

Commission Meeting Agenda



Mayor

Samuel D. Cobb

City Commission

R. Finn Smith – District 1
Christopher R. Mills – District 2
Larron B. Fields – District 3
Joseph D. Calderón – District 4
Dwayne Penick – District 5
Don R. Gerth – District 6

City Manager

Manny Gomez

March 21, 2022



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

Monday, March 21, 2022 - 6:00 p.m.

Sam D. Cobb, Mayor

R. Finn Smith
Commissioner – District 1

Joseph D. Calderón
Commissioner – District 4

Christopher R. Mills
Commissioner – District 2

Dwayne Penick
Commissioner – District 5

Larron B. Fields
Commissioner – District 3

Don R. Gerth
Commissioner – District 6

This meeting is open to the public to attend. Members of the public are asked to wear a face mask and follow social distancing guidelines. The public is invited to address public comments to the Commission in person at the meeting or submit written comments prior to the meeting. Written comments should be submitted no later than 4:30 p.m. on March 21, 2022, addressed to the City Clerk by email at jfletcher@hobbsnm.org or faxed to (575) 397-9334.

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 March 7, 2022, Regular Commission Meeting (*Jan Fletcher, City Clerk*)

PROCLAMATIONS AND AWARDS OF MERIT

2. Proclamation Proclaiming the Month of March, 2022, as the 50th Anniversary of the National Senior Nutrition Program

3. Recognition of City Employees - Milestone Service Awards for the Month of March, 2022 (*Manny Gomez, City Manager*)
 - 5 years – Antoinette Medina, Hobbs Police Department
 - 5 years – Tanner Ingley, Hobbs Fire Department
 - 5 years – Juan Jaimes, Hobbs Police Department
 - 5 years – Deborah Trice, Finance Department
 - 10 years – Ricky Guerrero, Hobbs Police Department

PUBLIC COMMENTS (*Citizens who wish to speak must sign the Public Comment Registration Form located in the Commission Chamber prior to the beginning of the meeting.*)

Due to COVID-19, public comment may be submitted in person or in writing. Written comments should be submitted to the City Clerk at jfletcher@hobbsnm.org or faxed to (575) 397-9334 no later than 4:30 p.m. on the day of the meeting, March 21, 2022.

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.*)

DISCUSSION

None

ACTION ITEMS (*Ordinances, Resolutions, Public Hearings*)

4. Resolution No. 7171 – Accepting and Certifying the Canvass of the March 1, 2022, Municipal Officer Election (*Jan Fletcher, City Clerk*)
****Oaths of Office will be administered to the newly-elected officials.**
5. Resolution No. 7172 – Authorizing a Memorandum of Agreement with Lea County for Improvements to Charlie Brown Park (*Bryan Wagner, Parks and Open Spaces Department*)
6. Consideration of Approval of RFP No. 528-22 to Provide Concession Services at Athletic/Aquatic Facility and Recommendation to Make Multiple Awards to Marram Snack Shack and Chef Angie (*Doug McDaniel, Recreation Director*)

COMMENTS BY CITY COMMISSIONERS, CITY MANAGER

7. Next Meeting Date:

- City Commission:
Regular Meeting ***Monday, April 4, 2022, 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) 397-9200 at least 72 hours prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the City Clerk's Office if a summary or other type of accessible format is needed.



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: March 21, 2022

SUBJECT: City Commission Meeting Minutes

DEPT. OF ORIGIN: City Clerk's Office
DATE SUBMITTED: March 17, 2022
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

The following minutes are submitted for approval:

- Regular Commission Meeting of March 7, 2022

Fiscal Impact:

Reviewed By: _____
Finance Department

N/A

Attachments:

Minutes as referenced under "Summary".

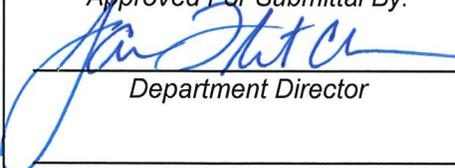
Legal Review:

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

Minutes of the regular meeting of the Hobbs City Commission held on Monday, March 7, 2022, in the City Commission Chamber, 200 East Broadway, 1st Floor Annex, Hobbs, New Mexico. This meeting was also viewable to the public via Livestream on the City's website at www.hobbsnm.org.

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 and everyone viewing through Livestream. The City Clerk called the roll and the following answered present:

Mayor Sam D. Cobb
Commissioner R. Finn Smith
Commissioner Christopher Mills
Commissioner Larron B. Fields
Commissioner Joseph D. Calderón
Commissioner Dwayne Penick (*arrived at 6:15 p.m.*)
Commissioner Don Gerth

Also present:

Manny Gomez, City Manager
Efren Cortez, City Attorney
August Fons, Interim Police Chief
Barry Young, Fire Chief
Mark Doporto, Deputy Fire Chief
Kevin Shearer, Battalion Chief
Bobby Arther, Municipal Judge
Doug McDaniel, Recreation Director
Bryan Wagner, Parks and Open Spaces Director
Matt Hughes, Rockwind Community Links Superintendent
Todd Randall, City Engineer
Kevin Robinson, Planning Director
Tim Woomer, Utilities Director
Ron Roberts, Information Technology Director
Sandy Farrell, Library Director
Mollie Maldonado, Deputy City Clerk
Jan Fletcher, City Clerk
12 citizens

Invocation and Pledge of Allegiance

Commissioner Fields delivered the invocation and Commissioner Gerth led the Pledge of Allegiance.

Approval of Minutes

Commissioner Gerth moved the minutes of the regular Commission meeting held on February 22, 2022, and the special Commission meeting held on February 17, 2022, be approved as written. Commissioner Fields seconded the motion and the vote was

recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Gerth yes, Cobb yes. The motion carried.

Proclamations and Awards of Merit

None

Public Comments

Due to COVID-19, public comments may be submitted in person or in writing. Written comments should be submitted to the City Clerk at jfletcher@hobbsnm.org or faxed to (575) 397-9334 no later than 4:30 p.m. on the day of the meeting, March 7, 2022.

New Mexico State Representative Larry Scott presented the Hobbs Police Department with an official Memorial declaring February 4, 2022, as “*Law Enforcement Appreciation Day*”. He presented the Memorial to Interim Police Chief August Fons and several members of the Hobbs Police Department who expressed grateful appreciation for the acknowledgement and support from the State level in New Mexico.

Mr. Marcus Sparenberg of the United Way of Lea County expressed sincere thanks and appreciation to the City of Hobbs for support and attendance at the Martin Luther King (MLK) Day of Service on February 21, 2022.

Mr. Danny Fletcher of Holtec International thanked the City of Hobbs for its continued support of Holtec and the Eddy Lea Energy Alliance (ELEA). He stated a decision is expected by the Nuclear Regulatory Commission in early summer.

Mr. Joe Cotton expressed thanks and appreciation to Fire Chief Barry Young and members of the Hobbs Fire Department for their professionalism and responsiveness to a house fire which recently occurred at his son’s house.

Consent Agenda

Resolution No. 7166 – Supporting the Submission of an Application to the New Mexico Department of Transportation for Traffic Signals and Intersection Improvements at Dal Paso/Clinton and Dal Paso/Snyder

Resolution No. 7167 – Supporting the Submission of an Application to the New Mexico Department of Transportation for Traffic Signal Improvements at North Marland (US 62/180 and Clinton Street)

Commissioner Gerth moved to approve the consent agenda. Commissioner Mills seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolutions and supporting documentation are attached and made a part of these minutes.

Discussion

Mr. Tim Woomer, Utilities Director, presented the City Commission with the State's 2021 New Mexico Water and Waste Water Association Good Housekeeping Award. Mr. Woomer proudly recognized members of the Utilities Department present at the meeting and stated this is the Department's sixth time receiving the award in the last eight years. He stated the team at the Utilities Department is dedicated to professionalism and accountability.

Commissioner Penick arrived at the meeting at 6:15 p.m.

Action Items

Resolution No. 7168 – Relating to the Disposition of 90 Rifles and 90 Shotguns Used by the Hobbs Police Department

Interim Police Chief August Fons stated the City desires to delete from its inventory and dispose of 90 files and 90 shotguns. He stated the firearms are worn-out and beyond their ten-year service life. The firearms will be traded in towards the purchase of new Sionics brand AR-15 patrol rifles through ProForce Law Enforcement out of Prescott, Arizona. The trade-in value for each firearm is listed at \$450.86. The total trade-in value for 180 firearms is \$81,155.45 and the total purchase price of 100 new rifles is \$99,500.00, leaving a total fiscal impact to the City for this purchase in the amount of \$18,344.55.

There being no discussion, Commissioner Penick moved to approve Resolution No. 7168 as presented. Commissioner Fields seconded the motion and the roll call vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. A copy of the resolution and supporting documentation are attached and made a part of these minutes.

Resolution No. 7169 – Accepting and Approving the FY 21 Audit

Ms. Deb Corral, Assistant Finance Director, stated the City is seeking approval and acceptance of the FY 21 Audit. She stated the City received an unmodified opinion from its auditors and has received approval from the State Auditor authorizing release of the audit.

Mr. Farley Vener of Hinkle + Landers, PC, telephonically reviewed the City's FY 21 Audit. He explained the scope of the audit procedures to review the City's Financial Statement. He stated the City received an unmodified clean opinion which is a very good rating and the City is in compliance with its audit procedures. Mr. Vener stated the City's audit is available for the public to view on the website of the Office of the State Auditor. He explained the City's one audit finding which is identified on the City's Financial Statement related to receivables and doubtful accounts. Mr. Vener reviewed the City's financial position through the use of a PowerPoint presentation. He stated there are no material

weaknesses or deficiencies noted in the Federal Awards and the City qualified as a low-risk auditee. He thanked the City for its good audit and cooperation during the process.

Following a brief discussion, Commissioner Penick moved to approve Resolution No. 7169 as presented. Commissioner Gerth seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. A copy of the resolution and supporting documentation is attached and made a part of these minutes.

FINAL ADOPTION: Ordinance No. 1140 - Granting to Southwestern Public Service Company d/b/a Xcel Energy, a New Mexico Corporation, a Franchise License Within the City Limits of the City of Hobbs for a Period of Ten (10) Years

Mr. Efren Cortez, City Attorney, explained the proposed ordinance granting a franchise agreement to Southwestern Public Service Company d/b/a Xcel Energy. He stated the agreement has a term of 10 years, incorporates the City's right-of-way management ordinance, incorporates the requirements of the Americans with Disabilities Act (ADA) and has a proposed franchise fee of 4%. Mr. Cortez stated the parties have been operating on a month-to-month basis under the 1989 agreement which expired as of February 21, 2014. If approved, the ordinance must be published twice at least seven days apart within 30 days from date of adoption.

Mayor Cobb recognized Mr. James Lackey of Xcel Energy, present at tonight's meeting.

There being no discussion, and there being no public comments from the audience, Commissioner Fields moved that Ordinance No. 1140 be adopted as presented. Commissioner Gerth seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. A copy of the ordinance is attached and made a part of these minutes.

Consideration of Approval of a Professional Services Agreement with the Economic Development Corporation of Lea County for Fulfilling Grant Obligations with the J. F Maddox Foundation Regarding Marketing Airline Services In and Out of Lea County

Mr. Cortez explained the City of Hobbs received a grant from the J. F Maddox Foundation in the amount of \$50,000.00 to provide funding support for marketing expenses related to air service in and out of Lea County, New Mexico. Prior to that, on July 19, 2021, the City of Hobbs entered into a professional services agreement with the Economic Development Corporation of Lea County ("EDC of Lea County") which included, among other services, marketing of airline services to and from Hobbs, New Mexico, utilizing approved Lodger's Tax appropriations. The EDC of Lea County has exhibited the requisite knowledge, experience, and relationships to effectively market airline services in and out of Lea County and is best situated to assist the City of Hobbs with fulfilling its obligation under the Maddox Foundation grant, as well as the reporting requirements set forth therein. Mr. Cortez stated under the terms of the Agreement, the

EDC of Lea County will make an effort to utilize the funds allocated on marketing commercial air service to and from Lea County, New Mexico and Denver, Colorado.

There being no discussion, Commissioner Gerth moved that the Professional Services Agreement be adopted as presented. Commissioner Penick seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. A copy of the Agreement and supporting documentation are attached and made a part of these minutes.

PUBLICATION: Proposed Ordinance Amending Chapter 2.56 of the Hobbs Municipal Code Related to the Personnel Rules for the City of Hobbs

Mr. Cortez stated the City of Hobbs first adopted its personnel rules in 2003 via Ordinance No. 916. Later, Article 1, Article 4, Article 7, and Article 8 of the personnel rules were amended in part via Ordinance No. 1058 on January 7, 2013. He explained the proposed ordinance before the Commission tonight amends Chapter 2.56 of the Hobbs Municipal Code related to personnel rules for City of Hobbs employees. The proposed changes seek to ensure that the City of Hobbs' personnel rules are concise, up-to-date, account for cultural shifts, updates in the law, and philosophical changes in the organization. He reviewed some of the notable changes which include:

- Amending Article 1 to provide clearer definitions related to personnel matters and to account for employee accommodations and whistleblower protections;
- Amending Article 2 to provide for clearer "reclassification" guidelines;
- Amending Article 3 to provide for clearer "compensation" information consistent with current practices;
- Amending Article 4 overtime provisions consistently with the Fair Labor Standards Act;
- Amending Article 5 regarding the recruitment and application process;
- Amending Article 6 regarding changes in employment status of employees including discipline;
- Amending Article 7 regarding discipline action, disciplinary grounds, and just cause;
- Amending Article 8 regarding leaves and benefits adding the holiday of Juneteenth, June 19th, as a paid holiday and removing irrelevant paid time off language, clarifying FMLA leave, Worker's Comp leave, Administrative Leave, Bereavement Leave, and Military Leave;
- Amending Article 9 regarding employee conduct including work place violence, conflicts of interest, drug and alcohol use, and workplace safety;

- Amending Article 10 regarding grievances to better define the grievance purpose and process; and
- Adding Article 11 repealing all prior versions of the personnel rules.

Mr. Cortez reminded the Commission that publication of this proposed ordinance is required at least two weeks prior to consideration of final adoption by the City Commission.

Following some questions by the Commission which were answered by Mr. Cortez, Commissioner Gerth moved that the Commission publish notice of its intent to adopt the ordinance at a later date. Commissioner Mills seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. A copy of the proposed ordinance and supporting documentation are attached and made a part of these minutes.

PUBLICATION: Proposed Ordinance Consenting to the Annexation of Tract 5 of the Lynch Subdivision Containing Approximately 19.346 Acres as Requested by the Property Owner, Maria Ndey

Mr. Kevin Robinson, Development Director, explained the proposed annexation ordinance and stated the property is located in Tract 5 of the Lynch Subdivision within Section 9, Township 18 South, Range 38 East, and contains +/- 19.346 acres. He stated the annexation proposal was presented to the Planning Board at the February 15, 2022, meeting and the Board recommended approval to the Commission. Mr. Robinson displayed a map for the Commission to view and stated the property is adjacent to College Lane and Ja-Rob and the property owner has requested the annexation.

There being no discussion, Commissioner Penick moved that the Commission publish notice of its intent to adopt the ordinance at a later date. Commissioner Mills seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. A copy of the proposed ordinance and supporting documentation are attached and made a part of these minutes.

Resolution No. 7170 - Approving an Infrastructure Extension Development Agreement with ALJO, LLC, Concerning the Development of Public Infrastructures

Mr. Robinson stated ALJO, LLC, has requested a Public Participation Infrastructure Development Agreement concerning the projection of Ranchland (+/- 1,470 Lin. Ft.) from the existing terminus at Glorietta north to the connection with Navajo. He stated the Development Agreement would allow for the partial reimbursement of costs to the Developer, upon certification by the Engineer of Record, in an amount not to exceed \$198,082.50, providing said infrastructures are installed and certified within 550 days of ratification of the Agreement. Additionally, the Development Agreement will place an assessment equal to the amount of public participation on those portion of the Developers

property adjacent to the emplacements requiring the Developer to pay the assessment at time of development, subdivision or conveyance.

In response to Commissioner Fields' question, Mr. Robinson stated the name of the road is Ranchland and it will connect from Glorietta to Navajo.

There being no discussion, Commissioner Calderón moved that Resolution No. 7170 be adopted as presented. Commissioner Fields seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Penick 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 City Commission meeting will be held on Monday, March 21, 2022, at 6:00 p.m.

Commissioner Gerth commented it is great to see a full crowd in the audience tonight.

Commissioner Mills agreed and stated it is good to see the Utilities Department and members of the Hobbs Police Department here tonight for recognition.

Commissioner Penick echoed the sentiments of Commissioners Gerth and Mills. He stated the City's employees are its number one resource and asset.

Commissioner Penick thanked everyone for their support during the recent Municipal Election.

Mayor Cobb congratulated all of the candidates from the election and stated the next Municipal Election would be held in March of 2024.

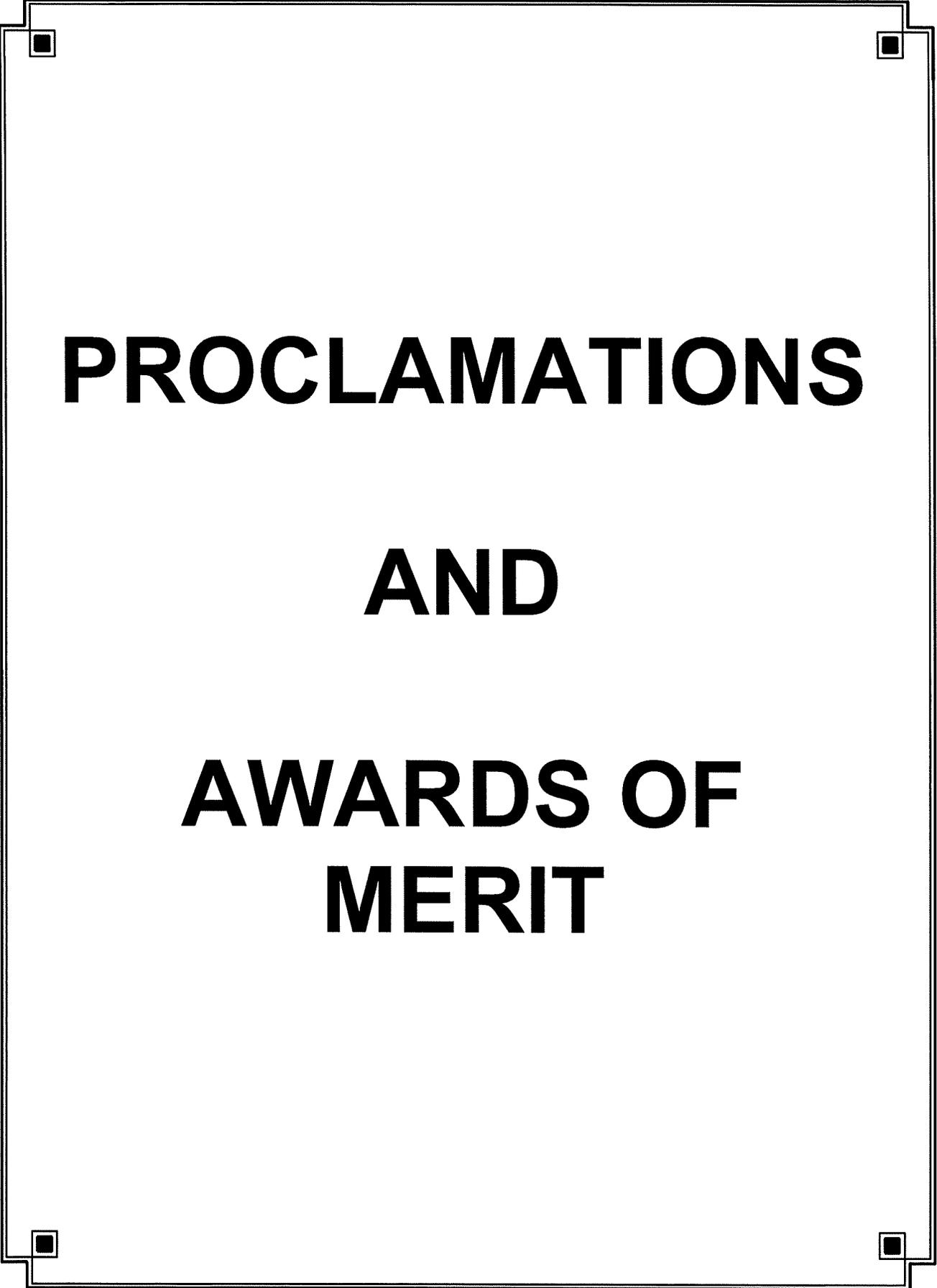
Adjournment

There being no further business or comments, Commissioner Fields moved that the meeting adjourn. Commissioner Smith seconded the motion and the roll call vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. The meeting adjourned at 7:30 p.m.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk



PROCLAMATIONS

AND

**AWARDS OF
MERIT**

Office of the Mayor
Hobbs, New Mexico

PROCLAMATION

50th Anniversary of the National Senior Nutrition Program, 2022 City of Hobbs – A Proclamation

Whereas, since 1972, the National Senior Nutrition Program has funded local agencies and organizations to serve home-delivered and congregate meals that help to ensure older adults have opportunities to stay healthy, independent, and connected; and

Whereas, more than 10 million older Americans face hunger, as well as isolation, each year; and

Whereas, local senior nutrition programs help older adults access healthy foods; nutrition screening, education, and information and resource; social opportunities; and other supports that encourage well-being; and

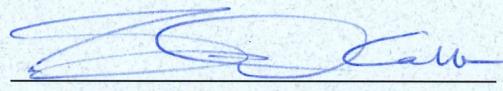
Whereas, the Hobbs Senior Center is an integral part of the City of Hobbs – providing sustenance and so much more to our older community members, especially those in our community most vulnerable to chronic disease, poverty, and social isolation.

Whereas, Hobbs Senior Center is having a positive impact on our community and its senior members as demonstrated by:

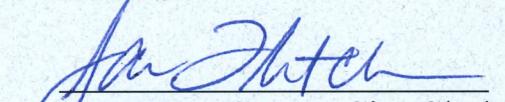
- Providing hot, nutritious meals in our Congregate Site, through Grab-n-Go drive through, or delivered to our homebound members' homes.
- Health & Wellness through diabetes education, exercise equipment and classes, and an annual health fair event.
- Social events such as, billiards, bingo, dances, birthday and holiday parties.

Now, therefore, we, of the City of Hobbs, do hereby proclaim March 2022 to be the 50th anniversary of the National Senior Nutrition Program. We urge every resident to recognize older adults and the people who support them through nutrition services as essential contributors to the strength of our community.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of March, 2022, and cause the seal of the City of Hobbs to be affixed hereto.


SAM D. COBB, Mayor

ATTEST:


JAN FLETCHER, City Clerk



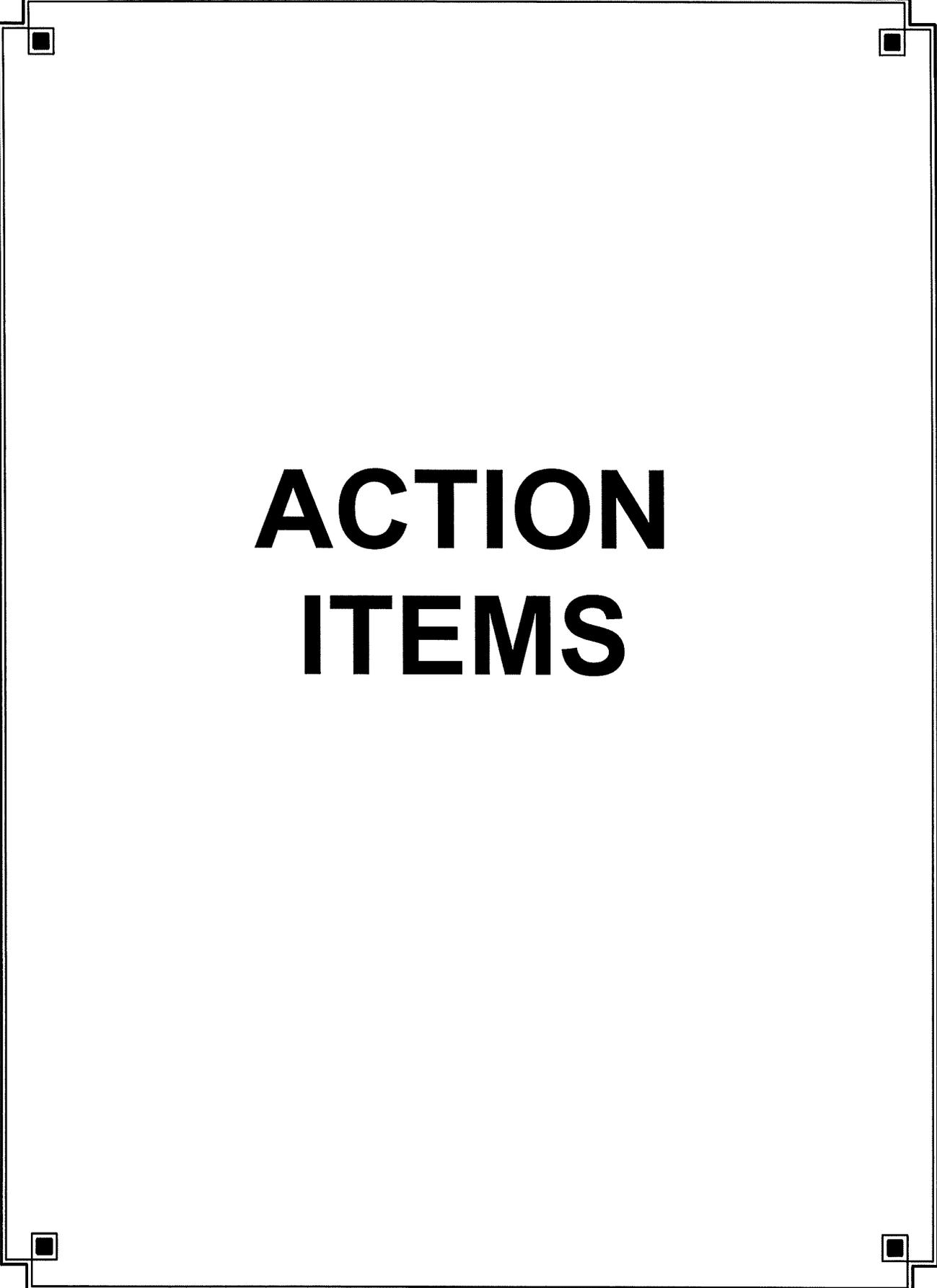
March Milestones 2022

5 years

Antoinette Medina	HPD	03/20/2017
Tanner Ingley	HFD	03/27/2017
Juan Jaimes	HPD	03/29/2017
Deborah Trice	Finance	03/27/2017

10 years

Ricky Guerrero	HPD	03/12/2012
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ACTION ITEMS



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: March 21, 2022

SUBJECT: Resolution Accepting and Certifying the Canvass of the March 21, 2022, Municipal Officer Election for the City of Hobbs

DEPT. OF ORIGIN: City Clerk's Office
DATE SUBMITTED: March 11, 2022
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

Pursuant to NMSA 1978, §1-13-1 through §1-13-24, the Board of County Commissioners is designated as the Canvassing Board to certify the canvass of the March 1, 2022, Municipal Officer Election for the City of Hobbs. On March 10, 2022, the Lea County Commissioners certified the canvass of the election.

Canvass Report

- ▶ **477** votes were cast by voters at the five Voting Convenience Centers on election day
- ▶ **205** votes were cast in the Early Voting Precinct located at City Hall and at the Alternate Early Voting location at the Lea County Office Complex
- ▶ **17** ballots were counted in the Absentee Precinct; **9** ballots were not returned by 7:00 p.m. A total of 26 ballots were issued in the Absentee Precinct Board.
- ▶ **1** conditional ballot was issued on election day which, after the qualification process, met the criteria as a qualified ballot
- ▶ 13 votes were recorded as write-in votes. Of these 13 votes, four votes were counted by the Precinct Board as qualified write-in votes for the write-in candidate, Donna Everhart.

The total number of votes recorded in the election was **700**.

The voter turnout percentage for this election was about 4% (3.76%) with a total of 18,582 eligible voters in the City of Hobbs.

Candidate results are shown on the attached Canvass Summary Report and Resolution.

Fiscal Impact:

Reviewed By: _____

Finance Department

The total actual costs of the election are not complete as some of the invoices for supplies, advertising costs and publication of legal notices have not been received.

Attachments:

1. Certificate of Canvass of Election Returns
2. Resolution Confirming the Certificate of Canvass

Legal Review:

Approved As To Form: _____


City Attorney

Recommendation:

Approval of the 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. 7171

A RESOLUTION CONFIRMING THE CERTIFICATE OF CANVASS
OF THE MUNICIPAL OFFICER ELECTION HELD
MARCH 1, 2022, IN THE CITY OF HOBBS, NEW MEXICO.

WHEREAS, in accordance with the laws of the State of New Mexico, the Municipal Officer Election of the City of Hobbs, New Mexico, was duly and lawfully held on the 1st day of March, 2022; and

WHEREAS, pursuant to NMSA 1978, §1-13-1, the Lea County Board of County Commissioners, acting as the Lea County Canvassing Board, approved and certified the canvass of results of the March 1, 2022, Municipal Officer Election as shown on the attached Resolution, Certificate of Canvass, Canvass Summary Report and Election Summary Report.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the Certificate of Canvass of the Municipal Officer Election by the Lea County Canvassing Board be and hereby is ratified and confirmed.

BE IT FURTHER RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the following officials were duly elected by a majority of the voters of the City of Hobbs:

Commissioner, District 1
Fulfill Term Expiring in 2024

R. Finn Smith

Commissioner, District 4
Four-Year Term
2022-2026

Joseph D. Calderon

Commissioner, District 5
Four-Year Term
2022-2026

Roy Dwayne Penick

Commissioner, District 6

Four-Year Term
2022-2026

Donald Ray Gerth

Municipal Judge, At Large

Four-Year Term
2022-2026

Bobby M. Arther

BE IT FURTHER RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the terms of office for the newly-elected officers shall begin on April 1, 2022, pursuant to NMSA 1978, §1-22-3.1 (F).

BE IT FURTHER RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the results of the ballot question held during the March 1, 2022, Municipal Officer Election are as follows which shall take full force and effect upon passage of this resolution:

Proposition No. 1 *(passed)*

Without increasing gross receipts taxes, shall the City of Hobbs be allowed to approve retail businesses and cultural facilities as qualifying entities for purposes of furthering or implementing economic development plans and providing public support for projects as defined in the Local Economic Development Act?

Yes 576

No 115

PASSED, ADOPTED AND APPROVED this 21st day of March, 2022.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

Canvass Summary Report

City of Hobbs – Municipal Officer Election
March 1, 2022

I, Jan Fletcher, City Clerk of the City of Hobbs, New Mexico, do hereby present the following summary of activity for the March 1, 2022, Municipal Officer Election in Hobbs, New Mexico:

- **477** votes were cast by voters at the five consolidated voting centers on election day.
- **205** votes were cast in the Early Voting Precinct located at City Hall and at the Alternate Early Voting location at the Lea County Office Complex.
- **17** ballots were counted by tabulator by the Absentee Precinct Board. A total of **26** ballots were issued in the Absentee Precinct; **9** ballots were not returned by 7:00 p.m. on election night leaving the total of **17** ballots counted by the Board.
- **1** conditional ballot was issued on election day which, after the qualification process, met the criteria as a qualified ballot

The total number of votes recorded in the election was **700**.

The voter turnout percentage for this election was 4% with a total of 18,582 eligible voters in the City of Hobbs.

Candidate results are as follows:

Commissioner, District 1

R. Finn Smith	204	98.08%
Write-In: Donna Everhart	4	1.92%

Commissioner, District 4

Debra Jean Brady	34	44.74%
Joseph D. Calderon	42	55.26%

Commissioner, District 5

Roy Dwayne Penick	146	100.00%
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Commissioner, District 6

Donald Ray Gerth	50	100.00%
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Municipal Judge, At Large

Bobby M. Arther	620	100.00%
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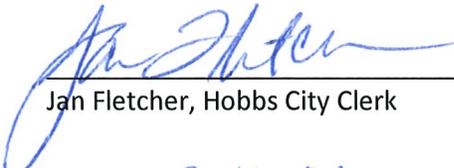
Results of ballot question is as follows:

Proposition No. 1 *(passed)*

Without increasing gross receipts taxes, shall the City of Hobbs be allowed to approve retail businesses and cultural facilities as qualifying entities for purposes of furthering or implementing economic development plans and providing public support for projects as defined in the Local Economic Development Act?

Yes	576	83.36%
No	115	16.64%

Respectfully submitted,



Jan Fletcher, Hobbs City Clerk

Date: 3-10-22

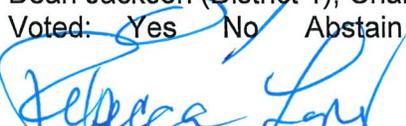
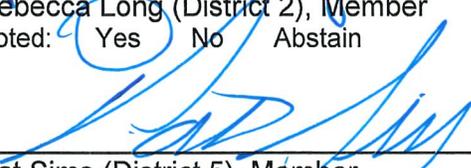


CERTIFICATE OF CANVASS

We, the undersigned Board of County Commissioners acting as the Board of Canvassers of Lea County, State of New Mexico, canvass the Municipal Officer Election of the City of Hobbs held in said county, March 1, 2022, and do hereby certify that the canvass results sent to the Office of Secretary of State is a correct canvass of returns of said election.

WITNESS the Honorable Board of County Commissioners on this 10th day of March, 2022.

THE BOARD OF COUNTY COMMISSIONERS:

 _____ Dean Jackson (District 1), Chair Voted: Yes No Abstain	 _____ Gary G. Eidson (District 3), Vice Chair Voted: <input checked="" type="radio"/> Yes No Abstain
 _____ Rebecca Long (District 2), Member Voted: <input checked="" type="radio"/> Yes No Abstain	 _____ Jonathan Sena (District 4), Member Voted: <input checked="" type="radio"/> Yes No Abstain
 _____ Pat Sims (District 5), Member Voted: <input checked="" type="radio"/> Yes No Abstain	

ATTEST: Keith Manes
Lea County Clerk

By: 

Teri Davis, Deputy Clerk



Lea County
County Summary

Canvass of Returns of Local Election Held on March 1, 2022 - Stat
Canvass Sheet

Precinct	Ballots Cast	COMMISSIONER DISTRICT 1 HOBBS CITY COUNCIL 1		COMMISSIONER DISTRICT 4 HOBBS CITY COUNCIL 4		COMMISSIONER DISTRICT 5 HOBBS CITY COUNCIL 5	COMMISSIONER DISTRICT 6 HOBBS CITY COUNCIL 6	Municipal Judge HOBBS MUNICIPAL DISTRICT	Municipal Question : PROPOSITION NO. 1 HOBBS MUNICIPAL DISTRICT		Precinct
		R FINN SMITH	DONNA EVERHART (write in)	DEBRA JEAN BRADY	JOSEPH D CALDERON	ROY DWAYNE PENICK	DONALD RAY GERTH	BOBBY M ARTHUR	Yes	No	
		019	26					22		24	
020	8					7		8	8	0	020
022	57					44		48	49	8	022
023	42					31		37	34	8	023
024	42	40	0					41	35	7	024
025	68	61	0					62	52	14	025
027	6	6	0			0		6	6	0	027
028	15	11	2					13	14	1	028
029	34	31	0					31	22	12	029
030	27	10	0			14		26	25	2	030
031	12						12	11	11	1	031
032	47	45	2					43	40	5	032
033	21						21	21	16	3	033
034	9						8	8	7	2	034
035	9			3	3		2	7	5	4	035
036	27			15	12			23	20	6	036
037	11					10		11	9	2	037
038	21					18		18	19	2	038
040	24							18	22	2	040
041	27							22	22	4	041
042	29							25	24	5	042
043	22							19	17	5	043
044	31							27	28	3	044
051	16			3	8			13	11	5	051
052	11			0	0			11	7	4	052
053	20			5	4			15	18	1	053
054	16			6	10			12	14	2	054
055	8			2	5			7	7	1	055
056	0					0		0	0	0	056
058	6							6	6	0	058
059	1							1	1	0	059
061	7						7	6	5	2	061
Total	700	204	4	34	42	146	50	620	576	115	



CERTIFICATION OF CANVASS RESULTS

We, the undersigned Board of County Commissioners acting as the Board of Canvassers of Lea County, State of New Mexico, canvass the Local Election held in said county, March 1, 2022, certify that the canvass results text file sent to the office of secretary of state is a correct canvass of returns of said election.

WITNESS the Honorable Board of County Commissioners, March 10, 2022

ATTEST:

Clerk

Member

Chairman

Member

Member

Member

Member



**STATE OF NEW MEXICO
COUNTY OF LEA
RESOLUTION NO. 22-MAR-050R**

**A RESOLUTION CERTIFYING THE CANVASS OF THE MARCH 1, 2022
MUNICIPAL OFFICER ELECTION FOR THE CITY OF HOBBS**

WHEREAS, NMSA 1978, Section 1-13-1, states that the Board of County Commissioners is ex officio the County Canvassing Board in each county; and

WHEREAS, NMSA 1978, Section 1-13-13, states:

- A. The County Canvassing Board shall complete the canvass of the returns and declare the results no sooner than six days and no later than ten days from the date of the election; and
- B. The County Canvassing Board, immediately upon approval of the report of the canvass of the returns of an election, shall issue a Certificate of Canvass of the results of the election and send one copy of the certified results to:
 - 1) the County Clerk;
 - 2) each local governing body with a candidate or ballot question receiving votes from any precinct within the municipality;
 - 3) the Secretary of State;
 - 4) the State Records Center;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Lea County, acting as the Board of Canvassers of Lea County, State of New Mexico, canvass the Municipal Officer Election held in the City of Hobbs, Lea County, New Mexico, on March 1, 2022, and certify that the canvass results file sent to the Office of the Secretary of State is a correct canvass of returns of said election and is hereby approved.

PASSED, APPROVED AND ADOPTED on this 10th day of March, 2022, by the Lea County Board of County Commissioners in an open meeting in Lovington, New Mexico.

LEA COUNTY BOARD OF COUNTY COMMISSIONERS



Dean Jackson (District 1), Chair
Voted: Yes No Abstain



Gary G. Eidson (District 3), Vice Chair
Voted: Yes No Abstain

Rebecca Long

Rebecca Long (District 2), Member
Voted: Yes No Abstain

Jonathan Sena

Jonathan Sena (District 4), Member
Voted: Yes No Abstain

Pat Sims

Pat Sims (District 5), Member
Voted: Yes No Abstain

ATTEST: Keith Manes
Lea County Clerk

**APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:**

By: *Teri Davis*
Teri Davis, Deputy Clerk

John W. Caldwell
John W. Caldwell, County Attorney





CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: March 21, 2022

SUBJECT: A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT WITH LEA COUNTY FOR IMPROVEMENTS TO CHARLIE BROWN PARK

DEPT. OF ORIGIN: Parks and Open Spaces Department
DATE SUBMITTED: March 1, 2022
SUBMITTED BY: Bryan Wagner, Parks and Open Spaces Director

Summary:

This resolution authorizes the Mayor to execute a Memorandum of Agreement with Lea County detailing the terms and responsibilities of for each party regarding a fiscal contribution from Lea County in the amount of \$110,000.00 to go towards the planning, designing, improving, and/or constructing of the Charlie Brown Park located at 1420 E. Dunnam in Hobbs, New Mexico. This contribution will allow the City of Hobbs to make much needed upgrades to the Park.

Fiscal Impact:

Reviewed By: [Signature]
Finance Department

A budget adjustment will need to be made in April both recording the grant revenue and the restricted expenditure.

Attachments:

Resolution; MOA

Legal Review:

Approved As To Form: [Signature]
City Attorney

Recommendation:

Motion to approve.

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. 7172

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
A MEMORANDUM OF AGREEMENT WITH
LEA COUNTY FOR IMPROVEMENTS TO CHARLIE BROWN PARK

WHEREAS, the Lea County has offered, via a Memorandum of Agreement (“MOA”), to provide the City of Hobbs with a grant of \$110,000.00 to go towards the planning, designing, improving, and/or constructing of the Charlie Brown Park located at 1420 E. Dunnam in Hobbs, New Mexico; and

WHEREAS, under the terms of the MOA, the City of Hobbs will use the grant funds by March 31, 2023 and any unused grant funds will be returned to Lea County by April 30, 2023; and

WHEREAS, the City of Hobbs shall use the grant funds for the planning, designing, improving, and/or constructing of the Charlie Brown Park in Hobbs, New Mexico; 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 Agreement with Lea County for improvements to Charlie Brown Park.

PASSED, ADOPTED AND APPROVED this 21st day of March, 2022.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

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

This Memorandum of Agreement is made on the date of the signatures below by and between Lea County, New Mexico, (hereinafter "County") and the City of Hobbs (hereinafter "City").

PURPOSE

The purpose of this Memorandum of Agreement is to memorialize the terms and agreement, including changes thereto, between County and City regarding County's grant of \$110,000.00 for the planning, designing, improving, and/or constructing of the Charlie Brown Park in the City.

WHEREAS, at its regular meeting on February 17, 2022, the Board of County Commissioners of Lea County approved the request of County Commissioner Jonathan Sena to use a portion of his discretionary funds, up to \$110,000.00, as a grant to the City for the planning, designing, improving, and/or constructing of the Charlie Brown Park in the City; and

WHEREAS, the City wishes to accept the funds for the planning, designing, improving, and/or constructing of the Charlie Brown Park in the City.

AGREEMENT

1. The County will provide a grant up to \$110,000.00 to the City.
2. The City will use the grant funds for the planning, designing, improving, and/or constructing of the Charlie Brown Park in the City.
3. The City will use the grant funds by March 31, 2023.
4. The City will return any unused portion of the grant funds to the County by April 30, 2023.

SOVEREIGN IMMUNITY

County and City 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 this Memorandum of Agreement modifies and/or waives any provision of the New Mexico Tort Claims Act as it relates to County and City 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 Memorandum of Agreement that it is not intended by any of the provisions of any part of the Memorandum of Agreement to create in the public or any member thereof, a third party beneficiary, or to authorize anyone not a party to the Memorandum of Agreement to maintain, pursuant to the provisions of the Memorandum of 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 County and City shall maintain liability insurance or qualify as a self-insured entity, as required by law.

TERM

This Memorandum of Agreement shall continue in full force and effect, until the grant funds have been used or April 30, 2023, whichever occurs first.

SEVERABILITY

If any provision of this Memorandum of Agreement 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 Agreement 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 Memorandum of Agreement after execution may only be made in writing signed by both parties.

GOVERNING LAW

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

EFFECTIVE DATE

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

ATTEST:

CITY OF HOBBS

BY: _____
Sam Cobb,
Mayor

Date: _____

ATTEST:

LEA COUNTY, NEW MEXICO

BY: _____
Dean Jackson,
Lea County Chair

Date: _____

Approved as to Form:

By: _____
Efren A. Cortez
City Attorney

Date: _____

By: _____
John W. Caldwell
County Attorney

Date: _____



CITY OF HOBBS
COMMISSION STAFF SUMMARY FORM

MEETING DATE: MARCH 21, 2022

SUBJECT: AWARD OF RFP 528-22: CONCESSION SERVICES AT ATHLETIC/AQUATIC FACILITIES
DEPT. OF ORIGIN: Recreation Department
DATE SUBMITTED: March 15, 2022
SUBMITTED BY: Doug McDaniel, Recreation Director

Summary:
RFP 528-22 for Concession Services at Athletic/Aquatics Facilities was advertised on February 13, 2022, and responses were due on February 24, 2022. The Finance Department received three (3) proposals of which two (2) were deemed responsive. The Evaluation Committee, which was comprised of staff from the Recreation, Parks and Open Spaces, and Communications Departments, reviewed the proposals, and scored the proposals as follows:

- Marram Snack Shack (Complex II) - Average Score 104 (160 points possible)
- Chef Angie (MLK SoccerPlex) - Average Score 142 (160 points possible)

Marram Snack Shack has had previous experience operating concession-type operations. Chef Angie has previously operated a small restaurant inside a gas station. Currently, concessionaires operating at City facilities contract with the City for such services. Previously, all concessionaires had agreements with local leagues. The contracts will have terms of one-year with the option to renew for three additional one year terms. Performance will be reviewed on an annual basis and language within the agreement will allow for termination of the agreement by either party.

Marram Snack Shack will compensate the City in the amount of \$1,000 for the operation of the Complex II Concession facility. Chef Angie will compensate the City in the amount of \$250 for the operation of concession facility at MLK SoccerPlex.

Fiscal Impact:

Reviewed By: 
Finance Department

It is expected that the City will receive \$1,250.00, annually, for the above concession facilities.

Attachments: RFP 528-22 Score Sheets For Both Complex II and MLK SoccerPlex Concessions

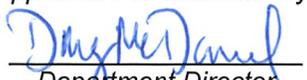
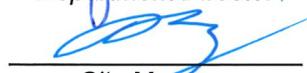
Legal Review:

Approved As To Form: 
City Attorney

Recommendation:

Staff recommends that the City Commission consider approval of RFP 528-22 and make multiple awards to both Marram Snack Shack and Chef Angie.

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. _____

RFP 528-22 Providing Concessionaire Services at Athletic/Aquatics Facilities

PHASE I Evaluation (100 points available)

DESCRIPTION/POINTS AVAILABLE

LOCATION: COMPLEX II CONCESSION

		MARRAM
Specialized Experience: Profile, Experience, Background Concession Operations in the operation of concession facilities 50 Points		32
Yearly Operations Summary and Vision, to include a description and vision that proposer has for the prospective concession operations 30 Points		20
Menu of items to be sold 10 Points		9
Staffing plans for each location submitted 10 Points		8
Resident Bidder/Veterans Preference 10 Points		0
PHASE I POINTS	110 Points	69
PHASE II (INTERVIEW) POINTS	50 Points	35
TOTAL POINTS FOR RFP 528-22	160 Points	104

Staff Member _____

Date _____

RFP 528-22 Providing Concessionaire Services at Athletic/Aquatics Facilities

PHASE I Evaluation (100 points available)

DESCRIPTION/POINTS AVAILABLE

LOCATION: MLK SOCCERPLEX CONCESSION

		CHEF ANGIE	MARRAM
Specialized Experience: Profile, Experience, Background Concession Operations in the operation of concession facilities 50 Points		47	32
Yearly Operations Summary and Vision, to include a description and vision that proposer has for the prospective concession operations 30 Points		30	20
Menu of items to be sold 10 Points		10	9
Staffing plans for each location submitted 10 Points		9	8
Resident Bidder/Veterans Preference 10 Points		0	0
PHASE I POINTS	110 Points	96	69
PHASE II (INTERVIEW) POINTS	50 Points	46	35
TOTAL POINTS FOR RFP 528-22	160 Points	142	104

Staff Member _____

Date _____