall, City Commission Chamber
200 E. Broadway, 1st Floor Annex, Hobbs, New Mexico

Monday, June 5, 2017 - 6:00 p.m.

Sam D. Cobb, Mayor

Marshall R. Newman
Commissioner - District 1

Cynthia D. Calderon
Commissioner - District 2

Patricia A. Taylor
Commissioner - District 3

Joseph D. Calderón
Commissioner - District 4

Garry A. Buie
Commissioner - District 5

Don R. Gerth
Commissioner - District 6

A G E N D A

*City Commission Meetings are
Broadcast Live on KHBX FM 99.3 Radio
and Available via Livestream at www.hobbsnm.org*

CALL TO ORDER AND ROLL CALL

INVOCATION AND PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. Minutes of the May 15, 2017, Regular Commission Meeting
2. Minutes of the May 15, 2017, Commission Work Session

PROCLAMATIONS AND AWARDS OF MERIT

PUBLIC COMMENTS *(For non-agenda items.)*

CONSENT AGENDA *(The consent agenda is approved by a single motion. Any member of the Commission may request an item to be transferred to the regular agenda from the consent agenda without discussion or vote.)*

3. Resolution No. 6552 - Appointment of Acting Municipal Judge and Setting Daily Compensation *(Mike Stone)*
4. Resolution No. 6553 - Authorizing the Transfer of Ownership of Hobbs Police Department K-9 Named "Agar" to Police Officer Teresa Grady *(Police Chief Chris McCall)*

DISCUSSION

ACTION ITEMS (Ordinances, Resolutions, Public Hearings)

5. Resolution No. 6554 - Proposing a 2% Cost of Living Adjustment (COLA) for City Employees and Up to 3% Merit Increase for FY 17-18 *(J.J. Murphy)*
6. Resolution No. 6555 - Approving a 10% Increase to the Current Compensation Plan Maximum Range for General Employees Only *(J.J. Murphy)*
7. Resolution No. 6556 - Authorizing FY 17-18 Funding Appropriations to Various Social Service Agencies and Authorizing Agreements *(J.J. Murphy)*
8. Resolution No. 6557 - Authorizing FY 17-18 Funding Appropriations to Economic Development and Marketing Entities and Authorizing Agreements *(J.J. Murphy)*
9. **PUBLICATION:** Proposed Ordinance Prohibiting Animals on Posted Property *(J.J. Murphy)*
10. **PUBLICATION:** Proposed Ordinance Prohibiting Animals During City Sponsored Special Events *(J.J. Murphy)*
11. Resolution No. 6558 - Authorizing a Memorandum of Understanding with Lea County for Airline Subsidy Funding for FY 17-18 *(Mike Stone)*
12. **FINAL ADOPTION:** Ordinance No. 1103 - Repealing Resolution No. 5329 Code of Ethics/Related Party Policy for the City of Hobbs and Adopting an Ordinance Amending Chapter 2 of the Hobbs Municipal Code Which Shall be the City of Hobbs Code of Conduct *(Mike Stone)*
13. Resolution No. 6559 - Approving Development Agreements Between Kress Jones and Abram Dyck Concerning the Development of Goings Road *(Kevin Robinson)*

14. Resolution No. 6560 - Approving a Development Agreement with VMJ Inc., Concerning the Development of Ranchland North of Navajo (*Kevin Robinson*)
15. Resolution No. 6561 - Authorizing a Contract with the Non-Metro Area Agency on Aging for the Hobbs Senior Center for Potential Grant Funding in the Amount Up To \$127,229.00 (*Doug McDaniel*)

COMMENTS BY CITY COMMISSIONERS, CITY MANAGER

16. Next Meeting Date:

- ▶ Regular Meeting - ***Monday, June 19, 2017***, at 6:00 p.m.

ADJOURNMENT

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the above meeting, please contact the City Clerk's Office at (575) 397-9207 at least 72 hours prior to the meeting or as soon as possible.



CITY OF HOBBS

COMMISSION STAFF SUMMARY FORM

MEETING DATE: June 5, 2017

SUBJECT: City Commission Meeting Minutes

DEPT. OF ORIGIN: City Clerk's Office
DATE SUBMITTED: May 23, 2017
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

The following minutes are submitted for approval:

- ▶ Regular Commission Meeting of May 15, 2017
- ▶ Commission Work Session of May 15, 2017

Fiscal Impact:

Reviewed By: _____
Finance Department

N/A

Attachments:

Minutes as referenced under "Summary".

Legal Review:

Approved As To Form: _____
City Attorney

Recommendation:

Motion to approve the minutes as presented.

Approved For Submittal By:



Department Director

City Manager

**CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN**

Resolution No. _____
Ordinance No. _____
Approved _____
Other _____

Continued To: _____
Referred To: _____
Denied _____
File No. _____

Minutes of the regular meeting of the Hobbs City Commission held on Monday, May 15, 2017, in the City Commission Chamber, 200 East Broadway, 1st Floor Annex, Hobbs, New Mexico.

Call to Order and Roll Call

Mayor Cobb called the meeting to order at 6:00 p.m. and welcomed everyone in attendance to the meeting. The City Clerk called the roll and the following answered present:

Mayor Sam D. Cobb
Commissioner Marshall R. Newman
Commissioner Cynthia Calderon
Commissioner Patricia A. Taylor
Commissioner Joseph D. Calderón
Commissioner Garry A. Buie
Commissioner Don Gerth

Also present:

J. J. Murphy, City Manager
Mike Stone, City Attorney
Efren Cortez, Assistant City Attorney
Chris McCall, Police Chief
Manny Gomez, Fire Chief
Barry Young, Deputy Fire Chief
Todd Randall, City Engineer
Kevin Robinson, Development Coordinator
Ronny Choate, General Services Director
Tim Woomer, Utilities Director
Toby Spears, Finance Director
Deborah Corral, Assistant Finance Director
Ron Roberts, Information Technology Director
Doug McDaniel, Parks and Recreation Director
Michal Hughes, Recreation Superintendent
Linda Howell, Rockwind General Manager
Matt Hughes, Golf Superintendent
Britt Lusk, Administrative Services Director
Shannon Carter, Municipal Court Administrator
Robert Hamilton, Reference Librarian
Ann Betzen, Risk Manager/Executive Assistant
Mollie Maldonado, Deputy City Clerk
Jan Fletcher, City Clerk
25 citizens

Invocation and Pledge of Allegiance

Commissioner Taylor delivered the invocation and Commissioner Cynthia Calderon led the Pledge of Allegiance.

Approval of Minutes

Commissioner Joseph Calderón moved that the minutes of the regular meeting held on May 1, 2017, minutes of the work session held on May 1, 2017, at 5:00 p.m. and minutes of the work session held on May 1, 2017, at 7:30 p.m., be approved as presented. Commissioner Cynthia Calderon seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Joseph Calderón yes, Taylor yes, Buie yes, Gerth yes, Cobb yes. The motion carried.

Proclamations and Awards of Merit

Proclamation Proclaiming the Month of May, 2017, as "Pediatric Stroke Awareness"

Mayor Cobb proclaimed the month of May, 2017, as "Pediatric Stroke Awareness". He presented the proclamation to Ms. Veronica Granger. Ms. Granger stated in 2015, her daughter, Penelope, suffered a pediatric stroke at the age of 7. She added that because it was not believed that children could have a stroke, the doctors did not treat it as such and there was resulting damage to her brain.

In response to Commissioner Newman's question, Ms. Granger stated that parents wanting more information can log on the website www.CHASA.org.

In further response to Commissioner Newman, Ms. Granger stated her daughter's stroke occurred at school and she is working to raise awareness throughout the community.

Proclamation Proclaiming the Week of May 15 - 20, 2017, as "Police Week"

Mayor Cobb proclaimed the week of May 15-20, 2017, as "Police Week". He presented the proclamation to Police Chief Chris McCall. Police Chief McCall thanked the Mayor and invited everyone to a ceremony on May 18, 2017, at 8 a.m. to honor the police officers across the country who gave their lives in service.

Proclamation Proclaiming the Week of May 21 - 27, 2017, as "Emergency Medical Services Week"

Mayor Cobb proclaimed the week of May 21- 27, 2017, as "Emergency Medical Services Week". He presented the proclamation to Fire Chief Manny Gomez and Captain Michael Prudencio. Captian Prudencio gave a brief overview of the 2016 EMS statistics. He encouraged everyone to come by the fire stations to meet the men and women who work for HFD. He stated the EMS personnel can check blood pressure, glucose levels and even run an EKG to see if there is a medical emergency.

Commissioner Newman stated it is unfortunate that a bigger memorial week is not held for the police officers.

Commissioner Buie stated he received a telephone call from an individual who witnessed the wreck who recently happened on Marland. He stated the individual recognized Deputy Fire Chief Barry Young and Fire Captain Adrian Enriquez. The individual was impressed with Deputy Chief Young and Captain Enriquez, who were trying to extract a gentleman from a vehicle while others were worried about the structural integrity of the wall around the vehicle. Commissioner Buie also expressed his appreciation to HFD who recently spent time in his neighborhood checking the hydrants and visiting with the children in the area.

Public Comments

Ms. Helen Houston addressed comments to the Commission regarding the streaming of the work sessions and special meetings of the Commission. She stated she was unaware of the budget meeting held prior to tonight's meeting; however if she had known she could have watched it online. Ms. Houston requested the Commission consider streaming all meetings. She added that it will be good for citizens who are unable to be physically present at the meetings.

Mayor Cobb stated if the Commission wishes, they can discuss changing the policy for livestream videos with regards to adding other public meetings.

Mr. Nick Maxwell addressed the Commission and agreed with Ms. Houston regarding the streaming of all public meetings. He also stated he has made multiple requests for the financial disclosure statement for Mayor Cobb. Mr. Maxwell stated he has requested this form from the City Clerk who has stated the form is not available. He expressed his concern that the form will not be completed when the new Ethics Ordinance is passed as it will no longer be required.

Mr. Mike Stone, City Attorney, stated the financial disclosure form is required of all City employees and elected officials.

Mayor Cobb stated he will fill out all necessary forms once the ordinance has been approved by the Commission.

Mr. Robert Lujan expressed his appreciation to the Commission for holding a public meeting. He made several suggestions regarding help for students who drop out of classes.

Ms. Deann McGuinness expressed concern over the placement of the dumpsters in her neighborhood on Marquis Lane. She stated the dumpsters for the Eagle 9 Theater are causing a constant flow of trash in the alley and backyards of homes on Marquis Lane. She further stated she has spoken to the Hobbs Code Enforcement, Waste Management and the management at the theater and noone seems to have a solution to the issue. Ms. McGuinness further stated she has also brought up the issue of trash collection time which is 4:30 a.m. to 6 a.m. three times a week. She added that the noise is especially irritating for neighbors with small children.

Commissioner Buie stated he has had several calls similar to this over the years. He further stated the City requested the fence in an attempt to prevent the trash from blowing through the residential area, but nothing has helped. He added that his calls to Waste Management have also gone unanswered. Commissioner Buie thanked Ms. McGuinness for bringing this matter to the Commission.

Mr. J. J. Murphy, City Manager, stated he will reach out to Waste Management regarding the times of pickup. He further stated the City will begin repaving Marquis and the alley on Tuesday, May 16, 2017. Mr. Murphy added that he will visit with the theater to see what can be done to correct this situation.

Mayor Cobb stated there may be something in the Municipal Code regarding the shielding of trash to prevent it from blowing. He thanked Ms. McGuinness for attending.

Pastor Winfred Gipson spoke to the Commission in support of the Hobbs Police Department. He also related a story of an alert police officer who stopped his sister from entering a burning building. Pastor Gipson thanked the members of HPD for all of their activities in the community.

Consent Agenda

There were no items for the Consent Agenda.

Discussion

Results from the City of Hobbs' Citizen Survey. Mr. Britt Lusk, Administrative Services Director, and Mr. Murphy presented a PowerPoint regarding the results from the City of Hobbs' Citizen Survey. Mr. Lusk explained the survey and stated out of 12,500 surveys sent out with the March utility bill, 631 citizens responded. He further explained that of those returned, 238 were done online and 393 were on paper. He added that only one survey was completed in Spanish. Mr. Lusk explained the margin of error is +/- 3.8% with a 95% confidence level.

Mr. Murphy explained the department ratings. He stated because this is the first survey in a very long time, it will serve as a baseline for all of the departments to mark improvement.

Mayor Cobb stated he had the opportunity to visit the Hobbs Motor Vehicle Department recently and even though the ladies were pleasant and helpful, a new system needs to be considered to improve the service. He further stated he feels the rating MVD received through the survey is less of a reflection on the staff but more on the system in place.

Mr. Murphy agreed and stated the survey will give everyone the opportunity to communicate and improve the customer service offered. He stated the results of this survey will be distributed through the next water bill.

Mayor Cobb stated the results do not reflect on the departments but based on his experience, the City needs to make an investment in changes.

Commissioner Gerth stated the newspaper published a list of necessary documents for the MVD prior to the new changes taking effect.

Commissioner Newman stated he was opposed to the original idea of hiring out the survey process with only a potential of 10% returns. He stated the result from the in-house work got a better response. Commissioner Newman also requested a hard copy of all the results.

Mr. Murphy went over the various questions and answers received, many of which rated the services offered to the community. He stated the City is trying to be more accessible to the community by offering Commission meetings online; however the survey results show that a large percent of people do not watch the meetings. He further stated that other programs such as PACT, HFD visiting the schools and City Hall for a Day events are making City services accessible to citizens who may feel uncomfortable coming to a government building.

Mr. Murphy also discussed questions pertaining to various proposed projects and where citizens want to see improvements. He stated the survey shows that citizens would like to invest more money in public safety, drainage improvements and infrastructure upgrades.

Mr. Murphy concluded the presentation by stating the City will continue to work to improve the numbers gained from this survey. He stated he would like to see this survey done annually. Mr. Murphy expressed his appreciation to Mr. Lusk and the staff who worked on this project.

Commissioner Newman also thanked Mr. Murphy, Mr. Lusk and staff for preparing this survey in-house opposed to sending the work out. He stated this was a better method of obtaining these numbers.

Action Items

Resolution No. 6547 - Approval of Preliminary Budget for FY 17-18.

Mr. Toby Spears, Finance Director, explained the resolution and stated the Commission has met in two work sessions to discuss the budget for FY 2017-18. He stated the preliminary budget is due to NMDFA by June 1st. He stated the preliminary budget will be approximately \$110 million and with carryovers the budget will preliminarily be \$200 million due to the C.O.R.E., ongoing infrastructure and other projects. He further stated there will be approximately \$10 million in flow back which will bring the general fund reserve from 24% to 31%. Mr. Spears stated a work session will need to be scheduled for mid-June to discuss the final budget numbers.

There being no discussion, Commissioner Joseph Calderón moved to approve Resolution No. 6547 as presented. Commissioner Cynthia Calderon seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

Mayor Cobb expressed his appreciation to Mr. Spears, Ms. Deborah Corral and staff for all of the work they put into preparing the budget.

Consideration of Approval of a Memorandum of Agreement Between the City of Hobbs and the Hobbs Municipal Schools Regarding the 21st Century Community Learning Centers Grant Initiative.

Mr. Lusk presented the 21st Century Community Learning Centers Grant Initiative and stated this MOA is a renewal of the current agreement. He stated the biggest change is that the Teen Center will now be a destination instead of a learning center.

In response to Commissioner Newman's inquiry, Mr. Lusk explained that previously the Teen Center was used as a site location on Monday, Tuesday, Thursday and Friday. He stated next year students from the entire school district will come to the Teen Center to participate in the activities offered and hopefully allow the Teen Center to reach more kids.

In answer to Commissioner Gerth's question, Mr. Lusk stated no additional staff will be needed.

There being no further discussion, Commissioner Newman moved to approve the agreement with the Hobbs Municipal Schools for the 21st Century Community Learning

Centers Grant Initiative. Commissioner Joseph Calderón seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried. A copy of the supporting documentation is attached and made a part of these minutes.

PUBLICATION: Proposed Ordinance Amending Chapter 16 of the Hobbs Municipal Code Relating to Subdivisions.

Mr. Kevin Robinson, Development Coordinator, explained the proposed ordinance and stated, at the direction of the Planning Board, City staff has been working on clarifying the language of this ordinance since approximately 2007. He stated the proposed changes will tighten up the process and make it easier for everyone to understand.

At the request of Mayor Cobb, Mr. Robinson highlighted the changes in the ordinance and stated the City and Lea County will be working together with subdivisions outside City Limits but inside the extra territorial jurisdiction. He stated the County regulations will be concurrent with the City's code.

Mayor Cobb stated this proposed ordinance is for publication only. He suggested that anyone with a question regarding the subdivision of property contact Mr. Robinson.

Mr. Murphy also suggested any Commissioners with questions can schedule a time to meet with Mr. Robinson to discuss the impact of the proposed changes.

In response to Commissioner Gerth's question, Mr. Robinson stated the changes were brought about because the existing rules were created many years ago based on the minimum requirements of the State. He stated as time has gone by, the minimum requirements have changed and the City needs to update their ordinance. He stated the Planning Board feels these rules should be a tool to develop the properties rather than restrict the property owners.

Mayor Cobb stated this ordinance will clarify the rules and provides the resources needed by City staff.

Commissioner Buie stated he has been attending the Planning Board meetings for the last seven years. He further stated the Planning Board and their subcommittees have been working diligently to get a good document to bring before the Commission. He added Chapter 16 of the Hobbs Municipal Code regarding subdivisions is a complex ordinance. He encouraged anyone with questions to contact Mr. Robinson for explanation.

In response to Commissioner Taylor's inquiry, Mayor Cobb stated the proposed ordinance covers subdivisions inside City Limits as well as those in the extra territorial jurisdiction.

Mr. Robinson stated there were changes made based on additional conversations and he requested should the Commission chooses to publish this ordinance, they do so with the additional comments on the back page.

In response to Mr. Stone's question, Mr. Robinson clarified that the changes made were deminimis.

There being no comments from the audience or Commission, Commissioner Buie moved to publish notice of intent to adopt the proposed ordinance at a later date. Commissioner Newman seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried.

Resolution No. 6548 - Approving the Preliminary and Final Plan for Murrillo Subdivision, Pending County Approval, as Recommended by the Planning Board, Located Northeast of the Intersection of Chance St. And North Grimes St.

Mr. Robinson explained the resolution and stated this is the final plan approval for a subdivision located northeast of the intersection of Chance Street and North Grimes Street. He further stated this subdivision is located outside municipal limits in the extra territorial jurisdiction for Hobbs. Mr. Robinson stated the County has required the subdivision complete the installation of all infrastructure prior to approval. He added the City will not require the infrastructure to be in place; however the resolution is contingent on the approval by the Lea County Planning Board.

Mayor Cobb stated this is a great example of the municipal code. He further stated the easement is set to allow access to future developments on neighboring properties. He added Mr. Robinson and Mr. Todd Randall, City Engineer, do a great job with the subdivisions.

There being no further discussion, Commissioner Buie moved to approve Resolution No. 6548 as presented. Commissioner Cynthia Calderon seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

Resolution No. 6549 - Approving the Preliminary and Final Plan for Sanchez Subdivision as Recommended by the Planning Board Located Southwest of the Intersection of Pawnee Road and North Pool Street.

Mr. Robinson explained the resolution and stated this is another subdivision located within the extra territorial jurisdiction for the City of Hobbs. He stated the reason for so many preliminary and final plans is to keep them concurrent so the developer is not slowed down by the subdivision process. He further stated the public infrastructure, in this case an improved publically maintained roadway, is not fully extended to the western

boundaries of the parcel creating an infrastructure gap of approximately 113'. Mr. Robinson added the Planning Board recommends approval contingent on either the property owner entering into a development agreement with Lea County or the owner installing the required infrastructure.

In response to Commissioner Newman's question, Mr. Robinson stated that the approval of the preliminary and final plan is not contingent on approval by Lea County but either the property owner entering into a development agreement with Lea County or the owner installing the required infrastructure.

There being no further discussion, Commissioner Joseph Calderón moved to approve Resolution No. 6549 as presented. Commissioner Buie seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

Resolution No. 6550 - Consideration of Affirmation or Denial of a Decision of the City of Hobbs Planning Board Regarding Issuance of a Tower Permit in Compliance with Hobbs Municipal Code 18.12 for a Cell Tower to be Located Northwest of the Intersection of Bender Blvd. and Lovington Highway Upon Property Owned by City Commissioner Garry Buie d/b/a Buie Capital Ventures, LLC.

Mr. Stone introduced Ms. Amy McKenzie, with Verizon Wireless, and stated she and Mr. Kevin Robinson will be witnesses during this public hearing. He confirmed there was no one in the audience to speak for or against the permit.

Mr. Stone briefly described background on the application and stated the property in question is owned by Commissioner Buie. He further stated the Planning Board ruled this application permissible; however, in the interest of transparency it was decided the final decision should be made by the City Commission.

In response to Mr. Stone's inquiry, Commissioner Buie confirmed he will abstain from the discussion and vote on this item.

Mr. Stone stated holding a public hearing regarding the placement of a tower is probably overdoing the situation but business goes on. Because an item involves a Commissioner or City employee does not mean it is bad, it just means business is moving forward.

Ms. Jan Fletcher, City Clerk, administered an oath to Ms. McKenzie and Mr. Robinson.

In response to the inquiry from Mr. Stone, Mr. Robinson confirmed the City Planning Department received an application from Verizon for a cell tower to be located on the property owned by Buie Capital Ventures, LLC.

In further response to Mr. Stone, Mr. Robinson confirmed the decision of staff that the application should go before the Planning Board for consideration.

Mr. Robinson confirmed there was proper publication and notification prior to the Planning Board public hearing.

In response to Mr. Stone's inquiry, Mr. Robinson stated he feels the 19 page application is full and complete.

In answer to Mr. Stone's inquiry, Mr. Robinson stated the Planning Board held a full hearing on this matter and recommended the application for approval.

Mr. Robinson stated Hobbs is a "Use by Right" community meaning since there is no zoning in Hobbs, a property owner has the right to develop his or her property as long as they comply with the City's rules and regulations. He further stated, in this case, the property owner is bound by Chapter 18.12 of the Hobbs Municipal Code, also known as the Tower Ordinance. He explained City staff had three questions regarding the information provided on the application which lead to the public hearing before the Planning Board. The Planning Board determined this property would be an appropriate location for a tower.

In response to Mr. Stone's inquiry, Ms. McKenzie confirmed she is an agent for Verizon Wireless.

In answer Mr. Stone's next question, Ms. McKenzie stated Radio Frequency Engineers for Verizon Wireless determine where coverage needs to be enhanced. She stated the issue in Hobbs is the capacity of users and Verizon wishes to provide optimum service to their customers by placing a tower at the intersection of Bender Street and Lovington Highway.

In further response to Mr. Stone's questions, Ms. McKenzie stated Verizon has been working on this project since 2014 or 2015. She further stated the location is based on the needs of the community.

Ms. McKenzie explained Verizon tries to co-locate towers whenever possible; however they could not use one of the three existing towers due to two of the towers being broadcast towers for local radio stations. She stated these two towers are not structurally designed for wireless service and the signals would interfere with the broadcast. She further explained the third tower was designed for advertising purposes and is not structurally sound for use as a cell tower.

In response to Mr. Stone's inquiry, Ms. McKenzie confirmed there is no other tower within 2,000 feet that is appropriate for the equipment needed for the cell tower.

To answer Mr. Stone's questions, Ms. McKenzie described the tower construction as a 70' monopole that will be galvanized steel in color designed to mimic the surroundings. She stated the flush mounted antennas will resemble an electrical pole. She confirmed that the tower will blend in with the existing structures in the area. Ms. McKenzie stated the 30'x40' leased area will house the tower and equipment will be surrounded by a seven foot chainlink fence.

Ms. McKenzie confirmed the Planning Board did not require additional landscaping; however, Verizon is willing to xeriscape the leased property and blend the area with existing landscaping along Bender. She presented a visual aid completed by a landscape architect and stated the proposed landscaping will form an arrow down Bender. She further stated it will be filled with various colors of rocks and stones to blend in with the surrounding landscape which will utilize no water for maintenance.

In response to the inquiry from Mr. Stone, Ms. McKenzie answered no to the following questions:

- 1) Will the construction of the tower alter the essential character of the neighborhood?
- 2) Will the proposed tower adversely affect the health, safety or welfare of the public?
- 3) Are the special circumstances for the construction of the tower self-imposed or the result of the actions of Verizon Wireless?
- 4) Will the enforcement of the terms and provisions of this municipal code cause an unnecessary and undue hardship?
- 5) Will the construction of this tower be contrary to public interest and will it be detrimental to the public health, safety and welfare?
- 6) With this tower, are you in violation of any ordinance or regulation enforced by the City?
- 7) Will the proposed tower result in the violation of any applicable deed restriction or zoning regulation?

In response to Commissioner Gerth's inquiry, Ms. McKenzie clarified the only interference she was referring to would occur if they tried to co-locate with the existing towers. She stated because they are not using the towers, there will be no interference. She further stated Verizon falls under the rules and regulations of the FCC and if interference occurs, it will be mitigated immediately. Ms. McKenzie added because it is a monopole, no guy wires will be used.

In answer to Commissioner Gerth's questions, Ms. McKenzie stated there are four Verizon towers in Hobbs; however she is unaware of their exact locations.

To respond to Mr. Stone's inquiry, Ms. McKenzie confirmed the existing towers will not accommodate the service goals of the new tower. She stated the existing towers are saturated and the new tower is needed for the additional capacity.

In response to Commissioner Gerth's question, Ms. McKenzie stated the PEMCO tower is not structurally designed to support the wireless service. She explained that the tower could not be extended the additional five feet needed for service and it is not designed to support the equipment. She added there will be no advertising on the tower to be constructed.

Ms. McKenzie clarified that she has had no contact with Commissioner Buie regarding this application. She stated she was unaware of his interest until the application went before the Planning Board and the City Attorney made her aware of the Commission interest.

In answer to Commissioner Gerth's question, Ms. McKenzie stated there are no alternative sites that would work for this tower.

In response to Commissioner Cynthia Calderon's inquiry, Mr. Robinson stated purpose of the ordinance is to mitigate the disparaging uses of the towers rather than limit the number. He cited the building of a tower over a residential area as an example. He further stated there are areas where towers are perfectly suitable. Mr. Robinson stated the Planning Board also discussed the possibility of co-location on new towers so that if/when another company needs to expand service to this location, they can use the existing tower opposed to building a new one.

In further response to Commissioner Cynthia Calderon's inquiry, Mr. Robinson stated the City does not have any information on the contract between Verizon and Buie Capital Ventures, LLC.

Ms. McKenzie stated the tower is designed for co-location, so the possibility of adding a carrier contract in the future is possible.

Mayor Cobb stated all of the providers compete for business across the country but it seems they work together when it comes to towers and locations. He stated the tower ordinance was drafted to encourage co-locations.

In response to Commissioner Cynthia Calderon's question, Mayor Cobb stated there are numerous towers in Hobbs. He stated some of the towers were built in the 1950's for the oil and gas industry and they are still in use.

Commissioner Cynthia Calderon stated the ordinance clearly states to minimize the number of towers. She expressed her concern with the number of towers going up and the possible health concerns to the community.

Mr. Stone stated the ordinance recognizes there will be cell towers. He further explained there is a need for an orderly process to construct new towers.

In response to Commissioner Taylor's question, Mr. Robinson stated since the ordinance was enacted in 2010, this is the second tower permit to be issued. He further stated the City has reviewed several applications for co-locations but they do not have to be taken before the public body for approval.

Mayor Cobb explained that before the Planning Board became involved, towers were unregulated and popping up all over. These regulations are not to restrain trade but to continue it in an orderly manner.

Mr. Stone stated the motion before the Commission is to affirm the decision of the Planning Board, affirm the decision with modifications or to deny the decision of the Planning Board. He suggested affirming the decision with modifications to include the offer by Verizon to complete the landscaping.

There being no further discussion, Commissioner Newman moved to approve Resolution No. 6550 to affirm the Planning Board decision with modifications. Commissioner Gerth seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie abstain, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

Resolution No. 6551 - Authorizing a Grant Application for the FY 2016 Fire Prevention and Safety Grant for the Purchase of a Fire Safe House Trailer.

Mr. Shawn Williams, Fire Marshal, explained the resolution and stated the Hobbs Fire Department is requesting to apply for a grant that will pay 95% of the cost for a new Fire Safety Trailer. He stated the cost of the new trailer is approximately \$85,000.00 and with the grant funds the City's portion would be approximately \$4,047.00. Fire Marshal Williams further stated the current trailer used by HFD has been in use since 1993. He added the trailer will be updated with current hazards and will not only be used to teach children about fire safety but give HFD the opportunity to expand to teaching adults how to extinguish kitchen fires and general fire safety.

In response to Commissioner Taylor's question, Fire Marshal Williams stated the trailer can be used to show how to properly put out a fire.

Commissioner Newman stated the trailer being used by HFD was purchased the year he retired from HPD. He further stated the work done by HFD in educating the youth of

Hobbs is fantastic. He added he sees pictures and comments on social media praising HFD and the work done with the Fire Safe House.

There being no further discussion, Commissioner Newman moved to approve Resolution No. 6551 as presented. Commissioner Cynthia Calderon seconded the motion and the vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

Comments by City Commissioners, City Manager

Mayor Cobb stated the next regular Commission meeting will be held on June 5, 2017. He further stated the City will also host "City Hall for a Day" and a Town Hall Meeting on Thursday, May 18, 2017.

Mr. Murphy echoed the words of the Commission earlier and commended everyone with HPD and HFD for putting their lives on the line every day. He encouraged the public to attend the "City Hall for a Day" event at the corner of McKinley St. and Marland St. From 12:30 p.m. to 4:30 p.m. Mr. Murphy stated this event was designed for people who feel apprehensive about coming into a government building. He added representatives from all departments will be present to answer questions and assist the public. Mr. Murphy stated a Town Hall meeting will also be held on May 18, 2017, from 5 p.m. to 7 p.m. at Booker T. Washington School. He added both of these events are part of the community engagement strategy.

In response to Commissioner Newman's inquiry, Mr. Murphy stated the HPD Ceremony to honor fallen officers will be held on Wednesday, May 17, 2017, at 8 a.m.

Commissioner Gerth thanked everyone for attending and stated he and Commissioner Taylor recently went to MOLI training and attended various classes including parliamentary procedures and budgeting. He further stated it was a good experience and he is looking forward to more training.

Commissioner Cynthia Calderon stated she was unable to attend the classes but she has been attending the online sessions. She thanked everyone for all their hard work.

Commissioner Taylor congratulated Mrs. Wilma Brooks who recently celebrated 50 years as an educator of children. She also expressed her enthusiasm for "City Hall for a Day" and Town Hall Meeting to be held this week.

Commissioner Taylor stated Main Street looks beautiful.

Commissioner Joseph Calderón complimented the PACT events that were held at Booker T. Washington and Heizer Parks and stated he can't wait for the next one to be held on May 31, 2017. He further stated the participation has been great.

Commissioner Joseph Calderón also complimented the Parks Department on the beautiful grass at Booker T. Washington and Heizer Parks.

Commissioner Buie expressed his appreciation to the Commission for the vote on the tower permit earlier. He stated he hopes it sets a precedent for future employees to get everything out in the open.

Mayor Cobb expressed condolences on behalf of the Commission to Mr. Tim Woome who recently lost his mother.

Adjournment

There being no further discussion or business, Commissioner Newman moved that the meeting adjourn. Commissioner Joseph Calderón seconded the motion. The vote was recorded as follows: Newman yes, Cynthia Calderon yes, Taylor yes, Joseph Calderón yes, Buie yes, Gerth yes, Cobb yes. The motion carried. The meeting adjourned at 7:50 p.m.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

Minutes of the work session of the Hobbs City Commission held on Monday, May 15, 2017, at 4:30 p.m. in the City Commission Chamber at City Hall, 200 East Broadway, Hobbs, New Mexico.

Mayor Cobb called the work session to order and welcomed everyone in attendance. The following were present:

Mayor Sam D. Cobb
Commissioner Marshall Newman
Commissioner Cynthia Calderon
Commissioner Pat Taylor
Commissioner Joseph D. Calderón
Commissioner Garry A. Buie
Commissioner Don Gerth

Also present were Mr. J. J. Murphy, City Manager, Mr. Mike Stone, City Attorney, Ms. Jan Fletcher, City Clerk and Ms. Mollie Maldonado, Deputy Clerk. Other staff members and public were also present.

Revisions to Section 3.08 of the Hobbs Municipal Code Related to Lodgers' Tax

Mr. Murphy reviewed the provisions of the City's current ordinance for the allocation of lodgers' tax proceeds as follows:

15% Security and Sanitation
20% Non-Profit, For-Profit,
40% City and County
25% Airline

Mr. Murphy stated Section 3-18-15, NMSA, 1978, provides that a minimum of 50% of the lodgers' tax proceeds generated must be used for advertising and promotion. It also provides that such 50% portion may not be accumulated beyond two years nor used for any other purpose.

In response to Mayor Cobb's question, Mr. Murphy stated that the 15% amount for security and sanitation is swept and flows back into the General Fund. He stated funding is not collected dollar for dollar based on multiple officers at events, overtime, etc. For the proposed FY 18 budget, a total of \$141,098 is projected for the 15% security and sanitation.

Mr. Murphy stated the division of the lodgers' tax funds into four accounts causes great challenges for the Finance Department. He stated it is four different rates divided into four different accounts. He suggested revisions to the ordinance which would divide the funds into basically two accounts:

50% Airline and CORE
50% Profit, Non-Profit, City Events, County Events

He stated it would be less work on staff instead of having four different "pots of money". Mr. Murphy emphasized the importance of promoting the airline service and the CORE. If a large payment resulted to the airline, there would be less money available for the CORE.

In response to Commissioner Buie's question, Mayor Cobb and Mr. Murphy stated the contract for the airline service has not yet been finalized. Mayor Cobb stated it is proposed that the City's portion would not exceed \$1.5 million and the County's portion would not exceed \$1.5 million; however, there is no firm agreement yet.

Mr. Murphy stated if ridership continues and stays the same, the cost to the City could only be \$1 million.

In reply to the inquiries of Commissioner Buie and Commissioner Newman, Mr. Murphy stated as an example, using the FY 18 funding amounts for the proposed new ordinance provisions, there would be \$470,000 available for the Airline/CORE and \$470,000 for Profit/Non-Profit Events. In this case, all of the \$470,000 funding would be applied to the airline service and the balance for the airline would have to come from the General Fund. In this example scenario, there would be no funding available for the CORE. Mr. Murphy stated all of the entities would equally compete for the other 50%.

Mayor Cobb stated the City should not be making an award for City events.

Mayor Cobb stated the airline is of great economic benefit to the community and creates GRT as will the CORE.

In response to Commissioner Joe Calderón's question, Mr. Murphy stated the agreement with the County on its contribution to the CORE needs to be revisited as the current Memorandum of Understanding included provisions related to the Equine Center.

Commissioner Newman commented that funding for the CORE should be left out of the ordinance. He stated the construction is not yet complete and it is an unknown variable at this point.

Commissioner Joe Calderón stated the City does need to be ready for marketing of the facility when it opens.

Mr. Murphy stated the City does need to re-negotiate with the County for funding for the CORE. Under the example scenario cited above, there would be no funding available for the CORE. Mr. Murphy stated it will have to be paid either from the Lodgers' Tax Fund or from the City's General Fund.

Mayor Cobb stated both need to stand on their own. Currently, hotels have rooms available and many agencies are needing funding to bring events to town. He stated the dynamics have changed now. Mayor Cobb stated he is interested in

how to promote events in the community. He commented that the airline has the ability to drive business activity in the community.

Mr. Murphy again stated the current method of using four accounts is very cumbersome. He stated the City is currently subsidizing the airline out of the General Fund.

Mayor Cobb stated the airline does create revenue for the City.

Mayor Cobb and Mr. Murphy stated the County has received approximately \$12 million in capital funding for renovations at the airport and recently received an award related to the airport.

In response to Mayor Cobb's question, Mr. Spears stated if the funds are not spent for two years, the unspent funds revert to the State. He stated the City is active with its Lodgers' Tax Fund and reversion has never occurred with the City.

Mr. Murphy suggested the creation of an ordinance or guideline with flexibility that could pay more toward the airline. If excess funds are available, the Commission could have the latitude to make a decision about it. Mr. Murphy reminded the Commission that a Convention and Visitors Bureau (CVB) has been discussed. He said there have been many ideas and the staff needs direction on how to proceed.

Mr. Mike Stone, City Attorney, stated the guidelines would need to include the eligible use for lodgers' taxes as described in the statutes.

Mayor Cobb stated the statute provides that 50% has to be used for marketing.

Mr. Stone agreed and stated the statute provides five things that are eligible for use by the 50%.

Mayor Cobb stated the lodgers' tax revenue is down. He stated hotels are no longer used for workforce housing. He stated the hotels need to be filled up and events need to be created which will bring lodgers into Hobbs on the weekend.

Commissioner Taylor stated it is time to start funding the Taylor Ranch recreation area as it will also bring economic development and people to Hobbs.

A discussion was held about projected growth in the oil patch and the importance of bringing recreational events to Hobbs like soccer tournaments, etc.

Commissioner Buie stated he appreciated the work on the lodgers' tax revisions but more information is needed before making any adjustments.

Mr. Murphy stated that staff will get three or four different options for review by the Commission. In response to Mr. Murphy's inquiry regarding the CORE, Commissioner Newman stated he does not favor funding for the CORE since it is not open yet.

Commissioner Buie stated this ordinance has changed many times over the years and it will probably continue to change as time goes on.

FY 17-18 Economic Development Marketing Entities

Mr. Murphy stated funding requests were received from the following agencies:

Economic Development Corporation (EDC)	
Professional Services Agreement	\$ 200,000.00
Airline Service	\$ 500,000.00
Special Projects	\$ 50,000.00
Hobbs Chamber of Commerce	\$ 75,000.00
Hispano Chamber of Commerce	\$ 60,000.00
African American Chamber of Commerce	\$ 40,000.00
Juneteenth Committee	\$ 25,000.00

Mr. Spears stated the contracts need to be in place by July 1, 2017.

Mayor Cobb stated the EDC's request is the same as last year. A discussion was held on the request.

Commissioner Buie stated Mr. Steve Vierck has been a great addition to the EDC staff and is making a big difference in Hobbs.

Commissioner Newman stated the EDC is working with all three Chambers of Commerce to promote Hobbs.

Commissioner Taylor stated the African American Chamber of Commerce is doing well.

In response to Commissioner Newman's question, Commissioner Taylor stated the extra \$25,000 is for advertising, promotion and events.

Mr. Murphy added that scholarships are provided by the organization but not with lodgers' tax funds. He stated that the African American Chamber of Commerce and Juneteenth both requested an additional \$10,000 increase.

Mr. Murphy commended Commissioner Newman for encouraging all three Chambers of Commerce to work together along with the EDC. He stated a joint event is scheduled at Rockwind Community Links on Thursday, May 25, 2017.

Commissioner Buie stated if one agency is kept at the same funding level as last year, they should all be kept at the same amount.

Mr. Murphy stated he believes the funding amount for the social service agencies has been recommended to be at the same level as last year.

Social Service Agencies

Mr. Murphy stated that Mayor Cobb, Commissioner Don Gerth and Commissioner Pat Taylor served on a committee to review all of the funding requests.

Commissioner Gerth stated there were many questions and he praised Ms. Ann Betzen, Risk Manager, for providing all of the information and obtaining answers to all of the questions. He stated one new agency, Legacy Pregnancy Center, is recommended to receive \$10,000.00.

Mr. Murphy commended the committee and stated they had to sort through stacks of requests and supporting documentation. He stated no increase in funding is recommended from the prior year with the exception of the Legacy Pregnancy Center. The Legacy request was in the amount of \$20,000 and the funding amount is recommended at \$10,000.

In response to Commissioner Newman's question, Ms. Betzen stated the agency is located on Sanger Street in an office across from Permian Ford.

Commissioner Newman stated he would like to see the funding level for the WHI Hobbs Backpack Program increased this year. Mr. Murphy stated the item will come forward to the Commission for formal approval at the next meeting.

FY 17-18 Preliminary Budget

Mayor Cobb stated the last item on the work session agenda is discussion of the City's FY 17-18 Preliminary Budget. He stated there are 35 minutes remaining for discussion of the City's \$200 million budget.

Mr. Murphy reviewed the timelines and stated the City will be taking formal action later tonight during the regular meeting to adopt the preliminary budget as it is due to the New Mexico Department of Finance and Administration (DFA) by June 1, 2017. The final budget for FY 17 and the adjusted budget for FY 18 will be adopted at the Commission meeting on July 17, 2017. Mr. Murphy announced good news and stated the anticipated flowback will be approximately \$10 million which is greater than originally expected. He explained that the prepared budget book includes the worst case scenario. The City's reserves will be at 31% with the new anticipated flowback amount. Mr. Murphy stated 75 of the new 100 positions are related to the CORE. At least 30 other budgetary requests for new staff were cut.

Mr. Spears stated the budgetary numbers included in the budget book are actual expenditures as of March 31, 2017. He stated everyone will have a better idea once the City closes its books after June 30th.

In reference to Mayor Cobb's question, Commissioner Newman stated he has received numerous calls related to personnel but he has not received any calls related to capital expenditures. Commissioner Newman questioned why the City would be publishing an RFP to hire someone to cut the grass on the trail. He also questioned the hiring of a CORE Superintendent and an Assistant Parks and Recreation Director.

Mr. Murphy stated the City is going to open the CORE and staff needs to be prepared accordingly. He stated a Superintendent is being hired to run the CORE facility. If 75 additional staff are hired to work at the CORE, the Parks and Recreation Department will become the largest department in the City. Most of the other departments already have deputy directors. Mr. Murphy stated he approved posting the position and applications have been received.

Commissioner Buie commented that the City is becoming top heavy. He stated while he totally supports the Police Department, they are top heavy. Commissioner Buie stated the Fire Department is not top heavy and is maintaining at its current level. He stated now the Parks and Recreation Department is also becoming top heavy. By top heavy, he explained that the City is getting more managers at the top than there are people providing service at the bottom. In the Recreation Department, he stated there will be a Director, Assistant Director and a Superintendent. Commissioner Buie stated he needs to be honest and frank in these conversations and wants nothing but the best for the City. He stated another issue for him is the education for Department Heads and the education for employees. Commissioner Buie stated Mr. Murphy attended a leadership class at Harvard where he networked with many individuals and even some from other countries. Now, the City is sending Mr. Doug McDaniel to Harvard. He stated the City has people at the bottom level of the organization that it needs to train and keep. Commissioner Buie stated he understands that attendance at such a leadership course looks good on a resume. He stated the City even approved attendance at Harvard for Eric Enriquez, who is no longer with the City.

Mr. Murphy stated the City of Las Cruces paid the fees for Mr. Enriquez to attend the leadership class at Harvard.

Commissioner Newman questioned how the City is benefitting from these sessions. He again referenced the posting of a legal notice on May 14, 2017, for the City to hire contract labor to mow the grass.

Mayor Cobb interjected and stated the City's leadership needs to reflect what is going on with the community. He stated the private sector is doing more with less. Mayor Cobb stated leadership is a reflection on the organization. He understands the concerns with the City's proposed new number of headcounts. He stated the City is not really in an economic expansion mode right now. If oil jumps up to \$60

per barrel proving the current projections wrong, the City can adjust its budget to increase expenditures. Mayor Cobb stated the budget deliberations need to be current realistic numbers.

Commissioner Gerth stated two months ago, he commented during a Commission meeting that he thought the economy was taking off but instead it has flattened out. He stated his employer is not any busier but yet they have not slowed down either.

Mr. Murphy reminded the Commission that just because positions are approved in the budget does not mean they will be filled.

Mayor Cobb stated he is not opposed to the preliminary budget being sent to the DFA as submitted but it is not approved to adjust pay and increase headcounts.

Commissioners Buie and Newman both agreed.

Mr. Murphy stated the City will await the GRT numbers and make a determination. He stated staff is listening to the comments from the Commission.

Commissioner Taylor stated she has not yet seen the Department Head and employee numbers.

Mayor Cobb commented that City staff is doing a great job. He stated the City does need to be wise in its budgetary plan.

Commissioner Buie thanked Mr. Murphy, Mr. Spears and staff for their hard work on the budget.

There being no further comments, the work session adjourned at 5:45 p.m.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



CONSENT AGENDA



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: June 5, 2017

SUBJECT: A Resolution Designating Persons Qualified as an Acting Municipal Judge and Setting Forth Compensation.

DEPT. OF ORIGIN: City Attorney's Office
DATE SUBMITTED: May 24, 2017
SUBMITTED BY: Michael H. Stone, City Attorney

Summary:

Section 2.12.050 of the Hobbs Municipal Code requires that a list of persons designated by the City Commission as qualified to be Acting Municipal Judge be prepared annually. Bobby Arther has completed a judicial training program and is willing to be placed on said list and serve as Acting Municipal Judge if appointed by the Municipal Judge. Section 2.12.050 also provides that the compensation for Acting Municipal Judge be set by resolution at the time the list is prepared. This resolution would place Bobby Arther on the list of persons designated as qualified to be Acting Municipal judge and set the compensation at a rate of \$150.00 per day.

Fiscal Impact:

Salary of the Acting Municipal judge shall be paid from the Municipal Court budget at a rate of \$150.00 per day. The total cost to the City per year will be determined by the number of days the Acting Municipal Judge actually serves.

Reviewed By: [Signature]
Finance Department

Attachments:
Resolution

Legal Review:

Approved As To Form: [Signature]
City Attorney

Recommendation:

Motion to approve resolution.

Approved For Submittal By:

[Signature]

Department Director

[Signature]
City Manager

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COMMISSION ACTION TAKEN

Resolution No. _____ Continued To: _____
Ordinance No. _____ Referred To: _____
Approved _____ Denied _____
Other _____ File No. _____

CITY OF HOBBS

RESOLUTION NO. 6552

A RESOLUTION DESIGNATING PERSON(S) QUALIFIED
AS AN ACTING MUNICIPAL JUDGE AND
SETTING FORTH COMPENSATION FOR ACTING MUNICIPAL JUDGE

WHEREAS, at times the need for judicial action occurs when the Municipal Judge is not available; and

WHEREAS, Section 2.12.050 of the Hobbs Municipal Code provides that a list of persons designated by the City Commission as qualified Acting Municipal Judge be prepared; and

WHEREAS, Bobby Arther is willing to be placed on the list of those qualified to be Acting Municipal Judge;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that:

A. The list of names of people designated by the City Commission as qualified to be Acting Municipal Judge during the upcoming year shall include Bobby Arther.

B. The designated person(s) shall be appointed in writing by the elected Municipal Judge and the appointment shall be filed in the office of the City Clerk and in the office of the Municipal Court Clerk.

C. Upon appointment, the designated person(s) shall be duly qualified to act in the absence of the Municipal Judge with full powers of such office vested in the municipal judge on all occasions that he may reside over the court.

D. The Acting Municipal Judge, as a condition of discharging the duties of that office, is not required to complete annual judicial training programs as required of

the Municipal Judge. However, no municipal judge shall receive a salary until such judge has successfully completed a judicial training program and received a certificate of completion from the Administrative Office of the Courts, or has been exempted from the required judicial training program by the Chief Justice of the Supreme Court. Any cost associated with initial certification or refresher training, if required, shall be at the responsibility of the appointee.

E. Upon appointment by the Municipal Judge and completion of the required judicial training program or exemption from the program by the Chief Justice of the Supreme Court, the Acting Municipal Judge will be compensated at a rate of \$150.00 per day.

PASSED, ADOPTED AND APPROVED this 5th day of June, 2017.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: June 5, 2017

SUBJECT: A Resolution Authorizing the Transfer of Ownership of the Hobbs Police Department Canine named Agar.

DEPT. OF ORIGIN: Police Department
DATE SUBMITTED: May 23, 2017
SUBMITTED BY: Captain Michael Walker

Summary:

The City currently has ownership of a working police dog named Agar, which has completed his beneficial service to the citizens of Hobbs. Agar's handler, Officer Teresa Grady, has been the handler for Agar and has developed a close bond with him. Officer Grady desires the City to transfer ownership to her. In return, Officer Grady will become responsible for the dog's medical care, annual licensing, and food. She will assume all liability associated with Agar as specifically enumerated in a Transfer of Ownership and Release of Liability Agreement. Officer Grady shall not receive any further stipends from the City as associated with his handling of Agar.

Fiscal Impact:

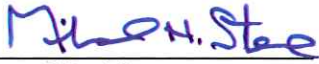
There will be no other fiscal impact to the City in that Officer Grady will be solely responsible for all care and liability of Agar. Officer Grady will not receive any further stipends associated with Agar.

Reviewed By: 
Finance Department

Attachments:

1. Resolution
2. Transfer of Ownership and Release of Liability

Legal Review:

Approved As To Form: 
City Attorney

Recommendation:

The Commission adopt the Resolution.

Approved For Submittal By:


Department Director


City Manager

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Resolution No. _____	Continued To: _____
Ordinance No. _____	Referred To: _____
Approved _____	Denied _____
Other _____	File No. _____

CITY OF HOBBS

RESOLUTION NO. 6553

A RESOLUTION AUTHORIZING
THE TRANSFER OF OWNERSHIP OF THE
CITY OF HOBBS POLICE DEPARTMENT CANINE NAMED AGAR

WHEREAS, the City of Hobbs currently has ownership of a working police dog named Agar, and;

WHEREAS, Agar has completed his beneficial service to the citizens of Hobbs and;

WHEREAS, Agar's handler, Officer Teresa Grady, desires that the City transfer ownership of Agar to her, and;

WHEREAS, Officer Grady will become responsible for the dog's medical care, annual licensing and food and will assume all liability associated with Agar as set forth in a Transfer of Ownership and Release of Liability Agreement, and;

WHEREAS, Officer Grady shall not receive any further stipends from the City as associated with the handling of Agar;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, that the Mayor be and hereby is authorized and directed to take all necessary and appropriate action to effectuate this resolution and specifically to transfer ownership of the City of Hobbs Police Department Canine named Agar to his handler, Officer Teresa Grady, as set forth in a Transfer of Ownership and Release of Liability Agreement.

PASSED, ADOPTED AND APPROVED this 5TH day of June, 2017.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

TRANSFER OF OWNERSHIP AND
RELEASE OF LIABILITY

WHEREAS, The City of Hobbs, hereinafter referred to as "City", owns a working police dog named Agar. Officer Teresa Grady, hereinafter referred to as "Grady", has served as Agar's handler; and

WHEREAS, Grady and Agar have developed a significant bond during their service; and

WHEREAS, the decision has been made to retire Agar from Hobbs Police Department as a working police dog as he has completed his beneficial service to the City of Hobbs; and

WHEREAS, Grady desires to keep Agar and become responsible for the complete care of Agar; and

WHEREAS, The City desires to transfer ownership of Agar in return for a complete release from Grady of any and all legal liability associated with Agar that may arise in the future and the complete care and responsibility of Agar.

1. The City of Hobbs shall transfer ownership of Agar to Grady upon approval by the City Commission and at the time this document is executed by all parties.
2. Grady shall be responsible for the on-going care for Agar, including, but not limited to, any and all medical care, preventative inoculations (rabies, distemper, bordetella, etc.), all annual city/state licensing fees, and food.
3. Grady agrees to abide by all City Ordinances and State Statutes regarding the ownership of Agar.
4. Grady agrees to assume all responsibility and liability associated with Agar. Grady agrees to indemnify the City of Hobbs, its employees, mayor and commission for any legal action initiated alleging negligence on the part of Agar wherein the City of Hobbs, its employees, mayor and/or commission are named as defendants. Currently, the parties are unaware of any pending legal matters as a result of acts or alleged negligence on the part of Agar. This indemnification provision shall not apply to any event giving rise to potential liability that occurred before the signing of this document.
5. Upon the signing of this document by all parties, Grady will no longer be entitled to any additional compensation from the City of Hobbs associated with her dog handling responsibilities, as it pertains to Agar. This provision does not preclude Grady from serving as a canine officer with any other police dog and receiving appropriate compensation for such new responsibilities

6. The City shall present this Transfer of Ownership and Release of Liability to the City Commission to obtain an appropriate Resolution, authorizing Mayor Sam D. Cobb to execute this agreement on behalf of the City of Hobbs.

DATED this 5th day of June, 2017.

SAM D. COBB
City of Hobbs Mayor

ATTEST:

JAN FLETCHER
City Clerk

TOBY SPEARS
Finance Director

TERESA GRADY

Approved as to Form:

MICHAEL H. STONE
City Attorney



ACTION ITEMS



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: June 5, 2017

SUBJECT: Proposed COLA and Merit increase for Fiscal Year 2018

DEPT. OF ORIGIN: Administration
DATE SUBMITTED: May 25, 2017
SUBMITTED BY: JJ Murphy, City Manager

Summary:

During the 2018 preliminary budget work sessions that were conducted on May 1st and May 15th, 2017, the City of Hobbs staff presented a proposed 2% COLA and 3% merit increase as it relates to the salary portion of the budget. The City of Hobbs also has two collective bargaining agreements associated with the Hobbs Police and Fire Departments that automatically require a 2% COLA. Staff is seeking direction on the proposed increases prior to the start of the fiscal year 2018 payroll. (July 2, 2017)

Fiscal Impact:


Reviewed By: 
Finance Department

The projected increase, as it relates to the COLA, would be estimated at \$650,975 (includes benefits associated with the increase) and \$976,463 is estimated at the 3% merit. (includes benefits associated with the increase)

Attachments:

Resolution

Legal Review:

Approved As To Form: 
City Attorney

Recommendation:

To be decided by Commission.

Approved For Submittal By:

Department Director


City Manager

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Resolution No. _____ Continued To: _____
Ordinance No. _____ Referred To: _____
Approved _____ Denied _____
Other _____ File No. _____

CITY OF HOBBS

RESOLUTION NO. 6554

A RESOLUTION PROPOSING
COLA AND MERIT INCREASES FOR FISCAL YEAR 2018

WHEREAS, preliminary budget work sessions were conducted on May 1st and May 15th, 2017; and

WHEREAS, the City of Hobbs staff proposed a 2% COLA and 3% merit increase as it related to the salary portion of the budget; and

WHEREAS, the City of Hobbs also has two collective bargaining agreements associated with Hobbs Police and Hobbs Fire Departments that automatically require a 2% COLA; and

WHEREAS, City staff is seeking direction on the proposed increase prior to the start of the fiscal year 2018 payroll;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO that a 2% COLA and 3% merit increase is approved as to the salary portion of the budget for fiscal year 2018, which begins July 2, 2017.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 5th 2014

SUBJECT: A Resolution approving a 10% increase to the Maximum Compensation level of the current City of Hobbs Compensation Plan

DEPT. OF ORIGIN: Administration
DATE SUBMITTED: June 5, 2017
SUBMITTED BY: J.J. Murphy, City Manager

Summary: According to current Ordinance 2.56.300, the City Manager may periodically instruct the Personnel Director to review and propose a compensation plan which considers both salary and benefit levels for job classification within the classification plan. The pay plan shall be recommended by the City Manager to the City Commission.

Under the current compensation plan, there are seventeen employees that will not be eligible for a full Cost of Living Adjustment this year due to "topping out" in the classification plan. There are thirty six employees that will not be eligible for a full 3% Merit increase, if a Merit increase is approved by the Commission.

Under the Collective Bargaining Agreements for both the Fire and Police Unions, there are stipulations that state the maximum ranges will be adjusted yearly for a 2% COLA. In addition, the maximum ranges will be adjusted for the maximum Merit limit as approved by the Commission.

It is staff's recommendation that the maximum limits in the current general classification plan be raised by 10%. This will ensure that most employees remain eligible for both Cost of Living Adjustments and any Merit increases as approved by the City Commission.

Due to the fact that we are bound by Collective Bargaining Agreements, the adjustment of Union compensation plans should continue as stipulated with the approval of Merit increases and the automatic 2% COLA.

Fiscal Impact:

Reviewed By: 

Based on the 2018 preliminary budget a 2% COLA increase would be estimated at \$650,975 and a 3% Merit would be estimated at \$976,463. Both amounts include associated benefits.

Finance Department

Attachments:

Spreadsheet of current impacted employees over the next two fiscal periods.

Legal Review:

Approved As To Form: 
City Attorney

Recommendation:

Motion to approve.

Approved For Submittal By:


Department Director

City Manager

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COMMISSION ACTION TAKEN

Resolution No. _____ Continued To: _____
Ordinance No. _____ Referred To: _____
Approved _____ Denied _____
Other _____ File No. _____

CITY OF HOBBS

RESOLUTION NO. 6555

A RESOLUTION AUTHORIZING THE
COMMISSION TO APPROVE A TEN PERCENT INCREASE TO THE CURRENT
COMPENSATION PLAN MAXIMUM RANGE FOR GENERAL EMPLOYEES
ONLY.

WHEREAS, some current City employees are considered "topped out" in our current compensation plan and will not be eligible for a full two percent Cost of Living Adjustment or a possible Merit increase; and

WHEREAS, under the current ordinance the City Manager may periodically instruct the Personnel Manager to review and propose a compensation plan which considers both salary and benefit levels for job classification within the classification plan. Upon which, the pay plan shall be recommended by the City Manager to the City Commission; and

WHEREAS, it is City staff's recommendation that the current compensation plan for General Employees be raised on the maximum end by ten percent.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the Mayor be, and hereby is, authorized to approve on behalf of the City of Hobbs the following:

1. Increasing the top "maximum" end of the current General Employee's compensation plan by ten percent.
2. Current Union employees compensation plans will remain as stipulated in the Collective Bargaining Agreement. A two percent Cost of Living Adjustment per year will increase the "maximum" end of the compensation plan. In addition, if the

Commission chooses to approve a Merit increase, the "maximum" end of the compensation plan will increase by the approved percentage amount.

PASSED, ADOPTED AND APPROVED, this 5th day of June, 2017.

Sam D Cobb, Mayor

ATTEST:

JAN FLETCHER, City Clerk



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: 6-5-17

SUBJECT: Resolution Authorizing Funding Appropriations to Social Service Agencies and Authorizing the Mayor to Execute Professional Service Agreements.

DEPT. OF ORIGIN: Mayor's Office
DATE SUBMITTED: 5-10-17
SUBMITTED BY: Ann Betzen

Summary:
Proposed funding for community social service agencies.

Fiscal Impact:

Ordinance #1086 capped funding at \$400,000; committee's recommendation is \$314,000.
These appropriations are budgeted under the FY 2017-2018 preliminary budget.

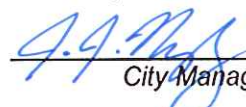
Reviewed By: 
Department

Attachments:
Resolution, History of Funding Ledger

Legal Review: 
Approved As To Form: _____
City Attorney

Recommendation:

Motion to approve Resolution.

<p>Approved For Submittal By:</p> <p>_____ Department Director</p> <p> City Manager</p>	<p>CITY CLERK'S USE ONLY COMMISSION ACTION TAKEN</p> <table><tr><td>Resolution No. _____</td><td>Continued To: _____</td></tr><tr><td>Ordinance No. _____</td><td>Referred To: _____</td></tr><tr><td>Approved _____</td><td>Denied _____</td></tr><tr><td>Other _____</td><td>File No. _____</td></tr></table>	Resolution No. _____	Continued To: _____	Ordinance No. _____	Referred To: _____	Approved _____	Denied _____	Other _____	File No. _____
Resolution No. _____	Continued To: _____								
Ordinance No. _____	Referred To: _____								
Approved _____	Denied _____								
Other _____	File No. _____								

CITY OF HOBBS

RESOLUTION NO. 6556

A RESOLUTION AUTHORIZING FY 17-18 FUNDING
APPROPRIATIONS TO VARIOUS SOCIAL SERVICE AGENCIES

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS,
NEW MEXICO, that FY 17-18 funding appropriations are approved for various social
service agencies in the following amounts:

CASA	\$20,000
Faith in Action	\$10,000
Isaiah's Kitchen	\$10,000
Lea County Commission for the Arts	\$15,000
Legacy Pregnancy Center	\$10,000
Manna Outreach	\$10,000
My Power, Inc.	\$20,000
Option	\$15,000
Opportunity House	\$ 8,500
Palmer Drug Abuse Program	\$35,000
Salvation Army	\$ 6,000
Senior Bash	\$ 2,000
Southwest Symphony	\$ 3,000

Teen Court	\$32,000
Weekend Hunger Initiative	\$17,500
Community Drug Coalition	\$100,000

BE IT FURTHER RESOLVED that the Mayor be and is hereby authorized and directed to execute appropriate Professional Service Agreements with each agency in the amounts specified above for the provision of social services to the citizens of Hobbs.

PASSED, ADOPTED AND APPROVED this 5th day of June, 2017.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: June 5, 2017

SUBJECT: Resolution Authorizing FY 17-18 Funding Appropriations for Economic Development and Marketing Entities

DEPT. OF ORIGIN: Legal Department
DATE SUBMITTED: May 30, 2017
SUBMITTED BY: Michael H. Stone, City Attorney

Summary:

This resolution authorizes FY 17-18 funding appropriations for the Lea County Economic Development Corporation of Lea County (Operational and Special Projects) and the three chambers of commerce. It also authorizes the Mayor to execute Professional Services Agreements with the entities.


Fiscal Impact:

The funding has been approved in the 2017-18 budget

Reviewed By: 
Finance Department

Attachments:
Resolution

Legal Review:

Approved As To Form: 
City Attorney

Recommendation: The Commission should approve the Resolution

Approved For Submittal By:

Department Director

City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

Resolution No. _____	Continued To: _____
Ordinance No. _____	Referred To: _____
Approved _____	Denied _____
Other _____	File No. _____

CITY OF HOBBS

RESOLUTION NO. 6557

A RESOLUTION AUTHORIZING FY 17-18 FUNDING APPROPRIATIONS
FOR ECONOMIC DEVELOPMENT AND MARKETING ENTITIES

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS,
NEW MEXICO, that FY 17-18 funding appropriations are approved for economic
development and marketing of Hobbs in the following amounts:

Economic Development Corporation <i>(Operating and Special Project)</i>	\$250,000.00
Hobbs Chamber of Commerce	\$ 75,000.00
Hobbs Hispano Chamber of Commerce	\$ 60,000.00
Hobbs African American Chamber of Commerce <i>(of which \$20,000.00 is for Juneteenth)</i>	\$ 45,000.00

BE IT FURTHER RESOLVED that the Mayor be and is hereby authorized and
directed to execute appropriate Professional Services Agreements with each agency in
the amounts specified above.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 15, 2017

SUBJECT: A ORDINANCE PROHIBITING ANIMALS ON POSTED PROPERTY

DEPT. OF ORIGIN: Legal
DATE SUBMITTED: May 4, 2017
SUBMITTED BY: Michael H. Stone, City Attorney

Summary: The city owns and maintains numerous facilities for the benefit of its citizens and the public at large. Often citizens will bring an animal into these facilities. Many of our facilities can generate a significant crowd. The excitement and sheer number of people in the facilities create an atmosphere where an animal may become aggressive and cause unintended harm to a citizen. Also, there have been instances in the past where two animals have become combative, creating a potentially dangerous situation. Staff recognizes not all City of Hobbs facilities should be posted preventing animals. However, there are a number of facilities where animals should be prohibited to prevent unintended potential harm to its citizens. For example: baseball/softball fields, soccer fields, swimming pools.

This proposed ordinance will prohibit animals within properly posted areas. The signage must be placed at least every 200 feet surrounding the entrance of the facility. The signage will be in English and Spanish. There are three exceptions to the provision: 1. A service animal; 2. A public safety or law enforcement animal; or a special event where animals are the focus of the special event (ie. Dog Days of Summer).

Staff requests the city commission to publish the proposed ordinance.

Fiscal Impact:

Reviewed By: Deborah Corral
Finance Department

This Ordinance has little to no fiscal impact to the City of Hobbs

Attachments:

Proposed ordinance

Legal Review:

Approved As To Form: Michael H. Stone
City Attorney

Recommendation:

Approve the proposed ordinance for publication

Approved For Submittal By:

Michael H. Stone
Department Director

J. J. Murphy
City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

Resolution No. _____ Continued To: _____
Ordinance No. _____ Referred To: _____
Approved _____ Denied _____
Other _____ File No. _____

CITY OF HOBBS

ORDINANCE NO. _____

AN ORDINANCE PROHIBITING ANIMALS ON POSTED PROPERTY

WHEREAS, the City of Hobbs owns and maintains numerous facilities for the benefit of its citizens and the public at large; and

WHEREAS, in order to protect the public's health safety and welfare there exists a need to regulate the presence of animals at certain posted properties.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that Ordinance No. _____ be added to Section 6.04, Hobbs Animal Ordinance as follows:

6.04.510 ANIMALS PROHIBITED ON POSTED PROPERTY.

- A. No person shall cause or allow any animal to enter onto Posted Property.
- B. "Posted Property" is a specified area marked by signage maintained every 200 feet surrounding the property entrance, indicating, "NO ANIMALS ALLOWED pursuant to Hobbs Municipal Code 6.05.310."
- C. This section shall not apply to any of the following exceptions:
 - 1. A "Service Animal" as specifically defined under the Service Animal Act, Section 28-11-1 et seq., NMSA 1978, amended;
 - 2. Any animal used by the city or its agents for public safety or law enforcement purposes; and
 - 3. An event where animals are the focus of the event.
- D. Any person convicted of a violation of this section shall be guilty of a misdemeanor and sentenced accordingly.

PASSED, ADOPTED AND APPROVED this ____ day of _____, 2017.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: May 15, 2017

SUBJECT: A ORDINANCE PROHIBITING ANIMALS DURING A CITY SPONSORED SPECIAL EVENT

DEPT. OF ORIGIN: Legal
DATE SUBMITTED: May 4, 2017
SUBMITTED BY: Michael H. Stone, City Attorney

Summary: The city sponsors numerous special events throughout each year. These special events occur in a specified area and often generate a significant crowd. In the recent past, citizens have brought their animals into special events. The excitement and sheer number of people create an atmosphere where an animal may become aggressive and cause unintended harm to a citizen. Also, there have been instances in the past where two animals have become combative, creating a potentially dangerous situation.

This proposed ordinance would prohibit animals within the area of a city sponsored special event. There are three exceptions to the provision: 1. A service animal; 2. A public safety or law enforcement animal; or a special event where animals are the focus of the special event (ie. Dog Days of Summer).

Staff requests the city commission to publish the proposed ordinance.

Fiscal Impact:

Reviewed By: *[Signature]*
Finance Department

This Ordinance has little to no fiscal impact to the City of Hobbs

Attachments:

Proposed ordinance

Legal Review:

Approved As To Form: *[Signature]*
City Attorney

Recommendation:

Approve the proposed ordinance for publication

Approved For Submittal By:

[Signature]
Department Director
[Signature]
City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

Resolution No. _____ Continued To: _____
Ordinance No. _____ Referred To: _____
Approved _____ Denied _____
Other _____ File No. _____

CITY OF HOBBS

ORDINANCE NO. _____

AN ORDINANCE PROHIBITING ANIMALS DURING A CITY SPONSORED
SPECIAL EVENT

WHEREAS, the City of Hobbs designates and sponsors certain special events throughout the year for the benefit of its citizens and the public at large; and

WHEREAS, in order to protect the public's health safety and welfare during these special events, there exists a need to regulate the presence of animals at said events.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that Ordinance No. _____ be added to Section 6.04, Hobbs Animal Ordinance as follows:

6.04.500 ANIMALS PROHIBITED DURING A CITY SPONSORED
SPECIAL EVENT

- A. No person shall cause or allow any animal to enter within a Special Event area during a city sponsored Special Event.
- B. The following provisions shall apply to this section only:
 - 1. "Special Event" is a city sponsored event intended to draw crowds in a specified area.
 - 2. For purposes of this section, a Special Event shall begin at 6:00 a.m. on the first day of the Special Event and end at midnight on the last day of the Special Event.
- C. This section shall not apply to any of the following exceptions:
 - 1. A "Service Animal" as specifically defined under the Service Animal Act, Section 28-11-1 et seq., NMSA 1978, amended;
 - 2. Any animal used by the city or its agents for public safety or law enforcement purposes; and
 - 3. A Special Event when animals are the focus of the Special Event.

- D. Any person convicted of a violation of this section shall be fined up to \$500.00 for each offense.

PASSED, ADOPTED AND APPROVED this ____ day of _____, 2017.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: June 5, 2017

SUBJECT: Resolution Authorizing the Mayor to Execute a Memorandum of Understanding with Lea County for Airline Subsidy for FY 17-18

DEPT. OF ORIGIN: Legal Department
DATE SUBMITTED: May 30, 2017
SUBMITTED BY: Michael H. Stone, City Attorney

Summary:

This resolution authorizes the Mayor to execute a Memorandum of Understanding with Lea County detailing the terms and responsibilities of their joint requirements for the airline subsidy. The City of Hobbs and Lea County will each provide subsidy funding up to \$1.5 million dollars each for the service pursuant to the attached Memorandum of Understanding between the City and County.

Fiscal Impact:

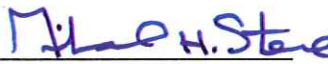
The funding has been approved in the 2017-18 budget

Reviewed By: 
Finance Department

Attachments:

Memorandum of Understanding between the City and County
Resolution

Legal Review:

Approved As To Form: 
City Attorney

Recommendation: The Commission should approve the Resolution

Approved For Submittal By:


Department Director

City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

Resolution No. _____ Continued To: _____
Ordinance No. _____ Referred To: _____
Approved _____ Denied _____
Other _____ File No. _____

CITY OF HOBBS

RESOLUTION NO. 6558

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
A MEMORANDUM OF UNDERSTANDING WITH
LEA COUNTY FOR AIRLINE SUBSIDY FOR FY 17-18

WHEREAS, the City of Hobbs and Lea County will each provide airline subsidy funding up to \$1.5 million dollars each pursuant to a Memorandum of Understanding between the City of Hobbs and Lea County as attached herein; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO that the Mayor be and is hereby directed to execute a Memorandum of Understanding with Lea County for Airline Subsidy for FY 17-18.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

**MEMORANDUM OF UNDERSTANDING BETWEEN
LEA COUNTY, NEW MEXICO AND THE
CITY OF HOBBS**

This Memorandum of Understanding is made this _____ day of June, 2017, by and between the City of Hobbs (hereinafter "CITY") and Lea County, New Mexico (hereinafter "COUNTY").

PURPOSE

The purpose of this agreement is to memorialize the terms and agreement between the CITY and COUNTY regarding their funding of airline subsidy for FY 17-18. CITY and COUNTY agree to cooperate as outlined in this Memorandum of Understanding.

WHEREAS, the CITY and COUNTY agree the service of a major airline service in Lea County provides significant economic benefit to Lea County;

WHEREAS, a major airline service to Lea County provides efficient transportation for its citizens and businesses;

WHEREAS, a major airline service in Lea County is required in the recruitment of new businesses and maintaining existing businesses;

WHEREAS, the Economic Development Corporation of Lea County ("EDC") is negotiating to obtain an agreement with United Airlines ("UNITED") to provide regular jet air service from Hobbs to Houston;

WHEREAS, the agreement will require subsidy payments from the CITY and COUNTY, if necessary, to maintain the air service;

WHEREAS, the CITY and COUNTY desire to jointly fund any required subsidy.

SUBSIDY FUNDING

1. CITY and COUNTY agree to budget and share equally the costs of subsidy funding for FY 17-18.
2. The subsidy shall not exceed \$1.5 million dollars for each entity.
3. At the conclusion of each quarter, UNITED will provide an accounting to EDC determining subsidy requirements. EDC shall monitor and confirm the subsidy amount.

4. Each entity shall pay one-half of each of the four (4) quarterly required subsidy payments.

MERGER OF AGREEMENT

This agreement incorporates all agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements, and understandings have been merged into this Agreement. No prior statements, representations, promises or agreement of understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

SOVEREIGN IMMUNITY

CITY and COUNTY and their public employees (as defined in the New Mexico Tort Claims Act) do not waive sovereign immunity, do not waive any defense(s), and/or do not waive any limitation(s) pursuant to the New Mexico Tort Claims Act. No provision in the Agreement modifies and/or waives any provision of the New Mexico Tort Claims Act as it relates to CITY and COUNTY and their public employees.

LIABILITY

Each party agrees to bear liability and responsibility for the negligent, reckless or deliberate acts or omissions of their own officers and employees, as limited by the New Mexico Tort Claims Act.

THIRD PARTY BENEFICIARIES

It is specifically agreed between the parties executing the Agreement that it is not intended by any of the provisions of any part of the Agreement to create in the public or any member thereof, a third party beneficiary, or to authorize anyone not a party to the Agreement to maintain, pursuant to the provisions of the Agreement, a suit of any nature, including but not limited to suits alleging wrongful death, bodily and/or personal injury to person(s), damages to property(ies), and/or any cause of action.

INSURANCE

Both CITY and COUNTY shall maintain liability insurance or qualify as a self-insured entity, as required by law.

TERM

This Memorandum of Understanding shall continue in full force and effect, for the four required quarterly payments to UNITED. Nothing in this agreement

guarantees future airline subsidy funding by either entity beyond what this agreement contemplates.

SEVERABILITY

If any provision of this Memorandum of Understanding is found to be invalid or unenforceable for any reason, the remaining provisions will continue to be valid and enforceable. If a court finds that any provision of this Memorandum of Understanding is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision will be deemed to be written, construed, and enforced as so limited.

NO ORAL MODIFICATION

The forgoing constitutes the entire agreement between the Parties and may be modified only in writing signed by both Parties. Amendments and alterations to this agreement after execution may only be made in writing signed by both parties.

GOVERNING LAW

This Memorandum of Understanding shall be construed in accordance with the laws of the State of New Mexico.

EFFECTIVE DATE

This Memorandum of Understanding shall be in full force and effect upon execution and approval of the parties hereto.

LEA COUNTY, NEW MEXICO

BY: _____
Ron Black,
Lea County Chairman

Date: _____

CITY OF HOBBS

BY: _____
Sam Cobb,
Mayor

Date: _____

Approved as to Form:

By: _____
John W. Caldwell
County Attorney

Date: _____

By: _____
Michael H. Stone
City Attorney

Date: _____



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: June 5, 2017

SUBJECT: FINAL ADOPTION OF AN ORDINANCE REPEALING RESOLUTION 5329 CODE OF ETHICS/RELATED PARTY POLICY FOR THE CITY OF HOBBS AND ADOPTING AN ORDINANCE AMENDING CHAPTER 2 OF THE HOBBS MUNICIPAL CODE WHICH SHALL BE THE CITY OF HOBBS CODE OF CONDUCT.

DEPT. OF ORIGIN: Legal
DATE SUBMITTED: May 24, 2017
SUBMITTED BY: Michael H. Stone, City Attorney

Summary: The City's Code of Ethics/Related Party Policy was adopted via Resolution 5329 on June 1, 2009. The State of New Mexico Legislature made changes to the State's ethics statute, the Governmental Conduct Act, which made the Act applicable to municipalities as of July 1, 2011. The proposed ordinance very closely tracks the language of the Governmental Conduct Act as the same applies to municipalities and shall serve to replace Resolution 5329. This proposed ordinance has been appropriately published and is now ready for consideration of final approval.

Fiscal Impact:

Reviewed By: *Deborah Ceval*

Finance Department

No foreseeable fiscal impact.

Attachments:

Proposed Ordinance and accompanying Public Officer Disclosure Form and Employee Disclosure Form

Legal Review:

Approved As To Form: *Michael H. Stone*

City Attorney

Recommendation:

Adopt the Ordinance.

Approved For Submittal By:

Michael H. Stone

Department Director

J.A. Murphy
City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

Resolution No. _____

Continued To: _____

Ordinance No. _____

Referred To: _____

Approved _____

Denied _____

Other _____

File No. _____

CITY OF HOBBS

ORDINANCE NO. 1103

AN ORDINANCE REPEALING RESOLUTION 5329 CODE OF ETHICS/RELATED PARTY POLICY FOR THE CITY OF HOBBS AND ADOPTING AN ORDINANCE AMENDING CHAPTER 2 OF THE HOBBS MUNICIPAL CODE WHICH SHALL BE THE CITY OF HOBBS CODE OF CONDUCT

WHEREAS, on June 1, 2009, the City of Hobbs adopted Resolution 5329 titled Code of Ethics/Related Party Policy to serve as the ethics laws that governed the City of Hobbs; and

WHEREAS, on or about July 1, 2011, the New Mexico Legislature made the State ethics statute, commonly referred to as the Governmental Conduct Act NMSA 1978, § 10-16-1, et seq., applicable to municipalities; and

WHEREAS, the City of Hobbs wishes to implement many of the requirements of the Governmental Conduct Act as the ethics laws that govern the City of Hobbs, as the same applies to municipalities; and

WHEREAS, NMSA 1978, §10-16-11.1, allows a municipality to implement rules and standards that are more stringent than those required by the Governmental Conduct Act; and

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that Resolution 5329 is hereby repealed in its entirety; and

BE IT FURTHER ORDAINED that Chapter 2 of the Hobbs Municipal Code shall be amended to include the City of Hobbs Code of Conduct as is more specifically described as follows:

Chapter 2.01 – Code of Conduct

2.01.010 - Purpose.

The proper administration of democratic government requires that public officials be independent, impartial and responsible to the people; that government decisions and policy be made in the best interest of the people, the community and the government; and that the public have confidence in the integrity of its government. In recognition of these goals, the following City of Hobbs Code of Conduct shall apply to all Public Officers and Employees.

2.01.020 – Definitions.

The following definitions shall apply to the City of Hobbs Code of Conduct:

“Anything of value” means any money, property, service, loan or promise, but does not include food and refreshments with a value of less than one hundred dollars (\$100) consumed in a day;

“Business” means a corporation, partnership, sole proprietorship, firm organization or individual carrying on a business;

“Confidential information” means information that by law or practice is not available to the public;

“Contract” means an agreement or transaction having a value of more than one thousand dollars (\$1,000) with the City of Hobbs for:

- (a) The rendition of services, including professional services;
- (b) The furnishing of any material, supplies or equipment;
- (c) The construction, alteration or repair of any public building or public work;
- (d) The acquisition, sale or lease of any land or building;
- (e) A licensing agreement;
- (f) A loan or loan guarantee; or the purchase of financial securities or instruments;

“Contribution” means a donation or transfer to a recipient for the personal use of the recipient, without commensurate consideration;

“Employment” means rendering of services for compensation in the form of salary as an employee;

“Family” means an individual’s spouse, parents, children or siblings, by consanguinity or affinity;

“Financial interest” means an interest held by an individual or the individual’s family that is:

- (a) An ownership interest in business or property; or
- (b) Any employment or prospective employment for which negotiations have already begun;

“Honorarium” means payment of money, or anything of value in excess of one hundred dollars (\$100), but does not include reasonable reimbursement for meals, lodging or actual travel expenses incurred in making a speech or rendering a service, or payment or compensation for services rendered in the normal course of a private business pursuit.

“Official act” means an official decision, recommendation, approval, disapproval or other action that involves the use of discretionary authority;

“Public officer or employee” means any elected or appointed official or employee of the City of Hobbs who receives compensation in the form of salary or is eligible for per diem or mileage;

“Substantial interest” means an ownership interest that is greater than twenty percent.

2.01.030 – Public Trust.

- A. A public officer or employee shall treat the public officer's or employee's government position as a public trust and as such shall use the powers and resources of public office only to advance the public interest and not to obtain personal benefits or pursue private interests.
- B. A public officer or employee shall conduct themselves in a manner that justifies the confidence placed in them by the people, at all times maintaining the integrity and discharging ethically the high responsibilities of public service.
- C. Full disclosure of real or potential conflicts of interest shall be a guiding principle for determining appropriate conduct. At all times, reasonable efforts shall be made to avoid undue influence and abuse of office in public service.

2.01.040 – Improper Influence and Gifts.

- A. A public officer or employee shall not request or receive, and no person may offer a public officer or employee, any money, thing of value or promise thereof that is conditioned upon or given in exchange for promised performance of an official act. A violation of this section, pursuant to NMSA 1978, §10-16-3, may constitute a fourth degree felony under the laws of the State of New Mexico.
- B. A business that contracts with the City of Hobbs to provide financial services involving the investment of public money or issuance of bonds for public projects shall not knowingly contribute anything of value to a public officer or employee who has authority over the investment of public money or issuance of bonds, the revenue of which is used for public projects.
- C. A public officer or employee that has authority over the investment of public money or issuance of bonds, the revenue of which is used for public projects, shall not knowingly accept a contribution of anything of value from a business that contracts with the City of Hobbs to provide financial services involving the investment of public money or issuance of bonds for public projects.

2.01.050 – Conflicts of Interests.

- A. A public officer or employee shall not take an official act for the primary purpose of directly enhancing the public officer's or employee's financial interest or financial position. A violation of this section, pursuant to NMSA 1978, §10-16-4, may constitute a fourth degree felony under the laws of the State of New Mexico.
- B. A public officer or employee shall be disqualified from engaging in any official act directly affecting the public officer's or employee's financial interest, except a public officer or employee shall not be disqualified from engaging in an official act if the financial benefit of the financial interest to the public officer or employee is proportionately less than the benefit to the general public.
- C. A public officer during the term for which elected and a public employee during the period of employment shall not acquire a financial interest when the public officer or employee believes or should have reason to believe that the new financial interest will be directly affected by the officer's or employee's official act.
- D. A public officer or employee shall not sell, offer to sell, coerce the sale of or be a party to a transaction to sell goods, services, construction or items of tangible personal property directly or indirectly through the public officer's or employee's family or a business in which the public officer or employee has a substantial interest, to an employee supervised by the public officer or employee.

This section does not apply if the employee is not supervised by the public officer or employee that is otherwise the seller.

- E. A public officer or employee shall not receive a commission or shall not profit from the sale or a transaction to sell goods, services, construction or items of tangible personal property to an employee supervised by the public officer or employee. This section does not apply if the employee is not supervised by the public officer or employee that is the recipient of the commission or profit.
- F. A public officer or employee shall not sell, offer to sell, coerce the sale of or be a party to a transaction to sell goods, services, construction or items of tangible personal property, directly or indirectly through the public officer's or employee's family or a business in which the public officer or employee has a substantial interest, to a person over who the public officer or employee has regulatory authority.
- G. A public officer or employee shall not receive a commission or profit from the sale or a transaction to sell goods, services, construction or items of tangible personal property to a person over whom the public officer or employee has regulatory authority.
- H. The City of Hobbs shall not enter into a contract with a public officer or employee, with the family of the public officer or employee or with a business in which the public officer or employee or the family of the public officer or employee has a substantial interest unless the public officer or employee has disclosed the public officer's or employee's substantial interest through public notice and unless a contract is awarded pursuant to a competitive process.

This subsection does not apply to a contract of official employment with the City of Hobbs. A person negotiating or executing a contract on behalf of the City of Hobbs shall exercise due diligence to ensure compliance with the provisions of this section.

- I. A public officer or employee shall not use or disclose confidential information, acquired by virtue of the public officer's or employee's position with the City of Hobbs, for the public officer's or employee's or another person's private gain.
- J. A public employee who is participating directly or indirectly in the contracting process shall not become, while such an employee, the employee of the outside person or business contracting with the City of Hobbs.
- K. A public officer or employee shall not accept from a person over whom the public officer or employee has regulatory authority an offer of employment or an offer of a contract in which the public officer or employee provides goods, services, construction, items of tangible personal property or other things of value to the person over whom the public officer or employee has regulatory authority.
- L. A public officer or employee shall not request or receive an honorarium for a speech or service rendered that relates to the performance of public duties.
- M. The City of Hobbs shall not accept a bid or proposal from a person who directly participated in the preparation of specifications, qualifications or evaluation criteria on which the specific competitive bid or proposal was based. A person accepting a bid or proposal on behalf of the City of Hobbs shall exercise due diligence to ensure compliance with this section.

2.01.060 – Former Public Employees.

- A. The City of Hobbs shall not enter into a contract with, or take any action favorably affecting, any person or business that is:
 - 1. represented personally in the matter by a person who has been a public officer or employee of the City of Hobbs within the preceding year if the value of the contract or action is in excess of one thousand dollars (\$1,000) and the contract is a direct result of an official act by that former public officer or employee; or
 - 2. assisted in the transaction by a former public officer or employee of the City of Hobbs whose official act, while in employment with the City, directly resulted in the City making the contract or taking the action.
- B. A former public officer or employee shall not represent a person in the person's dealings with the City of Hobbs on a matter in which the former public officer or employee participated personally and substantially while a public officer or employee.
- C. A former public officer or employee shall not represent for pay a person before the City of Hobbs, including any City division, for a period of one year after leaving public service or employment with the City.

2.01.070 – Political Activity.

- A. A public officer or employee shall not directly or indirectly coerce or attempt to coerce another public officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for a political purpose.
- B. A public officer or employee shall not threaten to deny a promotion or pay increase to an employee who does or does not vote for certain candidates, requiring an employee to contribute a percentage of the employee's pay to a political fund, influencing a subordinate employee to purchase a ticket to a political fundraising dinner or similar event, advising an employee to take part in political activity or similar activities.
- C. A public officer or employee shall not use the property of the City of Hobbs for their benefit as it relates to any political purpose.

2.01.080 – Implementation.

- A. The City of Hobbs Code of Conduct shall be reviewed at least once every four years from the time of its adoption.
- B. Within thirty (30) days after the City of Hobbs Code of Conduct is adopted, a copy shall be given to and reviewed with all public officers and employees. All new public officers and employees shall review the City of Hobbs Code of Conduct prior to or at the time of assuming office (public officer) or being hired (employee).
- C. The City Manager shall adopt ongoing education programs to advise public officers and employees about the City of Hobbs Code of Conduct.
- D. Nothing in the City of Hobbs Code of Conduct shall relieve any member of the City Commission or the Mayor from the obligations imposed by Section 2.04.060(H) of the Hobbs Municipal Code.

2.01.090 – Required Disclosures.

- A. Every public officer shall complete a "Public Officer Disclosure Form," as the same may be amended from time to time, upon taking office or within thirty (30) days of adoption of the City of Hobbs Code of Conduct, whichever is applicable. The public officer shall be required to file the same with the Office of the City Clerk for the City of Hobbs.
- B. Every public officer shall complete a "City of Hobbs Financial Disclosure Form," as the same may be amended from time to time, upon taking office or within thirty (30) days of adoption of the City of Hobbs Code of Conduct, whichever is applicable. The public officer shall be required to file the same with the Office of the City Clerk for the City of Hobbs.
- C. Every public employee shall complete an "Employee Disclosure Form," as the same may be amended from time to time, upon hire or within thirty (30) days of adoption of the City of Hobbs Code of Conduct, whichever is applicable. The public employee shall be required to return the same to the Human Resources office for the City of Hobbs.
- D. Every public employee shall complete a "City of Hobbs Financial Disclosure Form," as the same may be amended from time to time, upon hire or within thirty (30) days of adoption of the City of Hobbs Code of Conduct, whichever is applicable. The public employee shall be required to return the same to the Human Resources office for the City of Hobbs.
- E. Every public officer and employee shall be required to complete and file/return the forms outlined herein every December of every year thereafter.
- F. Every public officer and employee has a duty to update their individual forms outlined herein as their individual circumstances may change.
- G. The forms outlined herein shall constitute "Public Records" for the purposes of the Inspection of Public Records Act (NMSA 1978, §§14-2-1, et seq.).

2.01.100 – Enforcement.

- A. It shall be the responsibility of every individual public officer and employee to adhere to the City of Hobbs Code of Conduct.
- B. A violation of the City of Hobbs Code of Conduct by any public officer may be referred to the State of New Mexico's Attorney General's Office or the District Attorney's Office for investigation and/or legal action.
- C. A violation of the City of Hobbs Code of Conduct by any public employee is grounds for discipline, including suspension, demotion or dismissal.
- D. Any violation of the City of Hobbs Code of conduct may be subject to the enforcement procedures outlined in NMSA 1978, §§10-16-14, 10-16-17, and 10-16-18, which include both criminal and civil penalties in a court of competent jurisdiction in the State of New Mexico if the same is determined to have been a violation of the Governmental Conduct Act.
- E. Any individual, other than an individual suspected of committing a violation, who cooperates as a fact witness or reporting party in an investigation of a violation of the City of Hobbs Code of Conduct shall not be dismissed, threatened with dismissal, or otherwise retaliated against by any public officer or employee on the basis of their cooperation.

PASSED, ADOPTED AND APPROVED this ____ day of _____, 2017.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

**CITY OF HOBBS
GOVERNMENTAL CONDUCT ACT AND
FINANCIAL DISCLOSURE ACT
EMPLOYEE DISCLOSURE FORM – 2017**

Effective July 1, 2011, the State of New Mexico amended the Governmental Conduct Act, NMSA 1978, § 10-16-1, et seq., to apply to employees of local governments. The Act states that public employees shall use the powers and resources of public office only to advance the public interest and not to obtain personal benefits or pursue private interests. It also states, "Full disclosure of real or potential conflicts of interest shall be a guiding principle for determining appropriate conduct. At all times, reasonable efforts shall be made to avoid undue influence and abuse of office in public service." NMSA 1978, § 10-16-3.

Pursuant to NMSA 1978, §10-16-4.2, "A public officer or employee shall disclose in writing to the officer's or employee's respective office or employer all employment engaged in the by the officer or employee other than the employment with or service to a state agency or local government agency." The Act defines employment as meaning the "rendering of services for compensation in the form of salary as an employee." This includes being self-employed. It does not include being an unpaid volunteer for an organization.

1. Please provide a list of all employment you hold other than with the City of Hobbs:

A. _____
(Name of Employer) (Employer Address)

(Type of Business) (Position held with Employer) (Part Time/Full Time)

B. _____
(Name of Employer) (Employer Address)

(Type of Business) (Position held with Employer) (Part Time/Full Time)

C. _____
(Name of Employer) (Employer Address)

(Type of Business) (Position held with Employer) (Part Time/Full Time)

I have no employment other than my employment with the City of Hobbs.

The State of New Mexico has adopted the Financial Disclosure Act, NMSA 1978, §10-16A-1, et seq., which requires disclosure of financial interests by state officials and employees, particularly when they may influence official actions. The City of Hobbs seeks to require the following additional information.

2. Spouse of Reporting Individual:

Last Name	First Name	Middle
-----------	------------	--------

Name of Spouse's Employer

Address of Spouse's Employer

City	State	Zip
------	-------	-----

Spouses Title or Position Held	Nature of Business or Occupation
--------------------------------	----------------------------------

3. Real estate interest owned in Lea County, New Mexico: (other than personal residence)

Name	Address	General Description
------	---------	---------------------

4. Any other business interests not previously disclosed herein in Lea County, New Mexico of \$10,000 or more:

Name of Business	Position Held	By Whom (individual or spouse)	Business Purpose
------------------	---------------	--------------------------------	------------------

5. Memberships held by reporting individual (or his/her spouse) on boards for **for-profit** businesses in Lea County, New Mexico:

Name of Business

Board Member (individual or spouse)

_____	_____
_____	_____
_____	_____
_____	_____

6. Provide whatever other financial interest or additional information you believe should be noted to describe potential areas of interest that should be disclosed, or (as applicable) you believe or have reason to believe, may be affected by your official acts:

PLEASE ATTACH ADDITIONAL SHEETS OF PAPER IF MORE SPACE IS NEEDED.

I understand that (Please initial):

_____ Missing, incomplete, misleading, or false information may be grounds for disciplinary action, including, but not limited to suspension, demotion, and/or dismissal.

_____ I must inform the City in writing any time there are changes to the information I have given above.

_____ The Governmental Conduct Act imposes civil and criminal penalties for its violation.

I hereby swear or affirm under penalty of perjury that the foregoing information is true, correct and complete to the best of my knowledge.

Printed Name

Employee's Signature

Job Title / Classification

Date

**CITY OF HOBBS
GOVERNMENTAL CONDUCT ACT AND
FINANCIAL DISCLOSURE ACT
PUBLIC OFFICER DISCLOSURE FORM – 2017**

Effective July 1, 2011, the State of New Mexico amended the Governmental Conduct Act, NMSA 1978, § 10-16-1, et seq., to apply to officers of local governments. Public Officers are defined as any elected or appointed official of a local government who is eligible for per diem or mileage. The Per Diem and Mileage Act defines a public officer as every elected or appointed officer of the local public body including member of advisory boards appointed by a local public body. The Governmental Conduct Act states that public officers shall use the powers and resources of public office only to advance the public interest and not to obtain personal benefits or pursue private interests. It also states, "Full disclosure of real or potential conflicts of interest shall be a guiding principle for determining appropriate conduct. At all times, reasonable efforts shall be made to avoid undue influence and abuse of office in public service." NMSA 1978, § 10-16-3.

Pursuant to NMSA 1978, §10-16-4.2, "A public officer or employee shall disclose in writing to the officer's or employee's respective office or employer all employment engaged in the by the officer or employee other than the employment with or service to a state agency or local government agency." The Act defines employment as meaning the "rendering of services for compensation in the form of salary as an employee." This includes being self-employed. It does not include being an unpaid volunteer for an organization.

1. Please provide a list of all employment you hold other than with the City of Hobbs:

A. _____
 (Name of Employer) (Employer Address)

(Type of Business) (Position held with Employer) (Part Time/Full Time)

B. _____
 (Name of Employer) (Employer Address)

(Type of Business) (Position held with Employer) (Part Time/Full Time)

C. _____
 (Name of Employer) (Employer Address)

(Type of Business) (Position held with Employer) (Part Time/Full Time)

I have no employment other than my employment with the City of Hobbs.

The State of New Mexico has adopted the Financial Disclosure Act, NMSA 1978, §10-16A-1, et seq., which requires disclosure of financial interests by state officials and employees, particularly when they may influence official actions. The City of Hobbs seeks to require the following additional information.

2. Spouse of Reporting Individual:

Last Name	First Name	Middle
-----------	------------	--------

Name of Spouse's Employer

Address of Spouse's Employer

City	State	Zip
------	-------	-----

Spouses Title or Position Held	Nature of Business or Occupation
--------------------------------	----------------------------------

3. Real estate interest owned in Lea County, New Mexico: (other than personal residence)

Name	Address	General Description
------	---------	---------------------

4. Any other business interests not previously disclosed herein in Lea County, New Mexico of \$10,000 or more:

Name of Business	Position Held	By Whom (individual or spouse)	Business Purpose
------------------	---------------	--------------------------------	------------------

5. Memberships held by reporting individual (or his/her spouse) on boards for **for-profit** businesses in Lea County, New Mexico:

Name of Business

Board Member (individual or spouse)

_____	_____
_____	_____
_____	_____
_____	_____

6. Provide whatever other financial interest or additional information you believe should be noted to describe potential areas of interest that should be disclosed, or (as applicable) you believe or have reason to believe, may be affected by your official acts:

PLEASE ATTACH ADDITIONAL SHEETS OF PAPER IF MORE SPACE IS NEEDED.

I understand that (Please initial):

_____ Missing, incomplete, misleading, or false information may be grounds for disciplinary action, including, but not limited to suspension, demotion, and/or dismissal.

_____ I must inform the City in writing any time there are changes to the information I have given above.

_____ The Governmental Conduct Act imposes civil and criminal penalties for its violation.

I hereby swear or affirm under penalty of perjury that the foregoing information is true, correct and complete to the best of my knowledge.

Printed Name

Public Officer's Signature

Job Title / Classification

Date



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: June 5, 2017

SUBJECT: CONSIDERATION TO APPROVE DEVELOPMENT AGREEMENTS BETWEEN KRESS JONES AND ABRAM DYCK, AND THE CITY OF HOBBS.

DEPT. OF ORIGIN: Planning Department
DATE SUBMITTED: May 29, 2017
SUBMITTED BY: Kevin Robinson - Planning Department

Summary: The City of Hobbs is proposing to enter into a Development Agreement with Kress Jones and Abram Dyck concerning the development of Goings Road an undeveloped roadway located north of Pilot's retail fuel center.

Fiscal Impact: Reviewed By: [Signature] Finance Department
Budget Line: 44-4044-44901-00073 (JT UIL Extension)
Unencumbered: \$325,000.00
Estimated Project Cost: \$102,000.00 (Includes design and engineering to the terminus)
Less Developer Fair Share: \$52,100.00
Public Funds Expenditure: \$49,900.00 (to be assessed to future development adjacent thereto)

Attachments: Development Agreements and attachments.

Legal Review: Approved As To Form: [Signature] City Attorney

Recommendation: Staff recommends consideration of approval of the Development Agreement.

Approved For Submittal By: [Signatures]
CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN
Resolution No. Continued To:
Ordinance No. Referred To:
Approved Denied
Other File No.

CITY OF HOBBS

RESOLUTION NO. 6559

A RESOLUTION TO APPROVE A DEVELOPMENT AGREEMENTS BETWEEN KRESS JONES AND ABRAM DYCK, CONCERNING THE DEVELOPMENT OF GOINGS ROAD.

WHEREAS, the City of Hobbs is proposing to enter into Development Agreements with Kress Jones and Abram Dyck, concerning the development of Goings Road; and

WHEREAS, the aforementioned Development Agreements allows for Kress Jones and Abram Dyck, to pay the fair share assessment for the development of Goings Road adjacent to the proposed west property line of "Tract 5A" and an existing gap located southeast of the proposed Tract, said agreement being in the best interest of the City.

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that

1. The City of Hobbs hereby approves the Development Agreement, which is attached hereto and made a part of this Agreement as Exhibit #1 and the Mayor, and/or his designee, is hereby authorized to execute the Agreement.
2. That City staff and officials are authorized to do any and all deeds to carry out the intent of this Resolution.

PASSED, ADOPTED AND APPROVED this 5th day of June, 2017.

Sam D. Cobb, Mayor

ATTEST:

Jan Fletcher, City Clerk

INFRASTRUCTURE DEVELOPMENT AGREEMENT
Partial Extension of Goings Road

THIS AGREEMENT, made and entered into this 13 day of February 2017, between the City of Hobbs, New Mexico, a New Mexico Municipal Corporation, (hereafter called the "City"); and Margaretha Dyck and Abram Dyck, P.O. Box 2181, Hobbs, NM 88240 (hereafter called "Developer").

RECITALS:

WHEREAS, Developer has decided to locate a new commercial enterprise on property located Northeast of the intersection of 62/180 and Goings Road, which is within the City limits of the City of Hobbs, and the development requires municipal infrastructure to be extended from the existing terminus to developers northern property line, said infrastructure to include sewer, water and roadway improvements as an industrial street section; and

WHEREAS, Developer desires to pay to the City the fair share infrastructure costs for that portion of the required public infrastructure adjacent to the developments west property line. Therefore, it has been determined by City and agreed by Developer that in lieu of Developer installing the required infrastructure at the time of development, Developer shall pay a one-time fair share assessment for required infrastructure improvements.

NOW, THEREFORE, in consideration of the above premises, the parties hereby agree as follows:

1. The Developer shall pay to the City, at time of summary subdivision plat approval, the fair share pro rata amount of Twenty Two Thousand One Hundred Dollars (\$22,100.00), in lieu of installing municipal infrastructure required along the Developers west property line, said infrastructure to include sewer, water and roadway improvements as an industrial street section.
2. The Developer shall utilize the water and sewer to be located within Goings Road for the developments water and sewer service.
3. The City shall construct or cause to be constructed, municipal infrastructure improvements for that portion of Goings Road abutting the Developers west property line within 1 year from the execution of this agreement.
5. Responsibilities of the parties hereto are as follows:
 - A. The Developer shall:
 - 1) Pay for all costs for development pursuant to City policies, including the payment of the fair share pro rata infrastructure improvements as per this agreement.
 - 2) Comply with all City policies for building, landscaping, fire code, etc. for the remainder of the construction.
 - B. The City shall:
 - 1) Design or cause to be designed construction plans for the partial development of Goings Road.
 - 2) Construct or cause to be constructed, municipal infrastructure improvements for that portion of Goings Road adjacent to the Developers west property line within 1 year from the execution of this agreement.
6. All notices given pursuant to or in connection with this Agreement shall be made in writing and posted

by regular mail, postage prepaid, to the City, ATTN: Planning Department, 200 E. Broadway, Hobbs, NM 88240; to Developer -- Margaretha Dyck and Abram Dyck, P.O. Box 2181, Hobbs, NM 88240, or to such other address as requested by either party. Notice shall be deemed to be received on the fifth day following posting.

7. This Agreement may be executed in one or more identical counterparts, and all counterparts so executed shall constitute one agreement which shall be binding on all of the parties.

8. This Agreement shall be subject to the laws of the State of New Mexico. Jurisdiction and venue relating to any litigation or dispute arising out of this Agreement shall be in the District Court of Lea County, New Mexico, only. If any part of this contract shall be deemed in violation of the laws or Constitution of New Mexico, only such part thereof shall be thereby invalidated, and all other parts hereof shall remain valid and enforceable.

9. Representations of City.

A. City is a duly organized and validly existing municipal corporation under the laws of the State of New Mexico with full municipal power to enter into this Agreement and to carry out the terms, conditions and provisions hereof.

B. City will continue review and processing of the development plans, and forthcoming building permit application in a forthright manner and with due diligence.

10. Representations of Developer.

To the best knowledge of Developer, there is no litigation, proceeding or governmental investigation either pending or threatened in any court, arbitration board or administrative agency against or relating to Developer to prevent or impede the consummation of this Agreement by Developer.

11. BREACH

A. The following events constitute a breach of this Agreement by Developer:

Developer's failure to perform or comply with any of the terms, conditions or provisions of this Agreement.

B. The following events constitute a breach of this Agreement by City:

City's failure to perform or comply with any of the terms, conditions or provisions of this Agreement.

12. REMEDIES UPON BREACH.

A. Any party may sue to collect any and all damages that may accrue by virtue of the breach of this Agreement.

B. If any party is found by a court to have breached this Agreement, the breaching party agrees to pay all reasonable costs, attorney's fees and expenses that shall be made or incurred by another party in enforcing any covenant or provision of this Agreement.

13. GOVERNING LAWS. This Agreement shall be governed by the laws of the State of New Mexico. Jurisdiction and venue relating to any litigation or dispute arising out of this Agreement shall be in the District Court of Lea County, New Mexico, only. If any part of this contract shall be deemed in violation of the laws or Constitution of New Mexico, only such part thereof shall be thereby invalidated, and all other parts hereof shall

remain valid and enforceable.

14. TERMINATION. This Agreement shall be terminated upon the completion of all installation and construction defined herein.

15. ENTIRE AGREEMENT. This Agreement constitutes the entire agreement among and between City and Developer and there are no other agreements or understandings, oral or otherwise, between the parties on the issues defined herein.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above.

CITY OF HOBBS

DEVELOPER – Margaretha Dyck and Abram Dyck

Sam D. Cobb - Mayor

BY: Abram Dyck Margaretha Dyck
Its: Owner owner

ATTEST:

Jan Fletcher, City Clerk

APPROVED AS TO FORM:

Michael Stone, City Attorney

INFRASTRUCTURE DEVELOPMENT AGREEMENT
Partial Extension of Goings Road

THIS AGREEMENT, made and entered into this ____ day of _____, 2017, between the City of Hobbs, New Mexico, a New Mexico Municipal Corporation, (hereafter called the "City"); and Kress Jones and Patricia Jones ,3729 W Sanger, Hobbs NM, 88240 (hereafter called "Developer").

RECITALS:

WHEREAS, Developer has decided to locate a new commercial enterprise on property located Northeast of the intersection of 62/180 and Goings Road, which is within the City limits of the City of Hobbs, and the development requires municipal infrastructure to be extended from the existing terminus to developers northern property line, said infrastructure to include sewer, water and roadway improvements as an industrial street section; and

WHEREAS, Developer desires to pay to the City the fair share infrastructure costs for that portion of the required public infrastructure adjacent to the developments east property line. Therefore, it has been determined by City and agreed by Developer that in lieu of Developer installing the required infrastructure at the time of development, Developer shall pay a one-time fair share assessment for required infrastructure improvements.

NOW, THEREFORE, in consideration of the above premises, the parties hereby agree as follows:

1. The Developer shall pay to the City, at time of summary subdivision plat approval, the fair share pro rata amount of Thirty Thousand Dollars (\$30,000.00), in lieu of installing municipal infrastructure required along the Developers west property line, said infrastructure to include sewer, water and roadway improvements as an industrial street section.
2. The Developer shall utilize the water and sewer to be located within Goings Road for the developments water and sewer service.
3. The City shall construct or cause to be constructed, municipal infrastructure improvements for that portion of Goings Road abutting the Developers west property line within 1 year from the execution of this agreement.
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 - A. The Developer shall:
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 - 2) Comply with all City policies for building, landscaping, fire code, etc. for the remainder of the construction.
 - B. The City shall:
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 - 2) Construct or cause to be constructed, municipal infrastructure improvements for that portion of Goings Road adjacent to the Developers west property line within 1 year from the execution of this agreement.

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7. This Agreement may be executed in one or more identical counterparts, and all counterparts so executed shall constitute one agreement which shall be binding on all of the parties.

8. This Agreement shall be subject to the laws of the State of New Mexico. Jurisdiction and venue relating to any litigation or dispute arising out of this Agreement shall be in the District Court of Lea County, New Mexico, only. If any part of this contract shall be deemed in violation of the laws or Constitution of New Mexico, only such part thereof shall be thereby invalidated, and all other parts hereof shall remain valid and enforceable.

9. Representations of City.

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B. City will continue review and processing of the development plans, and forthcoming building permit application in a forthright manner and with due diligence.

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City's failure to perform or comply with any of the terms, conditions or provisions of this Agreement.

12. REMEDIES UPON BREACH.

A. Any party may sue to collect any and all damages that may accrue by virtue of the breach of this Agreement.

B. If any party is found by a court to have breached this Agreement, the breaching party agrees to pay all reasonable costs, attorney's fees and expenses that shall be made or incurred by another party in enforcing any covenant or provision of this Agreement.

13. GOVERNING LAWS. This Agreement shall be governed by the laws of the State of New Mexico. Jurisdiction and venue relating to any litigation or dispute arising out of this Agreement shall be in the District Court of Lea County, New Mexico, only. If any part of this contract shall be deemed in violation of the laws or Constitution of New Mexico, only such part thereof shall be thereby invalidated, and all other parts hereof shall

remain valid and enforceable.

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15. ENTIRE AGREEMENT. This Agreement constitutes the entire agreement among and between City and Developer and there are no other agreements or understandings, oral or otherwise, between the parties on the issues defined herein.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above.

CITY OF HOBBS

DEVELOPER – Kress Jones and Patricia Jones

Sam D. Cobb - Mayor

Kress Jones
BY: Patricia Jones
Its: Owners

ATTEST:

Jan Fletcher, City Clerk

APPROVED AS TO FORM:

Michael Stone, City Attorney

CB=S16°4
CL=

Fair share DA
required prior to
subdivision
(\$30,000)

Fair share DA
required prior to
subdivision
(\$22,100)

Tract 1C
5.0624 AC.

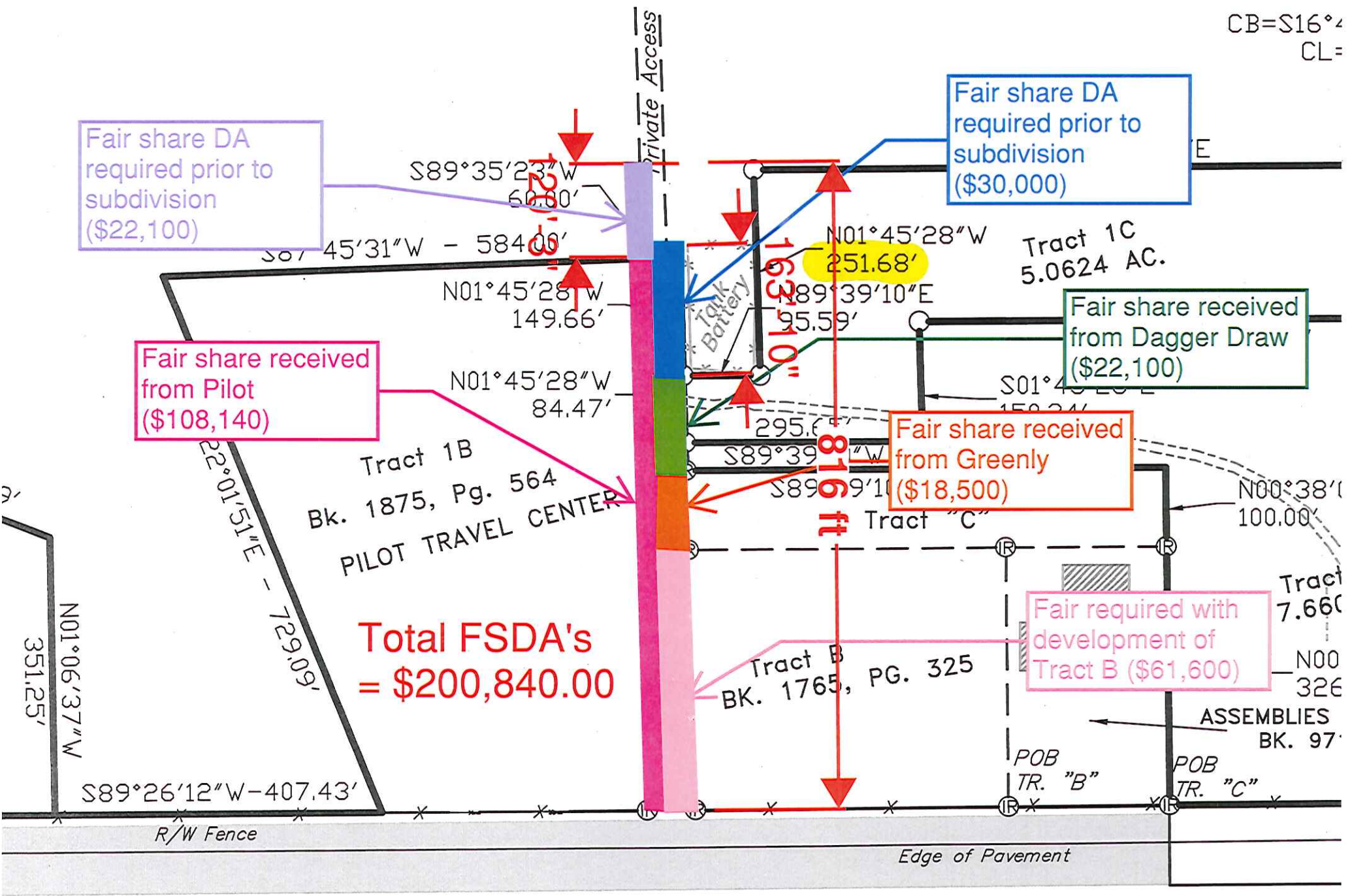
Fair share received
from Dagger Draw
(\$22,100)

Fair share received
from Pilot
(\$108,140)

Fair share received
from Greenly
(\$18,500)

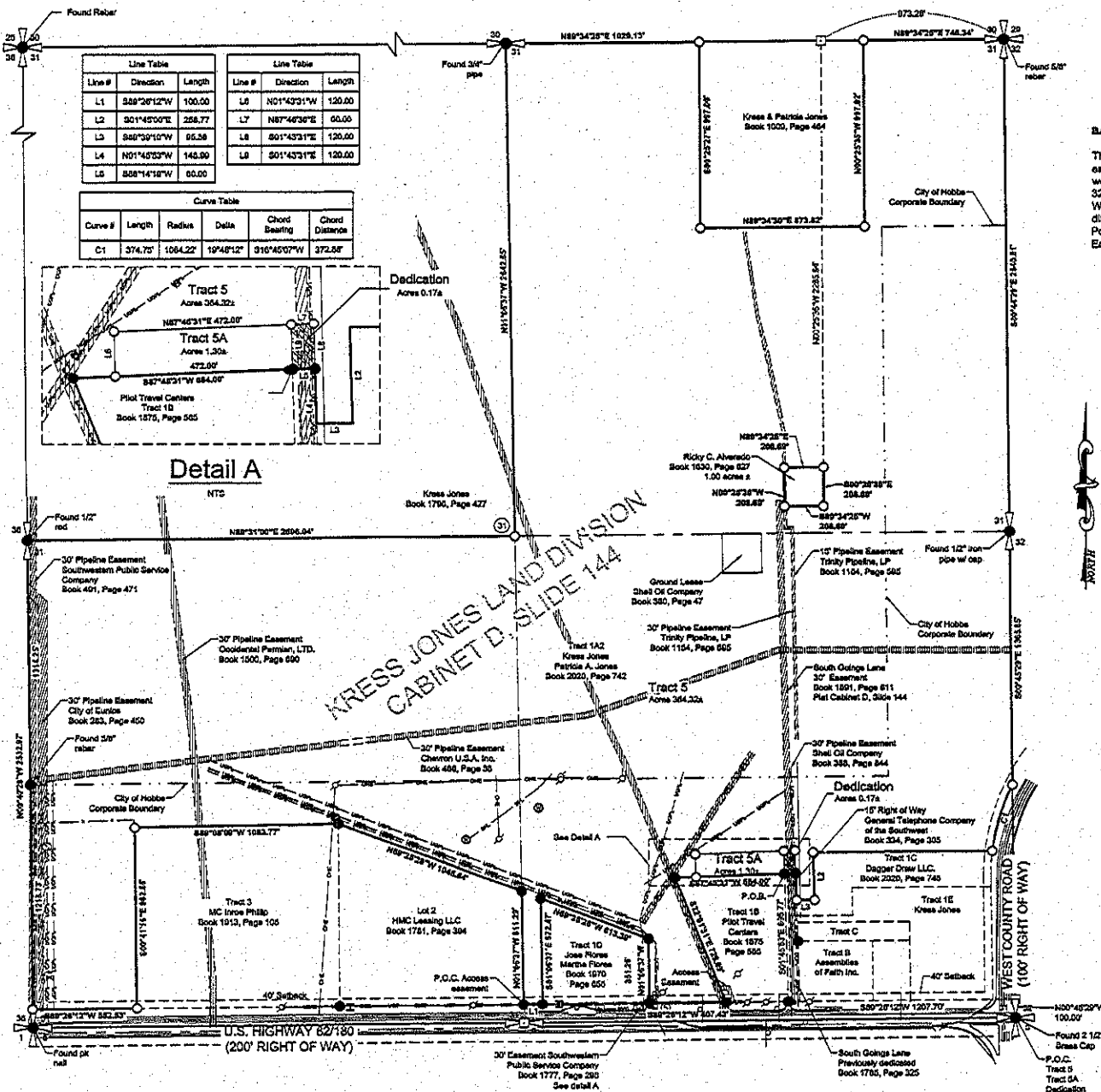
Total FSDA's
= \$200,840.00

Fair required with
development of
Tract B (\$61,600)



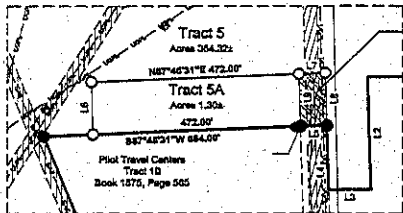
GOINGS LANE RV PARK SUMMARY SUBDIVISION

KRESS JONES LAND DIVISION, KRESS & PATRICIA A. JONES
 LOCATED IN SECTION 31, T18S, R38E, N.M.P.M., CITY OF HOBBS, LEA COUNTY, NEW MEXICO.



Line #	Direction	Length	Line #	Direction	Length
L1	S89°20'12"W	100.00	L7	N01°43'31"W	120.00
L2	S01°45'00"E	258.77	L7	N87°46'30"E	60.00
L3	S60°30'10"W	96.28	L8	S01°43'31"E	120.00
L4	N01°40'33"W	146.50	L8	S01°43'31"E	120.00
L5	S08°14'18"W	60.00			

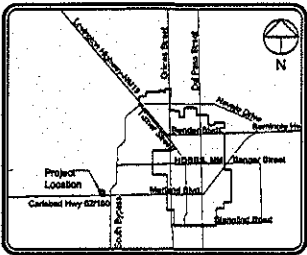
Curve #	Length	Radius	Delta	Chord Bearing	Chord Distance
C1	374.70'	1064.22'	19°49'12"	S16°45'07"W	372.88'



Detail A



BASIS OF BEARING
 The Basis of Bearing for this survey is a Control Network established for the City of Hobbs GIS Project. All observations were made from a control point having a Latitude of 32°42'42.05083" North, a Longitude of 103°08'39.73125" West. All observations were made using Real Time differentially corrected positions obtained from a Global Positioning System. All bearings are grid based on NMSPC East Zone. All distances are ground distances.



VICINITY MAP

LEGEND

- Found 5/8" rebar with red plastic cap marked "KRESS JONES 12248" unless otherwise noted
- Set 5/8" rebar with red plastic cap marked "KRESS JONES 12248" Calculated point
- Calculated quarter section corner
- Found section corner
- Found quarter section corner
- Section section corner
- Lot line
- Section line
- Property line
- Barbed wire fence
- Overhead electric
- Gas line
- Surface pipeline
- Underground pipeline
- Underground telephone
- Water valve
- Sign
- Power pole
- Sanitary manhole
- Right of way marker
- Well
- Dedication
- Easement
- Measured bearing and distance
- Record bearing and distance



ENGINEERING | SURVEYING | TESTING
 DEFINING QUALITY SINCE 1955
 100 E. Navajo - Suite 100, Hobbs New Mexico 88240
 T 575 393 9827 F 575 393 1543
 Pettigrew@a.com

PROJECT SURVEYOR: J. Baker
 DRAWN BY: J. Caquell



INDEXING INFORMATION FOR COUNTY CLERK

OWNER:
 KRESS JONES

LOCATION:
 PART OF SECTION 31, T18S, R38E,
 N.M.P.M., CITY OF HOBBS, LEA COUNTY
 NEW MEXICO.

REVISIONS

No.	DATE	DESCRIPTION

State of New Mexico, County of _____
 I here by certify that this instrument was filed for record on:

The _____ Day of _____
 20____ A.D.

At _____ O'Clock _____ M.

Cabinet _____ Slide _____
 Book _____ Page _____

By _____
 County Clerk

By _____
 Deputy

SUBDIVISION PLAT
 GOINGS LANE RV PARK
 SUMMARY SUBDIVISION
 FOR
 GOINGS LANE RV PARK

PROJECT NUMBER:
 2016.1206

SHEET: 1 of 2
 SU - 101

GOINGS LANE RV PARK SUMMARY SUBDIVISION

KRESS JONES LAND DIVISION. KRESS & PATRICIA A. JONES
LOCATED IN SECTION 31, T18S, R38E, N.M.P.M., CITY OF HOBBS, LEA COUNTY, NEW MEXICO.

RECORD DESCRIPTION PER ASSEMBLIES OF FAITH CHURCH SUMMARY SUBDIVISION - RECORDED IN BOOK 1765, PAGE 325

EXISTING TRACT "A"

A tract of land situated in the Northeast Quarter and the South Half of Section 31, Township 18 South, Range 38 East, N.M.P.M., Lea County, New Mexico and being more particularly described as follows:

Beginning at a point which lies N00°45'32"W along the East line of said Section 31 a distance of 100.00 feet and S89°25'25"W, 120.00 feet from the Southeast corner of said Section 31; thence S69°25'25"W along the North Right of Way of U.S. Highway 62/180 a distance of 438.58 feet; thence N00°48'16"W 328.70 feet; thence S89°35'22"W 658.60 feet; thence S01°45'33"E 328.24 feet to a point on the West Section line; thence N00°39'16"W along the West line of said Section 31, a distance of 2539.04 feet to the West quarter corner of said Section 31; thence N89°35'37"E along the North line of the Southeast Quarter of said Section 31 a distance of 2579.82 feet; thence N00°42'25"W along the West line of the Northeast Quarter of said Section 31, a distance of 2839.47 feet to the North Quarter corner of said Section 31; thence N89°34'30"E along the North Section line of said Section 31, a distance of 1029.15 feet; thence S00°25'35"E 997.00 feet; thence N89°34'30"E 873.82 feet; thence N00°25'35"W 997.00 feet to a point on the North Section line of said Section 31; thence N89°34'30"E along the North section line of said Section 31, a distance of 746.00 feet to the said Section 31, a distance of 2839.87 feet to the East quarter corner of Section 31; thence S00°45'32"E along the East line of said Section 31 a distance of 1313.38 feet to a point on a curve having a radius of 1079.85 feet through a distance of 574.32 feet; thence S00°45'32"E along the West right of way of West County Road, a distance of 680.84 feet to a point of beginning. Said tract of land containing 425,47.12 acres, more or less. LESS AND EXCEPT a one acre tract of land beginning at a point which lies N89°34'25"E 973.30 feet and S00°25'35"E 208.70 feet, thence S89°34'25"W 208.70 feet; thence N00°25'35"W 208.70 feet; thence N89°34'25"E 208.70 feet to the point of beginning.

EXISTING LOT 1 RECORD DESCRIPTION PER BOOK 1774, PAGE 684

A tract of land located in the Northeast Quarter and the South Half of Section 31, Township 18 South, Range 38 East, N.M.P.M., Lea County, New Mexico and being more particularly described as follows:

Commencing at a found rebar with aluminum cap for the southeast corner of Section 31; thence N00°45'29"W along the East line of said Section 31 a distance of 100.00 feet; thence S89°26'12"W 120.00 feet along the north right of way of U.S. Highway 62/180 to the southeast corner of Tract A and the Point of Beginning; thence S89°26'12"W 437.71 feet along the north right of way of U.S. Highway 62/180 to a point; thence N00°39'16"W 328.72 feet to a point; thence S89°35'22"W 658.60 feet to a point; thence S01°45'33"E 328.10 feet to a point on the north right of way of U.S. Highway 62/180; thence S89°26'12"W 1409.00 feet along the north right of way line of U.S. Highway 62/180 to a set 5/8" rebar with plastic cap marked "HICKS NMPS 12348"; thence N01°06'37"W 811.28 feet to a set 5/8" rebar with plastic cap marked "HICKS NMPS 12348"; thence N89°25'25"W 1045.07 feet to a set 5/8" rebar with plastic cap marked "HICKS NMPS 12348"; thence S00°33'42"E 988.27 feet to a set 5/8" rebar with plastic cap marked "HICKS NMPS 12348"; thence N01°06'37"W 811.28 feet; thence S89°26'12"W 1634.17 feet along the north right of way of U.S. Highway 62/180 to a point; thence N00°40'28"W passing a found rebar at 1218.75 feet and continuing for a total of 2233.03 feet west along the west line of Section 31 to a found 1/2" rod at the west quarter corner of Section 31; thence N89°31'05"E 2598.10 feet to a point; thence N01°06'37"W 2842.78 feet to a found 3/4" pipe at the north quarter corner of Section 31; thence N89°34'25"E along the North Section line of said Section 31, a distance of 1029.15 feet; thence S00°25'35"E 997.00 feet; thence N89°34'30"E 873.82 feet; thence N00°25'35"W 997.00 feet to a point on the North Section line of said Section 31; thence N89°34'30"E along the North Section line of said Section 31, a distance of 746.00 feet to a found 5/8" rebar at the northeast corner of Section 31; thence S00°44'29"E 2640.07 feet along the east line of Section 31 to a found 1/2" iron with cap at the east quarter corner of Section 31; thence S00°45'29"E 1313.38 feet along the east line of Section 31 to a point on a non-tangent curve, being the west right of way of West County Road, thence southwestwesterly along a curve to the left, concave to the southeast, having a radius of 1079.85 feet through an arc distance of 574.32 feet; thence S00°45'32"E 680.84 feet along the west right of way of West County Road to the Point of Beginning. Said tract of land containing 418.180 acres more or less. LESS AND EXCEPT a one acre tract of land beginning at a point which lies N89°34'25"E 973.30 feet and S00°25'35"E 208.70 feet from the Northeast corner of said Section 31; thence S00°25'35"E 208.70 feet; thence S89°34'25"W 208.70 feet; thence N00°25'35"W 208.70 feet; thence N89°34'25"E 208.70 feet to the Point of Beginning.

Dedication

A tract of land located in the Southeast Quarter of Section 31, Township 18 South, Range 38 East, N.M.P.M., Lea County, New Mexico and being more particularly described as follows:

Commencing at a found 2 1/2" brass cap being used as the southeast corner of Section 31; then N00°45'29"W 100.00 feet along the East line of said Section 31; and S89°26'12"W 120.70 feet along the north right of way of U.S. Highway 62/180 to a found 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" being the southeast corner of Tract 1B, Pilot Travel Center, Summary Subdivision as recorded in Book 1875, Page 585, Lea County Records, Lea County, New Mexico; and N01°45'33"W 685.77 feet along the west line of South Goings Lane, previously dedicated in Book 1765, Page 325, Lea County Records, Lea County, New Mexico, to a found 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" for a Point of Beginning; thence N01°45'33"W 120.00 feet to a found 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" as a property corner. thence S89°34'25"E 208.69 feet; thence S89°34'25"W 208.69 feet; thence N00°25'35"W 208.69 feet; thence N89°34'25"E 208.69 feet to the Point of Beginning and containing 0.17 acres, more or less.

NEW TRACT 1A DESCRIPTION

A tract of land located in the Northeast Quarter and the South Half of section 31, Township 18 South, Range 38 East, N.M.P.M., Lea County, New Mexico and being more particularly described as follows:

Commencing at a found 2 1/2" brass cap being used as the southeast corner of Section 31; then N00°45'29"W 100.00 feet along the East line of said Section 31; and S89°26'12"W 120.70 feet along the north right of way line of U.S. Highway 62/180 to a found 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" being the southeast corner of Tract 1B, Pilot Travel Center, Summary Subdivision as recorded in Book 1875, Page 585, Lea County Records, Lea County, New Mexico; and N01°45'33"W 685.77 feet along the west line of South Goings Lane, previously dedicated in Book 1765, Page 325, Lea County Records, Lea County, New Mexico, to a found 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" for a Point of Beginning; thence S89°34'25"E 208.69 feet along the north line of said Tract 1B, Summary Subdivision to a found 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S00°45'32"E 680.84 feet along the west line of said Tract 1B, Summary Subdivision to a found 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" for a Point of Beginning; thence S89°26'12"W 437.43 feet along the north right of way line of U.S. Highway 62/180 to a found 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" being the southeast corner of Tract 1D, Jose Flores, recorded in Book 1970, Page 658, Lea County Records, Lea County, New Mexico; thence N00°25'28"W 813.39 feet along the north line of said Tract 1D to a found 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S01°06'37"E 672.47 feet along the west line of said Tract 1D to a found 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S00°45'32"E 680.84 feet along the north right of way line of U.S. Highway 62/180 to a found 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S89°26'12"W 552.53 feet along the north right of way line of U.S. Highway 62/180 to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" on the west line of Section 31; thence N00°40'28"W 2532.97 feet along the west line of said Section 31 to a found 1/2" rod being the west quarter corner of said Section 31; thence N89°31'05"E 2598.04 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N01°06'37"W 811.28 feet to a found 3/4" pipe being used as the north quarter corner of Section 31; thence N89°34'25"E 1029.13 feet along the north line of Section 31 to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S00°25'27"E 997.00 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N89°34'30"E 873.82 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N00°25'35"W 997.02 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" on the north line of Section 31; thence N89°34'25"E 746.34 feet along the north line of Section 31 to a found 5/8" rebar being used as the northeast corner of Section 31; thence S00°45'29"E 2640.07 feet along the east line of Section 31 to a found 1/2" iron pipe with cap being used as the east quarter corner of Section 31; thence S00°45'29"E 1313.38 feet along the east line of Section 31 to set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" on a non-tangent curve, being the west right of way line of West County Road, thence southwestwesterly along a curve to the left, concave to the southeast, having a radius of 1084.22 feet through an arc distance of 574.75 feet, and having a chord bearing of S10°45'07"W 372.83 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S89°35'22"W 658.60 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S01°45'00"E 328.17 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S89°36'19"W 95.58 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" along the east right of way line of said South Goings Lane; thence N01°45'33"W 143.80 feet along the east right of way line of said South Goings Lane to a found 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S89°14'16"W 80.00 feet to the Point of Beginning. Said tract of land containing 363.85 acres more or less. LESS AND EXCEPT a one acre tract of land beginning at a point which lies S89°34'25"W 973.28 feet and S00°25'35"E 208.69 feet from the found 5/8" rebar being used as the northeast corner of said Section 31; thence S00°25'35"E 208.69 feet; thence S89°34'25"W 208.69 feet; thence N00°25'35"W 208.69 feet; thence N89°34'25"E 208.69 feet to the Point of Beginning and containing 1.00 acre more or less.

Tract 5A

A tract of land located in the Southeast Quarter of Section 31; Township 18 South, Range 38 East, N.M.P.M., Lea County, New Mexico and being more particularly described as follows:

Commencing at a found 2 1/2" brass cap being used as the southeast corner of Section 31; then N00°45'29"W 100.00 feet along the East line of said Section 31; and S89°26'12"W 120.70 feet along the north right of way line of U.S. Highway 62/180 to a found 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" being the southeast corner of Tract 1B, Pilot Travel Center, Summary Subdivision as recorded in Book 1875, Page 585, Lea County Records, Lea County, New Mexico; and N01°45'33"W 685.77 feet along the west line of South Goings Lane, previously dedicated in Book 1765, Page 325, Lea County Records, Lea County, New Mexico, to a found 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" for a Point of Beginning; thence S89°34'25"E 208.69 feet along the north line of said Tract 1B, Summary Subdivision to a found 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S01°45'00"E 328.17 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" along the east right of way line of said South Goings Lane; thence N01°45'33"W 143.80 feet along the east right of way line of said South Goings Lane to a found 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S89°14'16"W 80.00 feet to the Point of Beginning and containing 1.30 acres, more or less.

OWNERS STATEMENT AND AFFIDAVIT

State of New Mexico:
County of Lea:

The undersigned first duly sworn on oath, state: On behalf of the owners and proplemors we have of our own free will and consent caused this plat with its tracts to be plotted and the area shown hereon as Roadway Dedication to be dedicated to the public as described in fee simple forever. The property described on this plat lies within the platting jurisdiction of City of Hobbs.

By _____

Kress Jones

ACKNOWLEDGMENT

State of New Mexico:
County of Lea:

On this _____ day of _____, 20____, before me, _____, known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Witness my hand and official seal the day and year last above written.

My commission expires: _____

Notary Public

CERTIFICATE OF MUNICIPAL APPROVAL

I, Kevin Robinson, Lead Project Manager for the City of Hobbs, Lea County, New Mexico, do hereby certify that the foregoing plat in the City of Hobbs, Lea County, New Mexico, was reviewed and deemed compliant with the Municipal Summary Process Regulations on this _____ day of _____, 20____.

Kevin Robinson, Lead Project Manager

Jan Fletcher, City Clerk

ACKNOWLEDGMENT

State of New Mexico:
County of Lea:

On this _____ day of _____, 20____, before me, Kevin Robinson and Jan Fletcher to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Witness my hand and official seal the day and year last above written.

My Commission Expires: _____

Notary Public

NOTE

The survey descriptions shown hereon describe substantially the same property as that described in record documents. Differences are due to advances in technology and surveying practices. Survey descriptions were prepared solely to correct inaccuracies and misclousures in record documents and to accurately present conditions found at the time of survey.

CERTIFICATE OF SURVEY

I, William M. Hicks, III New Mexico Professional Surveyor, hereby certify that this Summary Subdivision Plat was prepared from an actual ground survey performed by me or under my supervision; that this survey is true and correct to the best of my knowledge and belief. That this Summary Subdivision Plat and the field survey upon which it is based meet the Minimum Standards for Surveying in New Mexico.

William M. Hicks, III NMPS #12348

Date



PROJECT SURVEYOR: J. Baker
DRAWN BY: J. Esquivel



INDEXING INFORMATION FOR COUNTY CLERK

OWNER: KRESS JONES

LOCATION: PART OF SECTION 31, T18S, R38E, N.M.P.M., CITY OF HOBBS, LEA COUNTY, NEW MEXICO.

REVISIONS		
No.	DATE	DESCRIPTION

State of New Mexico, County of _____
I here by certify that this instrument was filed for record on:

This _____ Day of _____, 20____ A.D.
At _____ O'Clock _____ M.
Cabinet _____ Slide _____
Book _____ Page _____

By _____
County Clerk

By _____
Deputy

SUBDIVISION PLAT

GOINGS LANE RV PARK
SUMMARY SUBDIVISION
FOR
GOINGS LANE RV

PROJECT NUMBER: 2016.1206
SHEET: 2 of 2
SU - 102



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: June 5, 2017

SUBJECT: CONSIDERATION TO APPROVE A DEVELOPMENT AGREEMENT BETWEEN VMJ INC., AND THE CITY OF HOBBS CONCERNING THE PROJECTION OF RANCLAND NORTH OF NAVAJO.

DEPT. OF ORIGIN: Planning Department
DATE SUBMITTED: May 29, 2017
SUBMITTED BY: Kevin Robinson - Planning Department

Summary: The City of Hobbs is proposing to enter into a Development Agreement with VMJ Inc. concerning the development of Ranchland north of Navajo. The subdivision of property, per MC Title 16, requires that all public infrastructures either be in place or surety given to the City that the cost for the same will be borne by the Subdivider prior to acceptance of the subdivision. The development agreement attached hereto and made part of this Resolution requires the Subdivider to pay the fair share assessment of the required public infrastructures adjacent to the Tracts created upon conveyance, development or utilization. The recorded DA will run with the land and the assessment amount will increase 2% per annum after the 5th year of the adoption of this Resolution.

Fiscal Impact:

Reviewed By: [Signature] Finance Department

Budget Line: 44-4044-44901-00073 (JT UIL Extension)
Unencumbered: \$275,000.00
Estimated Project Cost: \$350,000.00 (Includes design and engineering to northern terminus)
Less Developer Fair Share: \$325,000.00 (Incrementally upon conveyance, development or utilization)
Public Funds Expenditure: \$ 25,000.00

Attachments: Development Agreements and attachments.

Legal Review:

Approved As To Form: [Signature] City Attorney

Recommendation:

Staff recommends consideration of approval of the Development Agreement.

Approved For Submittal By:

[Signature] Department Director
[Signature] City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

Resolution No. _____ Continued To: _____
Ordinance No. _____ Referred To: _____
Approved _____ Denied _____
Other _____ File No. _____

CITY OF HOBBS

RESOLUTION NO. 6560.

A RESOLUTION TO APPROVE A DEVELOPMENT AGREEMENT BETWEEN VMJ INC. AND THE CITY OF HOBBS, CONCERNING THE DEVELOPMENT OF RANCLAND NORTH OF NAVAJO.

WHEREAS, the City of Hobbs is proposing to enter into a Development Agreement with VMJ Inc., concerning the development of Ranchland; and

WHEREAS, the aforementioned Development Agreement requires the Subdivider to pay the fair share assessment of the required public infrastructures adjacent to the Tracts created upon conveyance, development or utilization, said agreement being in the best interest of the City.

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that

1. The City of Hobbs hereby approves the Development Agreement, which is attached hereto and made a part of this Agreement as Exhibit #1 and the Mayor, and/or his designee, is hereby authorized to execute the Agreement.
2. That City staff and officials are authorized to do any and all deeds to carry out the intent of this Resolution.

PASSED, ADOPTED AND APPROVED this 5th day of June, 2017.

Sam D. Cobb, Mayor

ATTEST:

Jan Fletcher, City Clerk

INFRASTRUCTURE DEVELOPMENT AGREEMENT
Projection of Ranchland north of Navajo

THIS AGREEMENT, made and entered into this ___ day of _____ 2016, between the City of Hobbs, New Mexico, a New Mexico Municipal Corporation, (hereafter called the "City"); and VMJ Inc., 3729 W. Sanger, Hobbs, NM 88240 (hereafter called "Subdivider").

RECITALS:

WHEREAS, "Subdivider" desires to convey a portion of an undivided parent parcel located Northwest of the intersection of Navajo and the projection of Ranchland, within the City limits of the City of Hobbs; and

WHEREAS, the subdivision of property, per MC Title 16, requires that all public infrastructure either be in place or surety given to the City that the cost for the same will be borne by the Subdivider prior to acceptance of the subdivision or by the Developer prior to issuance of a Certificate of Occupancy; and

WHEREAS, infrastructure improvements would be required at the time of subdivision of the undivided parent parcels located adjacent to the projection of Ranchland, therefore, it has been determined by City and agreed by Subdivider that in lieu of Subdivider installing the required infrastructure at the time of subdivision, Subdivider shall pay, or cause to be paid, a fair share assessment for the required infrastructure at time of development, future subdivision or conveyance, of the created Tracts adjacent thereto.

WHEREAS, conveyance shall not be construed to mean the fee simple transfer related to inheritance or the distribution of the assets to any interest holder of the entity holding fee simple title as a result of dissolution of the entity.

NOW, THEREFORE, in consideration of the above premises, the parties hereby agree as follows, and said agreement to run with the land adjacent to as legally described below:

Legal Description:

A tract of land located in the Northeast Quarter of Section 23, Township 18 South, Range 38 East, Lea County, New Mexico and being more particularly described as follows:

Beginning at a point being the Northeast corner of said Section 23; Thence S.00°39'38"E along the East Section line a distance of 978.13 feet; Thence N.64°22'15"W. along the North right of way line of Navajo Drive a distance 191.68 feet; Thence N.25°37'45"E., a distance of 100.00 feet to a point on a curve to the left having a radius of 460.00 feet through a chord, bearing and distance of S. 12°29'03"W., 209.22 feet; Thence N.00°39'38"W., a distance of 599.75 feet to a point on the North line of said Section 23; Thence N.89°16'33"E., a distance of 80.00 feet along the North Section line to the point of beginning. Said tract of land containing 3.4894 acres, more or less.

1. The Subdivider shall pay to the City, at time of development, future subdivision or future conveyance, the fair share pro rata amount of one hundred eighty dollars (\$180.00) per centerline lineal foot, for the future installation of municipal infrastructure required, along the Subdivider's property lines adjacent to the projection of Ranchland and within a six hundred foot (600') buffer, providing such development, future subdivision or conveyance will not create a gap in public infrastructures. Development is hereby defined as any structure being erected or any utilization of property within six hundred feet (600') of the projection of Ranchland in either Section 23 or Section 24. Infrastructure to include sewer, water and roadway improvements. Any assessment remaining unpaid five (5) years after ratification of this agreement shall increase two percent (2%) per annum (or actual cost of the required infrastructure required whichever is less) until so paid.

2. The City shall design or cause to be designed construction plans for the projection of Ranchland north from Navajo projected to the Section Line. Said plans to include all municipal infrastructures; sewer, water and roadway improvements.

3. The Subdivider may construct or cause to be constructed, the required municipal infrastructure improvements, being that portion of Ranchland, using the construction plans supplied by the City. The Subdivider shall employ the services of a registered New Mexico Civil Engineer who shall certify the installation of the municipal infrastructure as to compliance with the plan set prior to municipal acceptance. That portion of the Subdivider's approved costs for the installation of the required infrastructure exceeding three hundred sixty dollars (\$360.00) per centerline lineal foot, if installed within five (5) years after ratification of this agreement thereafter to increase two percent (2%) per annum (or actual cost of the required infrastructure required whichever is less), shall be reimbursed to the Subdivider by the City upon acceptance.

4. The City may construct or cause to be constructed, portions of the municipal infrastructure improvements for that portion of Ranchland adjacent to the Subdivider's property lines as development progresses north along the proposed projection of Ranchland providing fair share assessments for that portion being developed has been received by the City.

5. Responsibilities of the parties hereto are as follows:

A. The Subdivider shall:

- 1) Pay for all costs for development pursuant to City policies, including the payment of the fair share pro rata infrastructure improvements as per this agreement.
- 2) Comply with all City policies for building, landscaping, fire code, etc. for the remainder of the construction.
- 3) Submit an Engineer of Record Certification prior to municipal acceptance for any portion of Ranchland constructed by Subdivider.

B. The City shall:

- 1) Design or cause to be designed construction plans for the development of Ranchland projected north of Navajo Drive to the Section Line.
- 2) Construct or cause to be constructed, municipal infrastructure improvements for portion(s) of Ranchland located north of Navajo Drive and south of the Section Line, as development progresses adjacent to that portion of Ranchland as described, providing fair share assessments have been received.

6. All notices given pursuant to or in connection with this Agreement shall be made in writing and posted by regular mail, postage prepaid, to the City, ATTN: Planning Department, 200 E. Broadway, Hobbs, NM 88240; to Subdivider – VMJ Inc., 3729 W. Sanger, Hobbs, NM 88240, or to such other address as requested by either party. Notice shall be deemed to be received on the fifth day following posting.

7. This Agreement may be executed in one or more identical counterparts, and all counterparts so executed shall constitute one agreement which shall be binding on all of the parties.

8. This Agreement shall be subject to the laws of the State of New Mexico. Jurisdiction and venue relating to any litigation or dispute arising out of this Agreement shall be in the District Court of Lea County, New Mexico, only. If any part of this contract shall be deemed in violation of the laws or Constitution of New Mexico, only such part thereof shall be thereby invalidated, and all other parts hereof shall remain valid and enforceable.

9. Representations of City.

A. City is a duly organized and validly existing municipal corporation under the laws of the State of New Mexico with full municipal power to enter into this Agreement and to carry out the terms, conditions and provisions hereof.

B. City will continue review and processing of the development plans, and forthcoming building permit application in a forthright manner and with due diligence.

10. Representations of Subdivider.

To the best knowledge of Subdivider, there is no litigation, proceeding or governmental investigation either pending or threatened in any court, arbitration board or administrative agency against or relating to Subdivider to prevent or impede the consummation of this Agreement by Subdivider.

11. BREACH

A. The following events constitute a breach of this Agreement by Subdivider:

Subdivider's failure to perform or comply with any of the terms, conditions or provisions of this Agreement.

B. The following events constitute a breach of this Agreement by City:

City's failure to perform or comply with any of the terms, conditions or provisions of this Agreement.

12. REMEDIES UPON BREACH.

A. Any party may sue to collect any and all damages that may accrue by virtue of the breach of this Agreement.

B. If any party is found by a court to have breached this Agreement, the breaching party agrees to pay all reasonable costs, attorney's fees and expenses that shall be made or incurred by another party in enforcing any covenant or provision of this Agreement.

13. GOVERNING LAWS. This Agreement shall be governed by the laws of the State of New Mexico. Jurisdiction and venue relating to any litigation or dispute arising out of this Agreement shall be in the District

Court of Lea County, New Mexico, only. If any part of this contract shall be deemed in violation of the laws or Constitution of New Mexico, only such part thereof shall be thereby invalidated, and all other parts hereof shall remain valid and enforceable.

14. TERMINATION. This Agreement shall be terminated upon the completion of all installation and construction defined herein or the Subdivider's payment of the assessment thereto.

15. ENTIRE AGREEMENT. This Agreement constitutes the entire agreement among and between City and Subdivider and there are no other agreements or understandings, oral or otherwise, between the parties on the issues defined herein.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above.

CITY OF HOBBS

SUBDIVIDER – VMJ Inc.

Sam D. Cobb - Mayor

BY: _____

Its: _____

ATTEST:

Jan Fletcher, City Clerk

APPROVED AS TO FORM:

Michael Stone, City Attorney

SUMMARY REVIEW - CITY OF HOBBS VR JONES DIVISION #1

SECTION 23, TOWNSHIP 18 SOUTH, RANGE 38 EAST, N.M.P.M., LEA COUNTY, NEW MEXICO

TRACT "1"

A tract of land located in the Northeast quarter of the Northeast quarter of Section 23, Township 18 South, Range 38 East, N.M.P.M., Lea County, New Mexico and being more particularly described as follows:

Beginning at a point which lies $S.89^{\circ}16'33''W$, 80.00 feet and $S.00^{\circ}39'38''E$, 325.00 feet from the Northeast corner of said Section 23; Thence $S.00^{\circ}39'38''E$, a distance of 325.00 feet to a point on a curve to the right having a radius of 460.00 feet through a chord, bearing and distance of $S.12^{\circ}29'03''W$, 209.22 feet; Thence $S.29^{\circ}37'45''W$, 160.00 feet to a point on the North Right of Line of Navajo Drive; Thence $N.64^{\circ}22'15''W$ along the North right of way line of Navajo Drive, a distance of 545.80 feet; Thence $N.00^{\circ}40'03''W$, a distance of 325.76 feet; Thence $N.89^{\circ}16'33''E$, a distance of 581.30 feet to the point of beginning. Said tract of land containing 6.003 acres, more or less.

TRACT "2"

A tract of land located in the Northeast quarter of the Northeast quarter of Section 23, Township 18 South, Range 38 East, N.M.P.M., Lea County, New Mexico and being more particularly described as follows:

Beginning at a point which lies $S.89^{\circ}16'33''W$, 80.00 feet from the Northeast corner of said Section 23; Thence $S.00^{\circ}39'38''E$, a distance of 325.00 feet; Thence $S.89^{\circ}16'33''W$, 581.30 feet; Thence $N.00^{\circ}40'03''W$, a distance of 325.00 feet to a point on the North line of said Section 23; Thence $N.89^{\circ}16'33''E$ along the North line of said Section 23, a distance of 581.30 feet to the point of beginning. Said tract of land containing 4.337 acres, more or less.

ROADWAY DEDICATION

A tract of land located in the Northeast Quarter of Section 23, Township 18 South, Range 38 East, N.M.P.M., Lea County, New Mexico and being more particularly described as follows:

Beginning at a point being the Northeast corner of said Section 23; Thence $S.00^{\circ}39'38''E$ along the East Section line a distance of 978.13 feet; Thence $N.64^{\circ}22'15''W$ along the North right of way line of Navajo Drive a distance 191.68 feet; Thence $N.25^{\circ}37'45''E$, a distance of 100.00 feet to a point on a curve to the left having a radius of 460.00 feet through a chord, bearing and distance of $S.12^{\circ}29'03''W$, 209.22 feet; Thence $N.00^{\circ}39'38''W$, a distance of 589.75 feet to a point on the North line of said Section 23; Thence $N.89^{\circ}16'33''E$, a distance of 80.00 feet along the North Section line to the point of beginning. Said tract of land containing 3.4894 acres, more or less.

Said tract is being subdivided with the free consent and in accordance with the desires of the undersigned owner thereof surveyed and subdivided according to the tracts as they appear on the plat affixed hereto.

In witness whereof, the undersigned owner of the said land, Kress Jones hereunto set her hands this ____ day of _____, 2017.

KJ, Inc. by Kress Jones

STATE OF NEW MEXICO
COUNTY OF LEA

The foregoing instrument was Acknowledged before me this ____ day of _____, 2017 by Kress Jones.

My commission expires _____
Notary Public

CERTIFICATE OF MUNICIPAL APPROVAL

I, Kevin Robinson, Lead Project Manager for the City of Hobbs, Lea County, New Mexico, do hereby certify that the foregoing plat in the City of Hobbs, Lea County, New Mexico, was reviewed and deemed compliant with the Municipal Summary Process Regulations on this ____ day of _____, 2017.

Kevin Robinson, City Planner

Attest - Jan Fletcher, City Clerk

STATE OF NEW MEXICO
COUNTY OF LEA

The foregoing instrument was Acknowledged before me this ____ day of _____, 2017 by Kevin Robinson and Jan Fletcher.

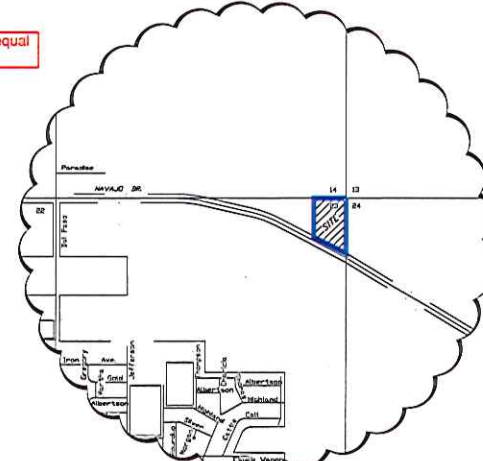
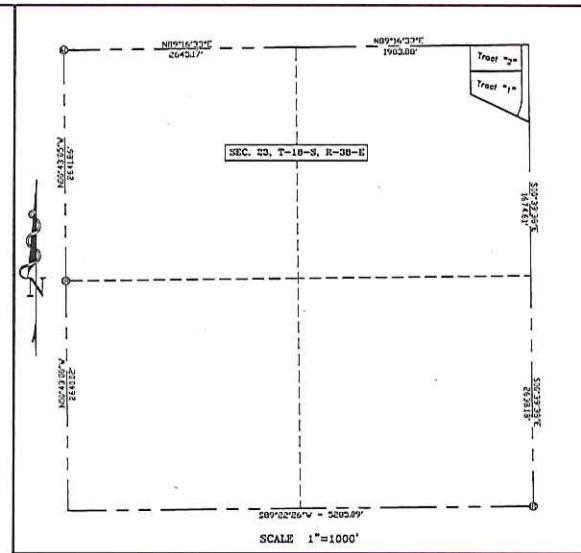
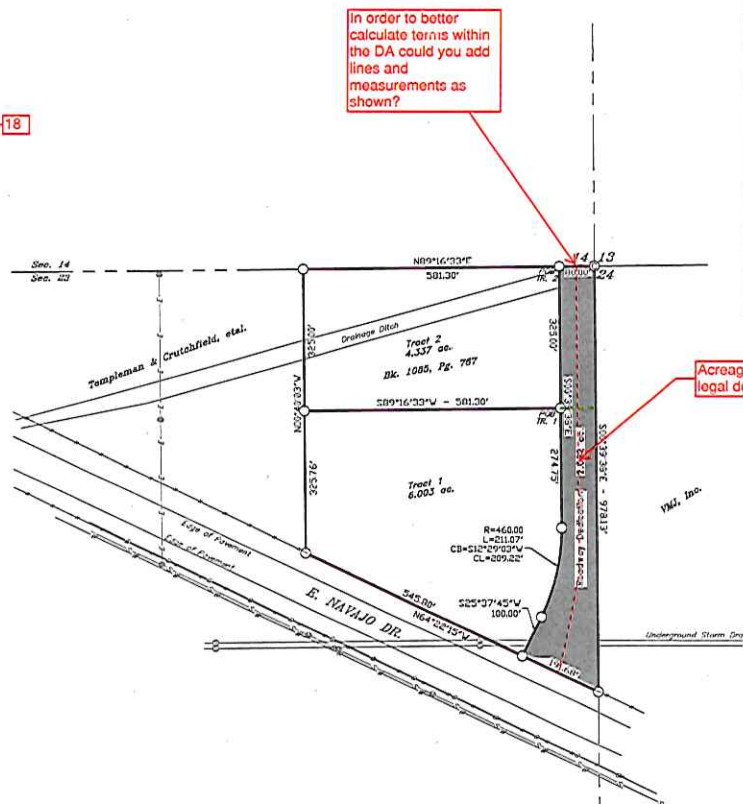
My commission expires _____
Notary Public

SURVEYOR'S CERTIFICATE

I, Gary L. Jones, a New Mexico Registered Professional Surveyor certify that I directed and am responsible for this survey; that this survey is true and correct to the best of my knowledge and belief, and this survey and plat meet the Minimum Standards for Surveying in New Mexico. This is a subdivision of an existing tract and is being processed using the City of Hobbs Summary Review Process.

In witness whereof I hereunto set hand and affix my official seal this ____ day of _____, 2017.

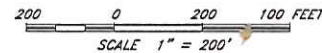
Gary L. Jones N.M.P.S. No. 7977



Note:
An Agreement is herewith recorded with this Plat concerning the Subdivider's responsibilities concerning the installation of required public infrastructures to be located within the Roadway Dedication.

- COORDINATES AND BEARINGS ARE BASED ON A LAMBERT CONICAL PROJECTION OF THE STATE OF NEW MEXICO STATE PLANE COORDINATE SYSTEM (NAD 83) NEW MEXICO EAST ZONE AND DISTANCES ARE OF SURFACE VALUE.
- UTILITIES BURIED AND ABOVE GROUND, MAY EXIST ON THESE TRACTS AND ARE NOT SHOWN ON THIS DRAWING. IT IS THE RESPONSIBILITY OF THE OWNER TO ASCERTAIN THEIR LOCATION PRIOR TO ANY CONSTRUCTION. "ONE-CALL" MUST BE NOTIFIED. DRAIN PATHS ARE NOT SHOWN ON THIS DRAWING.

- LEGEND**
- - SET CORNER
 - ⊙ - CALCULATED CORNER
 - ⊖ - STORM DRAIN
 - ⊕ - SEWER MANHOLE
 - E— - O-H POWER LINE
 - W— - WATER LINE
 - S— - SEWER LINE
 - G— - GAS LINE



Prepared by
BASIN SURVEYS
1120 N. West County Rd.
Hobbs, New Mexico 88240
Ph: (575)393-7316 Fax: (575)392-2200

File: KJG - JP HENDERSON Date: 03-18-2017

STATE OF NEW MEXICO
COUNTY OF LEA
FILED

_____, 2017

AT _____ O'CLOCK _____ M

AND RECORDED IN BOOK _____

PAGE _____

KEITH MANES, LEA COUNTY CLERK

BY _____ DEPUTY



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: June 5, 2017

SUBJECT: RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE NON-METRO AREA AGENCY ON AGING

DEPT. OF ORIGIN: Parks and Recreation, Senior Center
DATE SUBMITTED: May 25, 2017
SUBMITTED BY: Dalia Conken, Senior Affairs Coordinator

Summary:

The City of Hobbs Senior Center has submitted an Area Plan to Non-Metro Area Agency on Aging. The Non-Metro Area Agency on Aging has an estimated award to the City of Hobbs Senior Center of up to \$127,229.00. This resolution authorizes the City Manager to execute a contract with the Non-Metro Area Agency on Aging to receive funds to provide meal services for our senior citizens.

Fiscal Impact:

Reviewed By: 

Finance Department

There is a potential of receiving up to \$127,229 in grant money from this contract.

Attachments:

Resolution, Commitment of Local Funds, Assurances, Certification for Contracts, Certification Regarding Lobbying

Legal Review:

Approved As To Form: 

City Attorney

Recommendation:

Approval of Resolution

Approved For Submittal By:


Department Director


City Manager

CITY CLERK'S USE ONLY
COMMISSION ACTION TAKEN

Resolution No. _____
Ordinance No. _____
Approved _____
Other _____

Continued To: _____
Referred To: _____
Denied _____
File No. _____

CITY OF HOBBS

RESOLUTION NO. 6561

A RESOLUTION AUTHORIZING THE CITY OF HOBBS TO ENTER INTO A CONTRACT WITH THE NEW MEXICO NON- METRO AREA AGENCY ON AGING

WHEREAS, the City of Hobbs City Commission has determined that there is a need to provide services for senior citizens; and

WHEREAS, the City of Hobbs Senior Center has submitted an Area Plan to the Non-Metro Area Agency on Aging; and

WHEREAS, the Non-Metro Area Agency on Aging has an estimated award to the City of Hobbs Senior Center up to \$127,229 to provide meal services for our senior citizens;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the Mayor be and hereby is, authorized and directed to execute this Resolution and any contract to provide a commitment of local funding to the senior citizens program as a result of receiving a grant from the New Mexico Non-Metro Area Agency on Aging.

PASSED, ADOPTED AND APPROVED this 5th day of June, 2017.

SAM D. COBB, MAYOR

ATTEST:

JAN FLETCHER, CITY CLERK

ASSURANCES

Listing of Service Plan Assurances and Required Activities Older Americans Act, As Amended in 2006

GENERAL ASSURANCES

The contractor will comply with the Older Americans Act of 1965, as amended, and its implementing regulations. The contractor, and its contractors, will comply with the US Department of Health and Human Services Grants Administration Regulations.

The contractor in accordance with Title VI of the Civil Rights Act of 1965, will not discriminate against individuals because of age, race, color, creed, ethnic origin, gender or sexual preference in administering programs or providing services.

The contractor will, in compliance with Section 504 of the rehabilitation Act of 1973, as amended, ensure that facilities and services are made accessible to individuals with disabilities.

The contractor will comply with all applicable state and local laws, rules and regulations. The contractor will comply with the State Policy Manual and all policy issuances by the NM Aging & Long-Term Services Department and the Governor of New Mexico.

The contractor will assure that the personal information of individuals served will be maintained in a confidential manner, its access restricted to authorized individuals only. The contractor may not require any provider of legal assistance to reveal information that is protected by attorney-client privilege. The contractor will maintain current affirmative action plans. In implementing personnel hiring procedures, older individuals will be given preference and elders will be actively recruited for all available positions.

The contractor will assure that voluntary contributions from individuals served will be accepted and that procedures for documenting and safeguarding the collection and handling of such contributions have been established and are maintained. Contributions are not a requirement for participation in programs or receipt of services.

The contractor will assure that amounts received under each part of the Older Americans Act will be expended in accordance with such part. The contractor will assure that funds received under Title-III will be used only to pay costs incurred by the contractor to implement Title-III.

The contractor will assure that it will list its telephone number in each telephone directory that is published locally for residents in any geographic area where services will be provided.

The contractor providing nutrition services will offer meals, on the same basis as meals provided to elders, to individuals providing volunteer services during meal hours and to individuals with disabilities who reside with, and accompany older individuals who are eligible for meals.

The contractor providing nutrition services, will reasonably accommodate special dietary needs, where feasible and appropriate, including those arising from health requirements, religious requirements, or ethnic backgrounds of eligible individuals.

The contractor will promote the following rights of each older individual who receives such services:

- the right to be fully informed about each service provided and about any change in service that may affect his/her well-being;
- the right to participate in planning or providing input regarding services provided;

- the right to voice a grievance with respect to any service that is, or fails to be, provided, without discrimination or reprisal as a result of voicing such grievance;
- the right to confidentiality of records relating to services provided.

ORGANIZATION

The contractor will, through a comprehensive and coordinated system, provide for supportive services, nutrition services and the establishment, construction and maintenance of senior centers.

The contractor will assure that planning efforts and service delivery will address the needs of older individuals with greatest economic need and with greatest social need, with particular attention to low-income minority individuals, individuals with limited English proficiency, older individuals residing in rural areas, Native American Indian elders and individuals at risk of institutional placement.

The contractor will serve as an advocate and focal point for older individuals within their communities, in cooperation with other agencies, organizations and individuals, by monitoring, evaluating and commenting upon policies, programs and actions which affect older individuals.

The contractor will facilitate area-wide development and implementation of a comprehensive, coordinated system for providing long-term care in home and community-based settings, in a manner responsive to the needs and preferences of older individuals and their family caregivers, consistent with self-directed care, by:

- collaborating, coordinating and consulting with local public and private agencies and organizations responsible for administering programs, benefits and services related to providing long-term care;
- conducting analyses and making recommendations regarding strategies for modifying the local system(s) of care to be responsive to local needs and preferences, facilitating service provision and targeting services to older individuals at risk of institutional placement to enable them to remain in their own homes and communities;
- implementing evidence-based programs to assist older individuals and family caregivers in learning about and making behavioral changes intended to reduce the risk of injury, disease and/or disability; and
- providing for the availability and distribution of information about the need to plan for long-term care, resources available (both public and private), and options for long-term care.

The contractor will make use of trained volunteers in providing direct services to older individuals and individuals with disabilities and will work in coordination with organizations that have experience in providing training, placement and stipends for volunteers/participants (such as organizations sanctioned by the Corporation for National and Community Service).

The contractor will establish effective and efficient procedures for coordination with other Older Americans Act funded entities conducting programs within the service area(s), with entities conducting other federal programs for older individuals and with the state designated mental health authority.

The contractor will work in coordination with the NM Behavioral Health Collaborative to increase awareness of mental health disorders, remove barriers to mental health diagnosis and treatment and coordinate health services provided in the community.

The contractor will coordinate activities and develop long-range emergency preparedness plans in collaboration with local and state governments and other entities that have responsibility for disaster relief service delivery.

The contractor will establish an advisory body consisting of older individuals (including minority individuals and individuals residing in rural areas) who are participants, or eligible to participate in, contractor programs; family caregivers of such individuals; other service providers; members of the business community; local elected officials; providers of veterans' health care (if applicable); and the general public. The advisory body will provide advice to the contractor on all matters related to the development of the service plan, administration of the plan and programs and operations conducted.

The contractor will make recommendations to government officials in the planning and service area(s) administered, and collaborate with such officials to build capacity in order to meet the following needs of older individuals, including, but not limited to:

- health & human services;
- transportation;
- housing;
- land use;
- workforce & economic development;
- civic engagement;
- education;
- recreation;
- public safety;
- emergency preparedness.

The contractor will demonstrate the ability to develop a service plan and to administer programs and services within the plan.

The contractor will assure that no officer, employee, or other representative of the contractor is subject to a conflict of interest prohibited under the Older Americans Act; and that mechanisms are in place to identify and remove conflicts of interest should they so occur.

SERVICE PLANS

The contractor will assure that it will develop and submit to the Non-Metro Area Agency on Aging for approval, in accordance with a uniform format developed by the Non-Metro Area Agency on Aging, a service plan meeting the requirements of the Older Americans Act.

The contractor agency will assure that it will set specific objectives for providing services to older individuals with greatest economic need and older individuals with greatest social need, including specific objectives for providing services to low-income minority individuals, individuals with limited English proficiency, older individuals residing in rural areas, and individuals at risk of institutional placement; and will include proposed methods of achieving these objectives in the service plan.

The contractor agency will assure that it will coordinate planning, assessment of needs, and provision of services for older individuals with disabilities, with particular attention to individuals with severe disabilities and individuals at risk of institutional placement, with organizations that develop or provide services for individuals with disabilities.

The contractor agency will assure that it will maintain the integrity and public purpose of services provided in all contractual and commercial relationships.

The contractor agency will:

- specify how it intends to satisfy the service needs of low-income minority individuals, individuals with limited English proficiency and older individuals residing in rural areas, in the area served by the contractor;
- to the maximum extent feasible, provide services to low-income minority individuals, individuals with limited English proficiency and older individuals residing in rural areas in accordance with their need for such services; and
- meet specific objectives established by the contractor, for providing services to low-income minority individuals, individuals with limited English proficiency and older individuals residing in rural areas within the service area(s).

The contractor will:

- identify the number of low-income minority older individuals and older individuals residing in rural areas in the planning and service area(s);
- describe the methods used to satisfy the service needs of such older individuals; and
- provide information on the extent to which the contractor met the objectives it established for providing services to low-income minority individuals and older individuals residing in rural areas within the planning and service area(s).

The contractor agency will assure that it will use outreach to identify individuals eligible for assistance under this Act, with special emphasis on:

- older individuals residing in rural areas;
- older individuals with greatest economic need (with particular attention to low income minority individuals and older individuals residing in rural areas);
- older individuals with greatest social need (with particular attention to low-income minority individuals and older individuals residing in rural areas);
- older individuals with severe disabilities;
- older individuals with limited English proficiency; older individuals with Alzheimer's disease, related disorders, and/or neurological organic brain dysfunction (and the caregivers of such individuals); and
- older individuals at risk for institutional placement; and inform the older individuals referred to in the preceding bullets, and the caregivers of such individuals, of the availability of such assistance.

The contractor will assure that it will provide information concerning services to Native American Indian elders, including:

- where there is a significant population of Native American Indian elders in the service area, assure that the contractor will pursue activities, including outreach, to increase access for those Native American Indian elders to programs and benefits provided under Title-III.
- assure that the contractor will, to the maximum extent practicable, coordinate the services the agency provides under Title-III with services provided under Title-VI; and
- assure that the contractor will make services available to Native American Indian elders to the same extent as such services are available to other older individuals within the service area(s).

The contractor will assure that it will, at the request of the Non-Metro Area Agency on Aging, for the purpose of monitoring compliance (including conducting an audit), disclose all sources and expenditures of funds the contractor receives or expends to provide service to older individuals.

The contractor will assure that if case management services are offered, the contractor will comply with all requirements specified in the Older Americans Act.

The contractor will assure that, if a substantial number of the older individuals residing in its service area(s) are of limited English proficiency, then the contractor will:

- utilize in the delivery of outreach services, workers who are fluent in the language(s) spoken by the individuals who are of limited English proficiency; and
- designate an individual employed by the contractor, or available to the contractor, whose responsibilities include:
 - o taking such action as may be appropriate to assure that counseling assistance is made available to older individuals with limited English proficiency in order to assist them in participating in programs and receiving assistance; and
 - o providing guidance to individuals engaged in the delivery of supportive services to enable such individuals to be aware of and sensitive to linguistic and cultural diversity.

ADDITIONAL REQUIREMENTS

The contractor will assure that it will hold public hearings, and use other means, to obtain the views of service recipients and other older individuals, service providers, caregivers, and other interested persons and entities in regard to policy development and the delivery of services and programs.

The contractor will assure that it will:

- afford an opportunity for a public hearing upon request or in accordance with published procedures;
- establish grievance procedures required by the Older Americans Act for individuals who are dissatisfied with or denied services; and,
- afford an opportunity for a hearing, upon request, by a recipient of services regarding any waiver request or grievance.

The contractor will assure that it will prepare and submit reports, in such form, and containing such information, as the Non-Metro Area Agency on Aging may require, and comply with such requirements as the Non-Metro Area Agency on Aging may impose to insure the correctness of such reports.

X _____
Signature and Title of Authorized Official

X _____
Date

**Certification Regarding Debarment, Suspension,
and Other Responsibility Matters**

Certification for Contracts, Grants, Loans,
And Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

Organization State

Authorized Signature Title Date

Printed Name of Authorized Signatory

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, And Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief that:

- 1) No Federal appropriated funds have been aid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- 2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal Contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- 3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Organization _____ State _____

Authorized Signature _____ Title _____ Date _____

